

# Discussion paper

# RSLs and homelessness in Scotland

From the Shelter policy library

April 2009

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# Shelter

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## Introduction

Over the last 10 years the role of Registered Social Landlords (RSLs) in Scottish social housing has increased dramatically. This growth has brought new responsibilities and challenges, particularly in housing statutorily homeless households via the Housing (Scotland) Act 2001 and the Homelessness (Scotland) Act 2003. When the subject of RSLs and homelessness is raised, it is usually assumed that this is about section 5 of the 2001 Act, which gave housing associations a duty to accept homelessness referrals from local authorities in particular circumstances.

However, the role and potential role of RSLs is much wider than that quite formal role. The Homelessness Act 2003 established the target for all unintentionally homeless people to have the right to a permanent home by 2012. With RSLs making up 45 per cent of the social rented sector in Scotland, they have an important role to play in working towards that 2012 target more generally. This report looks at 4 main areas of the sector's work with homeless people: housing homeless households; preventing homelessness and sustaining tenancies; providing supported accommodation; and RSLs' engagement in strategy development. The report looks specifically at the experience of a small number of RSLs, which we contacted directly, as well as other more general evidence about the sector. This report gives a snapshot of work by RSLs, but given the small sample of organisations this is not necessarily typical of the sector as a whole.

## 1. Housing homeless people

As mentioned above, section 5 referrals are often seen as the main way in which RSLs engage with homelessness policy and practice. Prior to the 2001 Act, RSLs played a role in housing homeless people referred to them, usually through a series of locally agreed nomination arrangements. The 2001 Act put that on a more formal footing, by establishing that RSLs should be obliged to house homeless people unless they had good reason not to do so. The reasons for refusal are relatively limited.

However, local authorities are not obliged to use section 5 as the referral route for homeless households. They can continue to seek the assistance of RSLs through more informal routes. Recent research on behalf of the Scottish Government found that a mixture of systems were currently in place for councils to refer homeless households to RSLs for permanent accommodation.<sup>1</sup> This research found that 14 out of the 30 councils surveyed used section 5 as their sole referral system, with the other local authorities using a mixture of section 5 referrals and 'traditional' nomination routes to refer homeless

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<sup>1</sup> Review of Section 5 of the Housing (Scotland) Act 2001, Scottish Government (2009)

people to RSLs. These traditional nomination routes can either be applicant led (where a local authority refers a homeless client to an RSL) or void led (where an RSL informs a local authority of a vacant property and the referral is then made). The recent review of section 5 demonstrates the wide variety of arrangements for referring homeless households to RSLs, but it concludes that there is no evidence to support recommending one method of referral over another; however Shelter believes that this is more to do with the difficulties in the research than the underlying policy objectives. To guarantee transparency, consistency and comparability between RSLs, Shelter's view is that section 5 should be the only way for a local authority to refer homeless households to RSLs. Although the outcome for a homeless household is clearly important, the process of referral also warrants attention to ensure equal treatment of all homeless households.

## 2. Preventing homelessness

As the 2012 target grows ever closer, the reality of the affordable rented housing shortage in Scotland is becoming increasingly stark. Prevention of homelessness has been identified by the Scottish Government as a key priority in meeting this legislative target.<sup>2</sup> As a major part of the social rented sector, and with 2012 fast approaching, RSLs have a responsibility to prevent homelessness where possible. This can be achieved through activities such as providing support to help tenants sustain their tenancies, early intervention in rent arrears cases to avoid eviction, use of income maximisation/welfare rights officers, and better identification of the support needs of tenants. Early intervention was identified as a key facet of homelessness prevention by the RSLs contacted for this report, all of whom undertake activities designed to engage with tenants before the threat of homelessness becomes imminent.

For some RSLs this type of prevention work forms part of the sign up process for new tenants. Dumfries and Galloway Housing Partnership (DGHP) sees its work with new tenants as an opportunity to identify and prioritise the support needs of more vulnerable individuals or households. As part of its Rent Payment Strategy, Glasgow Housing Association (GHA) has included a number of rent arrears prevention activities in its sign up process.<sup>3</sup> These include a benefits 'health check'; outlining the support available to tenants having difficulty paying their rent, including external agencies such as money advice centres; offering support to complete housing benefit applications; and identifying and referring vulnerable tenants for support. Perthshire Housing Association (Perthshire HA) also includes benefits and income maximisation advice as part of its sign up process with all new tenants offered a one-to-one appointment with the organisation's benefits advice officer.

