



The Scottish Parliament  
Pàrlamaid na h-Alba

## INFRASTRUCTURE AND CAPITAL INVESTMENT COMMITTEE

### AGENDA

**20th Meeting, 2014 (Session 4)**

**Wednesday 13 August 2014**

The Committee will meet at 10.00 am in the Robert Burns Room (CR1).

1. **Decision on taking business in private:** The Committee will decide whether to take item 4 in private.
2. **Homelessness in Scotland:** The Committee will take evidence from—  
  
Robert Aldridge, Chief Executive, Homeless Action Scotland;  
  
Rosemary Brochie, Policy & Research Manager, Shelter Scotland;  
  
Garry Burns, Prevention of Homelessness Caseworker, Govan Law Centre;  
  
Rob Gowans, Policy Officer, Citizens Advice Scotland.
3. **Petition: PE1481** The committee will consider a petition by Mr Pat Rafferty, Mr Harry Donaldson, and Mr Harry Frew on behalf of Unite, GMB, & UCATT, on blacklisting in Scotland.
4. **Draft Budget Scrutiny 2015-16:** The Committee will consider a list of candidates for the post of budget adviser.

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The papers for this meeting are as follows—

**Agenda Item 2**

Background note

ICI/S4/14/20/1

PRIVATE PAPER

ICI/S4/14/20/2 (P)

**Agenda Item 3**

Background note

ICI/S4/14/20/3

**Agenda Item 4**

PRIVATE PAPER

ICI/S4/14/20/4 (P)

**Infrastructure and Capital Investment Committee**

**20<sup>th</sup> Meeting, 2014 (Session 4)**

**Wednesday 13 August 2014**

**Homelessness in Scotland: A review of progress on the implementation of the 2012 Commitment**

**Introduction**

1. The Committee has agreed to undertake a short, follow-up inquiry into the 2012 homelessness commitment in Scotland.

2. The Committee undertook its first inquiry on this issue in 2011/2012, reporting to Parliament on 20 March 2012. In addition to making a number of recommendations in its inquiry report, the Committee stated that it would

“monitor the implementation of the commitment for the remainder of the parliamentary session and address any areas of concern which may emerge”<sup>1</sup>.

3. The Homelessness (Scotland) Act 2003 amended the Housing (Scotland) Act 1987 to the extent that a priority/non-priority homeless distinction came to an end by December 2012. Local authorities have had a duty to secure settled accommodation for all those who are found to be unintentionally homeless since the beginning of 2013.

**Infrastructure and Capital Investment Committee consideration**

4. There have been a number of policy developments since the Committee’s inquiry report, and the Committee will take evidence from a range of stakeholders between June and November 2014.

*Oral evidence*

5. On 11 June 2014 the Committee heard from the Scottish Housing Regulator (SHR) on its [\*Housing Options in Scotland - A thematic inquiry\*](#) report, which covers housing options hubs, and several wider themes relevant to the Committee’s inquiry. The Official Report can be access at the following link:

<http://www.scottish.parliament.uk/parliamentarybusiness/28862.aspx?r=9245&mode=pdf>

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<sup>1</sup> Scottish Parliament Infrastructure and Capital Investment Committee. 2<sup>nd</sup> Report, 2012 (Session 4). *Homelessness in Scotland: the 2012 Commitment* (SP Paper 97).

*Written evidence*

6. The Committee issued a targeted call for views on 27 June 2014, with a deadline of Friday 5 September.

7. Written submissions were received from Citizens Advice Scotland and Shelter Scotland in advance of the Committee's meeting on 13 August, and are included at **Annexe A**.

**Next Steps**

8. At its meeting on 13 August 2014 the Committee will hear from homelessness representative organisations, including representatives of Shelter, Homeless Action Scotland, Citizens Advice Scotland, and Govan law Centre.

9. The Committee will continue to take oral evidence from a range of stakeholders, and from the Minister for Housing and Welfare, later in the year.

Kelly Forbes  
Assistant Clerk  
August 2014

## ANNEXE A

## CITIZENS ADVICE SCOTLAND

## WRITTEN EVIDENCE

Citizens Advice Scotland (CAS), our 61 member bureaux and the Citizen Advice Consumer Service helpline form Scotland's largest independent advice network. Advice provided by the Scottish CAB Service is free, independent, confidential, impartial and available to everyone. Our website, Adviceguide, also provides the public with up-to-date information on a range of topics. We are champions for both citizens and consumers and in 2012/13 we helped over 314,000 people deal with over a million issues.

**Context of evidence**

In 2013/14, citizens advice bureaux in Scotland advised on a total of 6,676 new issues relating to homelessness, representing 1.19% of cases in bureaux. Whilst the total number of new homelessness issues has risen slightly compared with 2012/13, the proportion of homelessness issues amongst the total caseload of citizens advice bureaux has steadily declined in the last three years, down from 1.25% in 2011/12 and 1.21% in 2012/13.

Table 1 - Total number of new issues from CAB clients

	2011/12	2012/13	2013/14
Homelessness - Local Authority services	1,655	1,665	2,080
Homelessness - Actual	1,683	1,627	1,645
Homelessness - Threatened	2,963	2,921	2,951
<b>Total homelessness</b>	<b>6,301</b>	<b>6,213</b>	<b>6,676</b>
<b>All new issues</b>	<b>504,206</b>	<b>512,989</b>	<b>559,308</b>
Homelessness issues as % of total	1.25%	1.21%	1.19%

This steady decline in homelessness issues is backed up by wider figures from the Scottish Government which indicate that the number of homelessness applications fell by 8% in 2012/13 compared with the previous year<sup>2</sup>, following a fall of 13% in 2012/13<sup>3</sup>, matching the corresponding fall in homelessness-related CAB enquiries.

In their statistical release, the Scottish Government note that *"it is very unlikely that the large reduction in homelessness applications over the past two years is a consequence of any changes in the social and economic factors which cause households to approach councils for assistance...all things being equal we might have expected homeless applications to increase in the current economic environment and also as a consequence of Welfare*

<sup>2</sup> Operation of the Homeless Persons Legislation in Scotland: 2013-14, p. 3 – Scottish Government <http://www.scotland.gov.uk/Resource/0045/00453960.pdf>

<sup>3</sup> Operation of the Homeless Persons Legislation in Scotland: 2012-13, p. 2 - Scottish Government <http://www.scotland.gov.uk/Resource/0043/00434119.pdf>

*Reforms.*<sup>4</sup> This assessment would seem to concur with evidence from citizens advice bureaux of rising demand in a number of areas that might be expected to indicate a parallel increase in homelessness applications.

