



# **Response to the Scottish Government's consultation on new duties to prevent homelessness**

## Our interest

Everyone Home is a collective of 36 third sector and academic organisations who came together in 2020 to mitigate the impact of the pandemic on the scale and experience of homelessness in Scotland. We span frontline services, accommodation, legal services and include intermediary, knowledge-based and campaigning organisations. Some members of Everyone Home were members of the Prevention Review Group and therefore involved in developing the prevention duty proposals, and some members are also active in the Homelessness Prevention Strategy Group – the national strategy group to end homelessness in Scotland.

Preventing homelessness must be a priority in Scotland in 2022 and homelessness recognised as a symptom of wider structural issues including poverty, health inequalities, poor quality unaffordable housing and experiences of trauma and abuse.

Everyone Home therefore warmly welcomes the Scottish Government’s commitment to transform the system to ensure that people get the help they need much sooner and ensure that far fewer people have to experience the trauma of homelessness. We strongly support the position that new legislation is needed to ensure that local authorities and other public bodies are clear about the absolute minimum they are required to do to prevent and end homelessness and, crucially, that people threatened with or experiencing homelessness know this too. We strongly support the majority of the proposals put forward by the Prevention Review Group and have set out more detail below. We believe that further discussion and evidence is required on one aspect of the proposals and that Scottish Government needs to focus on this before the legislation is drafted – more detail on this is below.

## The Prevention Commission

Commitment to continued involvement of people with frontline and lived experience of homelessness as the proposals are developed and plans implemented will be an essential part of ensuring success. The Change Team, people with frontline and personal experience of homelessness, has discussed the proposals and has submitted a separate response



[Prevention Commission](#)



# In support of the proposals

We strongly support the Prevention Review Group principles that effective homelessness prevention requires involvement of wider public services, individual choice and control, and homelessness prevention obligations commencing six months before.

## We agree that:

- Households threatened with homelessness within the next 6 months should receive the support they need to prevent homelessness.
  - Preventing homelessness needs greater involvement from other parts of the public sector and we support the proposal that the wider public sector should be required to 'ask' about housing and 'act' to prevent homelessness.
  - The language around 'ask and act' is clear and powerful and could help people understand their rights and responsibilities – both those at risk of homelessness and the operational staff working with them. Straightforward actions need to be developed in the legislation which clearly set out what needs to be delivered by which services.
  - There are particularly strong links between health and social care and housing issues, and health and social care services have a particularly important role in preventing homelessness. Any proposals for the next stage of the National Care Service should be designed to strengthen the ability of services to provide support which recognises those links.
  - No-one should ever be discharged from institutions without anywhere to sleep that night. Ideally longer-term plans should be in place before discharge to support transitions from institutions into accommodation.
  - A local authority should only be able to discharge the prevention duty once *suitable* accommodation has been identified. Having a detailed and enforceable definition of suitability would be a major step forward.
- The requirements listed in the suitable accommodation definition should be the *minimum* requirements and should provide people with stronger rights to appropriate accommodation than currently exist.
- Housing organisations have a significant role to play in preventing homelessness, particularly through early identification of people at risk of homelessness and actions they take to reduce this risk.
  - The reasonable steps required to prevent homelessness should be set out in legislation, so that local authorities and individuals understand their rights and responsibilities.
  - There must be a documented discussion with the applicant about their preferred housing options so they can make an informed choice about what accommodation is right for them.
  - The legislation needs to support the delivery of person-centred services and clear housing outcomes set out for people threatened with homelessness.
  - Duties to prevent homelessness should build on the current housing options approach.
  - Specific and detailed consideration needs to be given to preventing women and children experiencing domestic abuse from becoming homeless, as set out in the proposals. This should be taken forward in collaboration with the Implementation Group delivering the [prevention pathway](#) which covers a range of recommendations relevant to these proposals.

## Culture change and joint working

We consider that considerable culture change will be required across the public sector to support effective implementation of the legislation and successfully prevent homelessness. Strong national leadership will be required to create these changes and support joint working.

- Sufficient resources must be made available to avoid increased pressures on already stretched services leading to longer waiting lists.
- The right staff, and the right package of: rolling training programmes with a focus on trauma informed services; strong clear and comprehensive statutory guidance; and sufficient resources. This would drive culture change and build understanding to support effective implementation and delivery of the new legislation.
- There is already good practice in homelessness prevention and joint working between local authorities and housing organisations, and between local authorities and health services – legislation would help ensure all services were delivering at this level. New legislation and guidance needs to build on what is already being done and encourage sharing of good practice.
- Service planning and delivery in homelessness prevention must be informed by understanding of the different routes into, and experiences of, homelessness by different groups with particular consideration given to protected characteristics.
- The homelessness sector has considerable skill and experience in providing accessible, person-centred services, on the importance of trust and relationships, on sensitive approaches and providing outreach – all of which could help other parts of the sector make changes to their services.
- Experiences in England and Wales will be valuable in developing the requirements in Scotland.

