

PREVENTION OF HOMELESSNESS DUTIES - A JOINT SCOTTISH GOVERNMENT AND COSLA CONSULTATION

This response is based on feedback from 40 colleagues working in different Cyrenians services, including Outreach, Housing First, Addiewell Visitor Centre and Mediation & Support, who engaged with the consultation through focus groups or in writing. Moreover, the response is informed by consultation events with the Scottish Frontline Network and All In for Change. The response thus includes a range of different perspectives from frontline workers, managers and service users.

KEY MESSAGES

Cyrenians believe overall that the proposals within the government consultation present a step in the right direction and could lead to a more co-ordinated way of working with people at risk of homelessness with networks of organisations that can liaise and help people get the specific support they need. We also support the intention that different public bodies are obliged to look out for people in vulnerable housing situations through an 'ask and act' duty.

However, to implement these proposals successfully, significant resources will be necessary. This includes but is not limited to: increased capacity and development of staff, awareness-raising and training. Services beyond housing (such as public bodies, local authorities and social and private landlords) would need training to properly understand the pathways into and out of homelessness and how to work with people at risk of homelessness in a respectful and person-centred way. While Cyrenians is largely supportive of the proposals, we have key concerns that are listed below.

Lack of resources and affordable housing

Local Authorities are already stretched and struggling to house people in acute housing crises. In areas such as Edinburgh, there is currently not enough housing or support available to all that need it and there are no resources to support homelessness prevention.

This is emphasised by a recent survey of frontline workers in Scotland. 46% of frontline workers stated that the resources available to prevent homelessness were "low" or "very low", while 43% said the same for resources available to alleviate homelessness. Moreover, 64% of participants found it "difficult" or "very difficult" to access accommodation for the people they work with.¹ This highlights the continuous need for more social housing, secure PRS services, and mitigating LHA rates SAR policies. Those with mortgages who find themselves unemployed cannot claim housing benefit or UC so find themselves getting into further debt by taking loans to cover the interim period between jobs, or longer-term if they cannot secure employment, leading to homelessness.

Not everyone's homelessness can be prevented

An extended prevention duty should not be to the detriment of people who have not managed to prevent their homelessness, and these households should receive the same amount of resources and support as those who are trying to prevent their homelessness. It is vital that services continue to exist for people in crisis with nowhere else to go.

Existing housing rights should not be diminished

People should not need to choose between security and quality and existing rights to permanent accommodation should not be diminished. Where homelessness is prevented by people moving into non-standard accommodation, their homelessness duty should not be discharged or suspended if they are in a temporary housing situation, such as young people returning to parental homes following family mediation. Moreover, people should have the right to reconsider and change their mind if an option is not working out without being penalised or accused of being intentionally homeless.

The person should be at the centre of any decision

An unintended consequence of an extended prevention duties could be that Local Authorities might use this as a requirement for people to go through certain prevention activities before being allowed a homeless application. It is vital that someone engaging in prevention activities should never feel coerced into engaging with prevention activities that are no longer meaningful and should be aware of their rights if their situation changes and they lose their accommodation.

Therefore, these new proposals should be approached with caution to make sure that people get the type of accommodation that is needed in their specific situation and that any choice is an informed choice where people are not feeling pressured to accept an unsuitable living situation. This would require flexibility from housing options teams and trauma informed practice training to make sure that the person is at the centre of any decision and adequately-funded advocates should be available for people at risk of homelessness.

Capacity in other services

Extended prevention duties would potentially lead to more people being referred to services such as debt and welfare advice and family mediation. Some services, for example mental health services, might already have long waiting list and will not have the capacity to support people right away. It is important to consider what happens to the duty of Local Authorities to provide reasonable steps to prevent someone's homelessness if they refer to a service but in reality, the person will not get the support they need for several months.

This is further highlighted in the Frontline Worker Survey. 75% of participants responded that they find it "difficult" or "very difficult" to access mental health support for the people they work with. Similarly, 70% found it difficult or very difficult to access support for people with complex needs.²

Therefore, effective monitoring would need to be in place to ensure that the steps taken are meaningful, put into practice and do not become a tick box exercise, and Local Authorities would need to assess whether there are sufficient and high-quality support services available and ensure that these are properly funded to provide long-term support for people.

