

Shelter Scotland Briefing on the 2012 Commitment

Summary

- The '2012 commitment' - to give every unintentionally homeless person the right to a permanent home - has attracted international acclaim. The legislation, introduced with all-party support by the Scottish Parliament nearly 10 years ago, has served as a catalyst for significant changes to the delivery of homelessness services. **'Meeting' the commitment is not a choice, but a legislative requirement.**
- The 2012 commitment ends the decades-old distinction between "priority" and "non-priority" homeless people, which had little to do with the urgency of their housing situation, yet led to very unequal levels of assistance. Local authorities have faced the challenge head on, with Shelter Scotland information and the latest Scottish Government statistics showing that **18 have already abolished the 'priority need' distinction altogether with the majority of remaining local authorities well on schedule to remove priority need before the end of the year¹.**
- In striving to meet the 2012 commitment however, a series of challenges have emerged, many linked to a high demand for, but lack of supply of, socially rented housing. In some local authorities there is a balancing act between the allocation of homes to waiting list applicants and those who are homeless. National data² shows, however, that collectively local authorities and Registered Social Landlords (RSLs) allocate 36% of all social housing to homeless applicants. **For every homeless person housed, two people are housed from waiting lists.**
- Over the past decade there has been a significant rise in the use of temporary accommodation. This is partly because local authorities owe a duty to more households, but more significantly because of a reduced supply of permanent housing. Relatively high

¹ Annual Scottish Government statistics

² Scottish Government annual homelessness statistics (Aug 2011)

<http://www.scotland.gov.uk/Topics/Statistics/Browse/Housing-Regeneration/RefTables/PublicationTables2011-12>

Nationally local authorities allocate 45% of all social lets to homeless applicants. Scottish Housing Regulator annual performance and statistical return (Sept 2011)

http://www.scottishhousingregulator.gov.uk/stellent/groups/public/documents/webpages/shr_statisticstables2010-11.hcsp#TopOfPage Nationally Registered Social Landlords (RSLs) allocate 28% of all social lets to homeless households.

levels of temporary accommodation are with us at least in the short to medium term, so **greater attention needs to be paid to ensuring it is of a consistently decent standard and that the costs are manageable for the homeless households.**

- Longer term, reliance on high levels of temporary accommodation is not sustainable for local authorities, nor is it in the best interests of homeless people. There is, however, no simple correlation between councils making high levels of 'priority need' assessments and high levels of temporary accommodation. **Local authorities should not necessarily view a rise in the use of temporary accommodation as a necessary consequence of meeting the 2012 commitment.**
- Despite these pressures, the 2012 commitment will and already is, being 'met'. In many authorities the removal of 'priority need' has been achieved, and the focus now is on preventing homelessness and providing the right homes. **'2012' should not be viewed as an end point but as the beginning** of a new model of homelessness services. Moving forward from 2012, the priorities must be:
 - **Prevention:** the most meaningful way to meet the ongoing commitment is to prevent people becoming homeless in the first place. Good quality housing options advice is critical but there is much more besides: sustained action on evictions and mortgage possessions, for example; and implementation of a new duty to provide housing support; looking at ways that Scottish policy can mitigate the worst impacts of welfare reform; and committing to enhancing security of tenure in the private rented sector.
 - **Provision:** increased supply of socially rented housing is vital to ensure there are homes available for those who need them. This means the Scottish Government must work with social landlords to deliver its commitment to build 30,000 socially rented homes over this Parliament. Other priority areas include: introducing a standard for temporary accommodation; building partnerships with RSLs to provide more lets to homeless people; bringing more empty homes back into use and completing Right to Buy reform.
 - **Unfinished business:** there are two parts of the Homelessness etc. (Scotland) Act 2003 which have not been commenced: around 'intentionality' and 'local connection'. These legislative changes passed by the Scottish Parliament must be commenced so that homelessness services are available on an equal basis to **all** those who really need them.

The 2012 commitment

In 2003 the Scottish Parliament passed groundbreaking legislation stating that local authorities would have a duty to provide every unintentionally homeless person with a home by the end of 2012. In practice this means removing the use of 'priority' and 'non-priority' homeless categories at

assessment stage³ and giving all homeless people the same rights regardless of their household type. This commitment was the lynchpin in a programme of wider reforms⁴ addressing the causes and responses to homelessness and housing provision including: welfare reforms, eviction policy, health and homelessness and homelessness prevention. It was also recommended that the other tests which are part of a homelessness assessment – intentionality and local connection - should be modified. These recommendations for legislative change were a recognition that homelessness services should not be about determining eligibility, but about delivering the right response to all those facing homelessness.

'Meeting' the 2012 commitment in black and white terms then, is about removing 'priority need' by assessing **all** unintentionally homeless households as 'priority need', with a right to a permanent home. What this means for local authorities is delivering a good, personal service to those at risk of homelessness, preventing homelessness wherever possible and providing the housing support necessary to help people keep their homes. With a year to go before these legislative changes come into effect, this timely inquiry is an opportunity to get a picture of what local authorities have achieved as they work towards the removal of priority need. It is also an opportunity to understand more about how authorities are redesigning their services to improve practice and get better results for those at risk of homelessness.

