

Policy Report

Supporting homeless people:

Have new legal duties made a difference?

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Shelter
Scotland

Summary

The provision of housing support is recognised as an important aspect of both preventing homelessness and assisting people who become homeless. The Housing (Scotland) Act 2010 introduced a new duty for local authorities to provide housing support to homeless households. This came into effect on 1st June 2013. The aim of this report is to make a preliminary assessment of the impact of the new duty after 6 months and the extent to which hopes or fears have materialised.

The report has been compiled from 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.

Quite a number of authorities said that the new duty had a minimal impact as yet because they felt they were already providing the services required by the duty. Others reported that the new duty had resulted in more formalisation of existing procedures including making homeless people aware of their new rights to support and of appeal if support was not assessed as needed. In some cases authorities had experienced increases in demand, but this was not always due to the new duty. A number of authorities felt the duty had strengthened their corporate approach and there was some sense that it had helped to secure additional resources or to protect resources.

The main changes in the assessment process had been the introduction of more formalised processes. In some cases there had also been a more consistent approach among external agencies and also closer working between authority departments. One authority also mentioned linking in assessment and service delivery to the implementation of Self Directed Support. A number of authorities had introduced new customised software programmes to get consistent recording of assessments, delivery and outcomes.

In some areas internal re-organisations had taken place, often involving more effective collaboration between internal services and in others a more consistent approach had been taken among external providers. Various levels of support were being offered with some development of both intensive support for people with multiple needs and drop in support for those with lower levels of need. Two areas mentioned specialised services for young people.

All authorities had to make an adaptation of their systems to provide the additional data for the Scottish Government homelessness recording form (HL1 form) and this was felt by some to have been an additional burden on overstretched resources.

It seems that the new duty has resulted in more consistency of services in that a number of authorities have introduced more formalised processes to comply with the new duty. It

is difficult to know the extent to which people seeking help from authorities are aware of their new rights and are able to use them. There also seems to be limited signs of the new duty stimulating new developments in the ways support is provided. Fears that the duty would result in an unmanageable level of demand do not appear to have been realised, partly because the preventative approach to homelessness has reduced the numbers to whom the duty applies.

The duty does seem to have encouraged a more corporate approach in many authorities, though not in all.

The duty has resulted in additional resources for housing support in some areas and the safeguarding of resources in others, but in some areas has been seen as an additional burden not matched by funds to meet it.

Introduction

Since the end of 2012 all homeless people in Scotland have had a right to permanent housing. However, some also need extra support to make a house into a home which was the case for strengthening legal rights to support alongside legal rights to accommodation.

Shelter Scotland, along with other organisations, campaigned for a new statutory duty to provide housing support to households assessed as homeless. This was seen as an essential part of the response to homelessness and having it as a statutory duty was felt to be a way of ensuring consistency of provision, a more corporate approach and also of safeguarding services. Having pressed for this change, we wanted to make a preliminary assessment of its impact 6 months or so after its implementation on 1st June 2013.

The report is based mainly on short telephone interviews with the officials identified by each local authority as the most relevant to speak to. Contact was made with a total of 27 out of 32 local authorities. The aim of the report is to assess the impact of the new duty and to share experiences of implementation, including any examples of good practice. The research was carried out by Sue Robertson, a policy volunteer with Shelter Scotland.

Context

Implementation of the new duty took place against a background of wider policy and practice developments which also have an impact on housing support. This meant that it was not always easy for the local authority official to identify what changes had resulted from the new duty and what would have happened anyway or for other reasons.

The Government's preventative approach to homelessness involves offering people a wide choice of housing options as early as possible and co-ordinating this approach through a number of regional hubs in different areas of Scotland. This has reduced the numbers of people who are assessed as homeless and therefore the numbers to whom this new duty applies.

Welfare reform changes are on-going, including greater use of sanctions for job seekers, the introduction of the new Scottish Welfare Fund, imposition of caps on total amounts of benefit payments and preparations for the introduction of Universal Credit. These have also boosted the need for housing support as many social housing tenants access benefits.

A number of changes to housing benefit have been made including restricting benefit for single people up to the age of 35 to the single room rate and the restriction of benefit

amounts to the size of accommodation deemed to be required by each household – the “Bedroom tax”.

