

Fair Way Scotland evaluation: year one

This briefing summarises the key findings from the first-year evaluation report of Fair Way Scotland – an action learning partnership which aims to design out destitution for people with restricted eligibility for state support or subject to No Recourse to Public Funds in Scotland. You can [read the full report here](#).

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Recommendations:

The UK Government must

- End destitution by design within the immigration and asylum systems and commit to an urgent change of course. No-one should ever be destitute in the UK.
- Enable local and devolved Governments to provide a basic safety net for all, regardless of immigration status, through revised guidance and adequate funding.

The Scottish Government should

- Assert clearer political leadership on this issue: that Scotland does not tolerate people being forced into rough sleeping, destitution, and other harms as a result of UK policy. Build on the emphasis in the Green-SNP cooperation agreement, which had better support for people subject to NRPF, as a priority.
- Convene and engage independent funders, housing providers, local authorities, and health partners to help anchor and scale Fair Way. All partners' contribution will be needed if we are to end destitution and homelessness for all.

Local authority and health partners should

- Maximise their powers consistently to step in and support all those they can, who have No Recourse to Public Funds or other Restricted Eligibility – to minimise the scale of the challenge facing Fair Way partners.

Background

Fair Way Scotland (Fair Way) is an action learning and delivery partnership of third sector organisations, which aims to design out destitution and homelessness for people with no recourse to public funds (NRPF) or restricted eligibility (RE) for welfare and housing support in Scotland.

Fair Way emerged from the Everyone Home Collective – a wide group of third sector and academic sector organisations who came together during the pandemic to protect the progress made in ending homelessness, which saw groups usually excluded from assistance accommodated on public health grounds.

Key delivery partners are Scottish Refugee Council, Simon Community Scotland, Turning Point Scotland, and Refugee Survival Trust – supported by Homeless Network Scotland (partnership secretariat and budget management) and learning partners Heriot-Watt University and JRF. Safe in Scotland, originally the fifth delivery partner, merged with Simon Community Scotland in 2022.

Specialist legal expertise (second tier advice to experienced advisors) is commissioned from a coalition of legal firms: Just Right Scotland, Latta & Co, Legal Services Agency and Shelter Scotland.

COSLA and Scottish Government are also key strategic partners, committed to working with Fair Way as part of their commitment to Ending Destitution Together (COSLA and Scottish Government, 2021) and Ending Homelessness Together (Scottish Government, 2020).

The Fair Way service model involves an integrated offer of four key elements:

- A safe place to stay, primarily in shared or single community flats.
- Cash payments for people in Fair Way accommodation.
- Specialist legal advice, casework and advocacy.
- Practical and emotional support, advice and information.

Core to the theory of change is that individuals will be better able to benefit from legal advice, advocacy and support (and thus able to resolve their immigration issues, access employment where permitted, and/or access statutory support) when they are safely accommodated and not destitute.

Context

Current UK Government immigration policy (a reserved matter) is a key driver of homelessness and destitution for this group. Given the ramping up of the ‘hostile environment’ evident in the direction of UK immigration policy, there appears to be little prospect of positive change in the short to medium term. In fact, stakeholders

reported anticipating greater levels of destitution and homelessness among people coming to the UK, if the Illegal Migration Bill passed in its current form, given it disallows asylum applications for people who arrive via irregular routes. With minor amendments, that Bill has now passed (UK Government, 2020).

As well as driving homelessness and destitution, UK immigration policy limits the capacity of Scottish Government and local authorities to prevent and respond to the needs it creates.

Local authorities are legally constrained from assisting ineligible groups under, for example, homelessness legislation, though they are able and sometimes obliged to assist under social work legislation where there are safeguarding concerns. This applies to households with children but can also apply to adults in vulnerable circumstances, although the threshold for care and support can be high (COSLA and Scottish Government, 2019).

Recent research (COSLA, 2023)ⁱ (Centre for Migration, Policy and Society, 2023) highlights the vital role councils already play in preventing destitution for those groups with NRPF/RE to whom they owe a statutory duty, with local authorities spending at least £5.9 million supporting over 800 cases with NRPF in 2021/22. Most of this expenditure relates to accommodation costs. The research acknowledges the total costs represent an under-reporting of need and support.

