

## Shelter Scotland Report

### Evidence of Gatekeeping in Glasgow City Council

July 2018

This report aims to provide a summary overview of our description, evidence, concerns and recommendations for action in relation to the issue of gatekeeping of homelessness services within Glasgow City Council.

#### Context

Ensuring those that need it can swiftly access homelessness services, including temporary homeless accommodation, is a consistent and pressing issue for Shelter Scotland. Our services across Scotland deal with approximately 25 cases per month where an individual seeks our advice having been turned away from a local authority's homeless services and denied their legal right to support. This practice is known as "gatekeeping" and it is resulting in a growing number of people resorting to rough sleeping, sofa surfing, returning to situations where they are potentially at risk of violence, and other forms of insecure accommodation.

#### What do we mean by gatekeeping?

Gatekeeping is where local authorities illegally block access to the homeless services that people have a legal right to.

Shelter Scotland's definition of gatekeeping is:

- *"The practice and systems of stopping people from accessing the homeless services which they are entitled to by law."*

By homeless services, we specifically mean the services provided by local authorities which are legislated for under Section 28 and Section 29 of the Housing (Scotland) Act 1987:

- 1) [Section 28](#) is the legal basis for the making of a homeless application, and states that a local authority must accept a homeless application if they have reason to believe that a person or household is homeless or at risk of homelessness;
- 2) [Section 29](#) is the legal basis for the provision of temporary homeless accommodation, and states that a local authority must provide interim temporary accommodation whilst they (1) carry out inquiries into a person or household's homelessness; (2) consider a review against a homeless decision; (3) source permanent accommodation.

There are many other practices which could be considered gatekeeping, such as providing unsuitable accommodation, but for the purposes of this report, we refer only to where a person has been stopped from making a homeless application or accessing temporary accommodation. It is unclear whether the incidents which we are aware of are the result of intentional gatekeeping of services or a lack of training and knowledge, but regardless of the factors, gatekeeping is happening in Scotland and action must be taken to address it.

## **Background**

In January 2018, Shelter Scotland compiled a report on incidents of gatekeeping in Scotland, based on our client case evidence spanning from July 2016 to November 2017. Localised versions of the gatekeeping report were sent to the relevant council officials and elected members of the local authorities which, according to our case files, were responsible for by far the most gatekeeping cases in Scotland. We also shared our findings with Kevin Stewart MSP, Minister for Local Government and Housing. We did not release the report publicly in order to give the local authorities concerned the opportunity to respond and resolve the issues we highlighted to them.

NB – Glasgow City Council is the only local authority to have not formally responded in the six months since we shared the report with them.

## **Summary of findings**

Between July 2016 and November 2017, we logged 370 cases from across Scotland which we believe to have breached Section 28 and 29 of the Housing (Scotland) Act and are therefore considered as gatekeeping.

Glasgow City Council were responsible for 109 of the 370 gatekeeping cases recorded, and these are broadly evenly split between Section 28 and Section 29 cases. Nearly three quarters of Glasgow cases were single men, and nearly 70% of cases had a mental or physical health issue, or both.

A series of anonymised case studies from our clients demonstrating the range of experiences of gatekeeping from Glasgow City Council are included in appendix A of this paper.

## Recent Developments

Since we compiled and disseminated our report on gatekeeping evidence to key officials in Glasgow City Council, there have been a number of significant policy and political developments relevant to this area of work:

- In March 2018, the Scottish Housing Regulator published its [report](#) into homeless services in Glasgow City Council, which showed that;
  - GCC was not housing people quickly enough and that people were spending too much time in temporary accommodation.
  - People spent on average 238 days in temporary accommodation, significantly longer than the national average of 171 days<sup>1</sup>.
  - GCC had a duty to make an offer of temporary or emergency accommodation to households on 10,350 occasions, but made an offer in only 60% of these.
  - GCC is not referring enough people to RSLs to meet the level of need from people who are homeless.
  - GCC loses contact with around a quarter of people who are homeless while they wait for a home. The length and complexity of the process in Glasgow was identified as a significant factor in this.
  
