

Response to consultation Housing Advice in Scotland

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Shelter

New duties to secure housing advice

In March 2002 the Scottish Executive issued guidance on how the new duty in section 2 of the Housing (Scotland) Act 2001 should be implemented. This duty is as follows:

1. Every local authority must secure that advice and information about:
 - a) homelessness and the prevention of homelessness,
 - b) any services which may assist a homeless person or assist in the prevention of homelessness, is available free of charge to any person in the authority's area.
2. The Scottish Ministers may issue guidance, either to local authorities generally or to a particular authority, as to the form and content of such advice and information.

Although the guidance has been 'live' since 1 April 2002, the Scottish Executive has indicated that it does not expect full compliance with the duty until 1 April 2003 and that it is prepared to take comments on the guidance up until 6 September 2002. These are Shelter's comments.

What status has the duty and the guidance?

It is worth clarifying what status the law and guidance has. Section 2 actually formally commenced on 1 October 2001. However, at that time, there was no accompanying definition of what LEVEL of advice should be provided. Therefore it would have been hard to determine whether it was being properly provided or not.

Since April 2002 the difference is that the guidance now provides a definition of housing advice against which actual provision should be able to be judged. However, the Scottish Executive concluded that it was unlikely that local authorities would have been able to meet the duty in full in such a short time. Since judging compliance with the duty will be the responsibility of Communities Scotland, the regulator will expect full compliance by April 2003.

Setting standards

The key to the effectiveness of the new duty is setting appropriate standards. It is these standards that will tell us whether the service being provided is really just the minimum one could get away with or is actually geared towards assisting homeless people and preventing homelessness. The guidance is unclear about this. Paragraph 4 says that 'local authorities should ensure provision meets the standards set out in HomePoint's Scottish National Standards for Housing Information and Advice services'. However, in paragraph 16 the guidance says that the standards, when applied to funded services, should only 'ideally' be the measure against which quality is assessed.

This is Shelter's single most important comment about the guidance. Agreed standards are essential. They should be national in scope. And they should apply to all providers.

The guidance should be clear about the standards that it sets and that it expects compliance with them, irrespective of the source. This gives clarity, both to the regulator and to the organisations being regulated.

Are the standards appropriate?

Shelter has been involved with the development of HomePoint's standards and views them as a good starting point to judge compliance. However, it is worth noting that these standards are still being piloted and will be subject to a full evaluation in 2003. Presumably that evaluation may throw up some issues that need to be changed.

A key issue for the new services will be the extent to which they are well-publicised. After all it would be possible for there to be a quality service without it having the impact it should have, simply because no-one knew about it. In paragraph 12, the list of good practice elements might usefully draw attention to the importance of publicising the service in a meaningful way. This could include the different formats that could be used; the value of different languages and different media; and the importance of accessing schools.

Monitoring standards

National monitoring of standards is the responsibility of Communities Scotland. In paragraph 6 it is set out how the national monitoring will take place. However, missing from that activity standard is the assessment of need for housing advice, which we recommend be a key part of the development of a service. It is difficult to see how housing advice services can be comprehensive if there is no clear view about what the need is.

We remain concerned that Communities Scotland is insufficiently well-staffed and resourced to be anything like ready to monitor this and the range of other homelessness activities meaningfully. The departure of Communities Scotland's relatively new director of regulation is a concern. We consider that there is a real risk of homelessness monitoring becoming a Cinderella function.

At a local level, it is clear that local authorities as strategic bodies and funders will have to have in place their own monitoring arrangements. It is right to note, as paragraph 7 does, that housing advice may not be the exclusive domain of housing departments; that it should fit in to wider approaches to advice. However, it is still important that one department or section is given lead responsibility for overseeing the provision of advice.

Housing advice must be thought about strategically, within the context of homelessness strategies. Shelter's policy paper on housing advice issued in 1998 recommended that local authorities lead on the development of housing advice strategies. With the advent of homelessness strategies, there may be less need for separate advice strategies but clearly the essential tasks of assessing needs and identifying gaps are strategic tasks.

Delivery of housing advice

The guidance notes the three potential roles of local authorities: as strategic bodies, funders and direct providers. The first two are not contentious. However, we would query whether the balance in the guidance between direct provision and independent third party provision is appropriately struck. Certainly, the limited emphasis on independent sources of advice is at odds with the greater emphasis in the homelessness strategies guidance and the second report of the Homelessness Task Force.

Of course, as a major provider of independent information and advice, Shelter has a clear view about the value of such. However, it does seem to us that if one follows through the good practice elements listed in paragraph 12 there is a much stronger case for the advice service to be independent of the council.

As noted by paragraph 13, this is not to say that major service providers do not also have an information and advice function. Inevitably, frontline staff, such as housing officers and homelessness staff will be involved in providing service users with information about their options. However, when one comes to more pro-active advice and advocacy, then it is also right to recognise the conflicting pressure that staff providing other services will be placed under.

It is difficult for Shelter to see how the new duty can be fulfilled without some element of independent advice and advocacy being funded. In most areas this will mean new services. That means that the part of the additional £27 million for homelessness in the years 2001-2004 needs to be directed towards housing advice services.

Since this will result in a greater diversity of provision locally, greater attention needs to be paid to referral arrangements and easily accessible signposting to the most appropriate service.

Finally, while it is right to encourage the best use of modern technology, it should not be at the neglect of simpler, paper based guides. In recent years, there have been some very good examples of easily accessible guides to services for homeless people. These have been popular with both service users and with service providers, particularly the smaller ones.

National support for the local duty

The guidance is rightly concerned with local delivery of the new duty, since it is a duty which is placed on local authorities. However, in Shelter's response to the Housing Green Paper in 1999, we also set out a range of complementary activities that needed to happen at a national level for the new duty actually to result in improvements in provision.

Some of these national functions are already mentioned in the guidance - namely, the setting of standards and the monitoring of standards. The new role of Communities Scotland has, in principle, addressed the previous question of how to enforce standards in local authorities. However, other roles are not mentioned by the guidance. They could include:

- a) development of indicators of need for housing advice
- b) aggregating local assessments of housing advice need
- c) developing a robust method of evaluating housing advice
- d) co-ordinating common stock of information material
- e) supporting innovation.

It would helpful to set the guidance in the context of what is to be happening at a national level.

Resources

Shelter has separately been putting together a proposal to make its legal information systems ('SIS legal') more widely available to service providers. The proposal also raises the possibility of Shelter's recently launched internet advice site, 'Shelternet' being extended to Scotland; sets out options for expanded training provision nationally; and suggests a housing advice 'toolkit' which would help local authorities and partners to deliver on new housing advice responsibilities.

Further information on this response from Gavin Corbett at Shelter. 0131 473 7197. gavin.corbett@shelter.org.uk.

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