

**HOMELESSNESS AND THE ABOLITION OF PRIORITY NEED BY 2012**

**CONSULTATION ON**

**MINISTERIAL STATEMENT REQUIRED BY SECTION 3 OF THE  
HOMELESSNESS ETC (SCOTLAND) ACT 2003**

**SCOTTISH EXECUTIVE  
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## **SECTION 1                      PURPOSE OF CONSULTATION**

### **What is the consultation about?**

1.        This consultation seeks views on the content of a statement to be made by the Scottish Ministers by the end of this year. The statement will cover the current situation and future action needed to meet the target that, by 2012, all people who are unintentionally homeless will be entitled to a permanent home (the 2012 target).

2.        Tackling homelessness was one of the first priorities of the Scottish Parliament after devolution. It was recognised that homelessness is a complex issue which has a significant impact on aspects of life which most people take for granted, such as good health, employment, children's education and welfare. Preventing and addressing homelessness is a key element in the Executive's drive to tackle poverty and disadvantage and to ensure a fair and equal Scotland and connects with other priorities such as tackling antisocial behaviour and building strong and safe communities.

3.        The Homelessness Task Force<sup>1</sup>(HTF) was formed shortly following devolution and one of its key recommendations was that the 2012 target should be adopted. This was enshrined in legislation in the Homelessness etc. (Scotland) Act 2003 (the 2003 Act). The 2003 Act also requires that Scottish Ministers prepare and publish a statement setting out how the target will be achieved.

4.        The statement will be based on the available evidence and will form the foundation for future work on achieving the 2012 target. This consultation sets out the range of evidence currently available. It asks for views on the evidence base as it stands, the coverage of the statement, interim objectives and future monitoring.

### **What is the purpose of the statement?**

5.        The Scottish Executive, local authorities and others are already working in partnership to prepare for the 2012 target. The statement will explain what progress has been made and future action needed to meet this common goal. The 2003 Act lays down what the statement must cover. It must specify measures which Scottish Ministers and local authorities (a) have taken, (b) are taking and (c) intend to take to ensure that local authorities can reasonably be expected to meet the 2012 target. The statement must incorporate the 2012 target and contain interim objectives. Scottish Ministers must keep the statement under review and may modify the statement at a later date, provided this modified statement is subject to consultation and is published.<sup>2</sup>

### **Why is it important?**

6.        The 2003 Act puts in place a framework to manage the process of meeting the target. The phased approach to meeting the challenge and a long-term target date allow time for it to be achieved. This was proposed by the Scottish Ministers in order to ensure that it could be

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<sup>1</sup> Members of the Task Force were: Scottish Executive, DWP, Communities Scotland, CoSLA, Association of Directors of Social Work, SFHA, Shelter Scotland, Scottish Council for Single Homeless, The Big Issue in Scotland, Greater Glasgow Health Board, University of Glasgow

<sup>2</sup> Section 3, Homelessness etc (Scotland) Act 2003 (asp 10) – see Annex A for full text.

implemented at a pace which is manageable and sustainable for local authorities<sup>3</sup>. The statement is central to the phased approach. It will assist central and local government in taking stock and planning future activity necessary to meet the 2012 target. The statement will advise the Scottish Parliament of progress being made towards the new homelessness duty.

7. Consultation on the statement is important so that the Ministerial statement can be as comprehensive as possible in setting benchmarks and provide an effective planning tool for the future.

### **Who should respond?**

8. All those with responsibility for strategic planning, delivery of and input to Homelessness Strategies in each local authority area, and local partners working with them, should respond to the consultation. It is vital that central and local government, along with local government partners, work together in harmony across range of policy areas.

### **Responding to this consultation and deadline**

9. We are inviting written responses to this consultation paper by **Friday 14 October 2005**. This deadline will be strictly observed and has been set to conform with the legislative requirement that the Ministerial statement be made by the end of 2005. Electronic responses would be preferred and should be sent to:

[homelessness@scotland.gsi.gov.uk](mailto:homelessness@scotland.gsi.gov.uk)

Alternatively, paper responses can be sent to:

Christine Bruce  
Homelessness Team  
Area 1-H(South)  
Victoria Quay  
EDINBURGH  
EH6 6QQ

10. We would be grateful if you would use the consultation response form provided at Annex E as this will aid our analysis of the responses received.

11. This consultation, and all other Scottish Executive consultation exercises, can be viewed online on the consultation web pages of the Scottish Executive website at <http://www.scotland.gov.uk/consultations>. You can telephone Freephone 0800 77 1234 to find out where your nearest public internet access point is.

12. The Scottish Executive now has an email alert system for consultations ([SEconsult: http://www.scotland.gov.uk/consultations/seconsult.aspx](http://www.scotland.gov.uk/consultations/seconsult.aspx)). This system allows stakeholder individuals and organisations to register and receive a weekly email containing details of all new consultations (including web links). SEconsult complements, but in no way replaces SE distribution lists, and is designed to allow stakeholders to keep up to date with all SE

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<sup>3</sup> stage 1 debate, Homelessness etc. (Scotland) Bill, 18 December 2002 – Official record, col 16454

consultation activity, and therefore be alerted at the earliest opportunity to those of most interest. We would encourage you to register.

### **Handling your response**

13. We need to know how you wish your response to be handled and, in particular, whether you are happy for your response to be made public. Please complete and return the **Respondent Information Form** attached at Annex F as this will ensure that we treat your response appropriately. If you ask for your response not to be published we will regard it as confidential, and we will treat it accordingly.

14. All respondents should be aware that the Scottish Executive are subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

### **Next steps in the process**

15. Where respondents have given permission for their response to be made public (see the attached Respondent Information Form), these will be made available to the public in the Scottish Executive Library by Friday 11 November. We will check all responses where agreement to publish has been given for any potentially defamatory material before logging them in the library. You can make arrangements to view responses by contacting the SE Library on 0131 244 4565. Responses can be copied and sent to you, but a charge may be made for this service.

### **What happens next ?**

16. Following the closing date, all responses will be analysed and considered along with any other available evidence to inform the Ministerial Statement on the abolition of priority need. We aim to issue a report on this consultation process at the same time as the Ministerial statement is made at the end of 2005.

### **Comments and complaints**

17. If you have any comments about how this consultation exercise has been conducted, please send them to:

Anna Donald  
Homelessness Team  
1-H(South), Victoria Quay  
Edinburgh  
EH6 6QQ

E-mail: [anna.donald@scotland.gsi.gov.uk](mailto:anna.donald@scotland.gsi.gov.uk)

## SECTION 2 BACKGROUND

### Scottish Executive Policy on Housing & Homelessness

18. The Scottish Executive's policy for housing was recently set out in *Homes for Scotland's People*<sup>4</sup>. The Executive's vision is that everyone should have access to good quality, warm and affordable housing; everyone should have the right to a home – a space of their own where they can enjoy privacy and family life; and everyone should have a decent home to live in, regardless of their circumstances, within a strong, safe community.

19. Scottish housing policy encompasses preventing and tackling homelessness as a priority. At its heart sits the 2012 target and implementation of a range of recommendations made by the HTF. This vision is challenging to put into practice – significant inroads have already been made, as this consultation paper demonstrates – but more also remains to be done. Realising this vision continues to be a firm commitment of the Scottish Ministers.

20. Recommendations from the HTF form the blueprint for current policy on effective measures for preventing and tackling homelessness in Scotland and have been endorsed by the Scottish Executive and the Scottish Parliament. The HTF was established by the Scottish Executive in 1999 and published two main reports. The first report<sup>5</sup> was taken forward in the Housing (Scotland) Act 2001 – the main effects were as follows:

- Local authorities must provide a minimum of temporary accommodation for all homeless households;
- Local authorities must provide permanent accommodation for all priority need households who are unintentionally homeless;
- Local authorities must produce homelessness strategies; and
- Under section 5 of the Act RSLs must provide accommodation for priority need households as requested by local authorities unless there is a 'good reason' for refusal.<sup>6</sup>

21. Of the 59 recommendations from the second report<sup>7</sup>, some - including the 2012 target - have been taken forward in the 2003 Act and others are being taken forward by the Scottish Executive in partnership with local authorities and others. These recommendations represent a comprehensive approach involving a wide range of measures for effective prevention and management of homelessness – this covers:

- Changes to homelessness legislation;
- Housing policy;
- Benefits rules;
- Action to prevent homelessness by tackling eviction, providing support to homeless households and focussing on vulnerable groups;
- Support for people resettling from homelessness;
- Improving health provision for homeless people;

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<sup>4</sup> *Homes for Scotland's People – a Scottish Housing Policy Statement*, published March 2005, <http://www.scotland.gov.uk/library5/development/hfsphp-00.asp>

<sup>5</sup> *Legislative Proposals on Homelessness – Homelessness Task Force Initial Report* published April 2000, ISBN 0-7480-9355-9.