For instance in the past year, citizens advice bureaux have advised a rapidly increasing number of clients in crisis who required a referral for a food parcel because they were unable to afford to eat.<sup>5</sup> There has been a significant increase in the number of benefits sanctions issues in Scottish bureaux, which in some cases has led to hardship and debt.<sup>6</sup> Payday loans have been one of the fastest growing areas of advice in citizens advice bureaux and to the citizens advice consumer helpline service over the past three years and our evidence shows that they are used predominately for essentials such as food, energy and rent.<sup>7</sup> The number of clients seeking advice on social housing arrears increased markedly following the introduction of changes to the social sector size criteria – the so-called Bedroom Tax – during 2013/14.<sup>8</sup> The rise in zero hours contracts have led to workers being forced into debt and hardship due to unpredictable working hours, leaving it difficult for them to budget or get support from the benefits system.<sup>9</sup>

Set against this backdrop, the fall in number of homelessness applications is a particularly positive sign and indicates that policy changes in this area by local authorities and the Scottish Government have had some success.

However, whilst the number and proportion of all new CAB issues related to actual or threatened homelessness have fallen, the number and proportion of new issues related to local authority homelessness services have risen over the past two years, with a notable increase of 25% in the number of local authority service issues in 2013/14 (2,080 new issues, up from 1,665 in 2012/13). This includes advice on complaints, assessments, provision, processes, procedures, quality of administration, advice and support as well as reviews and appeals.

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<sup>4</sup> Operation of the Homeless Persons Legislation in Scotland: 2013-14, p. 5

<sup>5</sup> Voices from the Frontline: Food parcels and the benefits system – Citizens Advice Scotland, April 2014 <http://www.cas.org.uk/publications/voices-frontline-food-parcels-and-benefits-system>

<sup>6</sup> Sanctioned: what benefit? – Citizens Advice Scotland, July 2014 <http://www.cas.org.uk/publications/sanctioned-what-benefit>

<sup>7</sup> Payday lenders: business as usual – Citizens Advice Scotland, April 2014 <http://www.cas.org.uk/publications/payday-lenders-business-usual>

<sup>8</sup> Voices from the Frontline: The Bedroom Tax and Disabled People – Citizens Advice Scotland, November 2013 <http://www.cas.org.uk/publications/voices-frontline-bedroom-tax-and-disabled-people>

<sup>9</sup> Working at the Edge: Zero Hours Contracts – Citizens Advice Scotland, July 2014 <http://www.cas.org.uk/publications/working-edge-zero-hours-contracts>

Table 2 - Year-on-year change in new issues from CAB clients

	2011/12 - 2012/13		2012/13 - 2013/14	
	<b>Number</b>	<b>%</b>	<b>Number</b>	<b>%</b>
Homelessness - Local Authority services	+10	+0.6%	+415	+24.9%
Homelessness - Actual	-56	-3.3%	+18	+1.1%
Homelessness - Threatened	-42	-1.4%	+30	+1.0%
<b>Total homelessness</b>	<b>-88</b>	<b>-1.4%</b>	<b>+463</b>	<b>+7.5%</b>
<b>All new issues</b>	<b>+8,783</b>	<b>+1.7%</b>	<b>+46,865</b>	<b>+9.1%</b>

This would suggest that whilst the removal of priority need, the introduction of Housing Options and the housing support regulations have had success in reducing homelessness applications, there are emerging issues surrounding the delivery of these multiple roles by local authorities.

This evidence is based on the experiences of citizens advice bureau clients across Scotland in 2013/14 who sought advice on a homelessness issue. It aims to take a national overview of some of the issues arising as a result of changes in homelessness policy, rather than making any attempt to assess the performance of any individual local authority.

***What impact has the abolition of priority need had on people seeking assistance with homelessness?***

***What have been the main challenges and opportunities provided by the abolition of priority need and how have local authorities and other stakeholders responded to these?***

Since the removal of the Priority Need Test for homelessness applications at the end of 2012, disputes over this classification have vanished and those who become homeless have strengthened and significant guaranteed rights. However, in a number of cases, such as those highlighted below, CAB clients have sought advice because they disagreed with a local authority's decision to class them as 'intentionally homeless', and therefore not entitled to be provided with settled accommodation.

- *A West of Scotland CAB reports of a client who is severely disabled and suffers from depression and has difficulty coping. The client has a four bed private let but her children are emigrating and the property is now far too big for her to manage and she is unable to cope with the stairs. She decided to give notice to her landlord and then proceeded to declare herself homeless, but received a letter from the local authority declaring her homelessness is intentional. Her landlord will not renew her lease and is expecting her to move out. Eventually, following an appeal, the decision of 'intentional homeless' was overturned.*

- *A West of Scotland CAB reports of a client who had been staying with friends and family since her home was repossessed two years ago following a relationship breakup. The client, together with her four children had managed to find a private let, but it only has one bedroom and no heating. All the children have to sleep in one bed, which is particularly problematic as one of her children has a medical condition which results in him regularly wetting the bed. The landlord refuses to repair the heating and the client has found out they are unregistered. The client made a homeless application with the local authority a few months ago, who advised they were unable to accept her application until she proved she was threatened with homelessness and was told to get notice from the landlord. The landlord refused to do this and has threatened to send people round to evict her and dump her possessions.*

In the Scottish Government's statistical review of the operation of the Homeless Persons legislation, they found that the number of people assessed as intentionally homeless was at the highest level in 11 years, despite the numbers of homeless applications and assessments both reducing.<sup>10</sup> The review suggests this may be caused by the abolition of priority need and the resulting increase in assessments. However, further investigation of the reasons for this trend would be welcome to ensure that no-one is incorrectly classified as 'intentionally homeless', including whether there has been any change in local authority policies or practice towards intentionality decisions since the abolition of the Priority Need Test.

With local authorities having a duty to provide temporary accommodation to anyone who makes a homeless application to them, the pressures on the available temporary accommodation are clearly increased, with citizens advice bureaux often reporting of clients who have occupied temporary accommodation for 12 months or more, which whilst not ideal, is understandable given the available stock. With 184,887 people on waiting lists for local authority housing<sup>11</sup>, it will be difficult to reduce the length of time spent waiting for a social rent without a substantial number of new properties being built.