On 1st April 2014 Self Directed Support for adults and children was implemented by the Scottish Government, allowing service users to arrange their own support with funding from local authorities, rather than simply using existing services. This may affect many homeless applicants who are eligible for housing support but it is not mentioned in the Guidance on the Housing Support Duty.

The Purpose of the new Duty

Guidance published by the Scottish Government (Housing Support Duty to Homeless Households – Guidance for Local Authorities)¹ on the new duty spelled out the objectives of the legislation and details of what should be included in housing support services. The following extracts from the Guidance explain this:

“The provision of housing support can be an important part of preventing homelessness and repeat homelessness. Following the provision of a tenancy, it will be important that the tenancy has the best possible chance to be sustained. The housing support duty for local authorities covered by this Guidance can therefore be an important tool in addressing homelessness in Scotland.”

“The regulations were established after public consultation and the services prescribed are:

- (a) advising or assisting a person with personal budgeting, debt counselling or in dealing with welfare benefit claims;*
- (b) assisting a person to engage with individuals, professionals or other bodies with an interest in that person’s welfare;*
- (c) 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*
- (d) advising or assisting a person in settling into a new tenancy.”*

“If an assessment of a need for support is made, local authorities must ensure the housing support services are provided. If this assessment is made, an

¹ Scottish Government, June 2013, Housing Support Duty to homeless households – guidance for local authorities, <http://www.scotland.gov.uk/Publications/2013/06/3279>

assessment also needs to be made for others that reside with the applicant as part of their household.”

Guidance also makes clear that the duty is one for the whole authority:

“The housing support duty is a corporate duty for local authorities and consequently its implementation is a corporate responsibility. This Guidance should be used to highlight the importance of the duty across local authorities and to local partners. The successful implementation of the duty leading to improved outcomes for those assessed as unintentionally homeless will require the involvement of a range of local authority departments such as housing, social work and education and local partners such as health and third sector organisations.”

It also makes clear that the duty is not subject to the resources available and gives examples of the types of circumstances which may indicate a need for support.

“It will be important for local authorities to establish clear triggers for a housing support assessment to ensure assessments are not driven by resource considerations. A local authority should be able to demonstrate a process that it follows to identify people that may be in need of housing support.”

“While not an exhaustive list, triggers for having ‘Reason to Believe’ that support is needed may include:

Previous tenancy history;

Previous involvement in anti-social behaviour or previous significant rent arrears;

A history of repeat homelessness;

Age, such as a young person (16-25), including those that have been through the care system

A person leaving an institution, such as prison

Those with substance misuse issues

Those with health issues including mental ill health

Broad identification of particular groups at risk of homelessness as specified in the Scottish Government/COSLA’s Prevention of Homelessness Guidance²”

² This refers to the following report: Scottish Government, June 2009, Statutory guidance for local authorities on preventing homelessness, <http://www.scotland.gov.uk/Publications/2009/06/08140713/14>

The Guidance also details a right of appeal if applicants do not feel they have received support.

“The applicant has the right to request a review if they think that the council has not adequately discharged their duty to provide housing support.”

Some suggestions are also made about the types of support which could be provided.

“assisting a person to engage with individuals, professionals or other bodies with an interest in that person’s welfare”

“This category provides an opportunity for broad and innovative support services. Local authorities could consider needs around health, employability and social networks. Local authorities could also adopt a holistic approach to ensure issues such as addictions, self-esteem, ability to 'gate keep own front door', loneliness and isolation are considered. Local authorities may also wish consider the particular needs of young people and take into account the recommendations of the Supported Accommodation Implementation Group. Its final report³, published in November 2012, highlighted developing appropriate, person centred support services with a focus on employability and service user involvement. It also emphasised the potential importance of providing support to those in their own tenancies and those in short term accommodation preparing for their own tenancies.”

The Guidance also mentions the national support provided to local authorities.