COSLA Community Wellbeing Spokesperson, Councillor Maureen Chalmers, commented:

“There is now a need to monitor this data over the coming years and continue advocating with Scottish and UK Government on resourcing to support councils and our communities to mitigate destitution and associated harms. COSLA will be using this data to better understand the impact of planned policy changes such as the Illegal Migration Bill on vulnerable households and local services.”

Evaluation approach and research questions

The evaluation will run for three years and seeks to answer the following questions:

- What are the aims of Fair Way Scotland and how does it intend to achieve them?
- To what extent is Fair Way being delivered as intended and what has helped/hindered?
- What outcomes, if any, are being achieved for individuals – what is and isn't working for whom, and why?
- What wider outcomes, if any, are being achieved – such as policy, practice or wider system change – what is helping/hindering?
- How much does Fair Way cost? What can that tell us about the broader costs and benefits of an alternative approach?

The mixed methods evaluation design involves three key elements:

- **A user profile and outcomes evaluation** – exploring the circumstances of and outcomes achieved for individual clients, through a quantitative survey of people using Fair Way services and 60 qualitative longitudinal interviews.
- **A process and systems impact evaluation** – exploring policy, practice and system-level change via focus groups and interviews with local, regional and national stakeholders, including frontline workers supporting people with NRPF/other RE directly.
- **An economic analysis** - understanding the total costs and benefits of Fair Way Scotland via economic analysis, including estimates of the cashable savings or cost avoidance it may generate (for example, enabling people using Fair Way services to access work, avoid homelessness, improve their general health and wellbeing, and avoid public service use). We will explore this principally in Years two and three.

The evaluation design was developed before the mobilisation of Fair Way, and assumed many of the people using Fair Way services would be being accommodated. The design involved the completion of a comprehensive survey, at the entry point to Fair Way services and at the exit point, supported by on-site staff.

Delivery has differed in practice – requiring both the evaluation approach and the survey to be re-designed to work effectively on the ground, in services under pressure. This has impacted the collection of outcomes data and the development of the economic analysis in year one.

This first year evaluation draws principally on data held by the partnership and twelve key stakeholder interviews in March and April 2023 (six statutory and six third sector).

Key findings

Positioning:

- There is a strong shared vision among partners and wider stakeholders of the individual level aims and rationale for Fair Way – principally, preventing and relieving homelessness and destitution for people without statutory rights to support.
- The aims are ambitious, and the partnership represents a major step forward in sustaining an organised cross-sector approach to understanding and addressing the needs of people with NRPF/RE. The partnership offers a stronger collective voice and mutual support to people working in a challenging area, where positive outcomes for clients can be difficult to achieve.
- Fair Way secured £873,000 a year from the Oak Foundation, Robertson Trust, Scottish Government, City of Edinburgh Council and JRF (against an original

delivery plan target of £1.8 million). A minimum, viable operation plan was agreed to proceed which focused service delivery in Edinburgh, Glasgow and Aberdeen.

- Together with guidance from COSLA and ‘healthy challenge’ from the voluntary sector, Fair Way has shone a helpful light on the needs of, and obligations to, people with NRPF/RE. It is testament to the work of the partnership that all relevant local authorities, Scottish Government, COSLA and others have come together and remained engaged.

Partnership:

- Wider stakeholders outside the core partnership (including national and local government), value Fair Way as a single forum and interface with collective, independent expertise that they can engage with; as a means of hearing first-hand about issues on the ground and exploring the statutory partners’ role in potential solutions.
- Local authorities vary in the extent to which they are willing or able to act to prevent and alleviate destitution and homelessness for this group. Some are continuing to accommodate people on public health grounds, not taking enforcement-based approaches to move on from such accommodation, and interpreting obligations to assist on safeguarding grounds, as broadly as possible.
- Key stakeholders expressed different views about the contribution of the Scottish Government to the Fair Way agenda. While some were of the view that Scottish Government are operating right up to legally permitted limits, others felt they could play a more active convening role. For example, by communicating their inability to fund accommodation costs, but their strong desire for independent funders to do so and supporting Local Authorities to maximise the use of their powers on a consistent basis.
- There was still insufficient understanding among health partners regarding the ability of people with NRPF to access their services, despite clear policy and guidance in this area.
- Social landlords can and should be encouraged to allocate accommodation to people in need of Fair Way services – their appetite to support Fair Way is currently under-explored.