In 2012, the Equal Opportunities Committee heard 'troubling' evidence that young homeless people were being offered temporary accommodation of the very poorest quality. Citizens advice bureaux have reported cases where clients, including those with young children, have been allocated temporary homeless accommodation that is of substandard quality. As part of written evidence on the Housing (Scotland) Bill, CAS supported a call from Shelter Scotland to ensure that the 'right of repair' should be extended to people in

<sup>10</sup> Operation of the Homeless Persons Legislation in Scotland: 2013-14, p. 18 - Scottish Government

<sup>11</sup> Housing Statistics for Scotland 2013: Key Trends Summary - Scottish Government <http://www.scotland.gov.uk/Publications/2013/08/2641/14>



households with children and pregnant women placed in temporary accommodation<sup>12</sup>, which would strengthen their rights to get these issues addressed quickly.

- *An East of Scotland CAB reports of a 21 year old client who is living with her 23 year old partner and their 3 year old son. They had been declared homeless a year ago, and have been placed in a private let as temporary accommodation by the council. However, the property was in a state of disrepair. The roof was leaking and windows and doors to the outside would not shut properly resulting in drafts and dampness. As a result, the client was having trouble heating the house and has large fuel bills which she is struggling to pay from her Jobseeker's Allowance (JSA). The client has asked for the repairs to be carried out for over a year and they have still not been carried out, due to the roof being shared between three different properties. The client fears raising an issue for fear of losing her tenancy.*

Citizens advice bureaux have also advised clients who have been allocated temporary accommodation which is of a reasonable standard of repair, but which is inappropriate due to being either far too large for their needs or too expensive which exacerbates financial problems they face.

- *A South of Scotland CAB reports of a client who was struggling with financial problems. The client was evicted for rent arrears when he lived in an "affordable" private rent. He went through the homelessness assessment and was given emergency accommodation, charged at £175 per week. This is more than any average private rent in the area, and higher than his previous property. As the client earns more than £25,000 per year he cannot claim support from Housing Benefit.*
- *A West of Scotland CAB reports of a client who had been allocated a four bedroom house as temporary homeless accommodation for her son, herself and her alcoholic uncle who she looks after. Due to the size of the temporary accommodation the client is paying a very high rent and is subject to the underoccupancy charge.*

Alongside issues of the quality of temporary accommodation, attention should also be paid to ensuring homeless people who do not qualify for full Housing Benefit are not placed in accommodation that is prohibitively expensive for an extended period.

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<sup>12</sup> Housing (Scotland) Bill – Written Evidence from Citizens Advice Scotland  
[http://www.cas.org.uk/system/files/publications/Housing%20Bill\\_CAS%20Written%20Evidence.pdf](http://www.cas.org.uk/system/files/publications/Housing%20Bill_CAS%20Written%20Evidence.pdf)

***What impact is the housing options approach having on homelessness services and service users?***

***How are the housing options developing across Scotland, what has been their impact and how could they be developed in the future?***

From the significant fall in the number of homelessness applications made since the introduction of the housing options approach by local authorities in 2010, it is clear that this preventative approach towards homelessness has had success. Engaging with tenants at risk before they actually become homeless is a positive step, and is crucial given the pressures on temporary and permanent social housing and if applied well can ensure that people are not left without a place to live or faced with a long stay in temporary accommodation.

However, in some situations it appears that people who are actually homeless have been deterred or prevented from making a homeless application. This does not comply with local authorities' legal duties towards homeless people and must be avoided.

In some cases homeless clients appear to have been poorly advised about their right to make a homeless application.

- *A North of Scotland CAB reports of a couple who had been repeatedly denied the right to make a homeless application despite repeated requests over a three month period. Together with their two-month old baby, they had been living in a caravan with no water or proper heating in temperatures of -5 degrees centigrade. It was not until a health visitor saw the condition they were living in last week that an offer of permanent accommodation was made, without a homeless application being taken.*
- *An East of Scotland CAB reports of a client who is going through divorce proceedings and is fleeing domestic violence along with her six children. The client is very distressed as she feels that she is likely to be evicted by her landlord. She went to the council who say they are unable to assist her as her housing application has been suspended. This is due to the allegations of unpaid rent from two landlords and the accusation of £6,500 damage, all of which the client disputes, with documentary evidence to prove some of the payments were made. The council also told her that she could not apply for homeless accommodation and that other advice agencies would not help either because of the debt allegations.*

In other situations, it appears that the local authority has deterred clients from making a homeless application due to a lack of available temporary

accommodation. Whilst this may be the reality of the situation, this breaches the individual's legal rights.

- *An East of Scotland CAB reports of a client who had been homeless for the past month and sleeping rough in a graveyard. The client had presented herself as homeless to the Council but was told that they had no emergency accommodation available at that time and sent her to the Housing Options department who helped her to fill out the form for a deposit for a private flat that they found for her, together with a Discretionary Housing Payment (DHP) form. However, she would be unable to move into the flat until the end of the week, and had only been awarded some of the DHP she applied for.*
- *A North of Scotland CAB reports of a homeless client who had been given conflicting advice by the local authority. The client felt they had been intimidating and pushed towards finding a private rental property rather than being offered temporary accommodation. There appeared to be very little temporary accommodation available in the client's local area.*

In their inquiry into the housing options approach, the Scottish Housing Regulator found that some councils use the reduction of homelessness applications as a performance target for housing options.<sup>13</sup> This, combined with pressures on housing stock, appears to have led to homeless clients being stopped from making a homeless application, and in some cases sleeping rough or 'sofa-surfing' without receiving their statutory entitlement to support. No national guidance currently exists to set out the implementation of the housing options approach by local authorities.

Citizens Advice Scotland recommends that guidance is produced by the Scottish Government setting out how local authorities can implement a successful preventative housing options approach whilst at the same time recognising their legal duty to advise about and accept a homeless application, regardless of the amount of temporary accommodation available. This guidance should aim to resolve conflict between a target to prevent homelessness, whilst at the same time ensuring that people who have become homeless are correctly advised of their right to make a homeless application and are not deterred or prevented from doing so.

