

Briefing

Helping homeless people: homelessness statement 21st December 2005

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Shelter

Introduction

This briefing contains some initial observations from Shelter on the homelessness statement issued by the Scottish Executive in December 2005. The statement is quite long so this briefing does not cover everything in there (for access to it go to www.scotland.gov.uk/Resource/Doc/47121/0020892.pdf); rather it picks out some of the points that Shelter thinks are more important or are new.

Context

The Homelessness etc (Scotland) Act 2003 set in motion a series of changes to homelessness law, such that, by 2012, everyone who is accepted as unintentionally homeless should have the right to a permanent home. In practice this means the abolition of the 'priority need test' which divides homeless households into those eligible for a permanent home and those who are not.

This part of the 2003 Act is being implemented in stages. The first part, in January 2004, extended priority need status to a relatively small number of additional groups who were already listed as having pressing needs in the Code of Guidance on Homelessness (<http://www.scotland.gov.uk/Resource/Doc/53814/0012265.pdf>). The second stage of implementation was dependent on the statement by the minister at the end of 2005.

Overview

At the heart of the ministerial statement is a requirement that, by 2009, local authorities halve the number of non-priority determinations they make. Since local authorities currently assess 75 per cent of all homeless applications as priority, this means that they need to increase this, on average, to 87.5 per cent by 2009. So by 2009, only 12.5 per cent of homeless applicants will be judged not to be in priority need. The means by which local authorities achieve this target is left open to them. Of course, the current 75 per cent is a Scottish-wide average: councils vary a lot around this average, from as low as 54 per cent to as high as 89 per cent. For some councils, halving the number of non-priority determinations will be more of a leap than others.

Shelter believes that giving councils discretion is consistent with the key role that they play in driving homelessness strategy. Allowing the target to be delivered locally should ensure greater ownership by individual councils. On the other hand, there is a risk that some councils will engage more pro-actively with the target than others. For this reason we were disappointed that the statement did not make greater reference to:

- Changes in monitoring by Communities Scotland to allow the agency to assess whether any one authority is making meaningful progress towards the 2009 and 2012 targets.
- Scope for intervention if local authorities do not appear to be making this progress.

Shelter is meeting Communities Scotland in February 2006 to raise these issues further.

Other issues

The ministerial statement goes well beyond simply outlining the next stage of changes to the priority need test. It signals a series of activities to be undertaken over the next year. We pick out only a few of them below:

Changes to law and regulation

The statement confirms that Section 11 of 2003 Act - which requires landlords to notify councils of looming eviction cases – will come into force in 2006. During this year, the power to suspend the **local connection test** in homelessness will also go live – meaning that councils will no longer be able to refer a homeless applicant back to another local authority in Scotland, although they will still be able to do so if the applicant comes from elsewhere in the UK. Shelter is currently engaged with the review of homelessness statistics, which includes monitoring requirements for the local connection test.

The Executive has also signalled its willingness to reform the **intentionality test** in 2007. The statement opens up the possibility that some intentionally homeless people may reach a point where the council has no obligation to assist them any further. This is a concern which hitherto has not been raised and Shelter will seek to clarify this with the Executive. Changes to intentionality also require the introduction of regulations under Section 7 of the Housing (Scotland) Act 2001, which have stalled since being issued in draft form in late 2004.

Housing supply

The statement outlines a number of activities on the supply of housing, both development of new homes and lets of existing homes. Throughout the statement there are references to allocations and the need for homelessness to be set in the context of other housing needs. Specifically, there is reference to guidance being prepared by Communities Scotland and CoSLA, early in 2006. Shelter welcomes debate in this area but is puzzled as to why only two bodies have been charged with producing guidance. At the very least we trust that this process will be opened out to include other insights into the operation of allocation policies.

There is also reference to the possibility of further guidance on **Section 5 referrals** which govern the relationship between councils and registered social landlords (RSLs) in responding to homelessness. RSLs are increasingly moving centre-stage in action on homelessness and the proposed guidance will complement Shelter's practice briefing and practice seminar on Section 5 referrals, both of which are happening in January 2006.

On new housing supply there is relatively little that has not previously been heralded – the real test of intention here will be in the 2007 Spending Review rather than at this stage. There is a commitment to updating the 2004 national Local Housing Need and

Affordability Model, about which Shelter has made a number of critical comments. However, this will be supplemented with councils' own local affordable housing needs programmes.

There are references to an increased role for the private rented sector, particularly in light of other changes in 2006 and beyond to improve the standards of service offered by private landlords. The statement alludes to a review of the assured tenancy regime; the implication being that more landlords should be encouraged to use assured tenancies rather than the short version and, in so doing, be in a position to offer permanent accommodation to some homeless households. There is also a reference to reviewing the interim accommodation regulations. In Shelter's view this is important as current understanding and use of the regulations appears to be patchy.

Prevention of homelessness

In the course of 2005 individual councils made returns to the Scottish Executive on the likely impact of the 2012 target. That exercise showed that relatively few authorities anticipated any substantial impact from measures to prevent homelessness.

During 2006 Communities Scotland will lead on producing good practice guidance on prevention and an innovation fund for demonstration projects will be in place by or shortly after April 2006.

As a leading provider of specialist housing information and advice (and of tenancy support), Shelter welcomes the increased attention given to prevention of homelessness. However, we also note that there is a fine line between prevention of homelessness and prevention of homelessness **applications**. The latter, if it is not accompanied by concerted action to address the cause of homelessness, can simply be gate-keeping, that is, filtering out approaches by people before they ever become homeless applicants. This would reverse much of the recent guidance on homelessness and it is something we are looking to research a bit further.

Conclusion

Overall, the statement is very welcome and re-affirms the leading role that Scotland is playing internationally to address homelessness. It rightly places local authorities at the centre of action to tackle homelessness and praises the efforts so far by councils to get much closer to the 2012 target than was probably envisaged at this stage. Of course, there are many challenges and some differences of opinion ahead and Shelter looks forward to working with councils and the Scottish Executive to address them.

Further details: Gavin Corbett, 0131 473 7194 or gavin_corbett@shelter.org.uk