Population:

- Fair Way partners have demonstrated that it is possible to protect people from the most severe harms, by regularising people’s immigration status and re-attaching them to forms of statutory support and/or directly providing accommodation and financial assistance.
- It is too early in the roll-out of Fair Way to assess outcomes and impact data. However, there are already interesting insights emerging about the scale and nature of the client group – including new groups for whom it is especially difficult to prevent homelessness/destitution, such as post Brexit European Economic Area (EEA) arrivals, Roma with no interest in voluntary return, and groups with complex needs.

- For these new groups, there is an especially heightened risk of being pulled into the ‘black economy’ and being exploited (e.g., through modern slavery).
- Fair Way Scotland have mobilised in Glasgow, Edinburgh and Aberdeen so far, reflecting where demand is most acute. While necessary given the funding made available, there have been important trade-offs with this approach (such as losing national coverage and access to less pressured housing markets).
- **1,205** individuals accessed Fair Way services in the first year of operation (April 2022 to March 2023). 730 (two thirds) of whom were supported on an ongoing basis (beyond one-off advice from the Scottish Refugee Council helpline).
- Of those moving beyond the helpline into direct casework and support, there is a relatively even balance between people who are Appeal Rights Exhausted (ARE) asylum seekers (**352**), and EEA nationals with restricted eligibility (**372**) accessing Fair Way services.
- The ARE asylum seekers accessing Fair Way are concentrated exclusively in Glasgow, with EEA nationals dispersed across Edinburgh, Glasgow and Aberdeen. This distribution reflects the known geographic concentration of these groups but may to some extent also reflect service availability. We expect this may change as asylum dispersal now extends beyond Glasgow.
- The delivery plan makes clear that there are other groups who also have NRPF (such as visa overstayers and people who entered on a spousal visa and have subsequently separated from their partner). Stakeholders suggested these groups are being signposted to specialist services: we will be exploring this in future reports.
- Very small numbers of people have been accommodated by Fair Way so far: all are in Glasgow and receiving linked cash payments. **Six people** have been accommodated in four flats (five rooms) in year one.

Operating Environment:

- Fair Way launched into an acutely challenging context. UK immigration law actively generates homelessness and destitution among this group and minimises the ability of statutory partners to prevent or alleviate it.
- Ending this destitution requires the UK Government to reduce the use of and harm created by NRPF/RE policy directly or by enabling local authorities and devolved administrations to respond to the needs it creates. Given the continued ramping up of the ‘hostile environment’, there is more work to do to articulate how that might be achieved in practice.
- The large-scale arrival of households displaced by the war in Ukraine significantly exacerbated an already challenging housing market and made it more difficult to procure accommodation for this group, most acutely in Edinburgh. Ukrainians are not subject to NRPF and are eligible for support via the benefits and homelessness systems in the UK.

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- At the time of stakeholder interviews ‘negative cessations’ were expected to begin imminently in Glasgow. This is the ending of support to individuals accommodated by the Home Office on public health grounds during the pandemic but who are no longer eligible for that support (for example, because they have been refused asylum, are appeal rights exhausted, have no children and/or have not successfully applied for section 4 support). One key stakeholder reported that over 300 people were currently at risk of eviction from Home Office accommodation.

Resources:

- Securing and mobilising accommodation has been an on-going challenge. While the stepping down of local authority and Home Office accommodation provided to people with NRPF on public health grounds has, at least so far, been gradual, the imminent increase in evictions likely in the coming months further exacerbates the immensely challenging context Fair Way and partners face.
- With fewer clients getting the ‘full service’ including accommodation, there have been implications for the budget, for the balance of staffing and the evaluation approach has needed to adapt.
- The realities of partnership working during year one of implementation have undoubtedly been difficult in the context of scarce resources and an acutely challenging wider environment. External partners, especially funders, could play a useful role in enabling effective collaboration.

