



MSP BRIEFING: HOMELESSNESS – SCOTTISH GOVERNMENT DEBATE ON PREVENTION OF HOMELESSNESS DUTIES, 2 FEBRUARY 2022

Introduction

Shelter Scotland exists to defend the right to a safe home and fight the devastating impact the housing emergency has on people and society. We work in communities to understand the problem and change the system. We run national campaigns to fight for home.

We were pleased to participate in the Prevention Review Group (PRG) and we share the sector-wide aspiration to ensure public bodies, beyond the housing and homelessness sector, provide the required support to prevent homelessness wherever possible. We look forward to responding to the consultation in full in the coming weeks and welcome the opportunity to outline some of our initial thoughts in advance of this parliamentary debate.

Many of the proposals within the government consultation would introduce important and positive changes for people at risk of homelessness and we wholeheartedly support them. For us however, the litmus test for delivering the aspiration shared by all members of the group must be that any changes will safeguard and enhance existing homelessness rights and protections.

We are particularly concerned about the proposal that will remove the right to permanent accommodation and replace it with 'stable' accommodation. We oppose this proposal and see it as an unnecessary dilution of Scotland statutory rights. We believe this element should be removed and ask parliament to reaffirm existing expectations that homelessness ends only in a secure setting.

During this important debate, we therefore ask that the Cabinet Secretary confirm the Scottish Government remains committed to the principle that all unintentionally homeless households are entitled to permanent accommodation, and that there will be no regression of rights.

Key Asks

We are calling on the Scottish Government to:

- commit to safeguard existing homelessness rights and protections, with no regression of rights - including ensuring the right to permanent accommodation remains
- strengthen the rights of people experiencing homelessness by extending the definition of those threatened with homelessness from two to six months
- introduce the concept of suitability to the permanent accommodation offered by local authorities, including ensuring it is affordable and accessible
- introduce appeals to First-tier Tribunal to improve access to justice for people experiencing homelessness

- ensure the delivery of 110,000 new affordable homes, including 70% for social rent, by 2032 in order to ensure anyone faced with homelessness can access a social home that meets their needs.

Homelessness Prevention

Homelessness statistics published today (01/02/2022), are a sharp reminder of the scale of the housing emergency. In the six months from April to September 2021, 14,161 households lost their homes, an increase of 4% compared to the same period in 2020. Nearly 4,000 of those households included children.

The figures also show that at the end of September last year there were 13,191 households stuck in temporary accommodation, including 7,510 children.

The commitment to introduce new duties regarding homeless prevention by the Scottish Government has the potential to significantly improve the lives of people at risk of losing their home – providing early intervention and ensuring it is the responsibility of all public bodies to prevent homelessness from happening.

The prevention review was wide-ranging and recommended many changes, which, if accepted by the Scottish Government, could bring deep and sustained positive changes to our homelessness system. The proposals to introduce a duty on public bodies to ‘ask and act’ if people are at risk of homelessness, as well as extending the support offered by homelessness teams to help people at an earlier stage and in different ways are important. They will help ensure that people at risk of losing their home are given the support they want and need, to either remain in their home or make a planned move before they reach crisis point, thus avoiding the trauma of homelessness.

It is important to note though that to enable these efforts to be a success, there needs to be sufficient homes available for people to move into. **The Scottish Government must therefore make good on its promise to deliver 110,000 new affordable homes, including 70% for social rent, by 2032 in order to ensure anyone faced with homelessness is able to access a social home that meets their needs.**

Concerns

We have significant concerns with one of the key proposals being consulted on which is unrelated to prevention activity but instead regards how a local authority discharges their duty to someone who is experiencing homelessness. Under the current statutory homelessness framework, all unintentionally homeless households are entitled to permanent accommodation in the form of a Private Residential Tenancy or Scottish Secure Tenancy, with a small number of specific exceptions.¹ **This right to permanent accommodation is a key pillar in Scotland’s strong housing rights framework and should be protected.**

The consultation seeks views on a proposal which would enable local authorities to discharge their homelessness duty into ‘stable’ accommodation, defined as accommodation which is available for a minimum of only 12 months. If enacted, this proposal would reduce the existing statutory rights of people experiencing homelessness in Scotland and would illustrate a regression or downgrading of rights – in contradiction to human rights obligations. For this

¹ One such exception includes where someone is in need of a particular level of housing support, in which case a Short Scottish Secure Tenancy can be offered. Source: [Shelter Scotland, Shelter Legal: Exceptions to the duty to provide permanent accommodation](#)

reason, we did not support this recommendation of the PRG and have to again state our full opposition to this aspect of the proposals being consulted on by the government.

We therefore welcome most of the recommendations for the Prevention Duty and its aspirations, but seek confirmation from the Scottish Government that there will be no regression of existing rights.

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