<sup>6</sup> Good reason is defined in statutory guidance issued by the Scottish Executive (<http://www.scotland.gov.uk/library5/housing/homelessupdate.pdf>)

<sup>7</sup> <http://www.scotland.gov.uk/library3/society/htff-00.asp>

- Improving access to education, training and employment for homeless people;
- Strengthening and promoting homeless people’s social networks; and
- Providing people-centred holistic services.

22. A Homelessness Monitoring Group (HMG) has been established to oversee progress of the HTF recommendations and produce regular reports<sup>8</sup>.

### **What does the 2012 target involve?**

23. Homelessness legislation rations access to housing by ranking homeless people’s need for housing in accordance with a set of statutory priorities. It is therefore necessary under the legislation as it stands for local authorities to determine whether or not a homeless household has a ‘priority need’ for accommodation<sup>9</sup>. This is known as the ‘priority need test’. Local authorities have a duty to provide permanent accommodation to homeless people who are assessed as having a priority need and being unintentionally homeless. Local authorities must currently provide temporary accommodation for people assessed as ‘non-priority’ or intentionally homeless.

24. The 2003 Act creates the 2012 target by allowing for the abolition of the priority need test. The effect of abolition will be that local authorities will have a duty to provide permanent accommodation to all people assessed as being unintentionally homeless. The Act states that the priority need test can only be abolished at such a time as Scottish Ministers are of the view that local authorities can reasonably be expected to fulfil the new duty. Scottish Ministers gave commitments to the Scottish Parliament that the legislation would be implemented in a managed way, in partnership with local authorities, when sufficient preparations and resources were in place. That remains the Executive’s position.

25. The 2012 target involves increasing homeless people’s rights to housing. The aim is to remove bureaucratic distinctions between different ‘categories’ of homeless people and to acknowledge that all homeless people require sustainable accommodation. This change to the legislation does not create new housing need – however it may impact on the way in which need is demonstrated and it changes local authorities’ responsibilities for meeting this aspect of need.

26. The 2012 target is therefore an important driver for increasing the supply and quality of housing in Scotland. The achievement of the target depends on the capacity of local authorities and partners to meet it – which relies on an adequate supply of quality housing in order to meet immediate needs of homeless people and to ensure sustainable resettlement. Housing supply and quality is also important in preventing homelessness and ensuring that people have a range of housing options to explore, as well as the protection of the homelessness legislation. The 2012 target cannot be seen in isolation from wider work to ensure that there is an adequate supply of quality housing across Scotland and cannot be met if supply and quality issues are not addressed.

27. The target is a key factor in the assessment, planning and delivery of new supply and improvement of affordable, particularly rented, housing in Scotland. Local authorities, the Executive and Communities Scotland and other partners must work together to continue to

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<sup>8</sup> latest report published April 2005, <http://www.scotland.gov.uk/Publications/2005/04/05144752/47539>

<sup>9</sup> Priority need is defined at section 25 of the Housing (Scotland) Act 1987, as amended.

improve the forecasting of anticipated demand under the homelessness legislation, in so far as is possible, and consider housing supply, housing quality and support provision accordingly. This challenging objective needs careful planning which local authorities have begun undertaking through means such as housing needs assessments to support their Local Housing Strategies (LHS). These assessments, and work currently being done to develop and build on these, will provide important evidence to inform consideration of future resource requirements within the context of the Spending Review process.

28. Within this context, local authorities are rightly concerned about how to balance the needs of homeless people and those with other housing needs and avoid a situation developing where people on the waiting list present as homeless as the primary route for accessing social housing. The legislative duty when allocating houses is to give 'reasonable preference' to all homeless households<sup>10</sup>. There is no legislative requirement on a local authority to house a homeless household ahead of any other household at any given time. However the Code of Guidance on Homelessness<sup>11</sup> emphasises that homeless people should not spend long periods of time in temporary accommodation and in some areas of high homelessness and low turnover local authorities report it is necessary to ensure a high proportions of lets go to homeless people in order to meet their statutory duties. Bearing in mind their varying constraints in the supply and quality of housing, local authorities have an element of flexibility in terms of their allocations systems, but the legislative requirements regarding reasonable preference and fulfilling homelessness duties must be met. Careful formulation of allocations policies will be necessary to ensure that the needs of homeless households as well as others in housing need are met in the most effective way in the light of local housing supply and quality issues.

29. The Executive's recent housing policy statement recognised that there is a need to meet the twin objectives of giving priority to those most in need and the development of balanced communities. A commitment was given to collect evidence on the operation of allocations policies, particularly the relationship between allocations, tenancy sustainment and area regeneration, in order to inform whether more guidance on allocations policy and practice is required.

30. It should also be noted that the entitlement to permanent accommodation need not always translate into allocation of a social let and that balanced communities cannot be developed through social housing allocation policies alone. A full range of housing options and prevention measures are important in ensuring that homelessness duties can be met in a way which most appropriately meets the need of the homeless household without disadvantage to others in housing need. Equally important is the provision of appropriate support where required to enable the household to sustain independent living, or to tackle issues which may impede their successful resettlement from homelessness.

### **Current solutions-based approach to homelessness**

31. The HTF believed that systems of rationing entitlement failed to deal with the root causes and debilitating effects of homelessness. It meant that sustainable solutions were not being found for individuals who would present time and again in a 'revolving door

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<sup>10</sup> section 20, Housing (Scotland) Act 1987

<sup>11</sup> <http://www.scotland.gov.uk/Publications/2005/05/31133334/33366>

syndrome'. This was recognised as benefiting neither individuals, the communities in which they live nor efficient government.

32. The comprehensive approach to homelessness, as developed through the HTF, involves placing an emphasis on finding solutions to people's housing and support needs. Underpinning this approach is a desire to tackle homelessness in a way which focuses on finding the right solution for each homeless household and the local community rather than fitting a bureaucratic framework. The Executive is also committed to ensuring that the potential of every homeless person is recognised – that people are not written off because of their housing situation and that service providers are not hindered in providing accommodation and assistance by misperceptions of homeless people.

33. Preventing homelessness occurring in the first place must be a top priority – there is significant evidence to show that even a short period of homelessness can have a significant detrimental impact on a household. It is also often more cost effective for a local authority or other service provider to intervene early – even if this involves the provision of intensive support – than to meet the costs of homelessness<sup>12</sup>.

### **Attitudes to homelessness**

34. There is little public appreciation of what it means to be statutorily homeless. The common view is that homeless people are literally roof-less and may have a number of problems which would make it difficult for them to be good neighbours for example. Homeless people are often seen as apart from, rather than a part of, the communities in which they live. There is still an unacceptable stigma attached to homelessness.

35. Many people who apply as homeless do so because they have lost accommodation as a result of a relationship breakdown or are no longer able to stay “care of” family or friends. Some people are in a particularly vulnerable position because they have been the victims of domestic violence, or threats and intimidation from neighbours. The legislative definition incorporates people who are living in overcrowded accommodation which is endangering their health or otherwise living in accommodation which it is unreasonable for them to occupy. There may be significant overlap between people applying under the homelessness legislation and people on waiting lists for social housing – certainly the circumstances in which people are currently living could well be very similar, yet many people would assume these groups to be entirely different.

36. Raising awareness about the realities of the current regime and tackling prejudice is the challenge for local authorities in providing a service which offers choice and builds mixed communities. This will be all the more so as entitlement to permanent accommodation is increased. It is important that a wide range of housing options is available – and that these options are well explained and promoted to those in housing need.

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<sup>12</sup> A 2003 Crisis report estimates that on the costs associated with resolving homelessness for one individual can be £24,500 ([http://www.crisis.org.uk/pdf/HowManyHowMuch\\_full.pdf](http://www.crisis.org.uk/pdf/HowManyHowMuch_full.pdf))

### SECTION 3: EVIDENCE BASE

37. As is set out above, Scottish Ministers are required to assess local authorities' capacity to meet their homelessness duties without regard to the priority need distinction before legislating to bring the abolition of priority need into effect. It is recognised that homelessness is a complex and multi-faceted issue and it is therefore necessary to have a wide range of data in order to measure progress and capacity. It is also crucial that responding to the needs of homeless people is seen in the wider context of identifying and providing for others in housing need. The Scottish Executive is concerned to ensure as far as possible that action taken to achieve the 2012 target does not unduly disadvantage other households in housing need or inhibit the sustainability of communities.

38. This section sets out:

- Relevant sources of information;
- The current situation;
- Projections to 2012; and
- Future process.

#### Relevant sources of information

39. There are many data sources which are in some way relevant to measuring local authorities' capacity to meet their homelessness duties, both currently and moving towards 2012. The main sources of information are set out below.

40. Homelessness: Applications under the homelessness legislation, and local authorities' responses to these, are monitored through the case based HL1 system. Bulletins presenting statistical information from the HL1 system are published by the Scottish Executive<sup>13</sup>. Information on activity being carried out by local authorities and impacts at a local level is available through homelessness strategies, and ongoing monitoring of these. Monitoring is carried out through an annual paper-based return to the Executive and through inspections carried out by Communities Scotland.