Reconsidering the terminology and framing

We suspect that wider public bodies might not respond well to the terminology around 'homelessness'. There are still widespread misunderstandings in the general public about the pathways into and out of homelessness and understanding homelessness as not just rough sleeping but also hidden homelessness or people living in unsafe conditions.

To get buy-in from other public bodies, it is important how these duties are framed to make sure that everyone understands the shared responsibility to prevent homelessness. Framing homelessness as a public health issue could be one way of highlighting the shared, societal responsibility.

Finally, people with lived experience of homelessness and frontline experience in the sector should be involved in the design and delivery of services and processes. This includes learning from existing projects that are making great impacts in prevention work, including Cyrenians' Hospital In-reach team, HMP Addiewell Visitors Centre and Mediation and Support service.

PRINCIPLES OF THE PREVENTION REVIEW GROUP - WIDER PUBLIC BODIES AND LANDLORDS

1 Do you agree that these are the right foundational principles?

We strongly believe that the responsibility to prevent homelessness should be shared. In areas such as Edinburgh which has a huge reliance on temporary accommodation, detrimental to individuals and whole communities, a shift to prevention rather than crisis intervention would be extremely positive. This should be actioned through joined-up responses with a recognition that local areas have different circumstances, so there should be enough flexibility to tailor responses to individual needs and circumstances, which are often complex and multi-faceted. Although this responsibility should lie with everyone, there is a concern that this may lead to a dilution of accountability with actions and individuals passing between public bodies and services. Public services are already under an extreme amount of pressure, without adding additional responsibilities.

Consequently, a huge amount of ring-fenced resource needs to be put in place as well as changes to culture and ways of working to ensure that these principles work in reality. It will be important to have frameworks for what happens next after identifying someone is at risk of homelessness and these need to be concrete actions.

Having the same range of housing outcomes to the general population is not sufficient in areas with high demand for properties, where many need to settle for homes that are unaffordable and unsuitable even to those not experiencing poverty or homelessness. We need more affordable homes and mitigations in place to offset frozen LHA rates and the under 35 shared accommodation rates. We also feel that increasing access to longer-term/permanent supported accommodation is necessary for some, as well as increased support for those moving into tenancies to maximise sustainment and prevent recurring homelessness.

2 Are there any other principles that should be included? If so, why?

We feel that training and awareness-raising of the principles is necessary, along with changes to culture and ways of working to ensure that these principles work in reality. This should extend to all public bodies and social/private landlords.

We would like to see more emphasis on protecting children and education relating to budgeting and other tenancy-related skills being part of the school curriculum.

3 Do you agree with the proposals to introduce new duties on public bodies to prevent homelessness?

Agree.

We believe it should be everyone's responsibility to ask about this sensitively in a trauma-informed and person-centred manner. Public bodies already ask a lot of questions about people's lives, so could also ask about housing. Significant training will be necessary in order to achieve this. However, public bodies and services are already stretched, so introducing more duties may result in staff and services becoming overwhelmed, leading to staff turnover. Making a referral alone is not sufficient – this needs to be followed up. See answer 4 for more detail.

4 Do you agree that public bodies should be required to 'ask and act' to prevent homelessness?

Agree

We agree with this in principle. By the time people present to housing departments they are usually already at crisis point, so earlier intervention will be positive. Some public bodies will already be doing this without it being labelled as "prevention", such as community midwives, so consideration needs to be made on terminology used. Where possible data should be used to help guide public bodies into the best position to identify homelessness. This needs to be locally-driven as landscapes vary widely in different contexts. We should look at examples of current good practice and see how we can replicate this.

One example would be [Cyrenians' Hospital InReach team](#), who have done great work to prevent discharge into homelessness from hospitals across Edinburgh. This took time and resources to implement but has achieved very positive outcomes. The duties could provide an opportunity for building local capacity and knowledge about services such as third sector initiatives, and improving signposting and referrals, but this needs to be implemented without drowning existing organisations in new referrals and creating long waiting times.

However, the 'ask and act' duties need to come with adequate resources. These include training, so that staff are confident in having conversations in a sensitive and supportive way otherwise there is a risk of driving people away from services such as GPs.

