

**THE HOMELESS PERSONS (UNSUITABLE ACCOMMODATION) (SCOTLAND)
AMENDMENT ORDER 2020 – DRAFT GUIDANCE (OCTOBER 2020)**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 extension of the Unsuitable Accommodation Order and welcomes this next step in the journey of equalising the legal rights of homeless households across the country. And we welcome the updated draft guidance, clearly strengthened by the feedback from the first consultation.

2. COMMENTS ON DRAFT GUIDANCE

- **Strengths of the revised draft guidance**

We welcome the placement of the revised Unsuitable Accommodation Order firmly within the context of local Rapid Rehousing Transition Plans, sending the clear message that the most sustainable way to avoid breaches of the revised Order in the long-term is reduce the need for temporary accommodation in the first place, and to prioritise planning for people to move into their settled homes as quickly as possible.

The explicit addition of accessibility to the definition of what is suitable accommodation is a welcome amendment to the revised guidance, adding strength and clarity.

The revised guidance makes a clear, unambiguous statement that shared tenancies, community hosting, and rapid access accommodation are never suitable for households with children, pregnant women, or households where a person exercises parental rights in respect of a child who is not part of the household. This is positive as it creates no space for uncertainty for staff interpreting the guidance.

Setting a maximum number of people who can be housed in a shared tenancy is welcome, and the clear reference to where HMO regulations come into play is clear and easy to understand. These amendments to the guidance have responded directly to previous questions about how many people could share the accommodation, and what facilities people could expect to share. The provision of case studies and guidance on the matching process are also useful within the revised guidance.

On Rapid Access Accommodation, the clarification that the person does not require a full homelessness assessment before being placed there is an important improvement to the guidance. And the clear statement that a private, lockable bedroom is a requirement for all residents helps distinguish rapid access accommodation from dormitory-style shelter accommodation.

- **Further clarification within the draft guidance**

Safety of Children

Paragraph 3.5 (page 10) refers to providing accommodation to households containing children and states that “a local authority must be satisfied that overall, the accommodation does not pose a significant risk to the safety of children.” While we understand the subsequent statement that reaching such a decision will require local authorities to use their judgement, further clarification of the kinds of scenarios that constitute an acceptable level of risk to children (so as not to be deemed “significant”) that are clear and understandable would be an important addition to the guidance.

Out of Area Placements

Paragraphs 3.11 to 3.14 deal with the management of out of area placements and makes clear that there are limited circumstances where it would be appropriate for households to be accommodated outwith the local authority, and may indeed be the express wish of the household. There will certainly be cases where this is true, and the guidance could be made clearer by setting out how consent for such placements is given and recorded.

Definition of Locality

The section dealing with the definition of 'locality' is important, and paragraph 3.17 states that it will remain open to interpretation and vary across local authorities. The checklist provided is useful, and the guidance could be made clearer and stronger through an explicit reference to involving the homeless household in a discussion about what is reasonable for them, allowing them to weigh up and prioritise the different factors included in the checklist.

And paragraph 3.18 states that it is for a local authority to determine what is reasonable in terms of accommodating households who have experienced domestic abuse in a different area. Again, we would note that the homeless household should be fully involved in determining whether being accommodated in a different area is reasonable for them.