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<sup>2</sup> The joint Scottish Government –COSLA letter of 23 December 2008 outlined 4 joint priorities for meeting the 2012 target: joint working, access to existing stock for all housing providers, preventing homelessness, and investing in supply.

<sup>3</sup> GHA Rent Payment Strategy 2008/09

Welfare rights and benefits advice also forms part of ongoing prevention work for RSLs who provide, or signpost tenants towards, advice and support to prevent homelessness as a result of legal action due to rent arrears. Link Housing uses a mixture of written correspondence, which includes details of independent money advice, and visits by housing officers to engage with tenants in arrears and offer support and advice. Preventing tenants losing their tenancy due to eviction is also an aspect of DGHP's work through the use of realistic repayment plans and in-house benefits and income maximisation officers. GHA's evictions policy includes the use of legal remedies such as Small Claims court actions to recover debt, but allow a tenant to retain their tenancy. As housing benefit administration errors can lead to a tenant falling into arrears, strong links with local authorities' housing benefit teams are seen as beneficial by RSLs such as DGHP in resolving arising problems quickly for tenants.

In addition to supporting tenants at risk of losing their tenancy through rent arrears, RSLs provide assistance in cases involving anti-social behaviour (ASB). Perthshire HA works closely with Perth and Kinross Council's Anti-Social Investigation Unit in providing advice and support to the tenant to address their behaviour. Perthshire HA also part-funds the Perth and Kinross Mediation Service, an independent Sacro-run project designed to help people resolve disputes at an early stage. Link Housing works closely with local councils, making use of Edinburgh City Council's Intensive Family Support Service, which supports families evicted, or at serious risk of eviction, because of ASB. As well as helping social tenants threatened with losing their home, RSLs have the opportunity to prevent homelessness for struggling homeowners through the Mortgage to Rent (MTR) and Mortgage to Shared Equity (MTSE) schemes. Both Link Housing and DGHP include their involvement with the MTR scheme as part of their homelessness prevention work.

Tenancy sustainment and homelessness prevention work does not have to be confined to households imminently threatened with homelessness. There are a number of projects, which are designed to establish people in their new homes and equip them with the necessary skills to make a success of their tenancies. Link Housing's Smart Move project uses peer education to provide advice to young people in the Falkirk area on housing options and the skills needed to sustain a tenancy. As part of its Tenancy Sustainment Strategy, GHA supports and encourages projects that provide both the support and physical means needed to make a success of a tenancy. For example, the Fab Pad scheme works with young people to decorate their new home to give them a sense of ownership of their tenancy; Starter Packs Glasgow provides household necessities to vulnerable families starting new tenancies; and furniture recycling schemes across the city provide basic furniture and white goods.

Although the RSLs we have spoken to report a number of homelessness prevention activities, Shelter's research into levels of eviction in the social rented sector suggests

there is still work to be done to prevent tenants becoming homeless through legal action.<sup>4</sup> Shelter's research found that in 2007-08 RSLs in Scotland raised 6,657 court actions, obtained 2,903 decrees and evicted 1,484 tenants. Although most RSLs say that legal action is always a last resort, we do not believe that this level of legal action is consistent with last resort. As the majority of evictions are for rent arrears, RSLs should be making more consistent use of earlier intervention and alternative means of recovering debt, such as Small Claims court actions and benefit/earnings arrestment, which allow tenants to keep their home.

As of the start of April 2009 RSLs have a duty under section 11 of the Homelessness Act 2003 to notify local authorities of eviction proceedings against tenants. RSLs need to inform local authorities of eviction action at an early enough stage for the council to take the necessary steps to prevent homelessness. Although section 11 is a formal notification process, the primary responsibility to prevent eviction still lies with RSLs.

So it is clear that there are a number of ways in which RSLs can and do prevent homelessness. However, there are not many RSLs which have taken things a step further and produced an explicit statement on prevention. One exception is GHA. There is a tendency to see GHA as untypical because of its size. However, many of the intentions set out in GHA's strategy could be adopted by other RSLs; for example combating financial exclusion by working with employability agencies to get tenants back into work, expanding its furnished let scheme, and developing personal housing plans for tenants.