41. Information on the use of temporary accommodation is collected via the HL2 system, which records snapshot data for one day per quarter. The hostel decommissioning process in Glasgow is monitored through a steering group and quarterly reports from the Glasgow Homelessness Partnership to Scottish Ministers. These include information against key performance indicators agreed with the Executive.

42. The Executive is considering changes to the HL1 and HL2 systems in light of recent, and forthcoming, legislative changes to ensure these can be effectively monitored and will consult on these shortly.

43. Housing stock and management: There is a large amount of national data relating to housing stock in Scotland which can be drawn upon to inform Ministers' views as to the capacity of local authorities to respond to the needs of homeless households. This includes the work done by Heriot Watt University which informed the Affordable Housing Review<sup>14</sup>,

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<sup>13</sup> <http://www.scotland.gov.uk/Topics/Statistics/14844/1762>

<sup>14</sup> <http://www.scotland.gov.uk/about/DD/H3/00019504/page1074550438.pdf>

Right to Buy sales information<sup>15</sup>, the Scottish House Conditions Survey<sup>16</sup>, Scottish Continuous Recording System and local authorities' lettings information<sup>17</sup>. Again, information from Communities Scotland's inspections<sup>18</sup> is also relevant – particularly in terms of assessing the impact of housing management practices.

44. Also key is detailed local information contained within Local Housing Strategies and the housing needs assessments which underpin these, Scottish Housing Quality Standard (SHQS) delivery plans and Community Ownership Business Plans. However the first round of Local Housing Strategies did not, on the whole, contain specific or quantitative information in relation to the housing supply implications of the abolition of priority need.

### Housing Support

45. As is reiterated elsewhere, the provision of accessible accommodation will not resolve homelessness unless it is accompanied, where necessary, by the provision of appropriate housing support to enable individuals to live independently, or to help a household stay together if appropriate. The availability and efficacy of such support is therefore an important factor in assessing an authority's capacity to tackle homelessness effectively. Information on available support is contained in Supporting People Strategies. Capacity will be reviewed through local Supporting People reviews and local authorities are being asked to indicate whether service provision for any particular client group is altering as a result of the changes in Supporting People funding.

### Information in context

46. Capacity cannot be measured by looking at one dataset in isolation. In order to bring together these various strands of evidence, and to open a dialogue with local authorities on the specific implications of the 2012 target for them, the Executive carried out a specific information gathering exercise earlier this year. This built on research carried out by Tribal HCH<sup>19</sup> and asked local authorities to consider the following issues:

- Number of homeless households – number in priority need; number requiring a social rented tenancy; number requiring a private rented tenancy;
- Support needs – support places required for households in both permanent and temporary accommodation;
- Supply – Total effective social stock; estimated number of new social tenancies available; private lettings available for tenants;
- Homeless lets in the context of affordable housing need – all households with affordable need; affordable need to be met from social housing; and

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<sup>15</sup> <http://www.scotland.gov.uk/Topics/Statistics/14844/9869>

<sup>16</sup> <http://www.shcs.gov.uk>

<sup>17</sup> <http://www.scotland.gov.uk/Topics/Statistics/14844/9869>

<sup>18</sup> [http://www.communitiesscotland.gov.uk/stellent/groups/public/documents/webpages/cs\\_005841.hcsp](http://www.communitiesscotland.gov.uk/stellent/groups/public/documents/webpages/cs_005841.hcsp)

<sup>19</sup> <http://www.scotland.gov.uk/Publications/2005/02/20703/52758>

- Indicators of pressure on tenancies – homeless households requiring social tenancy as proportion of new social tenancies available; homeless households requiring a social tenancy as proportion of affordable need to be met from social housing.

47. Local authorities were asked to consider the position as of 2003 and projected forward for 2007 and 2011. Guidance accompanying the pro-forma made the following suggestions regarding assumptions to be made in inputting projected data:

- Trends in homelessness applications to reflect trends in household type (e.g. increasing number of single person households likely to impact on number of presentations due to preponderance of single people in homeless population);
- Impact of prevention to be gauged by focus on groups currently subject to interventions (i.e. if interventions aimed primarily at young people overall impact dependent on number of young people presenting as homeless in that authority);
- Proportion of households assessed as being in priority need in 2007 to be mid-way point between current position in that authority and 100% in 2011; and
- 2007 accommodation outcomes to be taken to be midway position between current position in that authority and anticipated 2011 position.

48. Local authorities were encouraged to revise the assumptions if local evidence was available to support such revision. Local authorities were also asked to explain the assumptions used in arriving at projected figures for housing stock and lettings/tenancies available in 2007 and 2011.

49. A number of underlying assumptions were also inherent to the pro-forma exercise. Essentially the proforma presents a snapshot of the position in 3 separate periods – 2003-04, 2007-08 and 2011-12. The primary aim of the snapshots is to place the projected level of social lets required to meet the needs of households assessed as homeless in that year against the likely level of available social lets.

50. The pro-forma allows local authorities to identify the relative importance of factors affecting the scale and nature of housing need and to set these against projected supply. The pro-forma is a means to ensure that local authorities are focussed on these issues in the context of the 2012 target – and is the start of a dialogue that will continue over the next 7 years. The pro-forma does not attempt to provide authorities with a full model of the processes of managing housing applications between now and 2012. In particular it does not include any impact on pressure on social housing from unmet need from homeless applicants in earlier years nor does it assess the likely changing levels of numbers in temporary accommodation under different assumptions about the rate at which the needs of homeless households will/can be met.

51. These are the key sources of information which have been identified but views would be welcomed as to whether there are other data sources which should be considered in assessing capacity to meet need.

## The current situation

52. Homelessness: The latest annual figures<sup>20</sup> from the HL1 system indicate that 54,829 applications were made in 2003-2004, which represented a rise of 6% on the previous year. Taking account of repeat applications this represents 51,195 individual households applying, with 36,066 households actually assessed as homeless during the reporting period. General trends over the last few years indicate that the number of applications is rising, with the vast majority of the increase due to greater numbers of applications from single person households. Local authorities are taking action to reduce repeat homelessness. It is acknowledged that hidden homelessness continues to exist – and some evidence would indicate that the level of hidden homelessness is significant<sup>21</sup>.

53. By 2012 the aim is that local authorities will respond to all homeless households in the same way as they are currently obliged to respond to priority need households. Currently the official statistics indicate that nationally 73% of homeless households are assessed as being in priority need – although this varies markedly from authority to authority with some authorities assessing only just over half of homeless households as having a priority need. Those local authorities currently assessing lower proportions of people as having a priority need are likely to face the most significant challenges in achieving the 2012 target.

54. In 2003-04, 21,651 priority need cases were actioned by local authorities – of these the statistics indicate that 80% of these households were offered accommodation and 71% secured accommodation as a result of their application. It should therefore not be assumed that achieving the 2012 target will result in each unintentionally homeless person securing accommodation as a result of their application – the statistics indicate that a proportion of those assessed will lose contact with the authority or secure accommodation by other means<sup>22</sup>.

55. However current figures for non-priority households indicate that only 44% were offered accommodation and only 28% secured accommodation as a result of their application. There are a number of possible explanations for this – e.g. that households resolved their accommodation difficulties without the need to pursue their entitlement under the legislation (perhaps as a result of an application to a waiting list) or that accommodation was secured under the legislation but that this outcome was not recorded on the HL1 system.

56. As part of their progress reports on 2004/05 local authorities were asked to provide, where relevant, an explanation for low levels of accommodation outcomes recorded for non-priority households. A number of authorities explained that there were recording issues (particularly in relation to failing to record *offers* of temporary accommodation) which meant that they felt that the official statistics did not accurately reflect practice. The Executive is currently considering a variety of methods to ensure that HL1 recording accurately reflects practice. Seminars have been held and it is planned to issue revised guidance which links recording more clearly to statutory duties; to review particular aspects of recording more closely during Communities Scotland's inspection process; and to provide more regular feedback to local authorities.

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<sup>20</sup> <http://www.scotland.gov.uk/stats/bulletins/00363-00.asp>

<sup>21</sup> Scottish Household Survey data for 2003 indicated that 4% of adults now living in private households had experienced homelessness but only 42% of these had received help from their local authority.

<sup>22</sup> Some local authorities assume that the proportion of people securing accommodation will increase as improvements are made and 'lost contact' cases decrease – see paragraph 71

57. A range of issues relating to the availability and accessibility of temporary accommodation which were adversely affecting outcomes for homeless people were also mentioned in local authorities' progress reports. In the main these focussed on people being unwilling/unable to take up offers of temporary accommodation due to its location or cost and on the silting up of temporary accommodation due to lack of move-on options. A number of authorities indicated that meeting their statutory duties was challenging given overall availability of temporary accommodation and the impact of the Unsuitable Temporary Accommodation regulation and disability discrimination legislation. Large increases in the number of people residing in temporary accommodation also suggests that local authorities are finding implementing the current legislative duties challenging<sup>23</sup>.

