

Homelessness etc (Scotland) Act 2003: Implementation of Section 11

Introduction

Views are sought in relation to :

- the regulations on the form and manner of notifications to local authorities set out in Section 1 of this paper
- the statutory guidance to local authorities and the guidance to landlords and creditors set out in Section 2
- whether the paper addresses equalities issues
- the proposals for monitoring and evaluation of implementation of section 11

Information about you

Please complete the details on the Respondent Information Form below. This will help ensure we handle your response appropriately.

Name:

Martin Docherty Policy Officer

* Required

Organisation: (if applicable)

West Dunbartonshire CVS & Volunteer Centre

Postal Address:

Arcadia Business Centre, Miller Lane, Clydebank

Required

Post Code:

G81 1UJ

* Required

E-mail:

policy@w dcvs.com

Telephone Number:

0141 941 0886

**1. Are you replying as:
(please tick one box) *
Required**

- An individual (go to Q2a/b and then Q4)
- on behalf of a group or organisation (go to Q3 and then Q4)**

2a. INDIVIDUALS

Do you agree to your response being made available to the public (in Scottish Executive library and/or on the Scottish Executive website)?

- Yes (go to 2b below)
- No, not at all (We will treat your response as confidential)

2b. Where confidentiality is not requested, we will make your response available to the public on the following basis (please tick one of the following boxes)

- Yes, make my response, name and address all available
- Yes, make my response available, but not my name or address
- Yes, make my response and name available, but not my address

3. ON BEHALF OF GROUPS OR ORGANISATIONS

The name and address of your organisation *will be* made available to the public (in the Scottish Executive library and/or on the Scottish Executive website). Are you also content for your **response** to be made available?

- Yes
- No we will treat your response as confidential

4. SHARING RESPONSES/FUTURE ENGAGEMENT

We will share your response internally with other Scottish Executive policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for the Scottish Executive to contact you again in the future in relation to this consultation response?

- Yes
- No

Consultation Questions

Section 1

Q1: Is the form and manner of notifications of proceedings to local authorities clear to you from the information contained in these regulations?

- Yes
- No

Comment: Nevertheless, clarity is required as legal documentation may not be easily understood by officers without a legal background. Therefore it should be clear from the start which department of local authorities should accept the applications before sharing information internally with the appropriate support staff.

Q2: Do you believe that the information outlined in the Notice of Proceedings in Form 1 is sufficient to ensure effective implementation of section 11?

- Yes
- No

Comment: nevertheless, work must be undertaken to ensure that the language used is accessible to staff not used to legal frameworks across local authorities departments / RSL's / Other Agencies

Q3. Do you believe that the information outlined in the Calling –up Notice etc, in Form 2 is sufficient to ensure effective implementation of section 11?

- Yes
- No

Comment: Clarity is required as to which department or section of the local authority the document is to be submitted too, notes should be attached to indicate who and when the form will be dealt with.

Q4. Do you have any suggestions to make Forms 1 and 2 in the regulations more ‘user friendly’?

Comment: Use of plain English whilst retaining legal framework, with indications as to how the form will be processed with check and balances on the effective use of information to improve the situation of those facing eviction find themselves

Q5: Do you have any general comments or suggestions on the form and manner of the notification to local authorities from landlords and creditors as outlined in the regulations set out in section 1?

- Yes
- No

Comment: General layout is limited with out reference to work undertaken already by landlords to recover debts or outstanding payments. Cross referencing at this time may assist in the collation of information and possible support mechanisms that may be provided by the local authority homeless sections

Section 2

A) STATUTORY GUIDANCE TO LOCAL AUTHORITIES

Q6: Are you clear from the guidance at which stage local authorities should expect to receive the notification of proceedings?

- Yes
- No

Comment: This should be more specific with a detailed timeframes stipulated depending on legal requirements, this will allow landlords especially RSL's time to prepare for possible re-housing of tenants within their existing housing stock if required by legislation

Q7: Do you have any comments/suggestions in relation to local authorities ensuring landlords or creditors know where to send proceedings?

- Yes
- No

Comment: Additional interdepartmental work is required to ensure that all registered landlords such as though letting multiple occupancy tenancies have adequate knowledge of the process, furthermore adequate investment would require defined outcomes and measurable benefits to the wider community, such as sustainable communities, improvements in rent collections, cross sector working via Community Planning Partners via the voluntary sector in areas such as debt advice, social housing provision, mental health care, addictions and sector capacity building.

Q8: Is it clear from the guidance which information local authorities should expect to receive from landlords and creditors?