This shift in policy and practice has rightly attracted international recognition and positioned Scotland as a leader of progressive social policy. It is then, vital that this commitment is delivered and that the '2012 commitment' is not seen as an end point, but a beginning for the continuous delivery of a world-leading homelessness service.

Where are we now

Local authorities record each statutory homeless application and the Scottish Government publish these statistics annually (HL1 data⁵). Since 2003/04 this statistical return has included each local authority's progress towards the removal of priority need when nationally this figure was sitting at 73%⁶. In the intervening 9 years, the national figure has risen to 91% which represents steady, if slightly slow, progress towards the removal of priority need assessments⁷. What this figure cannot show however, is the huge variation across different local authorities and the varying *rate* of progress at local authority level.

³ Currently a homelessness assessment tests four things: homelessness, priority, intentionality and local connection. 'Priority need' is used to categorise homeless household types i.e. families with children, and is not necessarily linked to how acute the housing need is. This has resulted in a hierarchy where some people, notably single people, have different rights to others.

⁴ The Homelessness Task Force Final Report (2002) <http://www.scotland.gov.uk/library5/housing/hdff.pdf> made 59 recommendations based on the research they had carried out. These recommendations were wide-ranging and looked at both prevention of homelessness and the culture and delivery of local authority homelessness services.

⁵ <http://www.scotland.gov.uk/Topics/Statistics/Browse/Housing-Regeneration/hmlss1011>

⁶ This means that for the year 2003/4 73% of all homelessness applicants were deemed to be in 'priority need' with an entitlement to permanent housing. The remaining 27% were assessed as unintentionally homeless but the local authority had no duty to provide them with permanent housing. At local authority level for the same year, the percentage of priority need assessments varied from 57% right up to 87%.

⁷ While the overall number of homelessness applications has fallen in the past 2 years to 45,322, the number of applications has remained fairly constant in the years since the target has been in place, reaching a peak of 60,820 in 2005/06.

However, the HL1 data is already a few months out of date when it is published each Summer so as part of pulling together this written evidence, Shelter Scotland contacted all 32 local authorities in Scotland in December 2011 to get a picture of how the commitment is being delivered. Of the 24 local authorities who responded, the survey revealed that 9 councils have removed priority need altogether, 6 have set a date ahead of the target for the removal of priority need and the remaining authorities have designed their strategy to ensure the removal of priority need by the 31 December 2012. No council responded saying that it was not planning to deliver the commitment, with all anticipating the removal of priority need ahead of the target date. The most recent 6 monthly data shows that 21 councils have removed priority need altogether.

This evidence shows that despite the pressure on housing stock and a difficult financial environment, local authorities have shown a real commitment to improving their homelessness services and achieving the 2012 commitment. This has been done by working with their customers to help them resolve their housing problems as quickly and effectively as possible, starting with good homelessness prevention right through to good housing support. Looking beyond whether the commitment has been 'met', there is evidence that some local authorities have embraced the changes brought in by the removal of the priority need test and achieved a significant culture change in the delivery of homelessness services. Positive changes in practice can be seen in key areas such as youth homelessness prevention, eviction policy for rent arrears and tenancy support. These innovations, and others, need to be embraced by councils more generally.

We believe that the high profile of the 2012 commitment, in itself, has given councils and others the impetus to improve homelessness services in a way that otherwise would not have happened. In other words, the impact of 2012 goes beyond the literal commitment.

Homelessness prevention

The culture change of homelessness services that was recommended by the Homelessness Task Force has been one of the most difficult challenges. In the last two years it may have gained some momentum by the adoption of the Housing Options advice and information model that local authorities are implementing and the Scottish Government is endorsing. Housing Options advice means councils take a more creative approach to helping households out of housing crisis and working in partnership with all housing providers and support agencies in the area to maximise the genuine options available to each person. This model of trying to understand what people need and want and trying to match that with what is available in that area, means people may have options they didn't realise were available to them. To ensure these options are available, local authorities must work increasingly closely with housing associations, the private rented sector, voluntary support providers and information services.

A key part of preventing homelessness is giving people the support they need to stay in the home they have. Repeat homelessness⁸ is currently around 5% nationally⁹, representing over 2,000 people who have not been able to keep their home and have had to go back to the council in housing crisis. This

⁸ Percentage of applications reassessed as homeless within a year of closure of a previous application.

⁹ Although repeat homelessness figures are as low as 0% in one local authority and as high as 10% in others.

highlights the need for good tenancy support especially for vulnerable people, but also that households need to be allocated the right homes that are affordable and in an area they want to live in. The housing support legislation introduced through the Housing (Scotland) Act 2010¹⁰, due to be commenced on 1 January 2013, will ensure all homeless applicants get the support they need to ensure they are not trapped in a cycle of repeat homelessness.

