

# **Equality and Human Rights Committee Budget 2020-21**

Shelter Scotland  
submission

August 2019

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## Summary

Shelter Scotland welcomes the opportunity to respond to the Equality and Human Rights Committee call for evidence in relation to the Scottish Budget for 2020-21.

Shelter Scotland helps over half a million people every year struggling with bad housing or homelessness through our advice, support and legal services. And we campaign so that, one day, no one will have to turn to us for help.

We're here so no one has to fight bad housing or homelessness on their own.

Everyone needs good quality housing to live and thrive in: having a home is central to every aspect of our wellbeing, from health to educational attainment to happiness. Yet there are 10,000 households in temporary accommodation in Scotland; 14,000 children who are homeless; thousands who live in homes that are overcrowded or don't meet their needs; and many more who are forced to sleep rough, on a friend's sofa, or choose between heating or eating. For all these people, a good home is out of reach.

Housing is a human right, and is defined as such within the Universal Declaration of Human Rights. But there is still work to do for that right to be realised in Scotland, and to make sure that everyone has access to a safe, secure and affordable home.<sup>1</sup>

Shelter Scotland will be launching a campaign in August 2019 highlighting areas where individuals are struggling to access their rights in relation to housing, reflecting on gaps in legislation where the human right to adequate housing is not fully represented and where people's legally enforceable rights in Scottish law are being denied. In many areas of housing law, there is very little enforcement which makes it very difficult to hold duty bearers to account. This is something Shelter Scotland struggles with in our case work. For further details on any of these areas of rights being denied, or for case study examples, please get in touch.

## What are the key public policy areas where individuals and protected groups are struggling to access their rights?

Housing is a human right, not a privilege, yet many people in Scotland are struggling to access their legal and human rights to housing.

At Shelter Scotland, we see every day people struggling to juggle their housing costs and other living expenses, to get essential repairs done, to prevent an eviction, and to navigate the homeless system and ensure they get the support they're entitled to, to help them keep or find a home.

### Homelessness

For people experiencing homelessness, their human right to adequate housing is out of reach.<sup>2</sup>

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<sup>1</sup> Shelter Scotland (2019), [Housing is a human right](#)

<sup>2</sup> All homelessness statistics are available at Scottish Government (2019), [Homelessness in Scotland: Annual Publication 2018-19](#)

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In 2018-19, 29,894 households were assessed as homeless – the equivalent of one every 18 minutes, and including 14,000 children. 10,989 households are currently in temporary accommodation and families with children spend 219 days, or more than 6 months, in temporary homeless accommodation on average. And at the very tip of the iceberg, rough sleeping in Scotland is rising: last year, 2,875 people had slept rough in the three months prior to making a homeless application.

In addition, there is a real issue around enforcement of legal rights and accountability of duty bearers like the local authority. For example, on 3,535 occasions last year people were denied their right to temporary accommodation when they approached their local authority for assistance – this means the local authority was breaking the law. Many people were forced to sofa surf or sleep on the streets as a result. Shelter Scotland has been raising awareness of rights in this area for years, providing advice to affected individuals as well as advocacy bodies, acting in defence of individuals to support people to access their individual rights as well as publicly raising the issue. Despite this, publicly available statistics showed the issue has grown even worse in the last year and the experiences of our frontline services supports this. We have recently launched a campaign where we are prepared to take Glasgow City Council to court over this issue.<sup>3</sup>

Another example of a lack of enforcement and accountability in relation to homelessness rights is in the context of the temporary accommodation which is provided to households applying for homelessness assistance. On 620 occasions across Scotland in 2018-19, people were kept in temporary homeless accommodation deemed unsuitable for longer than they should – breaking the Unsuitable Accommodation Order. Again, this issue has grown worse in the last year.

### **Affordability**

Hundreds of thousands of families struggle with impossible decisions about how to pay their rent. The top reason that people approached Shelter Scotland for help last year was affordability, and we have found that more and more people are struggling with rising housing costs which are exacerbated by the current state of social security as well as stagnant incomes.<sup>4</sup> One million households, or one in five in Scotland are in poverty after they've paid their rent or mortgage<sup>5</sup> and 613,000 households are living in fuel poverty.<sup>6</sup> The link between affordability, eviction and homelessness is a key area of concern.

### **Eviction**

For many people, affordability issues, most often caused by a lack of truly affordable social housing and an inadequate social security net, can cause eviction and homelessness. Last year, 2,113 households were evicted from their socially rented homes for rent arrears.<sup>7</sup> However eviction can also be related to other reasons for example the recent attempted evictions by housing provider

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<sup>3</sup> Shelter Scotland (2019), [Briefing: The People v GCC](#)

<sup>4</sup> Shelter Scotland (2019), [The Impact of Social Security on Housing in Scotland - Topic Briefing](#)

<sup>5</sup> Scottish Government (2019), [Poverty and income inequality in Scotland: 2015-2018](#)

<sup>6</sup> Scottish Government (2019), [Scottish House Condition Survey 2017 key findings](#)

<sup>7</sup> Shelter Scotland (2019) [Evictions by social landlords in Scotland 2016-2018](#)

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Serco changing locks on their tenants who have been refused asylum. Shelter Scotland used Article 8 to argue that the procedure to change the locks following termination of an agreement, and a further 7-day notice that locks will be changed if the occupier and their family have not voluntarily left, is not compatible with human rights law. Further, it was argued that because Serco is providing a statutory function on behalf of the Home Office to those in the asylum process, they must comply with human rights law. The Scottish Human Rights Commission has been granted leave to intervene in the continuing legal challenge to the practice of using lock changes to evict asylum seekers from their homes.

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Please support us at [shelterscotland.org](https://shelterscotland.org)

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