58. Communities Scotland's inspections of the first 5 authorities identified the following key findings<sup>24</sup>:

- Appropriate service access arrangements are in place, but not always well publicised;
- Some homeless people were prevented or discouraged from applying for assistance;
- Most authorities quickly interviewed people who were looking for assistance, but did not always record initial approaches as formal homeless applications;
- There was evidence of good practice in relation to assessment of applications, but also a range of weaknesses;
- Not all notification letters provided good information and advice;
- People lost contact with councils because of poor communication or tracking of applications by the councils;
- All authorities operated appropriate review or appeal processes;
- Authorities were doing a lot of work to develop local advice and information partnerships, and advice and information services to young people were a strength;
- All authorities were committed to a shift in the focus of services to the prevention of homelessness;
- All authorities were dealing with increased levels of need for temporary accommodation and the use of Bed and Breakfast accommodation was increasing in three authorities;
- Two authorities failed on several occasions to meet their duty to provide temporary accommodation to people who were roofless;
- The councils had differing approaches to allocating houses to homeless people: some provided them with more choice;
- Not all of the authorities were using section 5 referrals to maximise the availability of houses for let to homeless people<sup>25</sup>; and
- Inspectors saw some good contributions by RSLs to alleviating homelessness, but also some confusion around section 5 duties and responsibilities.

59. Progress reports on homelessness strategies show that local authorities are making good progress in terms of putting in place a range of provision to prevent and tackle homelessness in their area. This includes advice and information services; housing support services; mediation services; housing education projects; and employability services for example. Many authorities have also taken action to increase the availability of good quality

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<sup>23</sup> For the latest figures see <http://www.scotland.gov.uk/stats/bulletins/00399-00.asp>

<sup>24</sup> For full report see

[http://www.communitiesscotland.gov.uk/stellent/groups/public/documents/webpages/cs\\_009118.pdf](http://www.communitiesscotland.gov.uk/stellent/groups/public/documents/webpages/cs_009118.pdf)

<sup>25</sup> See paragraph 20 for explanation of section 5 referrals.

temporary accommodation and furnished accommodation. However a number of authorities also refer to the significant challenges posed by rapid increases in homelessness applications; a lack of suitable temporary accommodation which results in a continuing/increasing usage of B&B; and a lack of affordable accommodation (particularly in certain localities within the wider authority area).

60. Information contained in the last quarterly report for 2004/05 to the Minister for Communities by the Glasgow Homelessness Partnership on the Hostels Decommissioning Programme indicates that numbers of single person applications reduced by 25% in 2004/05 compared to 2003/04. The number of repeat applications is also falling, with a 52% reduction in the same period. In terms of where people making a homeless presentation are initially accommodated, the numbers of people being placed immediately in a hostel is falling, while the reports show increasing numbers of people being housed immediately in temporary accommodation or assessment centres. Three hostels have now closed and work is ongoing to put in place a range of alternative accommodation and support services which will better cater to the needs of those people who would previously have lived in the hostels. The last of the hostels planned for decommissioning is due to close in March 2007. The biggest challenge to the achievement of the programme's objectives is the shortage of suitable temporary accommodation, which is being addressed through ongoing discussions between the Glasgow Homelessness Partnership and Glasgow Housing Association.

#### Housing stock and management

61. Over the past ten years the total stock of houses in Scotland has been increasing by around 19,000 houses per year, while the number of households has been increasing at a slightly lower rate of around 18,000 households per year. Tenure patterns have changed dramatically – with owner occupation increasing from 36% to 65% while social renting decreased from 54% to 27% between 1981 and 2003.

62. In 2003-04 around 9% of the social housing stock (local authority and housing association combined) was let to new tenants. The rate of new lets varies between council areas from 4.7% to 12.9%. The 2002 House Condition Survey suggested that around 73% of local authority housing, 64% of housing association houses and 70% of private housing fell short of the Scottish Housing Quality Standard.

63. Available statistics on lettings indicate that an average of 22% of local authority lettings went to homeless people in 2003-04 although this proportion ranges from 7%-48% in different local authority areas. In a number of authorities the number of people assessed as homeless was larger than the number of local authorities lets available, which indicates that it would be very difficult to abolish the priority need test currently if local authorities were relying on their own stock.

64. Currently the majority of people who are assessed as priority need and subsequently rehoused secure a local authority tenancy – nationally, official statistics indicate that this is the case in 63% of cases with 30% rehoused by other RSLs and 6% in the private sector.

### Housing support information

65. Statistical returns show that the Supporting People programme provided housing support to over 19,000 homeless people across Scotland in 2003-04, representing 14% of the total Supporting People client group nationally. However this disguises wide variations between local authorities with at least 50% of Supporting People clients being homeless in 3 areas and under 10% being homeless in a dozen other local authorities.

### Projections to 2012 - general

66. It is extremely important that local authorities are able to take account of the likely impact of the abolition of priority need in assessing housing need, how that need will manifest itself and how to meet it. The Executive believes that the pro-forma exercise described above has been beneficial, not least through raising awareness of key factors affecting the scale and nature of issues to be addressed in preparing for the change and in setting up future scenarios against which actual experience can be measured. By their nature, projections cannot be relied on to give an absolutely accurate view of the future but it is useful to be able to map out the potential impact of change in order to test some of the underlying assumptions and to identify issues and areas which need to be given particular focus.

67. There are a number of inter-related factors which will impact on a local authority's capacity to meet the 2012 target. The assumptions made regarding any one of these factors can have a significant bearing on projections over the next 7 years. A key element of the pro-forma was projecting the proportion of social lets required to house homeless people in the future. These projections depend on the anticipated level of homelessness assessments and the proportion of these households who secure accommodation, the anticipated supply of new tenancies available (taking account of changes in overall size of stock and assumptions on turnover) and the anticipated availability of alternative forms of accommodation.

68. The range of uncertainty around any one of the factors, and the combined effect of these uncertainties when the information is brought together, means that the picture arrived at through this exercise is one scenario at to how the future will look – it is not definitive. In any event this scenario is obviously subject to change as the context changes over the next seven years and so should be kept under review.

### Projections to 2012 – homelessness presentations and assessments

69. Through the pro-forma exercise, across Scotland as a whole, councils have projected an overall increase of about 10% in the number of homeless applicants over the period to 2012. However, this varies significantly between councils. The majority have projected increases of between 0% and 25%, but seven authorities have projected increases well in excess of 50%. These seven authorities did not follow the suggested methodology based on projected household growth and took into account other factors such as recent evidence of increases in numbers of applicants. Only one authority has assumed a significant reduction in homeless applicants - as a consequence of forecast effectiveness of prevention strategies. Most authorities have assumed, at this stage, that preventative activity will not have a significant impact on the number of people assessed as homeless/threatened with homelessness. For some areas, this is because a continuing rise in applications is expected,

which it is anticipated will outweigh the impact of preventative activity. Other authorities feel that prevention activity does not negate housing need but means that this need can be met earlier and more effectively.

70. For most councils the extension of the duty to all unintentionally homeless applicants has the most significant impact on the projected requirement for new social tenancies. For Scotland as a whole, councils are projecting an increase of around 60% in the number of homeless households entitled to permanent accommodation by 2012. A key area of uncertainty in this element of the projections which can have a major impact on the position actually reached by 2012 is whether the projected increase in homeless applications – mainly driven by demographic factors - continues as anticipated. In recent years some, mainly urban, authorities have seen low growth in applications while in others numbers of applicants have grown significantly.

#### Projections to 2012 – housing stock and lets

71. The overall picture for 2003-04 indicates that authorities provided permanent social tenancies for around half of all households assessed as priority, and provided temporary accommodation for about a sixth. For the remaining third of applications either the applicant withdrew or contact was lost. For the projections, most councils are assuming that they will maintain contact with higher proportions of applicants and that those currently offered temporary accommodation will be entitled to a permanent social tenancy. As a consequence, the overall projection is for a 120% increase in the need for new permanent social tenancies for homeless applicants by 2012. As with all aspects of the projections there are very wide variations between councils, ranging from a projected 10% increase in the number of social tenancies required to a projected 400% increase (higher percentage increases are often in smaller authorities where small numerical changes can have a large impact on percentage increases).

72. The capacity of social housing to meet the increased need for social tenancies for homeless applicants will depend on both the size of the stock and the rate at which new social tenancies become available each year. Only 3 councils assess that they will have an increase in social housing stock in their area by 2012. Projected changes in social housing stock are driven by losses through right to buy and planned demolitions and increases from planned new build. The overall projected decrease is about 15% with individual councils' projected decreases ranging from a few percent to 25% (it should be noted that there are some inconsistencies in stock data – as between the pro-forma data and that presented as part of local authorities' Standard Delivery Plans, for example). While overall the anticipated impact of stock change on the pressure on social housing is less marked than the anticipated impact of the abolition of priority need itself, it does, in most councils, add to this.