### ***What has been the impact of the implementation of the housing support regulations?***

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<sup>13</sup> Housing Options in Scotland, p. 5 – Scottish Housing Regulator <http://www.scottishhousingregulator.gov.uk/publications/housing-options-scotland-thematic-inquiry>

The housing support regulations introduced in 2013 place a duty on local authorities to assess the support needs of homeless applicants and provide support identified by the assessment. The prescribed services are fairly general in nature<sup>14</sup> and as many local authorities would have provided these services before the introduction of the regulations, or formalised existing internal processes to meet the duty<sup>15</sup> it is difficult to assess their impact from CAB evidence.

However, accompanying guidance suggests a number of triggers that local authorities might use as 'Reasons to Believe' a homeless person may need additional support, including previous involvement in anti-social behaviour or significant rent arrears, those with health issues such as mental ill health, young homeless people or those leaving prison. Citizens advice bureaux have advised a number of homeless clients in these situations and it is clear in a number of cases that significant additional support is required which is challenging for the local authority to deal with.

- *A West of Scotland CAB reports of a client who had been processed as homeless by the Council, and had been given temporary accommodation, but was evicted from this after being deemed to be 'intentionally homeless'. When the adviser spoke to the Council, they advised that they had asked the client if she had any mental health issues but she had "taken exception to the question" and as far as the Council are concerned they have discharged their duty towards her. However, the client is still homeless and living in different locations on a day-to-day basis.*
- *A North of Scotland CAB reports of a homeless client under the age of 25. His mother put him out after he was assaulted by his father at the weekend and will not take him back. The council will not house him, temporarily or otherwise. A phone call to his probation officer revealed that he had been evicted more than once, failed to keep up housing payments and had been aggressive towards other tenants. The client was looking for help to get somewhere to sleep that night.*

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<sup>14</sup> Advising or assisting a person with personal budgeting, debt counselling or in dealing with welfare benefit claims; assisting a person to engage with individuals, professionals or other bodies with an interest in that person's welfare; advising or assisting a person in understanding and managing their tenancy rights and responsibilities, including assisting a person in disputes about those rights and responsibilities; and advising or assisting a person in settling into a new tenancy.

<sup>15</sup> Supporting homeless people: have the new legal duties made a difference? – Shelter Scotland, May 2014  
[http://scotland.shelter.org.uk/professional\\_resources/policy\\_library/policy\\_library\\_folder/suppo\\_rting\\_homeless\\_people\\_have\\_new\\_legal\\_duties\\_made\\_a\\_difference](http://scotland.shelter.org.uk/professional_resources/policy_library/policy_library_folder/suppo_rting_homeless_people_have_new_legal_duties_made_a_difference)

In a number of situations, homeless clients have sought advice because they had not been provided with temporary accommodation close to their support networks by the local authority.

- *A South of Scotland CAB reports of a client who has split up from her partner and is homeless with no money. She has been sleeping in her car with no food for the last two days and was quite distressed. As the client has a number of health problems, she was anxious to stay in her hometown where her GP was based, but when the adviser spoke to the Council's homeless unit on the client's behalf, the only available temporary accommodation was located 40 miles away.*
- *A West of Scotland CAB reports of a 17 year old client who is currently living with her six month old child in the three-bedroom family home, along with her mother, stepfather, two brothers and two sisters. She has made a homelessness application, but needs a property close to the family home for support. However, the only accommodation the council has offered has been in a town seven miles away, and the council have advised that they only restrict the areas offered for a limited time, and will now make an offer anywhere in the local authority area. The client is concerned that she will have to live a long way from her family.*

In supporting homeless people with additional support needs, a challenge for local authorities appears to be providing temporary accommodation located close to the client's existing support networks. Ensuring that local temporary accommodation is sourced can prevent additional support being required in the long term. CAS would recommend that national guidance on the appropriate use of the housing options approach also covers situations where there is be a tension between the role of a local authority as a landlord who has dealt with a difficult tenant on one hand, and as a provider of appropriate support and temporary accommodation on the other, as there are parallels with some of the situations identified above where councils are faced with simultaneously implementing a duty to provide support to homeless people and a policy to prevent homelessness.

**Citizens Advice Scotland**  
**6 August 2014**

## SHELTER SCOTLAND WRITTEN EVIDENCE

Shelter Scotland works with over half a million people in Scotland each year. Many of whom will have experienced positive or negative impacts from the introduction of the Housing Options model and the commitment to the abolition of priority need from December 2012<sup>16</sup>. Shelter Scotland worked with the Scottish Government and local authorities to help deliver the '2012 Commitment' and recognises the significant improvements across local authority services since the commitment was made in 2003.

We welcome this opportunity to contribute to the work of the ICI committee to ensure the ongoing delivery of the 2012 Commitment and the right homelessness and housing services. We will be making a full written submission to the forthcoming consultation on the impact of the Housing Options model and the 2012 commitment. This report provides a short introduction to the main issues that we consider will be of interest to the Committee and an initial indication of our position on these areas.

In July 2014 we conducted a survey of Shelter Scotland advice staff based across Scotland on their views of the impact of Housing Options and the 2012 commitment. A selection of views from our staff who are directly involved in helping clients have been highlighted in boxes in the following report.

Unless otherwise stated, all homelessness figures are taken from the Scottish Government annual homelessness statistics dataset 2013-14<sup>17</sup>.

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<sup>16</sup> For more information on Housing Options, Shelter Scotland produced two papers:  
 Shelter Scotland, March 2013 *What are my options? Delivering a person centred housing and homelessness advice service in Scotland*  
[http://scotland.shelter.org.uk/professional\\_resources/policy\\_library/policy\\_library\\_folder/what\\_are\\_my\\_options\\_delivering\\_a\\_person\\_centred\\_housing\\_and\\_homelessness\\_advice\\_service\\_in\\_scotland](http://scotland.shelter.org.uk/professional_resources/policy_library/policy_library_folder/what_are_my_options_delivering_a_person_centred_housing_and_homelessness_advice_service_in_scotland)  
 Shelter Scotland, July 2011 *Housing Options in Scotland*  
[http://scotland.shelter.org.uk/professional\\_resources/policy\\_library/policy\\_library\\_folder/a\\_shelter\\_scotland\\_report\\_housing\\_options\\_in\\_scotland](http://scotland.shelter.org.uk/professional_resources/policy_library/policy_library_folder/a_shelter_scotland_report_housing_options_in_scotland)  
<sup>17</sup> Scottish Government, Operation of the Homeless Persons legislation in Scotland: 2013-14  
<http://www.scotland.gov.uk/Topics/Statistics/Browse/Housing-Regeneration/RefTables>

## Summary

- Housing Options diverting from homelessness applications - training and guidance needed
- Spotlight needed on use of intentionality decisions
- Barriers for vulnerable people in accessing Housing Options services
- Support for households accessing Housing Options
- Increased use of private rented sector as a housing option at the same time as increasing levels of homelessness from the private rented sector
- Changing demand for temporary accommodation and need for quality standards
- Need for more affordable homes

## 1. Reduction in homeless applications and acceptances

From 2010-11 to 2013-14 there has been a 34% reduction in the number of homeless applications in Scotland. This marked decrease can be linked to the introduction of the Housing Options model and a renewed preventative approach adopted by councils, rather than any significant change in the underlying causes of homelessness.