Training should to extend to all frontline workers as well as having awareness-raising for those who are at risk of homelessness, to enable them to understand their rights. Asking and acting should be trust and relationship-based so that people do not feel further stigmatisation, re-traumatisation by repeating their life history multiple times, or feel pressured into leaving accommodation that they feel suits their needs.

There is also a need for clear frameworks, safeguards and follow-through guidance, as our experience shows that staff working in public bodies such as primary healthcare can often be unsure of what to do next after identifying a risk of homelessness. Without adequate resources and structures to ensure the duties are properly implemented and maintained, there is a risk that the duty becomes meaningless and will place increased pressure on professionals working in public bodies, increasing staff turnover.

There is also a concern that if all public bodies are responsible, who has ownership of making sure actions are followed-up? Making a referral alone is often not sufficient, particularly where there

may be long waiting lists and increased pressure on referral agencies – this needs to be followed up and safeguards put in place to ensure this does not become a “tick box” exercise. There will likely be issues around confidentiality, data storage and access which need to be robustly addressed. We need to ensure that there are sufficient services in place to meet need. Community hubs could provide a “one-stop shop” to deal with prevention in one building housing multi-disciplinary teams. Having a helpline for local authorities may be useful.

5 Which public bodies do you think a new duty to prevent homelessness should apply to and why?

These should include:

- All levels/tiers of health including GPs, outreach/visitors and hospitals
- Children’s services including schools– not only to ask and act but to educate from a young age
- Criminal justice system
- Public bodies dealing with substance use, such as DTO, drug courts and other such initiatives

6 Do you agree to introducing a statutory duty on public bodies to prevent homelessness for anybody leaving an institution within six months?

Agree

The duty would clearly be beneficial for those leaving institutions, hopefully ensuring sufficient time and consideration is given to post-release planning and support. A no wrong door approach is helpful, not least because many people struggle to navigate 'the system', particularly at highly stressful points such as when leaving institutions.

7 What would help public bodies to meet this requirement and how might it work in practice?

Refer to answer 4 – particularly around:

- Resource issues - this will place considerable pressure on already limited services and available housing and there needs to be enough capacity to deal with the demand
- Training and awareness-raising

The individual should be notified about, and be able to veto referrals. There will be challenges around consent and confidentiality. This will require high-levels of partnership work and good communication between local authorities and community-based services, as well as user involvement to create effective systems. Longer-term funding should be given to organisations doing good work.

PREVENTION REVIEW GROUP PROPOSED RECOMMENDATIONS FOR HEALTH AND SOCIAL CARE

8 Do you agree with the proposal that Integration Authorities should identify the housing circumstances of people using health and social care services, and where necessary work with partners to ensure that service users are assisted into suitable housing or prevent the risk of homelessness?

Strongly Agree

We believe Integration Authorities should be identifying housing circumstances of those using health and social care services sensitively and in a trauma-informed and person-centred way (see answer 4).

Research has shown that primary care would be well positioned to identify risk of homelessness. Further adding to the admission questionnaire could assist with the identification of "at risk" accommodation. At Cyrenians we have solid evidence of how to identify homelessness amongst hospital inpatients. However, health and social care services are stretched currently, and introducing more responsibilities will necessitate more resource and training (see answer 4).

9 Do you agree that a new legislative duty on Integration Authorities to identify housing circumstances of patients is the best way to prevent homelessness?

Disagree

It will help identify those at risk but a legislative requirement without the right support and services in place could make it more of a 'tick box' approach. Training and broader understanding from all services (especially health) is required but when services are already overwhelmed it will be difficult to implement this effectively.

Having dedicated teams such as the Cyrenians' hospital in-reach team in all acute health settings would help with this. The team have offered long-term support to healthcare staff in understanding homelessness and accommodation so that they have more knowledge to best support and advise their patients. Ideally housing should be under the remit of IJB's as we know the role safe and secure housing plays in people's health and wellbeing.

10 Do you agree that the Integration Authority should have primary legal responsibility for meeting accommodation and support needs where cases are so complex that they cannot be met in mainstream accommodation even with support?

Strongly Agree

We strongly agree with this, however this relies on a variety of adequately funded services to meet a range of specialist needs (see answer 4). Again, this requires huge investment as integrated authorities cannot meet the needs of people currently. But a range of supported accommodation or residential services would provide safer, more permanent options for people, increase their quality of life, prevent hospital admissions, reduce delayed discharge and save money in the longer term.