Challenges

Given the limited housing supply across Scotland, local authority partnerships with external organisations across all sectors are increasingly important to maximise the housing options available to people. Most local authorities are experiencing a shortage in social housing and in some areas this shortage is acute. Yet the key challenge to sustaining the 2012 commitment is having the housing available for homeless households now and when priority need is totally removed. This means there is a role to play for Registered Social Landlords (RSLs) in providing housing for homeless households and there must also be exploration of what future role the Private Rented Sector (PRS) can play in working with councils to accommodate homeless households and ensuring that homelessness is prevented. We believe that should include a review of tenancy arrangements in the PRS.

Temporary accommodation

A consequence of the expansion of rights through the extension of priority need is a marked increase in the use of temporary accommodation. Since 2003 the number of households in temporary accommodation has risen by more than 100% as the pressure on social housing has increased and house-building has not kept a pace with demand. There has been an overall reduction in the total number of social lets by 15% since 2004/05¹¹. This has had a far greater impact on the pressure on temporary accommodation than the expansion of duties. For households previously with few or no rights to housing, to be provided with temporary housing is a significant step forward. However, long term reliance on temporary housing is not sustainable for councils, nor is it in the best interests of those experiencing homelessness and there are now over 10,000 people waiting for a permanent home in temporary accommodation.

A major challenge post-2012 will be addressing the use of temporary accommodation and it is important to recognise that the patterns in use of temporary accommodation across local authorities are mixed. There is no simple correlation between high levels of priority need assessments and proportionate increase in use of temporary accommodation. A rise in the use of temporary accommodation should not be accepted as a necessary consequence of achieving the 2012 commitment and each local authority must consider how and when they use the temporary and permanent housing available.

Allocations

Despite this pressure on the allocation of both permanent and temporary socially-rented housing, what our research shows is that delivering the 2012 commitment does not necessarily mean negative

¹⁰ <http://www.legislation.gov.uk/asp/2010/17/contents>

¹¹ According to Scottish Government and Scottish Housing Regulator annual statistics, the total overall lets have fallen from 63,182 in 2004/05 down to 53,950 in 2010/11.

consequences in other parts of a council's housing service or allocations policy. There is a fine balancing act over the allocation of housing to applicants on the waiting list and what can be perceived to be a more favourable allocation to people who have been homeless. Nationally, when you take into account allocations by Registered Social Landlords (RSLs), 36% of all social lets go to homeless households. The statistics show a great deal of variation between different local authorities, from 64% of all lets by one authority, down to 24% in another, but on average one in three socially-rented houses in Scotland goes to a homeless household.

This underlines the need to consider the 'priority need' assessment figures together with other indicators of a good homelessness service: repeat homelessness figures, use of temporary accommodation, percentage of lets to homeless households and outcomes for homeless applicants. There is some good practice emerging around better use of lets, support in temporary accommodation and tenancy sustainment that should be captured and disseminated as part of the learning from this inquiry. Shelter Scotland has also commissioned research into some of these areas with the aim of trying to understand more, not only about achieving the 2012 commitment but *how* it is being delivered and what we can learn from that to inform future policy.

What needs to happen

Continuing to deliver the 2012 commitment to homeless households will rely on two main things: the provision of more good quality housing, in the right area that people want to live in; and continuing to improve the prevention of homelessness before the point of crisis. This will help to relieve some of the pressure on limited housing stock but also help people to avoid the stress and uncertainty of homelessness wherever possible.

In the best scenarios, the 2012 commitment has served as a catalyst for some councils to change the services they deliver, partly in preparation for expanded duties, but also to help and support people better. This has been seen statistically, through a reduction in homelessness applications, increased priority need assessments, reductions in repeat homelessness and in better tenancy sustainment. But it has also been seen through the delivery of a more person-focused housing options approach, through partnership working and a genuine culture change for some local authorities. It is clear there is not 'one way' to deliver the 2012 commitment and that there is a lot of good practice and innovation which should be highlighted by the Scottish Government, Scottish Parliament and other organisations and representative bodies.

Some specific things need to happen to ensure local authorities can deliver high quality homelessness services post-2012:

- The supply of good housing available for homeless households must be increased across all tenures. This means more socially-rented homes being built but also greater development of the role of the PRS, including a review of tenancy arrangements. More also needs to be done to bring empty homes back into use and the reform of Right to Buy needs to be completed.

- The Scottish Government must commence the two remaining parts of the Homelessness etc. (Scotland) Act 2003 which have not been enacted around 'intentionality' and 'local connection' to ensure homelessness services are available on an equal basis to all those who really need them.
- Registered Social Landlords must work more collaboratively with councils to provide accommodation for homeless households. Although there is a mixed picture, many also need to play a greater role in homelessness prevention and tenancy sustainment.
- Through the work of the Housing Options 'hubs' and other forums and organisations, good practice and innovative approaches to the delivery of homelessness services, including the introduction of a minimum standard for temporary accommodation, should be captured and shared.
- The Scottish Government should set out a package of measures to mitigate some of the worst effects of Whitehall-initiated welfare reform.
- There should be continued efforts to reduce the number of evictions and mortgage possessions.

Contact: Fiona King, Shelter Scotland, 0344 515 2456 or fiona_king@shelter.org.uk