“The Scottish Government funds national co-ordinators based in the third sector, to promote services to tackle and prevent homelessness around social networks, employability, furniture re-use and service user involvement. Local authorities may benefit from their expertise in seeking to develop support services”

³ This refers to the following report: Scottish Government, November 2009 Supported Accommodation Implementation Group (SAIG) Final Report and Proposals, <http://www.scotland.gov.uk/Publications/2012/11/1267/0>

Structure of the report

This report reviews the overall impact of the new duty on local authorities and looks specifically at changes which have been made in assessment procedures, in service delivery and in monitoring and feedback on the results of housing support. It is based wholly on the information given by the chosen official in each authority so there may be different perspectives on what is happening in any one authority.

Overall impact of the new duty

At the time of discussion of the Housing (Scotland) Act 2010 and the inclusion of the new duty, concerns were expressed by a number of authorities about the implications of having a new duty with no extra resources, whereas other authorities and organisations were supportive of the new duty. We were therefore keen to make an assessment of what authorities felt to have been the overall impact of the new duty on their services.

Quite a few authorities felt they were already meeting the new duty and, in some cases, exceeding it by providing support to all homeless applicants, not just those assessed as homeless. Authorities saying this included Aberdeen, South, North and East Ayrshire, Renfrewshire and Moray. Glasgow noted that its housing support services had been revamped following its programme of hostel closures and therefore felt the new duty had not required further changes.

North Lanarkshire Council said it had reviewed its structure several years ago towards a person centred model of service delivery. It assesses the need for housing support for all people who approach the services, not just those who are assessed as homeless. If an initial assessment highlights a medium to high risk of homelessness or tenancy failure, a full housing support assessment and plan follow on. There are a significant number of people who fall into this category, however some of them are unwilling to engage with support.

Some areas felt they were already meeting most aspects of the duty but felt the process of checking that this was the case had resulted in some helpful formalisation of services. For example Perth and Kinross was already offering a service, but are now monitoring it more to ensure everyone had been offered an assessment of support needs. Similarly Aberdeenshire had reviewed its housing support service in the light of the new duty and made some changes to its paperwork. It felt the result had been a small increase in those getting formal support assessments. East Dunbartonshire was already checking the need for housing support with everyone, not just households assessed as homeless. However, it did note that the new duty had reinforced the need to do a more formal assessment of support needs for every applicant.

Some areas were experiencing an increased demand for housing support partly due to the duty and partly due to other factors. For example Clackmannanshire felt the new duty had caused a considerable increase in referrals for housing support and it had increased its staff team to deal with the higher demand. Dundee also felt that the new duty had increased the workload for homeless officers and that the need to carry out support assessments required considerable additional training. Other areas such as Falkirk had experienced more support requests, but not necessarily due to the new duty. Shetland and Aberdeenshire had experienced some increase in demand due to picking up additional support needs but felt this was manageable. West Dunbartonshire felt it had increased the numbers to whom a service was offered, but that there was an issue in the willingness of people to engage with support. Argyll and Bute said there had been an increase in numbers getting housing support, but this was based on having contracted out services rather than on the new duty as the new services were spread more evenly throughout the area and are offered on a drop in basis as well as directly.

In some areas the new duty had stimulated a review of services. Highland was in the process of reviewing its whole process for housing support with a view to re-tendering around the new duty and regulations. This had been preceded by the introduction of a new method of working with its own housing support advisers from 1st April 2013. Assessments of support needs were now done internally and then support plans passed on to the Housing Support Advisers whereas previously support assessments had been carried out by external agencies.

It was suggested that the impact of wider issues such as the recession, welfare reform and the Bedroom Tax on the demand for housing support had been limited by the overall focus on prevention which had been adopted. This reduced the numbers to whom the new duty applied.

In a number of authorities it was felt that new duty had strengthened the corporate approach to housing support. For example East Renfrewshire noted that the Community Health and Social Care Partnership had been involved in assessing overall support and in ensuring that the help for people with mental health and addiction issues met the new duty. In the Western Isles new procedures had been introduced bringing together housing support and social work. Similarly in Midlothian the new duty had meant that housing support services now had access to social work case files and records, which was felt to be helpful. It had also introduced joint work between housing and adult social care with an agreed pathway of support established for a 16 week period, reviewed after 4 and 10 weeks, although this was not a response to the new duty, but would have happened anyway. North Lanarkshire noted that for very complex cases, e.g. mental health or addictions, it would involve its partner agencies through the Health and Care Partnership

Boards. It also noted that it was considering how future housing support delivery would fit with the planned integration of health and social care. However, in other areas it was felt that the corporate approach had not been put in place and that this caused difficulties in fulfilling the duty.