Year one summary of activity: April 2022 to March 2023

1a. Total number of people who used Fair Way Scotland services during this reporting period:

| | Partner organisation | | | | Total people, year one |
|---------------------------------|------------------------|--------------------------|--------------------------|------------------------|------------------------|
| | Refugee Survival Trust | Simon Community Scotland | Scottish Refugee Council | Turning Point Scotland | |
| Total people using each service | 5 | 351 | 832 | 23 | 1,211 |
| Total individuals | ↓ | ↓ | ↓ | ↓ | 1,205 |

1b. For whom the following services were provided:

| Service component | Glasgow | Edinburgh | Glasgow | Edinburgh | ARE | EEA | Aberdeen | |
|---|---------|-----------|---------|-----------|-----|-----|----------|----------------------------------|
|  Community flats with housing support | 2 | 0 | 4 | 0 | | | 0 | 6 people in 4 flats with 5 rooms |
|  Telephone helpline | | | | | 831 | 1 | | 832 |
|  Support and advice (EEA) | | | 60 | 291 | | | 21 | 372 |
|  Casework (ARE) | | | | | 352 | 0 | | 352 |
|  Cash payments | 5 | 0 | 1 | - | | | 0 | 6 |

Key considerations

Accommodation

Accessing accommodation has been a central challenge for Fair Way Scotland.

While Fair Way services provided case work support to hundreds of people with NRPF/ RE between April 2022 and March 2023, only six people have so far been accommodated in Fair Way funded flats, all of these in Glasgow, in accommodation run by the Refugee Survival Trust and Simon Community Scotland.

Some additional provision has been enabled by Maryhill Housing Association who came on board early with a commitment to use 10 of their flats for people using Fair Way services.

Fair Way has also funded a small number of short-term hotel accommodation placements in Edinburgh and Glasgow during cold weather. Fair Way partners do provide other accommodation to people with NRPF/RE that is not funded by Fair Way, with the largest provision here being congregate accommodation accommodating up to 17 people.

A number of barriers have stymied more rapid scaling of Fair Way accommodation.

Funding

Funding is a key barrier, and in particular a reluctance on the part of independent funders to finance accommodation for those without statutory rights. Doing so is extremely expensive because tenants cannot access benefit income to cover rents and liability can be on-going.

Independent funders tend to be more willing to fund advice provision. However, key stakeholders emphasised that even high quality and abundant advice provision cannot, on its own, effectively prevent homelessness and destitution for many of the Fair Way target group. Accommodation is essential, both to preventing homelessness, but also to maximising people's ability to engage effectively with that advice and wider support.

Stakeholders also recognised that partners' ability to utilise the funding that was secured for accommodation purposes had been hampered (see internal challenges below).

Wider pressures on housing stock

The small social housing sector in Edinburgh was already under intense pressure – seeing very high demand which intensified by the arrival of people fleeing the war in Ukraine. It became clear via the Fair Way Scotland Local Liaison Group that accommodating people using Fair Way services in social housing there, as was envisaged by the delivery plan, would not be an option.

Housing supply issues were less intense but still challenging in Glasgow and Aberdeen, with pressures in Glasgow also intensified following the war in Ukraine.

The willingness of housing associations to prioritise units for the Fair Way target group has not been fully explored. While it is legal for housing association to allocate stock to this

group, and this has been clarified, effectively communicating this to providers remains an important ongoing task.

Stakeholders also noted the high demand and competition for private rented sector units, including in Glasgow from Mears, the contractor responsible for accommodating asylum seekers on behalf of the Home Office.

Type of accommodation

The emphasis in the delivery plan was on the phasing out of congregate HMO or hostel-type provision in favour of more cost effective and desirable mainstream community-based accommodation. The lower level of funding secured for year one of Fair Way, however, made realising this phased approach more difficult and led the partnership to prioritise acquisition of new self-contained accommodation (putting the sustainability of pre-existing congregate accommodation in Glasgow at risk). These difficult trade-offs have been challenging to navigate.

The commitment to using mainstream community-based accommodation has meant that Fair Way partners have decided not to take up new opportunities to open congregate accommodation provision.

Internal challenges

Partners needed time to establish the policies, processes and agreed ways of working to make accommodation offered by housing associations available. This included allocating it efficiently and delegating the necessary housing management and support provision tasks to partners.

It also required clarity about what constituted a 'good enough' housing offer for this group (in relation to the location of the accommodation, proximity to travel, services, and so on).