73. There are significant differences in councils' assessments of likely changes by 2012 in the proportion of the stock becoming available for letting to new tenants each year. This type of change is difficult to model and most councils have adopted the view that the rate is unlikely to change a great deal. A few local authorities assume an increase in the supply of lets, with the majority assuming the supply of lets will decline by between 0% and 40%. However, some councils have assessed that an increase in relet rates will partly offset reductions in stock; while some have assessed that relet rates will fall thereby adding to the pressure caused by falls in stock numbers. These projection differences are, among other things, likely to reflect differences in views about the impact of area renewal and more

general house improvement activity. The improvement of houses which are currently hard to let should lead to an increase in numbers of lettings and hence letting rates. However, quality improvements could also lead to a reduction in lettings in properties which currently have high turnover.

74. Few local authorities currently anticipate making significant use of the private sector for rehousing homeless people by 2012. On average, local authorities currently project that, as a consequence of the reduction in the size of the social rented sector and an increase in the number of lets to homeless households, the proportion of social rented sector lets to homeless households will double by 2012.

#### Projections to 2012 - conclusions

75. In assessing and drawing conclusions from these projections it is important to note that they represent authorities' initial response to the request by the Executive to assess the impact of the change within the standard format set out in the proforma. For each of the elements in the projection authorities had to provide a best estimate of the likely position in 2007 and 2011. Analysis of the projections shows that the main indicator of the impact of the 2012 commitment on social housing – namely the proportion of available social lets required to meet the housing needs of homeless applicants – is very sensitive to all components of the projection. The projected level of homeless applicants and projected relet rate for social housing are important for all councils, and particularly so for authorities projecting very high increases in the proportion of social lets to homeless applicants. It is difficult for both the Executive and councils to assess how robust the projections are at this point in time.

76. The projections are however, both for the Executive and authorities, an important starting point in identifying how we should monitor progress towards 2012 and review and update plans as more information becomes available about actual trends in applications, assessments, social stock and lettings.

77. However it seems likely that in some areas the proportion of social lets to homeless people will need to rise significantly by 2012 unless greater use can be made of other accommodation options; preventative activity has a major impact on the number of people coming into the homelessness system; or there are greater than expected increases in the size of stock or number of lets available. It is also possible to identify those areas which are likely to face the greatest challenge in terms of having available stock to meet demand presented through new household formation and homelessness applications.

#### Future process

78. The Executive wishes to build on the process undertaken to date to ensure a comprehensive and consistent approach to housing needs assessment which takes account of the impact of the abolition of priority need. During the process of this consultation various different scenarios will also be modelled – based on the information provided by the proforma returns but testing the overall impact of different levels of homelessness applications and assessments, housing stock and lets. The Executive would wish this modelling to be the basis of a continuing dialogue with local authorities on the implications of the 2012 target for their area.

79. The Scottish Executive considers it would be useful to re-run the pro-forma exercise at a later date – in order to reality-check the forecast, test the assumptions made in the original return and revise forecasts for 2012. This would also provide an opportunity to refine the exercise and to promote good practice for local authorities in their own local planning.

**CONSULTATION QUESTIONS:**

**Views are sought on the issues covered by this section of the paper; in particular:**

- 1. What other sources of information should be considered in assessing capacity to meet need?**
- 2. What are the main gaps in the evidence base in relation to assessing the capacity to meet need?**
- 3. Would it be useful to re-run the pro-forma exercise at a later date and if so when? If not then what process would be helpful to inform local authority planning for 2012?**

## SECTION 4 - COVERAGE OF STATEMENT

80. The statement must set out the measures Scottish Ministers and local authorities have taken, are taking and intend to take to ensure that local authorities can reasonably be expected to fulfil their homelessness duties without distinguishing between priority and non-priority households. As has already been outlined, local authorities' capacity to respond on this basis by 2012 will depend on the numbers of people being assessed as homeless at that point in time, the extent of support available and the supply available to meet this demand, within the context of wider housing supply and demand.

### Key areas

81. It is likely that demographic change will impact on demand – homelessness is becoming more prevalent among single person households and these households make up an increasing proportion of the population. Demand can be reduced by general preventative activity and the prevention of repeat homelessness through more sustainable first solutions. The availability of affordable accommodation within the area is also likely to impact on demand. If there are no alternatives people who would otherwise have bought their own home or applied to a waiting list may apply as homeless. The Executive and local authorities are taking a number of measures to prevent homelessness and to reduce repeat homelessness; some of these are outlined below. However, views on any additional actions which should be prioritised as a means of preventing homelessness and ensuring more sustainable solutions would be welcomed.

82. In terms of meeting demand, it is necessary to consider the range of accommodation options which the local authority can access in order to discharge its rehousing duty. Under the legislative framework set out in the Housing Acts 1987 and 2001 and the Homelessness Act 2003, the options which will be available in 2012 are:

- Scottish Secure Tenancy (SST);
- an assured tenancy;
- a short SST with support or 'bottom line accommodation' (only if the household is intentionally homeless); or
- interim accommodation (only where the Interim Accommodation Regulations<sup>26</sup> apply).

Temporary accommodation must be provided during the assessment process and up to the point when duty is discharged.

83. It is crucial that the individual needs of a homeless household are assessed and considered in decisions relating to rehousing. The Code of Guidance on Homelessness sets out that this should involve consideration of proximity to family and friends and the accessibility of healthcare, education and employment and training and support providers. The housing solution found must be sustainable both in terms of the local community and in meeting the needs of the household – it is self evident that this does not imply a local authority, or indeed a social, let in every instance, and that a wide range of accommodation

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<sup>26</sup> The Homeless Persons Interim Accommodation (Scotland) Regulations 2002 – these allow for the provision of interim accommodation where a housing support services assessment has concluded that the household requires services which cannot reasonably be provided within permanent accommodation.

options are required to adequately meet needs. However, current statistics indicate that only 6% of homeless people are rehoused in the private rented sector and only 30% are rehoused in housing association properties. In addition, there are rehousing opportunities in the voluntary sector which should not be overlooked.

84. The Executive is interested in views on the current barriers to rehousing homeless people in housing association and privately rented properties and suggestions as to how greater diversity can be achieved.

85. In line with the agenda set by the Homelessness Task Force, it is the current intention that the statement will cover action by Scottish Ministers in the areas set out below. It is important to note that, as this action may have financial consequences for the years to be considered in the next Spending Review, any new financial commitments will have to await the outcome of the Review and cannot be anticipated in this statement.

#### Amending homelessness legislation

86. Ultimately, the abolition of the priority need distinction will be achieved through legislative change. Legislative change is also necessary to implement the Task Force's recommendations relating to intentionally homeless households and the operation of local connection<sup>27</sup>. Taken together these recommendations represent the desire to move from a legislative framework into which people are made to fit, to a framework which is adaptable to meet people's needs.

Steps taken/being taken:

- The Homelessness etc (Scotland) Act 2003 sets the framework for abolishing priority need. Commencement of section 1 in January 2004 effected the initial expansion of priority need.

Steps to be taken:

- Potential further expansion of legislative definition of priority need<sup>28</sup>; and
- The suspension of local connection and the introduction of short SSTs with support for intentionally homeless households.

#### Producing guidance

87. The Executive is committed to producing quality guidance for local authorities and other service providers in order to assist them in discharging their duties towards homeless people in a way which accords with the Task Force's recommendations. The Executive is keen to ensure that existing expertise and good practice across a number of sectors is identified and built upon.

Steps taken/being taken:

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<sup>27</sup> The HTF recommended that intentionally homeless households should be offered a more structured package of accommodation and support, and that local connection provisions should be suspended so that applicants can apply to any local authority. These provisions are not yet in force.

<sup>28</sup> See section 5 for further detail.

- The Code of Guidance has been reissued and homelessness strategies guidance developed – reflecting increased emphasis on joint working, prevention and sustainable solutions;
- Guidance on meeting best interests of children being developed by Chartered Institute of Housing;
- Awareness Raising and Good Practice Subgroup of Homelessness Monitoring Group established; and
- Communities Scotland’s Regulation and Inspection Division has issued guidance on the operation of the arbitration scheme for section 5 referrals, has published a report on the key themes from homeless inspections, has published a report on practice in evictions and is publicising positive practice guidance identified through inspections on its website.

Steps to be taken:

- Code of Guidance to be kept under review;
- Strategies guidance to be revised for resubmission of strategies;
- Guidance on preventing and addressing homelessness amongst households from black and minority ethnic communities to be developed;
- Research into operation of allocations policies to inform whether further guidance required; and
- Research into knowledge and views of service providers to help inform understanding of barriers to service delivery.