The Housing Options model is not meant to replace the statutory duties of a local authority to a homeless household<sup>18</sup>. Reports of homeless households being diverted from making a homeless application have raised concerns about the application of the Housing Options model. This has been highlighted both by the Scottish Housing Regulator, and by Shelter Scotland staff:

*“It is likely that in such cases this has resulted in an under-recording of homelessness as a number of people with clear evidence of homelessness or potential homelessness do not go on to have a homeless assessment.”<sup>19</sup>*

*“There is clear evidence from our casework that a number of local authorities conduct housing option interviews without including a homelessness assessment for applicants who are clearly homeless.” **Shelter Scotland staff member (2014)***

<sup>18</sup> S. 28 Housing (Scotland) Act 1987

<sup>19</sup> Scottish Housing Regulator (2014) *Housing Options in Scotland: a thematic inquiry* <http://www.scottishhousingregulator.gov.uk/publications/housing-options-scotland-thematic-inquiry>

## 2. Training and guidance

In light of this evidence, Shelter Scotland welcome's the Scottish Government's recent commitment to writing enhanced guidance for Local Authorities on Housing Options and the model's delivery alongside the continuing statutory duties. This guidance should be written in close consultation with the homelessness sector, informed by evidence from frontline experience. The implementation of mandatory PREVENT1 data collection should significantly aid understanding and analysis of the Housing Options process and also inform the guidance.

It is well documented that there is currently a wide range of stages of implementation of the Housing Options model around Scotland. The introduction of guidance should assist local authorities in progressing towards delivery. However, if a Housing Options approach is to fulfil its potential, then it is vital for frontline staff to be sufficiently trained to respond appropriately to the range of presenting needs and the Housing Options tools available to them.

*"There have also been instances where if a young person requires a homeless assessment due to physical abuse in the home, there does not seem to be any barrier to this. However, if a young person is experiencing emotional, mental, financial abuse etc. - this has been more difficult to get across to some housing officers. I believe that this is down to a lack of training/understanding." Shelter Scotland staff member (2014)*

## 3. Intentionality Decisions

One of the concerns around the removal of priority need is an increase in intentionality decisions as local authorities struggle to cope with their increased caseload of homeless applications.

In 2013-14, 1,828 (5%) homeless applicants were assessed as intentionally homeless, up from 1,652 (2%) in 2009- 10. The number of intentionality decisions would be expected to rise with the removal of priority need, as intentionality is only considered once priority need is confirmed. However, as a proportion of homeless priority assessments, intentionality decisions have been increasing since 2009-10, and it is now higher than in 2002-03. There may be benefit in monitoring this trend in order to map whether a changing use of intentionality decisions is being used to avoid statutory duty.



*“Anecdotally, we will have seen a rise in the decisions made where people are found intentionally homeless, this is likely to be as a result of the removal of priority need.” **Shelter Scotland staff member (2014)***

#### **4. Households most impacted by the changes**

Since 2012, there has been a change in the ratio of applications by household type. For all household types, the number of applications is decreasing for reasons discussed above.

However, proportionally the number of applications from single people over 25 is rising. This might be because, priority to the removal of priority need in 2012, this group were least like to be found in priority which may have discouraged some from making an application. Nonetheless, it may also be because solutions presented through Housing Options are not successful for more vulnerable people that fall within this group, and therefore they are still making homeless applications. This could indicate that there may be benefit in focussing resources on developing and delivering addition Housing Options for this group.

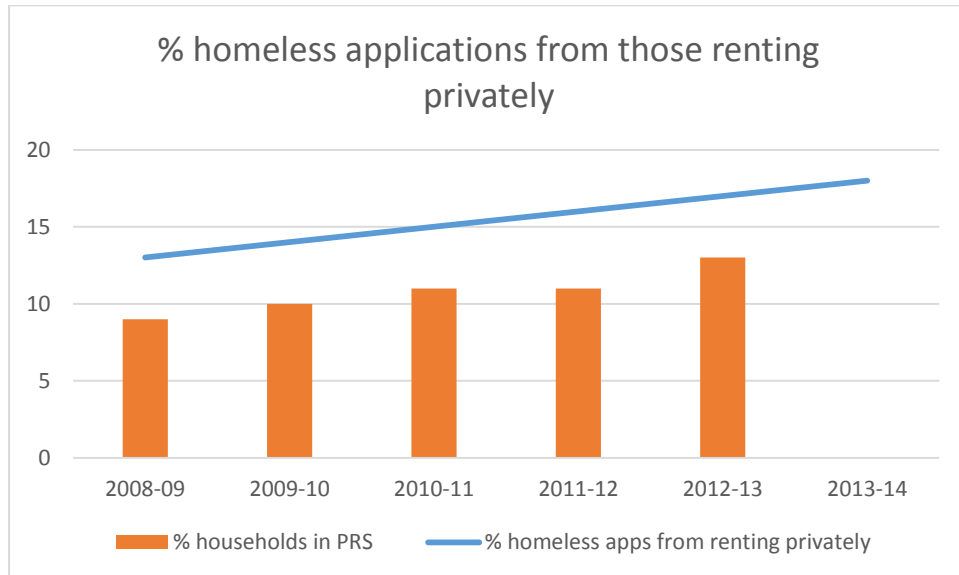
Concerns have also been raised by our services staff over the perceived difficulty for vulnerable groups in accessing the homelessness system in the council, and the interaction with Housing Options. For example, individuals who are vulnerable may not have the IT skills to complete the online Housing Options application forms that some local authorities have implemented. Equally, for very vulnerable households, navigating the range of options and understanding the processes involved may be making some services less accessible than they should be.

