



ALL IN FOR CHANGE

Prevention Commission: Meeting 2
February 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 Change Team, are motivated to drive forward the change needed to make real and lasting on-the-ground progress.

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.



WHAT DID WE COVER?

The Commission looked at the differences between existing legal duties on local authorities depending on whether a household is homeless or threatened with homelessness, using our vision of Good Law to better understand their strengths and limitations and how they might apply to a future legal prevention duty.

When a household is assessed as homeless a local authority can discharge its legal duty into:

- A **Scottish Secure Tenancy** (or Short SST in certain circumstances) in the social rented sector; or
- A **Private Residential Tenancy** in the private rented sector.

Whereas if a household is threatened with homelessness (within 2 months) a local authority must:

- Take “**reasonable steps** to ensure that accommodation does not cease to become available”;
- Find alternative accommodation if this is not possible;
- “**act quickly** to prevent homelessness occurring” and “**intervene as early as possible**”

When comparing the different sets of duties with each other and against the factors that make good law, we considered:

- That while legal duties when a household is homeless may be **clear** and **accessible**, they may also create a level of inflexibility that can mean they are not always **effective**;
- That the existing duties when someone is threatened with homelessness, while intended positively, are too vague and undefined, meaning in practice they are too often **unclear**, **inaccessible** and **ineffective**.



BALANCING HOUSING SECURITY AND HOUSING CHOICE

At the first meeting of the Commission there was a discussion about the tension between legislation designed to cover 'generic' situations and the growing recognition of the need to ensure people have choice and control in their own lives:

Building from this members of the Prevention Commission began a conversation about striking the right balance between ensuring housing security for people at risk of homelessness, while also integrating more housing choice.

And to aid these discussions a few principles underpinning our vision of choice were identified, including that:

- Everyone's housing choices are limited to some degree or another by a range of different factors and it is normal for people to make decisions about everyday compromises about what will work best for them;
- The housing choices people make are rarely unrealistic– if they don't match available housing options it is because the options available are not enough and not because people are asking for too much;
- It can feel counterintuitive that people in the greatest housing need often have fewer housing options, but striking the right balance between choice and security can be tricky and feel conflicting.

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

Prevention Commission
January 2020



CONSIDERATIONS FOR THE PREVENTION DUTY REVIEW GROUP

The Prevention Commission would like to see further consideration of legal duties that strike the right balance between housing security and choice, taking account of a few important factors:

- That for the activity to meet a prevention duty to be meaningful the 'threatened with homelessness' period needs to be longer than 2 months to ensure we allow enough time for people to be supported to make positive decisions when they are not in 'crisis mode';
- That specifying as broad a range of housing options as possible within the new duty would be a positive step forward, while also thinking carefully about a potential minimum time period that the housing needs to be available for. While this is important to maintain security, we need to be mindful of not creating something arbitrary that negatively impacts flexibility and choice;
- That there remains much to learn from the local delivery of Housing Options that could inform potential legal duties to assist people, where possible and positive, to remain in their current home.

NEXT STEPS

The Prevention Commission will:

- meet again on Thursday 12th March 2020 to consider potential legal duties on Health & Social Care, further testing our assumptions about a 'Duty to Ask';
- continue to consider the balance we want to achieve between housing security and housing choice.

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