### Preventing homelessness

88. Preventing homelessness is a priority for the Executive and local authorities. It is far better, and more cost effective, to act early to prevent a household becoming homeless – and facing new or exacerbated problems – than to have to pick up the pieces at a later stage. Prevention is key for both the individual threatened with homelessness and for the service provider faced with trying to find and fund a solution.

89. There is a wide range of activity being undertaken throughout Scotland with a view to preventing homelessness. Interventions range from general housing advice and information which may be provided in a mainstream setting from an early age to dedicated support schemes which kick in when there is an imminent threat of homelessness. This could also include early intervention or enforcement measures to tackle antisocial behaviour at an early stage before such behaviour escalates.

Steps taken/being taken:

- Regulations and Guidance on Supporting Young People ceasing to be looked after have come into force;
- Early Leavers policy in place for people leaving the armed forces;
- Social networks co-ordinator in place;
- Research into housing advice in prisons published;
- Mortgage to Rent scheme in operation;
- Thematic study on evictions published;
- Section 12 of the Homelessness etc (Scotland) 2003 commenced – requires that courts take account of delays/failures in Housing Benefit in eviction cases; and

- Local authorities to plan strategically for provision of advice and information and to ensure that it meets National Standards.

Steps to be taken:

- Housing advice services in prisons to be put on a permanent footing;
- Measuring impact of prevention activity; and
- Section 11 of the Homelessness etc (Scotland) Act 2003 to be commenced – this will give landlords and creditors the duty to inform local authorities of any repossession proceedings.

#### Housing supply – ownership/social rented/private rented

90. Clearly supply of, and access to, appropriate housing is fundamental if homelessness is to be prevented and tackled effectively. As is outlined above, Housing for Scotland's People sets out the range of action the Executive is taking to address the housing needs of Scotland's population. This emphasises the need for diverse provision and it is important that this diversity is also reflected in meeting the needs of homeless people. The Executive and local authorities are taking a number of actions to increase the number of houses available for social let and access to these lets and to encourage private renting and home ownership. As is acknowledged elsewhere, an adequate supply of quality accommodation is crucial if the 2012 target is to be met.

91. It is important that local authorities have a clear view of the housing situation in their area, and in neighbouring areas, in order that they can forecast, and plan to meet, future need. The Executive has recommended good practice in guidance on housing needs assessment as part of the guidance issued to support Local Housing Strategy process. The Executive has also encouraged local authorities to consider the impact of the 2012 target in local housing and homelessness strategies, and followed this up with the specific pro-forma exercise referred to in section 3.

92. The Executive will undertake further work with local authorities this year to ensure that the most robust possible data is available on the likely future demand for, and supply of, affordable housing to inform policy and resource decisions and implementation of these.

Steps taken/being taken:

- Funding expansion in new social rented provision;
- Expansion in low-cost home ownership provision including introduction of Homestake scheme;
- Planning reforms to speed up development and improve land supply for housing;
- Planning Advice Note on affordable housing published;
- Landbanking schemes, release of public sector land for affordable housing and streamlining of processes for public land release (ie through agreements with other government departments, improved register and consents);
- Investment to address infrastructure constraints;
- Council tax discount on second homes reduced – additional funding for affordable housing;
- Local Housing Strategies;
- Further assessment of affordable housing requirements with local authorities;

- Lead tenancy research carried out;
- Promotion of Common Housing Registers (CHRs);
- Collection of wider evidence on the operation of allocations policies (including CHRs and Choice Based Lettings systems);
- Section 5 protocols in place;
- National Rent Deposit Forum officer based in Scotland; and
- Housing Bill introduced

Steps to be taken:

- Continue to review needs and distribution of resources;
- Assessment of feasibility of Affordability targets;
- Report on Right to Buy by September 2006;
- Work with rural private landlords to play greater role in provision of affordable housing;
- Private Rented Housing Panel;
- Communities Scotland's Regulation and Inspection Division is already assessing through inspections RSLs' contribution to alleviating homelessness. As part of this assessment, inspectors assess RSLs' compliance with legal duties;
- Registration of private landlords;
- Further guidance on rent deposit schemes;
- Consider implications of changes to Housing Benefit;
- LHS – assessment of updates fed back to local authorities; and
- Housing Needs Assessment – next steps.

### Housing quality

93. The quality of housing available is also key to meeting the needs of homeless people and achieving the 2012 target. High quality housing will prevent homelessness and also ensure that solutions are more sustainable. In rehousing homeless households it is often important to consider the provision of furniture and basic household goods – even the best quality house is of no use to a household without the means to render it liveable in.

Steps taken/being taken:

- Scottish Housing Quality Standard (SHQS) introduced – standard delivery plans submitted by social landlords;
- Furnished tenancies scheme in operation; and
- Warm Deal/Central Heating Programme.

Steps to be taken:

- Housing renewal areas;
- Assessment of Standard Delivery Plans;
- Monitoring of progress towards meeting SHQS by 2015; and
- Eradicating fuel poverty where practicable by 2016.

## Housing support

94. As is outlined above, the Executive's approach to preventing and addressing homelessness is predicated on the belief that accommodation alone cannot be a realistic solution. A key element in preventing homelessness, arresting the cycle of repeat homelessness and resolving antisocial behaviour and other behavioural issues is the provision of housing support.

Steps taken/being taken:

- Supporting People funding – revised formula put in place;
- Supporting People reviews being carried out;
- Effective co-ordination with other funding streams – Joint Improvement Team is focussing on encouraging better linkage on health and housing – locally, through discussion with local health and social care partnerships and more widely, by collaborating with the Chartered Institute of Housing on ways in which the housing sector can engage more effectively with partnerships; and
- Scottish Executive is funding three demonstration projects to provide intensive intervention and supervision to particularly troubled or troublesome families. The aim of the demonstration models – called Breaking the Cycle: Intensive Intervention and Supervision – is to widen the range of intervention models available and share experience and good practice with other local authorities.

Steps to be taken:

- Research is planned to assess the full impact of Supporting People funding on its different client groups.

## Effective sustainable solutions

95. Alongside housing support to enable people to live independently it is also a fundamental part of our agenda that support should be provided where required in order to ensure that homeless people fulfil their potential within the community and do not fall into a cycle of repeat homelessness. Such support can help to manage potential lifestyle clashes and avoid conflicts within local communities. For some households, this will mean that issues relating to poor health, access to employment, education or training will require to be tackled. Homeless people, like everyone else, benefit from strong social networks – i.e. the support of family and friends – but may have become detached from these networks or need support to boost their self-confidence and esteem in order to address their housing problems.

Steps taken/being taken:

- Scottish Homelessness and Employability Network;
- Employability Framework;
- Social networks co-ordinator;
- Development and implementation of health and homelessness actions plans by NHS Boards/launch of Health and Homelessness Standards;
- Target to reduce repeat homelessness;
- 21<sup>st</sup> Century Social Work Review; and

- Research to inform accommodation and support solutions for intentionally homeless households.

Steps to be taken:

- Monitoring implementation of all of the above.

Gathering information and monitoring progress

96. Information being gathered at the moment is set out in Section 3. Section 5 considers the need for ongoing monitoring and further research.

Steps taken/being taken:

- Detailed forecasting information sought from Local Authorities;
- HL1 system being revised/additional guidance being developed; and
- Communities Scotland inspection procedures in place – summary report on homelessness findings published.

Steps to be taken:

- Further work to be done to collect wider evidence on allocations policies;
- Consideration of recording gaps in HL1 to be undertaken by the Executive and Communities Scotland;
- Further inspections by Communities Scotland; and
- Consideration of benchmark indicators/targets (see Section 5).

**CONSULTATION QUESTIONS:**

**Views are sought on the issues covered by this section of the paper; in particular:**

**4. Are there other policy areas which are relevant to the 2012 target which should be considered? What are the priorities?**

**5. Are there specific actions which would contribute to the 2012 target which the statement should contain? In particular are additional actions required to ensure homelessness is prevented, and sustainable solutions achieved for homeless people and local communities?**

**6. What are the barriers to diverse housing outcomes for homeless people and how can these be overcome?**

**7. Could existing funding streams be used more effectively to prevent and tackle homelessness? How could this be done?**

## SECTION 5 - MONITORING AND SETTING INTERIM OBJECTIVES

97. It is necessary to have robust monitoring systems in place in order to plan the next steps towards 2012 and also to assess the capacity of local authorities, and other accommodation and service providers, to implement the changes required to meet the 2012 target. It is also necessary for the statement to contain interim objectives in order to fulfil legislative requirements and to ensure that the path ahead to 2012 is agreed and progress can be monitored along the way.

### Measuring capacity

98. As has been set out, there is a wide range of information available on the factors which will affect local authorities' capacity to meet the 2012 target. The recent pro-forma exercise was an attempt to bring a number of these factors together. From the complex picture of supply and demand, which it is necessary to consider in order to assess capacity, it would be useful to agree an indicator, or a small range of indicators, which give a top-level assessment which is relatively straightforward to measure and understand.