In other areas the main changes mentioned were making applicant households aware of their new rights to support and of their right of appeal if support was not offered. This was mentioned by North and South Lanarkshire. Ayrshire and South Hub local authority members (North, East and South Ayrshire, Inverclyde and Dumfries & Galloway) were jointly in the process of developing a leaflet outlining people's rights to support and their right of appeal if support was not assessed as needed. Correspondence was also being modified to reflect the new duty. Aberdeen said it tells people of their right during their interview, but usually finds that clients request help anyway. It would also refer people with a poor tenancy record to housing support.

Changes in the Assessment Process

The new duty required all people assessed as being unintentionally homeless to have an assessment of their own support needs and those of other household members and the Guidance suggested a number of trigger factors which might indicate a need for housing support. Various aspects of changes made in the assessment process are looked at below.

One of the issues with the new duty is the timing of the initial assessments of support needs and ensuring that any changes in circumstances which mean that support is required are picked up. Related to this is the process for both internal local authority staff and external agencies to refer people who they feel need support for an assessment.

- East Dunbartonshire is now doing the support needs assessment at the start of the homeless application and then offering the necessary help. Where people move into temporary accommodation it automatically does a housing support referral.
- Moray said it referred clients for support before doing a homeless assessment as a prevention tool. It also takes referrals from other agencies such as Social Work and the drug and alcohol team.
- In Aberdeenshire staff get internal referrals for housing support at all stages – prevention of homelessness, assessment of homeless applications, clients in temporary accommodation, permanent accommodation or from arrears and tenancy management staff. Everyone given an assessment of support needs is asked to sign a disclaimer if they don't take up support.

- Perth and Kinross was seeing more complex issues such as drug and alcohol and mental health issues which had been made more evident by the new duty though it had changed its homelessness form to capture wider needs before the duty came in.
- Scottish Borders had already been assessing the housing support needs of all applicants at the start of the statutory homeless assessment process and had had provision for housing support referrals to be made at any time but was finding the new duty to be helpful in strengthening the housing support assessment and referral processes and in trying to ensure that the triggers were applied throughout the period of its involvement with clients.
- Clackmannanshire said that its support plan would identify the stage when help would be required and that it would keep in regular contact where help was assessed as needed later.

An implication of the new duty is that authorities should be able to demonstrate that they have clear processes in place to meet the duty and also that they are monitoring the outcomes of the duty. For some authorities this has meant that the duty has led to more formalisation of practices.

- In Shetland the assessment process had been moved into the housing support team and that had led to it re-evaluating the priorities for housing support and focusing more on households eligible for statutory help.
- Scottish Borders previously had fairly broad criteria for support but has used the new duty to clarify the criteria and strengthen the related documentation, although it was felt to be too early to know what impact this has had. It had also started to document more evidence on why support was not being given and how it was following up with each applicant.

In some authorities they had decided to use new customised software programmes which automatically linked the recording of assessments, service delivery and outcomes.

- West Dunbartonshire had begun using the Outcomes Star Assessment tool⁴ which scored people when they first applied, then re-assessed scores after 8 weeks. It

⁴ The outcomes star is a comprehensive tool for measuring the outcomes of work with homeless people. The new 3rd editions are published by Homeless Link and can be viewed at the following link http://www.homelessoutcomes.org.uk/The_Outcomes_Star.aspx (last accessed 07/05/2014)

had been using it in its own supported accommodation and was now using it more widely.

- South Ayrshire said its main Housing Support provider had been using the Better Futures tool⁵ and this system was being adopted more widely internally and externally.
- North Ayrshire also used a similar assessment tool with internal and external support providers, though it suggested this might be refined to focus more on the main areas in the Guidance.
- Falkirk said it was in the process of changing to get a combined system across partners, but this predated the new Duty.
- In Midlothian the introduction of the duty had coincided with their procurement of a tenant support service so it had been able to build in the requirements of the duty to this procurement.

