



ALL IN FOR CHANGE

Prevention Commission: Meeting 1
January 2020



WHO IS THE PREVENTION COMMISSION?

The Prevention Commission is a group of people with lived and frontline experiences of homelessness who, as members of the national Change Team, are motivated to drive forward the change needed to make real and lasting change on the ground.

As well as people with current and recent experience of homelessness, the Prevention Commission is made up of people with frontline responsibilities in Local Authorities, Housing Associations and third sector support providers.

The Commission is facilitated by Homeless Network Scotland and connects directly to the Prevention Duty Review Group. Scottish Government asked Crisis to facilitate and Professor Suzanne Fitzpatrick to chair the Review Group which will develop recommendations for a legal duty on Scottish local authorities and wider public bodies to prevent homelessness.



WHAT DID WE COVER?

We used our first meeting to think about our different experiences of laws and legal duties with a particular focus on understanding what it is that makes legislation ‘good’.

We used the vision of Good Law described by the Office of Parliamentary Council (OPC)¹ as the basis for our discussions and as a group:

- Considered how we might improve it; and
- Agreed that we will return to it at each meeting to test if our ideas and priorities are likely to achieve what we want.

For the Prevention Commission, good law is:

Necessary – the outcome we want can’t be achieved without it;

Clear – it is easily understandable by people in different situations and obvious what needs to be done;

Coherent – it makes sense and doesn’t contradict existing laws, rules or processes (although can replace them);

Effective – it achieves what it sets out to;

Accessible – people can easily find and understand it.

And the Commission also added that prevention legislation should be:

Integrated – connected across different types of services and doesn’t operate in isolation.

The Commission felt it could especially help the Review Group make sure new legislation was grounded in an understanding of everyday experiences on the ground. And that it used plain language that was simple and easy to understand.

OUR EXPERIENCE OF LEGAL DUTIES

Members of the Prevention Commission have experienced a range of different legal duties from different perspectives and highlighted that:

1. While the intention of legal duties can be positive, sometimes the implementation of them can be restrictive;
2. While we talk about choice and control for individuals, this is often incompatible with legal duties which can leave people with no part to play in finding their own positive solutions;
3. Too often different duties and rules come into conflict with each other, either in their intention or in their practical delivery.

CONSIDERATIONS FOR THE PREVENTION DUTY REVIEW GROUP

The Prevention Commission would like to see legal duties that place people, their experiences and their choices at the centre.

One way to do that would be to create a **Duty to Ask**. By this we mean start by asking people first “what needs to happen to prevent you from becoming homeless?”

This Duty To Ask could be in two parts, with a duty on wider partners (e.g. nhs, mental health and addictions services, community justice etc) to routinely ‘Ask about Housing.’

And the answers people provide to this question will form the basis of a **Duty to Act** in line with people’s understanding of their own circumstances, their choices and preferences. Such an approach has the benefit of being people-led and strengths based – important principles in effective, flexible homelessness prevention.

¹ <https://www.gov.uk/guidance/good-law#good-law-the-vision>

NEXT STEPS

The Prevention Commission will:

- Submit this report to the Review Group on 24 January 2020
- Meet again on Thursday 13 February to consider particular legal duties on Local Authorities
- Continue to refer to our vision of 'good law' and how our ideas and recommendations match it
- Further develop and consult on our 'Duty to Ask' and how it might work in practice.

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