*“Vulnerable individuals with chaotic lifestyles or learning difficulties / undiagnosed learning disabilities or other cognitive impairment have more than likely been disadvantaged to a higher degree than any general age group [by the move to the Housing Options approach]. This is due to the Housing Options approach being seemingly more complicated and more difficult to access.” **Shelter Scotland staff member (2014)***

*“[Clients] have reported coming away either mistakenly believing they had made a homelessness application, or not knowing what*

*had happened and what would happen next.” Shelter Scotland staff member (2014)*

## 5. Private rented sector



*Chart 7: Homeless applications from the private rented sector: 2008-09 to 2013-14*

The proportion of homeless applications from households renting in the private sector has grown from 13% in 2008-09 to 18% in 2013-14. Although this coincides with a growth in the number of households living in the sector, the proportion of homeless applications is still disproportionate to the number of privately renting households<sup>20</sup>.

The recent changes to Local Housing Allowance have had a large impact on affordability within the sector or those in receipt of benefits. This may have led to a lack of affordable options and an increase in people struggling to pay their rent and resultant evictions.

Finding accommodation in the private rented sector is offered as the main housing option for many households who would have previously applied as homeless and consequently secured a social tenancy which may not always be the best or most appropriate option. Alongside this, the number of households for whom a homelessness duty is discharged into the private rented sector has increased slightly in the past year from 4% to 5%.

<sup>20</sup> Scotland's People Annual Report: Results from 2012 Scottish Household Survey  
<http://www.scotland.gov.uk/Publications/2013/08/6973>

The current short assured tenancy regime creates a framework of insecurity, which in the long run is bad for both tenants and landlords. The increasing use of the private sector raises particular concerns as lack of stability in housing can have detrimental impact, particularly on children and those with high levels of vulnerability.

*“I also worry that Housing Options is fuelling the increase in families and single people with children in private rented accommodation with all the lack of security this entails.”* **Shelter Scotland staff member (2014)**

The growing disproportionate number of homelessness applications from the private rented sector underlines the need for greater security of tenure. The recent report of the Private Rented Sector Tenancy Review Group recommended a new tenancy regime for the sector<sup>21</sup> and the Scottish Government has shown a commitment to this change.<sup>22</sup> It is vital that this change results in greater security of tenure for private tenants, so that the private rented sector can be viewed as an attractive housing option, allowing people to stay in their homes for as long as they need.

## 6. Support

The duty for local authorities to provide housing support to homeless households, introduced by the Housing (Scotland) Act 2010, came into effect on 1<sup>st</sup> June 2013<sup>23</sup>. Whilst the practical application of this support aspect is encouraging, the diversion of some individuals away from the homelessness route affects the wider support the individual should receive, including this new support duty. The Scottish Housing Regulator’s report highlighted positive practice in some councils who offer the same support needs assessments to those who make homeless applications as for those who go through their Housing Options process. Emerging evidence of the range of support needs identified suggests that this should be encouraged where possible, for the benefit of the individual and to prevent wider costs to the public purse.

<sup>21</sup> Private Rented Sector Tenancy Review Group (2014) <http://www.scotland.gov.uk/Topics/Built-Environment/Housing/private/rent/government/Tenancy-Review/report>

<sup>22</sup> Scottish Parliament, Official Report 25 June 2014, Housing (Scotland) Bill: Stage 3 [http://www.scottish.parliament.uk/parliamentarybusiness/28862.aspx?r=9285&mode=html#iob\\_83721](http://www.scottish.parliament.uk/parliamentarybusiness/28862.aspx?r=9285&mode=html#iob_83721)

<sup>23</sup> Shelter Scotland compiled information collected from local authority officials through a short informal telephone interview. A total of 27 authorities were interviewed in late 2013 and the first quarter of 2014. Shelter Scotland (2014) *Supporting homeless people: have new legal duties made a difference?* [http://scotland.shelter.org.uk/professional\\_resources/policy\\_library/policy\\_library\\_folder/supporting\\_homeless\\_people\\_have\\_new\\_legal\\_duties\\_made\\_a\\_difference](http://scotland.shelter.org.uk/professional_resources/policy_library/policy_library_folder/supporting_homeless_people_have_new_legal_duties_made_a_difference)

The Regulator's report also identified that for some local authority Housing Options interviews, support needs assessments were completed, but there were *"also many where there was no or only brief discussions about support needs"*<sup>24</sup>. There should be consistent application of the support duty across all Housing Options teams which should be monitored by the Scottish Government and the Scottish Housing Regulator.

## 7. Temporary accommodation

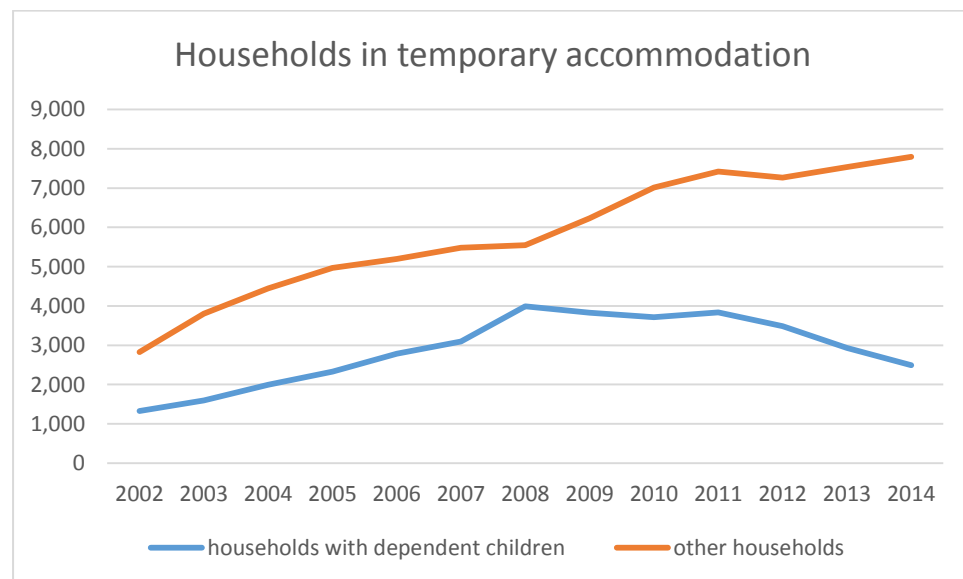


Chart 14: Number of households in temporary accommodation by household type: 2013-14