The Guidance mentioned young people as a group likely to be in need of Housing Support. Midlothian noted that most of its support was delivered to young people aged 16 to 25 and it had overcome engagement issues by employing young people's workers who had been involved in mediating with families to prevent homelessness and also in outreach education work in 2nd, 5th and 6th years in schools and in a 16+ forum. West Lothian was intending to focus housing support more on employment initiatives since many of its support services were delivered to young people. North Lanarkshire also reviewed its protocol with Social Work colleagues to ensure that young people who were looked after and accommodated are properly supported through the pathway planning process and have housing involvement at an early stage.

From 1st April 2014 local authorities are required to implement Self Directed Support (SDS) for people assessed under Section 12b of the Social Work Scotland Act allowing service users to make their own arrangements for support. West Lothian said that because Self Directed Support is being implemented from 1st April 2014 it was in the process of changing its assessment processes and the way support was delivered to fit with this. Assessment Officers were being trained in the new processes and the ways in which support could be offered and it intended to re-let the Housing Support contracts

⁵ The Better Futures outcomes tool is a web-based IT tool designed to enable housing support service providers working with individuals to record their support needs over a period of time. The tool can be viewed on the Housing Support Enabling Unit's website at the following link: <http://www.ccpscotland.org/hseu/information/better-futures/> (last accessed 07/05/2014)

when they ended in September 2014. Visiting support was going out to tender and the accommodation element of housing support was being reviewed in the light of SDS so existing arrangements had been extended for 12 months, pending the outcome of the review.

Delivery methods

The Guidance notes that while the duty to provide housing support rests with local authorities, its obligations can be met by both internal and external delivery and also notes possibilities for delivering broad and innovative support services under the category of assisting a person to engage with others with an interest in their welfare. It was suggested that support services might also make reference to specialist services funded by the Scottish Government.

In relation to internal delivery the following points emerged.

- Dundee housing support services were under Housing Services rather than Homelessness so effective links had to be worked out.
- Shetland had reviewed its services, bringing together support offered to shelter Housing and to homeless people under a single Care Inspectorate registration. This was allowing support to be delivered more effectively in outlying areas through use of sheltered housing staff and premises in some cases as demand for sheltered housing was falling.
- In Ayrshire the 3 authorities had jointly commissioned more specialised intensive support from an external agency, for example an information and advice service for prisoners.
- Clackmannanshire also mentioned use of drop in services for people who don't engage in support offered in their homes. It also refers people to other agencies, including drug and alcohol teams. In addition, Mental Health and Housing clinics are offered with a mental health practitioner making direct referrals to services where it is appropriate.
- Aberdeen said that it offered lower level support through its own support workers and resettlement teams and used external agencies for more intense support.
- In Shetland the duty was felt to have strengthened inter-agency working.

Where delivery was through external agencies various changes had been made.

- In Falkirk a new contractor was running the service on a task completed basis, rather than hours of delivery and it uses Outcome Star to monitor results with assessments on a 6 weekly basis.
- South Ayrshire had previously conducted an exercise of rationalising the number of external support providers it used, and now provides the majority of its housing support functions (one to one and drop in surgery style) through one large dedicated organisation.
- In North Lanarkshire it has internal support staff but also has various floating housing support and supported accommodation services delivered by the third sector. Housing staff will make a referral to an external support service when there is an identified medium to high support need. These services have been in operation for 4 years and are managed by a Steering group who meet on a quarterly basis to ensure that quality services are delivered and that the people using the service are at the centre of the process. A protocol and common referral form was developed at the beginning of the contracts and ensures that relevant information is shared across the various partners. Support Plan reviews are part of this process and are attended by the service user.
- In Edinburgh the process of referral to external agencies had been streamlined using a single referral form and meetings were being held with providers to discuss how this was working. It was also trying to plan support delivery in advance to ensure it was available when people were likely to have access to tenancies.
- Dundee was in the process of reviewing contractual arrangements in the light of the new duty, but this was taking time to sort out.