99. One measure of capacity could be the proportion of social lets which is required to house homeless people – this was the measure which the pro-forma exercise focussed around and has the attraction of considering quality of accommodation (in that it looks at effective stock) and the impact on others in housing need (albeit in a rather crude way).

100. In order to assess capacity, rather than current practice or performance, it would be necessary to look at the full range of options open to the local authority when rehousing. It would therefore be necessary to consider the relative number of lets being made to homeless people by both local authority and other RSLs in order to ensure that the two sectors are working together to tackle homelessness and that there is not capacity within one sector which is being overlooked. It would also be useful to consider void management to ensure that capacity is being maximised. It would also be appropriate to explore how many people could be, and are being, rehoused in the private sector, or by voluntary organisations. As is set out previously, it is important to try and ensure that homeless people have access to as diverse housing options as the rest of the population.

101. It would also be necessary to consider capacity not just in terms of quantity of accommodation available but also to look at issues such as mismatch of accommodation to homelessness applicants (e.g. in terms of the size or location of available accommodation). It might also be relevant to look at the number of social lets relative to the size of the population in order to gauge capacity to meet wider housing need.

102. As is noted in section 3, temporary accommodation statistics may be a useful indicator of pressure within the homelessness system. Local authorities have a duty to provide temporary accommodation to priority need unintentionally homeless households until the duty to provide permanent accommodation is discharged. Monitoring how long these households stay in temporary accommodation would indicate capacity to meet the need for permanent accommodation – looking more closely at the reasons why some households wait longer than others may also give more detailed information on the particular pressures in that authority (e.g. if a particular type or size of accommodation is unavailable). Considering the

length of stay in temporary accommodation for households assessed as ‘non-priority’ may also be relevant in terms of assessing pressure on the system more generally.

103. It is also important to assess local authorities’ and other service providers’ ability to meet the support needs of homeless households placed in permanent accommodation, where these are additional to the needs they would have had to met in any case. It is difficult to quantify these additional support needs (i.e. those that are manifest directly as a result of abolishing the priority need test).

#### Benchmarks/targets

104. Views on the most appropriate way to assess capacity would be welcome. In particular it would be useful to know if it would be possible to set quantifiable benchmarks, which if met would be taken to show that local authorities are capable of implementing change (e.g. if expanding the priority need definition would lead to x% of social lets going to homeless people then the authority is deemed to be capable of implementing that change).

#### Measuring progress

105. Communities Scotland regulation and inspection regime monitors the activity of local authorities homelessness services against set Performance Standards and progress against homelessness strategies is also monitored by the Executive via an annual progress report and local outcome agreement, which ought to contain measurable targets.

106. Local authorities are required to set targets for reducing repeat homelessness, in order to measure the effectiveness of solutions, and report on these to the Executive. However there is no target related to preventing homelessness or set method of assessing the effectiveness of preventative interventions. It may be considered unwise to assess the effectiveness of preventative measures solely by focussing on the number of homelessness assessments as this may introduce a perverse incentive to discourage early interventions which may in fact boost the number of people making a homelessness application but allow for a more effective and quicker solution.

107. There may also be alternatives to looking at repeat homelessness in terms of measuring the effectiveness of solutions – for instance considering tenancy sustainability directly.

108. Views on general monitoring of homelessness activity are welcomed. In particular – would it be useful to require local authorities to report on a broader range of set targets, or on particular issues as part of their strategy progress report. Would it be useful to resubmit homelessness strategies following the publication of the statement in order that local authorities can respond to the content of the statement and set out how they will meet the interim objectives set out?

#### Phasing the abolition of the priority need test

109. One area where it would be possible to set interim objectives is in relation to the timing and content of the phasing of the abolition of the priority need test. The Homelessness Task Force recommended that the first stage of abolition should be to expand the statutory definition to include all those assessed as homeless who are less than 18, or who have

experienced domestic abuse, or are otherwise vulnerable within the terms of the Code of Guidance. This recommendation was put into effect in January 2004.<sup>29</sup> As a second step the Task Force suggested that priority need should be further expanded to include any other people who may be deemed vulnerable. It also suggested that further expansion could be based on an age basis (e.g. all those under 25 or over 55 would be in priority need), although it was noted that the detail of phasing would need to be decided in the light of progress made and an assessment of local authorities ability to cope with the further expansion.

110. The Executive is clear that the next stage of abolishing the priority need test can only be taken when local authorities have the capacity to implement the change. Research by Tribal HCH<sup>30</sup> and discussions with the Homelessness Monitoring Group have identified the following approaches to the abolition of priority need by 2012:

- A ‘big bang’ approach, whereby the distinction was abolished without a further phasing stage;
- A second phase around 2007/8 to include a further group of ‘in need’ households;
- A more gradual phasing, based on local targets; and
- Abolishing the vulnerability test that currently attaches to some categories of applicants, so that anyone in these categories is in priority need without having to demonstrate vulnerability<sup>31</sup>.

111. The ‘big bang’ approach has the attraction of being simple to understand and administer in terms of assessments; however, adopting this approach would be likely to present planning difficulties for local authorities. Participants in the Tribal research considered that the two-stage phasing envisaged by the Task Force was fair in that it is based on prioritising the allocation of resources to those most in need but there was no consensus as to the identity of additional ‘in-need’ groups. The Homelessness Monitoring Group prefers the HTF age-based suggestion – Annex B sets out the number of households under 25 and over 55 deemed to be ‘non-priority’ in 2003/04. At a Scottish level 1707 young people in the 18-20 year old category and 2433 in the 21-25 year old category were deemed to be non priority as well as 194 older people in the 56-60 year old category.

112. Phasing may not need to be related to national ‘prioritisation’ and could instead be carried out by asking local authorities to develop a delivery plan which would set out how they intend meeting the 2012 target and key milestones to be achieved along the way. A straight line approach has been suggested, whereby a series of targets are set, on an authority by authority basis, designed to move the authority from the current level of priority need assessments to 100% in 2012. This method of phasing would have the effect of minimising any sudden large increases in the number of priority need households. Participants in the Tribal research favoured this approach – however concerns have been raised regarding the formalising of a situation whereby different levels of service could be offered in different parts of the country. The adverse effects of this might be even more keenly felt following the suspension of local connection.

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<sup>29</sup> The Homelessness etc. (Scotland) Act 2003 (Commencement No.1) Order 2003 (SSI 2003 No 609)

<sup>30</sup> Research findings at <http://www.scotland.gov.uk/Publications/2005/02/20703/52758>

<sup>31</sup> Currently those who are ‘vulnerable as a result of’ old age, mental illness, personality disorder, learning disability, physical disability, chronic ill health, having suffered miscarriage/undergone abortion, having been discharged from hospital/prison/armed forces are deemed to be in priority need.

113. Eradicating the vulnerability test that currently exists would be relatively simple to administer in that local authorities already have to assess whether or not the applicant falls within a particular category and there would be a bureaucratic saving in dispensing with an additional test. It would seem sensible to set an upper age limit in conjunction with this approach, as the vulnerability test applies to ‘old age’ which is not currently defined within the legislation.

114. The timing of the next stage of the phasing is important in that local authorities need to have the capacity to meet the expansion and time to plan for implementation. However, if the 2012 target is to be met it is also important that the next stage of implementation takes place well in advance of 2012 so that its implications can be considered and understood in advance of 2012 itself.

#### Interim objectives

115. Views as to whether the Ministerial statement should contain an interim objective relating to the phasing of the abolition of priority need would be welcome, as would any comments on the framing of such an objective. It should be noted that such an objective could be qualified – e.g. expansion of the priority need categories will take place by x if y is achieved in that timescale.

116. It would also be useful to have views as to whether the challenges faced by local authorities in implementing the legislation as it stands (as evidenced by the proportion of social lets currently going to homeless people or the pressures on temporary accommodation for example) should preclude a further expansion of priority need being announced in the statement.

117. It would be useful to have views as to whether there are other specific interim objectives that should be included in the statement. These could be related to the policy areas set out in section 4 or monitoring issues set out in this section. Some areas for consideration are set out below:

- Specific milestones in relation to any of the policy areas set out in Section 4;
- Revision of homelessness strategies;
- Gathering of additional evidence;
- Date by which expansion of priority need should be announced if not in this statement;
- Revision of the statement at a later date; and
- Fulfilment of capacity measures.