- In June 2018, the Scottish Housing Regulator also published its [5<sup>th</sup> annual report](#) into the experiences of service users and tenants across Scotland, which showed that;
  - While most participants' experiences of homeless services across Scotland was positive, the wait for temporary accommodation for some people had been longer than expected, which had a negative impact on wellbeing.
  - Waiting times to access settled accommodation varied significantly, from several weeks to more than a year.
  - Some had felt that they had to be persistent in their contact with services to secure their permanent accommodation, and others indicated that the offer of housing had "come out of the blue".
  - Transition into settled accommodation was important to participants, including the process of "settling in" and being able to access help to secure furniture and white goods.

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<sup>1</sup> Scottish Government (2018); [Homelessness in Scotland 2017-18](#) (table 28)

- In February 2018, the Local Government and Communities Committee published its [Report on Homelessness](#), after a significant period of inquiry lasting more than 12 months. This extensive report included testimony that Housing Options may be being used to ration or manage resources and effectively gatekeep services. On this basis, the Committee expressed its concerns and sought clarification from the Scottish Government on how it *“reassures itself that the guidance has been implemented correctly and is combatting ‘gatekeeping’”*. In its [response to the report](#), the Scottish Government stated that: *“the Scottish Housing Regulator has a role in terms of looking at any ‘gatekeeping’ taking place across Scotland. Their report into Housing Options made clear its views on the relationship between the homelessness legislation and the housing options approach.”*
- The Scottish Government’s [Homelessness and Rough Sleeping Action Group](#) (HARSAG) was established in October 2017 and has now made final [recommendations](#) for all of its workstreams as of June 2018. This includes rough sleeping, temporary accommodation and ending homelessness for good. Unfortunately, this action group did not look at the serious and unlawful practice of gatekeeping of homelessness services in Scotland.
- Homelessness statistics for 2017-18 were released in June 2018 and for the first time it showed that last year, **Glasgow failed to provide temporary accommodation over 3,000 times to households to whom they had a statutory duty<sup>2</sup>**.

## Our asks of Glasgow City Council

We demand:

1. An immediate ban to the practice of denying homeless people their statutory rights i.e. gatekeeping.
2. An emergency meeting with the Leader of the Council within the next 2 weeks on the issue of gatekeeping and an official response to our report on gatekeeping in the city (issued on 18 January 2018) from Glasgow City Council within the next 2 months.

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<sup>2</sup> Scottish Government (2018); [Homelessness in Scotland 2017-18](#) (table 29)

## **Appendix A: Case studies**

The below cases are examples of the gatekeeping incidents which Shelter Scotland have been contacted about. They have been anonymised from our client records and are intended to illustrate the scale of the gatekeeping problem in Glasgow.

### **Case study 1**

Client presented as homeless to Glasgow City Council after sofa surfing with a friend in July 2017. After being told at his initial presentation that no temporary accommodation was available, he returned every day for four days but was told each time that no accommodation was available and was forced to sleep rough. Shelter Scotland are of the view that the council should have provided interim accommodation at the stage of presenting to the council.

### **Case study 2**

Client is a male EEA National who presented as homeless to Glasgow City Council. He was refused accommodation on the basis of the council misunderstanding his immigration status and rights to homelessness assistance. Shelter Scotland advocated on his behalf but the local authority refused to accept a homeless application or provide temporary accommodation. He resorted to sleeping rough and died of a drug overdose soon after. Shelter Scotland are of the view that this individual was eligible for homeless assistance, should have had an application taken and accommodation provided.

### **Case study 3**

Client is a female lone parent with several children. She had a housing duty owed to her by Glasgow City Council after leaving her home due to domestic violence. Due to low turnover of family-sized housing stock in her children's school catchment area, she was residing at her parents' house while waiting for suitable accommodation. However, due to the overcrowding at her parents' house, the client needed to leave and approached the council for temporary accommodation. Shelter Scotland advisers tried for a week to contact the casework team via telephone and email but got no response. The client presented to the casework team in person but was told that her caseworker was unavailable. The client contacted the casework team repeatedly and eventually found herself facing street homelessness with her children as the situation had deteriorated with her parents. Shelter Scotland were finally successful in contacting the casework team, who eventually arranged a private hotel for the family that afternoon for two nights. On the third night, no temporary accommodation could be found due to a football match being played in the city and all accommodation being booked. As a result, the client was forced to split up her children between family and she stayed with a friend. On the fourth night, a temporary furnished flat was sourced and the family moved in.