The number of households with children in temporary accommodation has been decreasing since 2008, as has the number of children in temporary accommodation. This is a really positive trend. However, for households without dependent children it is a different story, with the number continuing to rise. These statistics reflect local authorities having to adapt to providing temporary and permanent accommodation for a changing client group. Whilst for households with previously no or few rights to housing, to be provided with temporary accommodation is a significant step forward, this long term reliance on temporary accommodation is not in the best interests of those experiencing homelessness, nor is the best use of this expensive resource sustainable for councils<sup>25</sup>. The overall growth in the use of temporary

<sup>24</sup> Scottish Housing Regulator (2014) *Housing Options in Scotland: a thematic inquiry* <http://www.scottishhousingregulator.gov.uk/publications/housing-options-scotland-thematic-inquiry>

<sup>25</sup> A recent report revealed the average weekly base rent for a local authority temporary accommodation unit in 2013/14 was £58.94, rising to £67.68 for an RSL unit and £103.85 for a property in the private rented sector, not

accommodation also reflects constraints in the supply of permanent lets for households to move on into, as detailed later in this report. The impact of Housing Options and the 2012 commitment on the demand for and profile of temporary accommodation should be considered.

*“The removal of priority need is a bold and commendable step but must be supported with options for local authorities. If they have nowhere for people to go then the temporary accommodation bill remains enormous and people’s lives remain blighted by long stays in temp. Single adults are the inevitable losers here as they are least able to afford alternatives but are steered away from homelessness as councils protect scarce resource.”* **Shelter Scotland staff member (2014)**

Alongside the numbers in temporary accommodation, the quality of the temporary accommodation should also be addressed. Households having access to quality temporary accommodation is an integral part of delivering the 2012 commitment, and the crucial first step away from homelessness<sup>26</sup>. Shelter Scotland welcomes the recent commitment from the Housing Minister to address the issue of physical standards in temporary accommodation for families with children or pregnant mothers.

*“Removing priority need has increased the strain on the services resulting in higher demand for accommodation, both permanent and temporary. Although the law itself is commendable, without increasing the number of physical numbers to accommodate the influx in eligible individuals, the quality of the service will reduce across the board.”* **Shelter Scotland staff member (2014)**

## 8. Rough sleeping

The total number of homeless applications has been decreasing for the past few years, yet last year the number of people who gave ‘long term roofless’ as their previous housing circumstance rose as did the proportion of people who slept rough the night before their application.

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including repair, management, or furniture and fittings expenditure. Temporary Accommodation Modelling Review 2014, August 2014 (unpublished)

<sup>26</sup> Shelter Scotland and the Chartered Institute of Housing in Scotland, ‘Temporary accommodation guidance’, 2010 [http://scotland.shelter.org.uk/professional\\_resources/policy\\_library/policy\\_library\\_folder/temporary\\_accommodation\\_guidance](http://scotland.shelter.org.uk/professional_resources/policy_library/policy_library_folder/temporary_accommodation_guidance)

The number of people sleeping rough the night before their application in 2013-14 was on average 149 per month, equating to around 1,788 a year (up 2% from 2012-13). The number of people in 2013-14 who gave long term roofless as their previous circumstance in the year however was 204 (up 40% from 2012-13). That means there could be assumed to be around 1500 people who at some point were rough sleeping but didn't class this as their previous accommodation. There therefore seems to be a distinction between 'emergency' and 'chronic' rough sleeping which is potentially unhelpful.

It might interest the Committee to investigate the impact of evolving Housing Options delivery on the rough sleeping population and patterns. Rough sleeping represents the sharp end of homelessness, with even a short spell on the streets potentially having a negative impact on life outcomes.

## 9. Housing supply

Homelessness and housing supply are intrinsically linked, and the ability of councils to fulfil their duties under the Housing Options and homelessness legislation is affected by supply of accommodation in their area.

Currently, Scotland is in a housing crisis, with supply not meeting levels of demand. Supply levels are being affected by slow rates of social house building and private construction, as well as a decline in the existing stock through right to buy and demolition. At the same time, housing demand is rising with household numbers in Scotland currently at 2.4 million in 2013, a 171,000 increase (8%) from 10 years ago.<sup>27</sup> Audit Scotland's 2013 'Housing in Scotland' report detailed the current pressures on supply levels, *"it could be more than 20 years before there are enough new homes to meet the projected increase in households in any one year"*<sup>28</sup>.

*"Housing Options can be useful when it is done well, however, even when done well any Housing Options advice is only helpful if there are enough homes available. And at the moment this is not the case."*  
**Shelter Scotland staff member (2014)**

This means that for many the 'options' given through the Housing Options process can be limited.

<sup>27</sup> GROS Estimates of households and dwellings in Scotland: 2013 <http://www.gro-scotland.gov.uk/statistics/theme/households/estimates/2013/index.html>

<sup>28</sup> Audit Scotland July 2013, Housing in Scotland [http://www.audit-scotland.gov.uk/utilities/search\\_report.php?id=2295](http://www.audit-scotland.gov.uk/utilities/search_report.php?id=2295)

*“Single persons under 35 who qualify for the shared-room rate of Local Housing Allowance have very few affordable and realistic Housing Options and do not benefit from the general advice they are given by Local Authorities. [through Housing Options interviews]” Shelter Scotland staff member (2014)*

The supply of good housing must be increased across all tenures including bringing empty homes back into use. As a means to address this issue of supply, Shelter Scotland calls for 10,000 social homes to be built each year.

## **Conclusion**

Shelter Scotland supports the development of progressive Housing Options and prevention advice that empowers individuals and families to make choices that are right for them. We believe that embedding user choice and support is key to the ongoing development of person centred homelessness services and a key part of prevention future incidences of homelessness.

It is critical that statutory homelessness duties remain an integral part of the Housing Options service and that any prevention advice empowers the customer to make positive choices while maintaining their rights.