**CONSULTATION QUESTIONS:**

**Views are sought on the issues covered by this section of the paper; in particular:**

- 8. How should capacity be measured and is it possible to set relevant benchmarks?**
- 9. Should local authorities be required to report against a broader set of targets?**
- 10. Would it be useful to resubmit homelessness strategies following the publication of the statement?**
- 11. Should the statement contain an interim objective in relation to the abolition of the priority need test or is this precluded by the current position?**
- 12. If an interim objective on the abolition of the priority need test is incorporated, how should it be framed?**
- 13. What other interim objectives should be set?**

## **Annex A: Section 3 of the Homelessness etc (Scotland) Act 2003**

### **3 Statement on abolition of priority need test**

(1) The Scottish Ministers must, by 31st December 2005, prepare and publish a statement setting out the measures which they and local authorities have taken, are taking and intend to take for the purpose of ensuring that local authorities can reasonably be expected to perform the duties under sections 31 and 32 of the 1987 Act as modified by section 2(1) of this Act.

(2) The statement must specify-

- (a) a target date (which must be no later than 31st December 2012) for the achievement of that purpose, and
- (b) interim objectives towards the achievement of that purpose.

(3) Those interim objectives may include proposals to specify, under section 25(2)(a) of the 1987 Act, further descriptions of persons as having a priority need for accommodation.

(4) The Scottish Ministers-

- (a) must keep the statement under review,
- (b) may from time to time modify the statement, and
- (c) must publish any modified statement.

(5) In preparing or modifying the statement, the Scottish Ministers must have regard to the homelessness strategies and local housing strategies prepared by local authorities under sections 1 and 89 respectively of the Housing (Scotland) Act 2001 (asp 10) ("the 2001 Act").

(6) Before preparing or modifying the statement the Scottish Ministers must consult-

- (a) such associations representing local authorities, and
- (b) such other persons,

as they think fit.

**Annex B: Households assessed as non-priority in 03/04 (as percentage of all assessments in that age range)**

Local Authority	18-20 year olds	21-25 year olds	56-60 year olds
Scotland	35% (1707)	37% (2433)	19% (194)
Aberdeen	28% (47)	25% (63)	17% (5)
Aberdeenshire	37% (41)	51% (54)	20% (7)
Angus	27% (24)	25% (26)	24% (7)
Argyll & Bute	41% (42)	51% (48)	26% (6)
Clackmannan	22% (16)	23% (21)	0% (0)
Dumfries & Galloway	27% (54)	31% (68)	20% (8)
Dundee	15% (13)	12% (13)	11% (2)
East Ayrshire	54% (59)	73% (104)	11% (2)
East Dunbartonshire	43% (23)	39% (27)	18% (3)
East Lothian	36% (27)	62% (46)	33% (7)
East Renfrewshire	6% (2)	29% (10)	0% (0)
Edinburgh	42% (228)	47% (387)	22% (24)
Eilean Siar	40% (8)	43% (10)	14% (1)
Falkirk	45% (37)	57% (52)	10% (3)
Fife	57% (239)	57% (226)	18% (11)
Glasgow	19% (172)	20% (373)	16% (32)
Highland	53% (90)	65% (148)	37% (21)
Inverclyde	44% (21)	45% (34)	0% (0)
Midlothian	43% (20)	78% (42)	29% (2)
Moray	63% (40)	68% (52)	0% (0)
North Ayrshire	30% (63)	34% (73)	0% (0)
North Lanarkshire	39% (109)	47% (133)	20% (12)
Orkney	7% (1)	29% (2)	0% (0)
Perth & Kinross	40% (40)	38% (48)	29% (8)
Renfrewshire	1% (1)	2% (4)	29% (7)
Scottish Borders	44% (31)	35% (26)	18% (5)
South Ayrshire	46% (42)	46% (57)	6% (1)
South Lanarkshire	42% (104)	47% (111)	22% (10)
Stirling	35% (31)	41% (46)	20% (4)
West Dunbartonshire	10% (13)	29% (32)	6% (2)
West Lothian	46% (64)	61% (92)	20% (3)

## **Annex C: The Scottish Executive Consultation Process**

Consultation is an essential and important aspect of Scottish Executive working methods. Given the wide-ranging areas of work of the Scottish Executive, there are many varied types of consultation. However, in general, Scottish Executive consultation exercises aim to provide opportunities for all those who wish to express their opinions on a proposed area of work to do so in ways which will inform and enhance that work.

The Scottish Executive encourages consultation that is thorough, effective and appropriate to the issue under consideration and the nature of the target audience. Consultation exercises take account of a wide range of factors, and no two exercises are likely to be the same.

Typically Scottish Executive consultations involve a written paper inviting answers to specific questions or more general views about the material presented. Written papers are distributed to organisations and individuals with an interest in the issue, and they are also placed on the Scottish Executive web site enabling a wider audience to access the paper and submit their responses<sup>32</sup>. Consultation exercises may also involve seeking views in a number of different ways, such as through public meetings, focus groups or questionnaire exercises. Copies of all the written responses received to a consultation exercise (except those where the individual or organisation requested confidentiality) are placed in the Scottish Executive library at Saughton House, Edinburgh (K Spur, Saughton House, Broomhouse Drive, Edinburgh, EH11 3XD, telephone 0131 244 4565).

All Scottish Executive consultation papers and related publications (eg analysis of response reports) can be accessed at: <http://www.scotland.gov.uk/consultations>.

The views and suggestions detailed in consultation responses are analysed and used as part of the decision making process, along with a range of other available information and evidence. Depending on the nature of the consultation exercise the responses received may:

- Indicate the need for policy development or review
- Inform the development of a particular policy
- Help decisions to be made between alternative policy proposals
- Be used to finalise legislation before it is implemented.

Final decisions on the issues under consideration will also take account of a range of other factors, including other available information and research evidence.

**While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.**

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<sup>32</sup> <http://www.scotland.gov.uk/consultations>

## **Annex D: Distribution list**

This paper has been distributed to the following groups of organisations/individuals:

Aberdeen Cyrenians  
Clerk of the Scottish Parliament Communities Committee  
Commission for Racial Equality  
CoSLA  
Disability Rights Commission  
Dundee Cyrenians  
Edinburgh Cyrenians  
Equal Opportunities Commission  
Glasgow Homelessness Network  
Glasgow Simon Community  
Homelessness Monitoring Group  
Homelessness Monitoring Group 2012 Subgroup  
Homes for Scotland  
Landlord Organisations  
Local Authority Chief Executives  
Local Authority Directors of Finance  
Local Authority Directors of Housing  
Local Authority Directors of Social Work  
Local Authority Leaders  
Local Authority Homelessness Strategy Co-ordinators  
(Scottish) Members of the European Parliament  
National Rent Deposit Forum  
NHS Scottish Chairs  
NHS Scottish Chief Executives  
Rock Trust  
SACRO  
Scottish Association of Citizen's Advice  
Scottish Council for Single Homeless  
Scottish Churches Housing Action  
Scottish Federation of Housing Associations  
Scottish Foyer Network  
Scottish Parliament Information Centre  
Scottish Social Networks Forum  
Shelter Scotland  
Women's Aid

## **Annex E: Summary of consultation questions and response form**

### Section 3 – Evidence base

Views are sought on the issues covered by this section of the paper; in particular:

- 1. What other sources of information should be considered in assessing capacity to meet need?**
- 2. What are the main gaps in the evidence base in relation to assessing the capacity to meet need?**
- 3. Would it be useful to re-run the pro-forma exercise at a later date and if so when? If not then what process would be helpful to inform local authority planning for 2012?**

#### Section 4 – Coverage of the Ministerial Statement

Views are sought on the issues covered by this section of the paper; in particular:

- 4. Are there other policy areas which are relevant to the 2012 target which should be considered? What are the priorities?**
- 5. Are there specific actions which would contribute to the 2012 target which the statement should contain? In particular are additional actions required to ensure homelessness is prevented, and sustainable solutions achieved for homeless people and local communities?**
- 6. What are the barriers to diverse housing outcomes for homeless people and how can these be overcome?**
- 7. Could existing funding streams be used more effectively to prevent and tackle homelessness? How could this be done?**

Section 5 – Monitoring and interim objectives

Views are sought on the issues covered by this section of the paper; in particular:

**8. How should capacity be measured and is it possible to set relevant benchmarks?**

**9. Should local authorities be required to report against a broader set of targets?**

**10. Would it be useful to resubmit homelessness strategies following the publication of the statement?**

**11. Should the statement contain an interim objective in relation to the abolition of the priority need test or is this precluded by the current position?**

**12. If an interim objective on the abolition of the priority need test is incorporated, how should it be framed?**

**13. What other interim objectives should be set?**

## Annex F: Respondent information form

Please complete the details below and return it with your response. This will help ensure we handle your response appropriately. Thank you for your help.

Name:

Postal Address:

1. Are you responding: (please tick one box)
- (a) as an individual  go to Q2a/b and then Q4
- (b) **on behalf of** a group/organisation  go to Q3 and then Q4

### INDIVIDUALS

- 2a. 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

### ON BEHALF OF GROUPS OR ORGANISATIONS:

3. 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

### SHARING RESPONSES/FUTURE ENGAGEMENT

4. 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

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