An accommodation development plan has recently been created to clarify how newly secured units will be managed and how any homes, from existing commitments, can be drawn down when they become available. Increasing Fair Way accommodation provision will enable partners to embark on further fundraising activity to extend and enhance provision.

Impact on homelessness

The imperative for Fair Way to have accommodation available at scale, to deal with a critical lack of provision by local authorities and the Home Office on public health grounds, has not yet materialised. However, evictions from local authority accommodation in Edinburgh have now begun, and negative cessations affecting large numbers in Home Office accommodation in Glasgow are expected imminently.

Welcome Centres offering immediate access to single-room accommodation were established and in operation during winter 2022-23, run by Glasgow City Mission in Glasgow and Bethany in Edinburgh. People with NRPF/RE were able to access both Welfare Centres, and the respective services' annual reports (Bethany Christian Trust, 2023 and Glasgow City

Mission, 2023) indicate high usage from people with NRPF/RE as well as extensive partnership arrangements being in place to assist this group effectively. Nevertheless, positive move on outcomes for this group are especially hard to achieve. Bethany's annual report indicates stays of on average 18 days for people with NRPF (compared to nine nights for others).

Stakeholders reported that the Edinburgh Welcome Centre operated at full capacity during winter 2022/23, and in these circumstances, it is not clear that people with NRPF/RE (as well as others) would always be able to access emergency accommodation.

Despite these concerns, stakeholders in both cities were clear that rough sleeping levels remain (for the time being at least) low, and well below their pre-pandemic levels.

Cash support

Scotland seeks to prevent destitution, in part by providing cash payments of £50 per week to people residing in Fair Way accommodation.

Key stakeholders gave different explanations of the rationale for residence in Fair Way accommodation being a qualifying criterion. The policy of rationing access to these payments on the basis of accessing a component of the service model that partners cannot yet reliably supply (accommodation) seems ripe for review. Alternative means of brokering access to an (albeit necessarily limited) supply of cash support could, for instance, be developed based on an assessment of need.

The Scottish Government Hardship Fund administered by the British Red Cross was seen as a valuable form of support for people with NRPF/other restricted eligibility, but it was also noted that the application and administration process take time, and that quicker access would be valuable.

Stakeholders noted that paying a small number of lump sums over a three- to six-month period best suits people experiencing a short-term crisis, rather than persistent destitution, as is often the case for people with NRPF/RE.

Specialist legal advice and advocacy

Fair Way partners offer casework, support and advice from tier one advisers specialising in the asylum system (e.g. appealing asylum support decisions and supporting those who are appeal rights exhausted to engage effectively with their solicitors and work toward submitting fresh submissions to the Home Office) and EEA issues (supporting people to apply to the EU settlement scheme, providing rationales for late applications, and so on).

Tier two legal advice is available to support tier one case workers and provided by a consortium of legal partners (see Background section) – access to this specialist support was seen to be a particular strength of Fair Way Scotland.

Stakeholders reported concerns about the capacity and case load of the asylum-focused case work team, both currently but also in the context of anticipated increases in demand.

These are linked to legislative change at the UK level (the Nationality and Borders Act, the Illegal Migration Act) and, crucially, the anticipated start of negative cessations from Home Office accommodation. The evaluators heard concerns about the wellbeing of the case work team linked to these pressures and the challenging nature of their day-to-day work.

The scale of advice provision available to EEA nationals with restricted eligibility for benefits and homelessness support was not yet commensurate with demand. Glasgow based stakeholders reported that there was a three-week waiting list for support for this group, and the Aberdeen workers' case load was temporarily closed to new people using Fair Way services in Spring 2023.

Accessing Fair Way services

A helpline and online gateway hosted by the Scottish Refugee Council is the central means of accessing Fair Way services. However, historically the helpline has been used by asylum seekers/refugees, and stakeholders participating in this research were not confident that it is well enough known by, or promoted to, EEA nationals needing support.

This latter group, however, can access Fair Way services via other routes, namely street outreach workers, the Welcome Centres and walk-in crisis services run by Simon Community Scotland/ Streetwork. Stakeholders were of the view that the helpline could offer a wider and more effective route into Fair Way services for all groups if it is better communicated and promoted.