**Shelter Scotland**

**4 August 2014**

## Infrastructure and Capital Investment Committee

20th Meeting, 2014 (Session 4), Wednesday 13 August 2014

### Public Petitions

#### PE1481 on blacklisting in Scotland

#### **PE1481 – Lodged 13 May 2013**

*Petition by Mr Pat Rafferty, Mr Harry Donaldson, Mr Harry Frew on behalf of Unite, GMB, UCATT calling on the Scottish Parliament to urge the Scottish Government to conduct a full, independent public inquiry into the effects and extent of blacklisting in Scotland and for the inquiry to examine and determine which companies have been awarded public contracts, to investigate how to introduce ethical procurement policies and how to ensure that companies who continue to practice blacklisting are banned from tendering for future public contracts.*

[Link to petition webpage](#)

#### **Background to PE1481 (from the SPICe briefing)**

1. In 2009, the UK Information Commissioner's Office (ICO) found that Ian Kerr, on behalf of The Consulting Association<sup>1</sup> held details on 3,213 construction workers and traded their personal details for profit. The Consulting Association's database was used by over 40 construction companies and included information about construction workers' personal relationships, trade union activity and employment history.
2. Ian Kerr was fined £5,000 in July 2009 for breaching the Data Protection Act, following a successful investigation by the ICO. [The ICO website](#) lists the companies which used the Consulting Association, and states that it has [issued enforcement notices to 14 companies](#) based on the evidence it recovered from the Consulting Association.
3. Trade Unions have called for a full disclosure of the information obtained from the Consulting Association, and an investigation into the links between construction employers, the police, security services and the Consulting Association.

#### **Public Petitions Committee Consideration**

4. The Public Petitions Committee considered this petition for the first time at its meeting on 11 June 2013 and took evidence from the petitioners. The PPC agreed to seek views and the response from the Scottish Government outlined relevant work taking place elsewhere and indicated that it did not see merit in holding another inquiry whilst that work was on-going.

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<sup>1</sup> The Petition refers to both the Consultancy Association and the Consulting Association, but the ICO refers to the Consulting Association. Unless quoting direct from the Petition, this Briefing refers to the Consulting Association.



5. At its meeting on [1 October 2013](#), the Public Petitions Committee agreed to refer this petition to the Infrastructure and Capital Investment Committee

### **Infrastructure and Capital Investment Committee Consideration**

6. The Infrastructure and Capital Investment Committee considered this petition at its meeting on 30 October 2013, and agreed to address this petition as part of the Committee's scrutiny of the [Procurement Reform \(Scotland\) Bill](#).

7. The Committee undertook its Stage 1 scrutiny of the Procurement Reform (Scotland) Bill throughout November and December 2013, and published its report in January 2014. Stage 2 consideration took place during March 2014, and the Stage 3 debate in the Chamber was held on 13 May 2014. All the material produced during Bill scrutiny can be found at the following link:

<http://www.scottish.parliament.uk/parliamentarybusiness/Bills/68170.aspx>

8. During the Stage 1 evidence taking process the Committee heard evidence on the issue of blacklisting, and petitioners were invited to speak to the Committee on this issue as part of a wider panel of witnesses.

9. The Committee noted in its [Stage 1 report](#) that the approach to be taken by the Bill to eliminate the practice of blacklisting via regulations will support the existing guidance and welcomed the Scottish Government's ongoing dialogue with the trade unions on this matter.

10. The Bill passed at Stage 3, and the Scottish Government renewed its commitment to continuing to work with trade unions on this issue during the [chamber debate](#).

### **Action on PE1481**

11. The Committee considered the Petition at its meeting on 28 May 2014 and agreed to write to the Petitioners asking if they were content with the action taken by the Scottish Government during the course of the Procurement Reform (Scotland) Bill. See link to Official Report:

<http://www.scottish.parliament.uk/parliamentarybusiness/28862.aspx?r=9206&mode=pdf>

12. The Committee received a response from the Petitioners on 13 June 2014 in which the Petitioners asked the Committee to keep the petition open and further consider the terms to address the blacklisting issue. **See Annexe A.**

### **Next Steps**

13. **The Committee is invited to consider what action it wishes to take in respect of this petition at its meeting on 13 August 2014.**

**Myra Leckie  
Committee Assistant  
August 2014**

**Annexe A**

*Text from email from Pat Rafferty, petitioner, dated 13 June 2014.*

“Whilst we welcome the issuing of guidelines on how public authorities in Scotland can deny contracts to companies involved in the blacklisting of trade unionists, we are not satisfied that there are not further steps that could and should be taken by the Scottish Government and the Scottish Parliament to address this issue. In particular:

- The guidelines are discretionary for public authorities to operate. We believe that the denial of public sector contracts to companies involved in blacklisting should be put on a firm legal footing. There are still cases of companies who have been shown to be involved in the blacklisting of trade unionists being awarded public sector contracts. For example, only in the last few weeks, BAM were awarded a major contract in the NHS.
- The clause in the guidelines which allows companies involved in blacklisting to bid for contracts if they have taken “remedial action” is ill defined and requires further amendment. In particular, “remedial action” should include the payment of adequate compensation (negotiated with representatives of blacklisted workers) and the employment of previously blacklisted workers (to refuse to employ these workers is to continue the practice of blacklisting)
- The facts of the blacklisting scandal are still emerging and warrant further consideration. For example, in recent weeks it has been revealed that other blacklists exist (in addition to that organised by the Consulting Association on behalf of construction companies). For example, it has been revealed that employment agencies, such as Atlanco Rimec, may be operating a blacklist. It has also been revealed that employment agencies in construction, who may be linked to the blacklisting scandal, are engaged in forming so-called “umbrella companies” for the administration of wage payments and, in doing so, deducting employer NI contributions from workers’ wages, deducting (and gaining interest from) wages “banked” as holiday pay and deducting an administration fees from the wages of the workers affected. Many of our members affected by this are now reporting up to a 25% reduction in their earnings through this practice.
- As part of the on-going revelation of facts concerning the blacklisting scandal, information is emerging pointing to the involvement of the police and security services in the gathering of information for use by blacklisting firms and organisations. Given the disproportionate number of Scottish workers known to have been blacklisted and the potential involvement of Scottish police forces in the blacklisting issue, we believe that there remains a case for the Scottish Government and the Scottish Parliament to convene a full public inquiry into blacklisting in Scotland.

Given our concerns listed above (and the suggested actions – all of which are within the competency of the Scottish Parliament to address), we urge the committee to continue its consideration of our petition. We also urge the Scottish Government and the Scottish Parliament to take further measures to address the blacklisting issue.

**Pat Rafferty, 13 June 2014**