

**Briefing**

**Shelter Scotland  
briefing on the  
Consultation on the  
Code of Guidance on  
Homelessness**

**From the Shelter policy library**

**October 2003**

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**Shelter**

At a Shelter seminar on 16 October, the Scottish Executive presented a draft update to the Code of Guidance on Homelessness to practitioners. A consultation on the update to the code has begun, and will last until 5 December.

The Code has not been comprehensively updated since 1997 and the new version will take into account changes made to homelessness law by the Housing (Scotland) Act 2001 and the Homelessness etc. (Scotland) Act 2003. Shelter Scotland is a member of the steering group set up by the Scottish Executive to update the code. For Shelter, a new code will be the lynchpin to the major changes introduced to homelessness service provision since the Homelessness Task Force was set up in 1999. However, while taking account of new laws, the code must also work to influence best practice.

This briefing sets out some of Shelter's priorities for the update to the code. Our final response will be made available as soon as it is completed.

## **Use of the Code**

Even the most well presented document will be of limited use to practitioners, if the code is not designed with optimum use in mind. The views of practitioners on how the code can be best used must be taken into account when producing the final draft. Resources must be made available by the Executive to promote the Code of Guidance to practitioners. All frontline staff working with homeless people should be informed of the positive impact the code can make to their work. The Executive should encourage all practitioners to have access to a copy of the code, and should work towards ensuring that all practitioners have their own copy.

There is a need for front-line staff in other departments to be familiar with the contents of the code. Examples should include social workers, front-line staff in children and family services, estate managers, the arrears office and councillors themselves. This would reflect the corporate duty to prevent and alleviate homelessness placed on local authorities under the Housing (Scotland) Act 2001.

The code should also reflect the changes made to the law regarding provision of services to homeless people by RSLs, as well as the impact of stock transfer. An updated code should be produced for use by RSL staff.

Through our work advising and advocating for homeless people, Shelter is convinced that best practice exists in service providers that have adopted the code as policy. The Executive should encourage all local authorities to adopt the code as policy.

## **Format of the new Code**

The new version of the code must have a user-friendly format to ensure optimum use on a daily basis by practitioners. Several updates to the code are expected over the coming years, to reflect commencement of a number of provisions in the Homelessness etc (Scotland) Act. For this reason, we need the code to be produced in a format that can

respond to regular updates. While Shelter agrees that an on-line internet version would be of use to many practitioners, not all local authority staff have access to the internet, nor would it be appropriate for all interview situations. Shelter would prefer a ring-bound version of the code. This would allow for regular updates to be made, by simply adding in new pages to the ring binder.

An effective cross-referencing system is crucial. The present means of cross-referencing, situated at the back of the code, is bulky and unwieldy. Shelter proposes that each page in the new code contains a right-hand margin that would include cross-referencing section by section.

## **Guidance and good practice**

The code has traditionally been a document that encourages best practice. This is due to the sections that provide guidance on implementing the law, and on good practice. Good practice is now being developed by Communities Scotland as part of its regulatory functions, and it is expected that this will influence service provider's approach to practice. While the development of good practice by Communities Scotland is welcome, the Code of Guidance must also continue to include guidance on the law and good practice, to engage with and inform frontline staff across Scotland.

## **Updates to specific chapters**

The following is not a comprehensive list of the changes that Shelter wishes to see included in the new code. However, it gives practitioners a sense of Shelter's priorities.

- Practitioners should be preparing for the end of priority need in 2012. New groups, such as those leaving institutions, will be given priority need from early in 2004, when the relevant section of the 2003 Act is commenced. However practitioners may wish to consider giving priority need to other groups such as those vulnerable due to addiction, or due to external violence. Shelter believes that changes to the Code of Guidance should encourage practitioners to move towards ending the use of priority need for certain individuals. This will make it easier to implement changes to priority need when they are introduced under the law.
- When handling applications, practitioners must ensure that they take into account evidence that is presented to them. However, the law does not state that particular types of evidence is required in order to make a homeless decision, for example police corroboration in external violence cases. The law does not allow for practitioners to decide which evidence can be regarded or disregarded. All evidence must be taken into account when making a decision, and the decision must be made on the basis of all evidence and not one piece of evidence over the other. The new Code of Guidance should provide information for practitioners on using evidence.
- Homeless applicants often have support needs and would benefit from a support or community care assessment. The new code should ensure that all practitioners

understand how to recognise when an applicant would benefit from such an assessment, and should inform practitioners how to make sure such an assessment is carried out.

- The Homelessness etc. (Scotland) Act 2003 includes a provision which would allow ministers to produce regulations banning the use of B&Bs. During the passage of the act, Ministers reiterated their commitment to ending the use of bed and breakfast accommodation for families, except in emergency circumstances. The new code should reflect the forthcoming changes, and prevent families from being placed in B&B accommodation.
- The new Code of Guidance should reflect the importance of good decision letters in providing a service to homeless people. To help practitioners achieve best practice, the code should provide a model decision letter, and a checklist for frontline staff to follow when writing decision letters.
- The code should also reflect the changes introduced under the 2001 that place a duty on local authorities to have regard to the best interests of children when providing accommodation. Guidance should be given on how to carry out that duty, how to determine the best interests of children, as well as other new duties such as meeting the special needs of the applicant, or providing the accommodation which is reasonable.

## **Providing practitioners with the help they need**

A good Code of Guidance will contribute to the success of the changes to the law and to practice that are planned over the next decade. It will provide practitioners with the help they need to keep up-to-date with the major changes ahead. Ultimately, it will prevent and alleviate homelessness by ensuring the best service for homeless people.

### **October 2003**

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