- Yes
- No

Comment: Though the information required is specific it has limited use for those who will deal with the outcome of eviction. The insertion of a section for information on work undertaken to secure payments etc and contact with support agencies so far should be included. This will assist in the future provision from local authorities and voluntary sector support services. Additionally, electronic notification has profound implications

for good governance and reliability of contact further consideration should be given to this issue and its effectiveness.

Q9: Is the guidance clear on what actions should be taken by local authorities when notification is received from landlords and creditors?

- Yes
- No

Comment: Though clear for local authorities, the guidance supposes that the outcome of homelessness will be dealt within local authorities, further consideration should be given to the role played by the voluntary sector and its key strategic role via Community Planning Partnerships. Early engagement of RSL's via local networks such as the Councils for Voluntary Service is key to developing strategic answers to organisational delivery of homelessness services, such as debit advice, social housing, and health services. Agencies should be mindful that sign posting is not effective partnership working.

Q10: Do you have any comments about the data protection issues raised in the guidance?

- Yes
- No

Comment: Though the data protection act has clear guidelines, authorities / agencies should be willing to work with key partners via Community Planning to engage in innovative statistical reporting thus enabling improvements in strategic planning.

Q11 : Do you have any general comments or suggestions you believe would strengthen the statutory guidance to local authorities set out in section 2?

- Yes
- No

Comment: Though a step in the right direction the statutory guidance lacks a strategic edge at a time when investment is being made by a range of partners through community planning, consideration should be given to including obligations within the guidance to co-ordinate working practices with other sectors i.e. voluntary sector RSL's, debit advice, addictions services etc through Community Planning Partnerships.

B) GUIDANCE TO LANDLORDS AND CREDITORS

Q12: Is it clear from this guidance what the duty of landlords and creditors under section 11 is and how it should be discharged?

- Yes
- No

Comment: Nevertheless, it is telling that under the proposed guidance local authorities shall be exempt whilst landlords especially RSL's will have to combat the double edge sword of proposed eviction and possible re-housing of problem tenants. The guidance should make specific recommendations to improve working practices within agency departments and relationships with RSL have to ensure a more equitable relationship and improve good governance across all social housing providers. Furthermore, clarity is required in relation to timescales and RSL's duties to re-house problem tenants, security of tenancy for homeless persons (who can be homeless for a range of reasons) though essential is also essential to the majority of tenants who suffer from anti-social behaviour and neglect full tenants.

Q13 : Is it clear from the guidance what the purpose of section 11 is and how landlords and creditors can contribute to and benefit from this?

- Yes
- No

Comment: The guidance should be realistic in advising what can be achieved by landlords etc by providing a list of work that should be undertaken before the process of eviction is started. Though sign posting is useful more targeted and strategic work has to be done to improve private landlords understanding of the legislation and its intent to improve the handling of evictions and other homeless issues

Q14 : Is it clear from the guidance what actions landlords and creditors can take to help prevent homelessness?

- Yes
- No

Comment: The notion that sign posting is a adequate service is unrealistic, especially as the majority of these services are provided by voluntary organizations. Additional sign posting without sufficient investment will continue to undermine the sustainability of organisations working to tight budgets and unable to recover full cost recovery via agency contracts. Further strategic consideration should be given to working with community planning partners to ensure a more equitable approach to procurement of advice services and capacity building for voluntary organisations

Q15 : Do you have any general comments or suggestions you believe would strengthen the guidance to landlords and creditors set out in section 2?

Yes

No

Comment:

EQUALITIES

Q16: Do you feel the proposals promote equality? If not, please give details of your concerns?

Yes

No

Comment: The guidance disappoints in its stereotypical approach to the issue of equalities. In addition to equalities in relation to information, additional work needs to be undertaken in relation to the role of equalities as they should underpin the nature of the work undertaken by partners developing the implementation of Section 11.

MONITORING AND EVALUATION OF IMPLEMENTATION

The Scottish Executive will consider carrying out a study on responses of local authorities, landlords and creditors to implementation of section 11. This will require local authorities to monitor implementation during the first year and provide this information to the Scottish Executive.

Q17 : Do you agree with local authorities be asked to monitor implementation in the first year and being asked to provide this information to the Scottish Executive?

Yes

No

Comment: Clearly defined outcomes will need to be identified strategically to ensure positive impacts in communities, community planning partners should be engaged at the soonest opportunity to ensure a cohesive and joined up approach to delivering services to those facing action especially voluntary sector providers via local CVS's.

Q18 Do you have any other comments or suggestions about the monitoring and evaluation of the implementation of section 11 ?

Yes

No

Comment: