

CONSULTATION ON A MINISTERIAL STATEMENT FOR MODIFYING LOCAL CONNECTION REFERRALS IN SCOTLAND (OCTOBER 2020)

Submission by Homeless Network Scotland

Homeless Network Scotland is delighted to make the following submission

We would be happy to supply any further information as required.

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1. INTRODUCTION

Homeless Network Scotland continues to support the relaxation of the rules governing local connection referrals in Scottish homelessness legislation. The forthcoming Ministerial Statement setting out the terms by which local connection will be modified, the proposed suspension of referrals for local connection, and future monitoring arrangements is an important step forward in removing some of the barriers people affected by homelessness still experience in getting what they need.

While the numbers of local connection referrals has been relatively small, it remains important that we do not overlook their impact on people experiencing homelessness, and the increased risk of rough sleeping created if people do not feel they are in a position to return to an area they are assessed as having a connection to.

In preparation for responding to this consultation we have had conversations with our members and partners, including people with lived experience of homelessness through the All in for Change Team and the Glasgow Homelessness Involvement and Feedback Team (GHIFT), and their priorities are incorporated in our response.

2. RESPONSE TO CONSULTATION QUESTIONS

- **Suspension of Local Connection Referrals in Scotland**

This consultation is an important opportunity for us to reaffirm our strong commitment to the suspension of local connection referrals in Scotland. As an organisation we have supported the suspension as first recommended by the Homelessness Task Force and continue to support it through the work of the Homelessness and Rough Sleeping Action Group.

The Scottish Government's position, that better housing outcomes are more likely to be achieved through increased choice for the households affected, rather than a strict application of a legislative test, is one that we endorse. Our recent work with the Prevention Commission – a group of people with personal and frontline experience of homelessness tasked with working alongside the Prevention Review Group as new legal duties to prevent homelessness in Scotland are developed – has further reinforced our view that legislation can be too often balanced in favour of strict rules that allow little flexibility for people to weigh up the options in front of them and make their own decisions (with support and advocacy where required).

Creating more opportunities for households experiencing or at risk of homelessness to have choice and control over the housing and support options that are the best for them is a primary priority in everything we do. In terms of local connection referrals, offering people choice over where they live should not stop at local authority boundaries. And the simplicity of suspending rather than reforming the referrals is particularly important for people who would be entitled to seek homelessness assistance in a new area as a result of their experience of violence, but who are not able to 'prove' their experiences. Too often they leave their interaction with statutory services feeling that they have not been believed and that their experiences do not matter. Removing this burden is powerful and important.

We also understand that removing a legislative test intended to avoid increased demand for housing and support in other parts of the country will create a level of uncertainty for local authorities delivering

statutory services who may now have to plan for increased numbers of households entitled to homelessness assistance.

To allay any concerns, it is important that we take the time to understand the push and pull factors that impact people's decisions about where they want to live. For some, their active recovery from addictions means that they seek a fresh start in a new area to help protect their recovery and the move is based on positive motivations. In these situations someone may move to an area knowing no-one at all and it is crucial for the local authority and their partners to be alert to potential loneliness and isolation that may put at risk people's recovery and tenancy sustainment.

And others feel they must move somewhere new because of a lack of services in their area, including local recovery networks. If we want people to not feel 'pushed' to leave their local authority area because they cannot access the mental health and addictions support that they need then further consideration is required at a community level to ensure that people don't need to choose between an area they would be happy to live in and the help and support they need.

As a final point, it is worth noting that while the suspension of referrals is a positive step forward, it does raise implications for other statutory functions, such as Child or Adult Protection duties, that are generally situated at a local authority level. Removing barriers to moving across local authority boundaries may create issues for the delivery of these duties and should be fully considered as part of our collective planning for legislative change.

- **Content of Ministerial Statement**

We broadly agree with both the proposed circumstances for modifying local connection referrals, and the general criteria by which the power to modify will be exercised. And while we wouldn't offer any specific amendments to the proposed content, we would suggest that striking the best balance between the positive impact that it is possible to achieve for people experiencing and at risk of homelessness, and the potential risk to local authority service provision is important for the Ministerial Statement.

Any legislative change will create a sense of uncertainty until the new way of working is fully and successfully embedded. And while we recognise that potential risks do exist, they are not inevitable. Framing the statement to centre the experiences of people who are homeless (or at risk of) under the current legislation, and the steps we can take to prevent the areas of concern becoming reality is of particular importance.

- **Monitoring the Impact of the Suspension of Local Connection Referrals**

The proposed factors to assess whether the capacity of a local authority to meet its homelessness and housing duties is being adversely affected by the suspension of local authority referrals are comprehensive and strike a positive balance between regularly collected statistics and a more qualitative understanding of the potential risk to sustainability.

We agree that HL1 data will play an important role, but would also suggest that the 5 regional Housing Options Hubs can play an important role in helping to reach a common definition of when the sustainability of tenancies and the ability to prevent homelessness is at risk, and regularly sharing their experiences with other local authority partners and the Scottish Government to help highlight any challenges in advance of statistical data becoming available.