11 How would the Integration Authority having primary legal responsibility where cases are so complex work in practice?

There would need to be clear and transparent assessment criteria/thresholds along with a clear strategy for those whose needs change over time. With the right supported accommodation many people will become more independent, however this does not mean they should be removed from that environment and support reduced to the extent that they are at risk of homelessness again.

12 Do you think a duty on the Integration Authority would positively impact on preventing homelessness for people with a range of more complex needs?

Positively Impact

In theory yes, but huge investment is required. For example, for those with autism and learning disabilities, there is already this requirement in place, and whilst this does at times work well in practice it is still often impossible to find the right service/support/level of funding to fully meet people's needs. Only partially meeting needs is detrimental to the individual and more costly in time.

[Qs 13-15 left blank]

16 Do you agree with the proposal that the local authority must provide assistance to anyone who is going to be discharged from hospital?

Strongly Agree

The duty would clearly be beneficial for those leaving institutions, hopefully ensuring sufficient time and consideration is given to post-release planning and support. A no wrong door approach is helpful, not least because many people struggle to navigate 'the system', particularly at highly stressful points such as when leaving institutions.

17 What would be the main challenges of introducing a statutory duty on local authorities to house those due to be discharged from hospital within the next six months?

See answer 4, particularly:

- Resource issues - this will place considerable pressure on already limited services and available housing and there needs to be enough capacity to deal with the demand
- Training and awareness-raising

The individual should be notified about, and be able to veto referrals and there will be challenges around consent and confidentiality. This will require high-levels of partnership work and good communication between local authorities and community-based services, as well as user involvement to create effective systems. Longer-term funding should be given to organisations doing good work in this area.

18 Do you agree with the the proposal that GP practices are required to refer to local authorities where there is a risk of homelessness identified?

Agree

Any opportunity for earlier intervention to prevent homelessness is welcomed, and GP's could play a key role in this. However, due to the short appointment times and pressures on GP surgeries, these may not be realistic, and again adequate resource and support would need to be put in place (see answer 4)

19 Are there any additional approaches that could be adopted by GP practices to better identify and respond to housing need?

- Community link workers such as one of our colleagues in Cyrenians' who work specifically with people experiencing homelessness have a huge role to play in this. Their remit of Community Link Workers should be broadened as many just signpost/refer on.
- Training for all staff in GP practices to identify any support needs or housing issues with clear guidance to act upon information
- Offer drop-in services for advice and referral for a number of non-clinical services e.g. housing, welfare advice, addiction services

PREVENTION REVIEW GROUP PROPOSED RECOMMENDATIONS FOR CASE CO-ORDINATION FOR PEOPLE WITH MULTIPLE OR COMPLEX NEEDS

20 Do you agree with the proposal that a statutory duty to put a case co-ordination approach in place for people requiring input from two or more public services is the right approach?

Agree

21 If this statutory duty is established, how would it work in practice?

There would be a need for trusted multi-agency partnerships, with information sharing guidance and procedures in place and clarity on roles and clear communication streams. Extending the timeframe between signing for a tenancy and moving-in, as well as ensuring caseloads of workers are manageable will assist coordination and increase positive impact. Cyrenians' Housing First projects in West Lothian and The Borders (<https://cyrenians.scot/how-we-help/123-housing-first>) are good examples of multi-agency partnership working.

21.1 What challenges would it present and how could these be best addressed?

See answer 4, particularly:

- Resource issues - this will place considerable pressure on already limited services and available housing and there needs to be enough capacity to deal with the demand
- Training and awareness-raising

People may miss out on support if an assumption is made that another service or public body will have made a referral/taken responsibility. All agencies involved in someone's care should be asking and checking a referral has been made (if appropriate). Differing cultures and ways of working might also be a challenge – time should be set aside to promote good communication and minimise misunderstanding.

22 What difference would a case co-ordination approach make to people experiencing homelessness or a risk of homelessness who have more complex needs?

Having a case coordinator who is responsible for support gives the opportunity to build a trusted relationship to one person and can avoid people feeling 'watched' by several services. Making sure that responsibility is shared and that clients' needs are dealt with. Less need for repetition of life history and maximising the potential for support needs being met.