Another aspect of delivery by external agencies mentioned was their ability to offer varying levels of support. For example in Argyll and Bute services were now delivered on an outreach basis, whereas previously they had been tied into accommodation and it now combined help from support workers with drop-in services. If the support provider saw a particular support need it could refer the client back to commission wider support and clients could also move on to drop-in help after their support worker help ended. It appeared that little use was made of developing peer support or support through social networks unless this happened informally through drop-in services.

Changes in monitoring and assessing outcomes

As noted earlier, all authorities were required to collect information on numbers given housing support as part of the standard HL1 monitoring form. This required changes in IT

systems and some concerns were expressed about finding the time and resources to do this. Some of the other changes made as a result of the new duty also had implications for monitoring.

Shetland had to make a lot of changes to its monitoring processes and to evaluation of housing support which had pre-dated the new duty. It had signed up to a Capita Housing management system which included housing support monitoring through time sheets for each client documenting hours and nature of support given. It also uses the 'With you, For You' tool⁶ to assess outcomes. Perth and Kinross said it used the same system as Social Work for monitoring. Edinburgh had extended monitoring to ensure recording of support being offered, referrals made and services delivered.

Contracts with external agencies were already being monitored by authorities. Argyll and Bute has a Housing Support Steering group which meets quarterly and gives feedback on unplanned and planned disengagement from support and also on the results of customer satisfaction questionnaires. It also tries to involve clients in their individual reviews to check that they are meeting their targets and if their support is satisfactory.

Glasgow had a common monitoring framework for commissioned services so no changes were needed in that. East Dunbartonshire had been holding monthly meetings with its external providers for the last 2 years and measured outcomes by the numbers of tenancies sustained, assessed annually. It also noted that its external providers were located within its team which aided communication.

A number of authorities have adopted more consistent approaches to measuring support delivered and its outcomes including through use of assessment tools such as the Outcomes Star and Better Futures on an across the board basis. In North Lanarkshire monitoring reports for internal support services are being reviewed with a plan to incorporate the Better Futures outcome framework. Commissioned services have a common monitoring framework that applies to all and was again developed at the start of the contract delivery and reported on a quarterly basis. Others are still considering doing this or are in the process of modifying their monitoring.

A number of authorities mentioned getting very positive feedback from clients about the benefits of support they had received and there was some feeling that quantitative measures didn't necessarily capture this. North Ayrshire said it was developing a pro-forma to use when support ended to assess the extent to which client felt their needs had

⁶ With You For You is a process for adults over 16 years of age (the Customer) who require support or services from more than one organisation in Shetland. More information can be found at the following link: http://www.shetland.gov.uk/community_care/with_you_for_you.asp (last accessed 07/05/2014)

been met and the quality of support they had received. If clients still felt they had support needs after input from external agencies they would be passed on to permanent housing support staff. Clackmannanshire has had a system in place for a number of years that gathers feedback from clients at support reviews, and at the end of their service on the quality of support. This feedback is used in the continuous improvement of the service.

Other changes

Perth and Kinross welcomed the new duty as helping to ensure funding for its internal housing support team which helped in delivering a more rapid service. It has some concerns about how easy it will be for third sector agencies dealing with more complex issues to maintain their funding, but felt that their quarterly Homeless Strategy Group including the third sector has helped to protect their funding by ensuring awareness of their work. The new duty was felt to have strengthened this joined up working.

Concluding comments

From this relatively early assessment of the impact of the new duty it appears that fears expressed had generally not materialised. Many authorities were already meeting the requirements of the duty and others felt it had some beneficial impact on their services.

Generally the new duty had built on existing processes, sharpening their focus, fostering greater joint working and creating leverage for more resourcing in some areas.

Looking ahead, it seems likely that greater linkages still need to be created between housing support and other support services for families and for adults. Early intervention work with families may often need to include a housing support element.

One key issue which has already emerged was the need to consider strategically the link between the new Self Directed Support Duty and Housing Support services. This appeared to be a link which had not been made in many authorities and which was also missing from the guidance on the new duty.

It was also unclear to what extent housing support was linking with young people's support services or with employability services. With an ever increasing pressure towards employment for all benefit recipients such strategic links are vital. Plans to integrate health and social care services are also likely to impact on housing support.

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