## Package of proposals

The Prevention Review Group intended the proposals to be taken forward as a complete and balanced package – they have considered how the proposals interact. It will therefore be important for the Scottish Government to consider the intention of each proposal and its role across the package as well as the specific wording of the proposals as decisions are taken about next steps.



# Further consideration

We ask that the Scottish Government give more consideration to a number of areas.

- We want the Scottish Government to commit to developing legislation and guidance that prevents households being evicted into homelessness. We will be responding to the New Deal for Tenants consultation with the same message.
- People are in the best position to identify the best housing outcomes for their households, and we support the principle of choice and control being with people themselves. It will be vital that the legislation ensures people are able to make the right decisions for them, with support and advocacy when needed, and that they do not feel under pressure to make decisions where they don't fully understand the implications. This should be supported by rights to review and appeal at all relevant stages of the process, as recommended by the Prevention Review Group.
- The proposals around non-standard housing options were intended to ensure people at risk of and experiencing homelessness can access the same housing options as everyone else.

Some group members have significant concerns about the introduction of accommodation options which do not necessarily have security of tenure (see below). It will be important to fully consider the implications of these proposals to ensure that any safeguards are sufficient to both further improve people's housing rights and enable informed choice.

- The proposed rights to review and appeal are a central part of the package and full consideration must be given to how this will be resourced.
- Expanding the definition of public bodies to include those housing providers contracted by Home Office to provide asylum support accommodation under s98,95 and s4 Immigration & Asylum Act 1999.
- We would also want to see the duty on public bodies to prevent homelessness extended to the Home Office, similar to the duty on the Ministry of Defence to refer, under the Homelessness Reduction Act (2017).



# In summary

Our collective came together specifically on the issue of preventing homelessness during the pandemic.

And so, we are energised by the transformative nature of the Scottish Government proposals to 'go upstream' on this and to:

- Stop homelessness before it happens and the damage it causes to individuals, couples and families.
- Install a broader collective duty to intervene earlier.
- Extend the responsibility to prevent homelessness across more shoulders and organisations that people connect with.
- Ensure people have choice and control on housing options.

And by doing so, seek to:

- Reduce the pressure on councils' housing and homelessness departments.
- Provide greater flexibility for local councils, coupled with stronger scrutiny, to ensure that household's choices and their needs are paramount.
- Further protect people who currently make their own housing arrangements.
- Increase the security for people who rent from a private landlord (currently no minimum legal tenancy duration).

**As a collective, it is also our responsibility to highlight one aspect that we believe needs more empirical evidence, analysis and discussion.**

The Prevention Review Group recommended that the same range of accommodation options should be available for people who are *threatened* with homelessness, as for people who are *statutorily*<sup>1</sup> homeless. The proposals were made in this way because accommodation needs are ultimately the same, and to avoid creating a perverse incentive for people to apply as homeless in order to receive different accommodation.

As the law stands, a local council will have discharged its duty to someone who is *statutorily* homeless when it has made one reasonable offer of settled accommodation, usually a social or private rented tenancy. For those threatened with homelessness, there are no current accommodation outcomes in the law.

There is a fundamental difference of opinion among the Collective on this aspect of the proposals which is in two parts: firstly, whether there should be the same housing options for people threatened with homelessness and people who are already *statutorily* homeless, and, secondly, whether the maximal housing options proposed (widening accommodation options to include some new options without security of tenure) are the right ones. This proposal is either viewed as increasing housing options or reducing existing housing rights.

Even among a collective of organisations with a primary interest in these proposals, it was not possible to reach a depth of detail on the scope and merits of this fundamental part of the proposals. Therefore, we ask the Scottish Government to dedicate time before the legislation is drafted to undertake a debate to examine this particular aspect of the proposals in full depth, including consideration of the ethics, the evidence and the broadest range of informed views.

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<sup>1</sup> In terms of the broad legal definition employed, statutory homelessness includes many people who still have some form of accommodation – [Code of Guidance 5.3](#)



## About The Collective

Everyone Home is a collective of 36 third and academic sector organisations that have come together during the COVID-19 pandemic to mitigate the impact of the pandemic on homelessness in Scotland. Read our framework at [www.everyonehome.scot](http://www.everyonehome.scot) and join us on social media at #EveryoneHome

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