PREVENTION REVIEW GROUP PROPOSED RECOMMENDATIONS FOR CHILDREN'S SERVICES, YOUNG PEOPLE AND 16 AND 17 YEAR-OLDS

23 Do you agree with the proposal to establish a duty on health visitors or head teachers to identify a housing issue or risk of homelessness to a local authority?

Strongly Agree

Head teachers, and teachers in general are already responsible for a lot, and work long hours, but they are well-placed to ask and act, and to spot early signs of a risk of homelessness. Again, this needs to be properly resourced with relevant training and clear guidance to ensure people are not further stigmatised.

24 How would a duty on health visitors or head teachers to identify a housing issue or risk of homelessness to a local authority work in practice?

See answer 4, particularly:

- Resource issues - this will place considerable pressure on already limited services and available housing and there needs to be enough capacity to deal with the demand
- Training and awareness-raising

Teachers may not know what to do if pupils say they are at risk of or currently homeless so need clear guidance on actions to take.

Housing and life skills should be core to the curriculum. Educational institutes from early years settings to universities should be alert to signs of struggle which could either indicate lack of settled accommodation, or risk (e.g. financial hardship).

24.1 At what stage should a referral be made to the local authority?

Referrals should be made as early as possible.

25 How can we ensure a homelessness prevention service is designed so that it can meet the needs of young people at risk, in partnership with other relevant services?

We should create direct and regular lines of communication and working groups with representatives from various sectors and organisations, so that all are informed and can be brought on board to address specific situations as required.

- Resource issues - this will place considerable pressure on already limited services and available housing and there needs to be enough capacity to deal with the demand. Trying to identify risk of homelessness earlier is important, but local authorities are struggling to accommodate young people currently homeless who are being sent back to their family homes.
- Training and awareness-raising, including having housing and homelessness on the core curriculum. Schools should teach young people about how the housing system works e.g. how to access social housing so that they can go on the housing list at 16 while still living in the family home.

Allowing freedom of choice in housing – some young people prefer the security of social housing, whereas others are keen on the flexibility that private rented housing allows. Young people can be particularly keen on living in certain areas close to people that they know to feel secure, and can be anxious to live in other areas. Trying to prevent stays in temporary accommodation, which can lead to recurring homelessness and increase mental health and other issues later in life.

26 Do you agree that a local authority, possibly in partnership with others, should have a family mediation service as part of its legislative duties to prevent youth homelessness?

Strongly Agree

Relationship breakdown is a key reason for people experiencing homelessness. Cyrenians' [Mediation and Support](#) and [Scottish Centre for Conflict Resolution](#) teams are already doing great work in this area, stepping in to provide mediation to families. This should be available in each local authority. However, we must ensure that mediation is not forced onto people, particularly when there are indicators of violence or abuse. People should still be able to make a homeless application, but can access mediation in the meantime. It should not be used as an alternative to providing necessary, safe and adequate accommodation.

PREVENTION REVIEW GROUP PROPOSED RECOMMENDATIONS FOR CRIMINAL JUSTICE - PRISONS, COURT SERVICES AND POLICE SCOTLAND

29 Do you agree with the proposal to introduce new legal duties on prisons to ask about and work with partners to address housing issues to prevent homelessness?

Strongly Agree

It is well established in research that an inability to access settled accommodation can increase repeat offending, so anything that can be done to prevent this is welcome.

30 How would a statutory duty on prisons to identify and work with partners on housing issues change existing practice already in place to prevent homelessness amongst those leaving prison?

[Cyrenians' HMP Addiewell Visitors Centre](#) is a great example of successful partnership work between the third sector and prisons, working together on good practice to prevent homelessness, and through this service we have experience of what works, and what could be better. These types of services should to be funded locally and replicated nationally (with relevant contextual adjustments).

31 What are the main challenges of introducing any new statutory duty on prisons to identify and work with partners on housing issues?

- Resource issues - this will place considerable pressure on already limited services and there needs to be enough capacity to deal with the demand
- Training and awareness-raising on how to ask and act

32 What changes to existing practice would local authorities have to make to ensure they meet the needs of those leaving prison?