## **Case study 4**

Client is a non-EEA National with leave to remain status. He had a wife who was pregnant and had reunited with him on a family reunion visa shortly before their gatekeeping incident. The client originally lived and worked in England, however lost this employment and came to Glasgow to look for work. Both he and his wife were in receipt of Jobseekers' Allowance. Glasgow City Council made a "no local connection" decision when the couple applied as homeless and closed the case and the client was asked to leave the B&B he was occupying as temporary accommodation. The couple were forced to stay at the night shelter run by the Glasgow Asylum Destitution Action Network for two nights. The night shelter staff accompanied the client's wife to the doctor the next day and she received proof of pregnancy. The client then secured a job and the Shelter Scotland adviser contacted the council casework team to ask them to accept a new application on the basis that this was a fresh application in light of work having been secured and the wife being pregnant. The adviser also highlighted their concerns about the client and his wife being treated unfairly and the judgmental attitudes of the council's casework staff. The council still refused to accept an application and instead transported the couple to see a PRS tenancy, which was too large for their needs and had no furniture in it, but they felt that they had no choice but to accept it. The landlord then allowed them to move to a smaller property the next day with some furniture in it. Shelter Scotland are of the view that a fresh homeless application should have been taken by the council.

## **Case study 5**

Client is a single male UK National with heart problems and depression. He made a homeless presentation to Glasgow City Council and was provided with one night's emergency accommodation and then was advised that no more accommodation was available. Between that point and contacting Shelter Scotland for assistance, the client slept rough and sofa surfed for three weeks. The adviser contacted Glasgow City Council on the client's behalf. The caseworker for the client contacted the adviser later that day to inform them that emergency hotel accommodation had been found and arrangements would be made to get the client a casework appointment the following day to arrange alternative accommodation. Shelter Scotland are of the view that interim accommodation should have been provided throughout the period and are concerned to note that this client had no accommodation until he asked Shelter Scotland to intervene on his behalf.

## **Case study 6**

Client is a male UK National. He previously lived in the USA but was deported and returned to Glasgow where his brother lived. He tried to apply as homeless to Glasgow City Council but told Shelter Scotland he was advised by the council that he failed the Habitual Residency Test. Shelter Scotland advised this client that this was not a homeless test and he had the right to apply as homeless. The client went back to the council with this and an application was eventually taken however no temporary accommodation was available that night. Shelter

Scotland are concerned that the council failed to take a homeless application when this individual presented.

### **Case study 7**

Client approached Glasgow City Council for assistance after he was seriously assaulted in his council flat and felt it was unsafe to remain there. The council advised him that if he gave up the tenancy, he would be deemed intentionally homeless, despite evidence and letters from his psychiatrist, care manager and MP. A referral was made to Shelter Scotland's assisted presentation group after the council refused to take a homeless application. Shelter Scotland's assisted presentation group supported the client to present to the north west casework team, but no temporary accommodation was offered. The following day, the client was supported to present again and supported accommodation was provided at Aspire. Two weeks later, the client was given a positive homelessness decision and received a written apology.

### **Case study 8**

Client is a female UK National who had a live homeless application with Glasgow City Council for 3 years when she approached for assistance with temporary accommodation. She was advised that no temporary accommodation was available and she was forced to sofa surf and sleep rough for the next 18 days. The client was repeatedly told that no temporary accommodation was available and a "Do Not Accommodate" warning was placed on her application due to previously being asked to leave hostels. The next day, the caseworker from the council contacted Shelter Scotland to say that a temporary furnished flat had been offered to the client but it had been refused as the client did not want to stay in that area for safety reasons. Contact with the client was lost at this point for around three weeks until they re-engaged. The client disengaged for a further week due to her chaotic lifestyle and sofa surfed with a cousin during this period. After approximately a month and a number of contacts and meetings with the council, the client was given temporary accommodation in a safe area of the city.

### **Observations:**

- These anonymised sample cases provide some evidence that not only does Glasgow City Council fail to provide interim accommodation when it ought to as a matter of law, but that it also fails to take homeless applications. Those who fall through the net and do not get independent advice, will most probably not feature within national homeless statistics.
- Where a homeless application is taken, the corresponding duty to provide interim accommodation appears to be exercised more reactively than proactively - individuals who get advice/ legal advice, appear to stand a better chance of securing accommodation than those who do not.
- The pressures on Glasgow City Council's homeless services have existed for a number of years and have been subject to public scrutiny. We are not persuaded that sufficient steps have been taken to ensure that the statutory duties to people who are homeless are met.