### **3. Supported accommodation**

Meeting tenants' support needs through the provision of supported or specialist accommodation is an important part of working with homeless households, sustaining tenancies and preventing homelessness. Some housing associations started out many years ago as specialist providers for specific groups of homeless people such as young homeless people, so there is a long track record to build on. Others, while beginning as mainstream providers have developed specialist provision along the way. Indeed, at least two RSLs owe their origins to groups of Shelter activists in the late 1960s and early 1970s.

Perthshire HA has a long-standing supported accommodation project for people aged 16-25 who are threatened with homelessness. This project, run in partnership with Perth and Kinross Council, provides intensive 24 hour support to residents to develop their independent living skills. Perthshire HA has a number of properties linked to this project that act as a stepping stone to a mainstream tenancy, with support available if needed. A

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<sup>4</sup> Shelter Scotland (December 2008), 'Evictions by social landlords in Scotland'

similar project exists in Falkirk, run by LinkLiving (the supported accommodation arm of the Link Group), which offers a number of other support services for tenants of both Link Housing and other RSLs. DGHP does not offer supported accommodation, but does have housing support workers who offer a floating support service, which provides practical assistance to help tenants sustain their tenancies. In addition to services provided directly by RSLs, good links with local councils are another important part of support provision for homeless households. Perthshire HA has arrangements in place to refer tenants to the council's floating support service and leases properties to the council for the provision of furnished temporary accommodation for homeless people. Link Housing has recently agreed to lease a small number of properties to Falkirk Council to be used as temporary accommodation. Whilst this is not supported accommodation it provides evidence that some RSLs are engaging with local councils in the provision of emergency accommodation for homeless households.

#### **4. Engagement with strategy development**

Probably the most neglected, but still a key way in which RSLs can engage with local councils on issues of homelessness is by contributing to the development of housing and homelessness strategies for their area. In almost all areas of Scotland, RSLs are major providers of housing services (most clearly in the areas which have gone through whole stock transfer) and should, naturally, be seen as integral to the delivery of homelessness strategies. A full assessment of the extent to which this is true has been beyond the scope of this exercise but the soundings that we have are that RSLs are inconsistently involved in strategy development across Scotland.

Perthshire HA reports that it was actively involved in development of Perth and Kinross Council's homelessness strategy and is currently involved in monitoring activities. Perthshire HA staff will be attending council events to examine and review aspects of the homelessness strategy in May 2009. DGHP has also been involved in strategy development through attendance at working groups for Dumfries and Galloway Council's homelessness strategy and its current involvement with the local housing strategy. Dumfries and Galloway Council holds regular Access to Housing meetings with DGHP where strategic and operational issues are discussed. This level of involvement may be due to DGHP being the stock transfer organisation for the council. As a fellow stock transfer organisation, GHA also argues that it has a good level of engagement with Glasgow City Council and the Glasgow Homelessness Partnership, which was highlighted in its 2007 inspection by Communities Scotland.<sup>5</sup>

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<sup>5</sup> Communities Scotland (September 2007), 'Glasgow Housing Association: Inspection Report'

## 5. Building on role for RSLs and homelessness?

From this brief paper it is clear that there are some strong foundations upon which to build in developing the way that RSLs meet the needs of homeless people. It is equally clear that meeting Scotland's ambitious homelessness target cannot be achieved without the full engagement of RSLs.

The event 'RSLs and homelessness', hosted by Shelter and SFHA in April 2009, is one way in which we can distil current good practice and set out future directions. The proposals below are set out as a contribution to further dialogue on RSLs and homelessness:

- Shelter believes that it will increase transparency and comparability if all homeless households are housed through section 5 referrals. We are currently exploring legislative and regulatory options to encourage this. Shelter would also like to see guidance on what is appropriate in a pre-referral discussion.
- We believe that all RSLs should produce a prevention of homelessness statement, through which they review the various ways in which they might prevent homelessness among their tenants and in the wider communities they represent. This might include arrears and evictions policies and participation in Mortgage to Rent and Mortgage to Shared Equity schemes.
- The regulator should include specific measures to monitor the role that RSLs are playing in tackling homelessness, including lets, referrals, evictions and tenancy sustainment recording.
- The SFHA and Shelter have a shared interest in understanding the extent to which changes in funding of housing support have impacted on the provision of support services for formerly homeless people and should work together to develop that.
- As major providers of social rented accommodation all RSLs should contribute to the development of homelessness strategies in their area. RSLs need to be fully involved in tackling homelessness at a strategic as well as operational level.