New groups whose homelessness/destitution is especially difficult to prevent or mitigate

Stakeholders identified specific groups within the cohort they were seeing whose homelessness and destitution was especially difficult to prevent or mitigate.

People such as so called 'post Brexit EEA arrivals' - not the primary group for whom the service model was designed, but who were excluded nonetheless from welfare and housing entitlements, not entitled to work, facing homelessness and/or destitution, and many of whom did not wish to return to their country of origin/Europe. Sustainable solutions to their circumstances were seen as incredibly hard to find.

Another group were EEA nationals with complex needs (including addiction) who were not viewed as well served at present.

Better access to flexible, low-threshold health and addiction services is likely to be important for this group, as well as access to employment and decent accommodation. Stakeholders noted that this group's circumstances improved during the provision of accommodation to all groups on public health grounds.

Key stakeholders noted issues around participation in the 'black economy' and people using Fair Way services exposure to exploitation. Stakeholders felt that at present there is very little they can do to address these issues, beyond advising people about their rights and entitlements, including in the case of asylum seekers that they are not legally permitted to work.

For this group, access to cash support might be particularly important to reduce engagement with exploitative and informal work. Future stages of the evaluation will explore the challenges facing particular groups within the Fair Way service user cohort, and how the service model might better address their needs.

Practical and emotional support, advice and information

This can be provided to Fair Way people using Fair Way services via two key routes: first, via housing support provided to people in Fair Way Scotland accommodation, and second, via case workers providing legal advice and advocacy.

While case worker support will be focused principally on people's immigration status (appealing a negative asylum application; delayed application under the EU settlement scheme, and so on), advice workers also play a crucial broader role in terms of direct provision of wider practical and emotional support. This can be advice and information in relation to health, housing, education and other needs, and by accessing support from other relevant services.

The staffing capacity across Fair Way providers in year one of the project is weighted towards casework, support and advice (spanning organisations/workers with expertise in EEA and asylum issues). The emphasis on support via case workers is obviously enhanced in the context of the low numbers being accommodated in Fair Way accommodation.

Future stages of the evaluation will explore the provision of practical and emotional support, advice and information via both of these routes more fully. It will look at their role in preventing homelessness and destitution, supporting people's engagement with legal advice and advocacy, and enhancing Fair Way service users' general wellbeing, health and use of wider services.

Future priorities for Fair Way Scotland

The evaluation report makes clear that preventing homelessness and destitution for those without statutory rights in Scotland **requires every tier of Government and civic society, especially health, housing providers and funders, to work together to maximise their contribution** – stepping in consistently to support people where they can and reducing the demand for Fair Way service support.

The evaluation has identified several specific priorities to be taken forward this year:

Strengthening the core Fair Way partnership

- **Creating more space for in-person collaboration** to invest in and deepen the core partnership on which success depends.
- **Clarifying who Fair Way is for and how to prioritise available resources.**
- **Accelerating mobilisation of and access to Fair Way-provided accommodation.**
- **Reviewing approaches to the dispersal of cash payments.**
- **Developing common internal data collection and reporting processes** and consolidating buy-in to the external evaluation.

Maximising the contribution of wider partners

- **Housing providers, health, independent funders and local authorities** all have a crucial role to play in helping meet the needs of people requiring Fair Way services more effectively. The Scottish Government have a key convening role to enable this.
- **Scottish Government should work with Fair Way in the development of the next Ending Destitution Together strategy, to ensure no loss of momentum. This should explicitly address areas of unmet need identified in this evaluation (including post Brexit arrivals and the likely impact of the Illegal Migration Act).**
- **Revise Scottish Government allocations guidance** (Scottish Government, 2019) or wider sector guidance (National Housing Association, 2020), to ensure that **social landlords are encouraged to allocate accommodation to Fair Way** and include a link to Fair Way Scotland for further information.
- **Fair Way should raise awareness of how to respond effectively to the needs of people with NRPF/RE amongst wider services** who may meet this group or be able to help e.g. foodbanks, family support services and translation services.

Notes

ⁱ It is understood that these figures, based on returns from 26 Local authorities are likely to be an under-reporting of need and support.

About the Joseph Rowntree Foundation

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