Release from prison can be a difficult time, so adequate wraparound throughcare should be provided where necessary to avoid repeat offending and homelessness. These processes should be flexible, tailored, person-centred and trauma-informed. Well-trained staff knowing how to ask and act on risk of homelessness is key, as is knowledge of the local housing procedures.

Those in custody could access the housing list sooner – preferably well in advance of their release date so that they have somewhere stable to go, or at least will be higher up on the list so they don't need to wait as long. There should be a process to find out release dates so accommodation can be found prior, enabling someone to set-up benefits before release and decreasing the chances of rough sleeping.

There is a need to identify best location for re-housing and local area connection should be suspended for those leaving institutions. Where possible and desirable, individuals should be allowed to keep their tenancy during custody for shorter-term sentences (but longer than currently) without accruing rent and utility/council tax arrears.

33 Do you agree with the proposal that housing options advice should be available in court settings?

Not Answered

34 Do you agree with the proposal to place a statutory duty on the police to ask about somebody's housing circumstances if there is 'reasonable belief' they may be homeless or at risk of homelessness?

Strongly Agree

Police are often the first point of call for relationship breakdowns, anti-social behaviour and drug and alcohol issues. Therefore, police may be able to pick up on signs quicker than other public bodies. However, people making repeat calls are often seen as a drain on resources rather than making a cry for help.

35 How would a statutory duty on police to ask about somebody's housing circumstances if there is a 'reasonable belief' they may be homeless or at risk of homelessness work in practice?

There is a good example in Falkirk where they try to flag when receiving repeat calls and divert people to support services. This is a social inclusion project with CGL who receive a lot of referrals where drugs and alcohol are an issue as well as people who are not good with gatekeeping, leading to risk of eviction. Work needs to be done to overcome a lack of trust in systems. People might not tell the truth to services such as police and social work.

PREVENTION REVIEW GROUP PROPOSED RECOMMENDATIONS FOR DOMESTIC ABUSE

36 Do you agree that the set of proposed measures on domestic abuse are complementary to each other and consideration should be given to implementing them in full?

Strongly Agree

Measures have to be identified and implemented for the common good, welfare and safety of those effected by homelessness due to domestic abuse. These matters cannot be dealt with in isolation so it is essential that all agencies involved have knowledge of the recommendations. The proposed measures present those concerned with the best opportunity to support people who are homeless into an environment where they are safe and which contribute to a stable and happy family unit. People are not always aware of their rights – individuals and workers/services, so in-depth training and awareness-raising should be funded alongside properly resourced implementation.

37 Do you have any comments about the implementation of any specific proposal made in relation to preventing homelessness as a result of domestic abuse, and is there anything missing from these proposals?

Homelessness due to domestic abuse is often a result of the survivor not being accommodated in a safe and supported place of residence due to a lack of availability. The victim and any dependents often have no other option than to present as homeless through no fault of their own. Living arrangements may become high risk due to the perpetrator being aware of the address, poor housing conditions or no engagement with social landlords. On top of this, sometimes the address is being preserved as a crime scene in the most serious of circumstances. It is important to take all circumstances into account, and be aware of the trauma that the household has experienced.

It is essential to maintain existing partnerships and foster solid relationships with other partner agencies to provide a strong strategical safe approach to tackle homelessness in domestic abuse cases coupled with specific and transparent legislation to all those agencies and social housing partners involved.

Inter-agency working groups could be established on a frequent basis to address concerns and any issues in this regard whereby issues can be identified and actions be allocated to each relevant group by means of prioritising. Partner agencies should have their own specialisms and intelligence-based antecedents of the victims of domestic abuse which should be shared proportionately and appropriately to others when the need arises. Having said this, it is essential to have some framework in place for this to succeed. Communication with the survivor is essential with regards to their legal opportunities and also a layman explanation of the workings and procedures of the legal system which the proposals address, however care has to be adopted that these measures are not abused in any way so safeguards should be put in place.

PREVENTION REVIEW GROUP PROPOSED RECOMMENDATIONS FOR A LOCAL AUTHORITY DUTY TO RESPOND TO REFERRALS

38 Do you agree with the proposal that there should be a statutory duty on a local authority to accept a referral from a public body to prevent homelessness, as part of legislative change that places a duty on public bodies to 'ask and act'?

Agree

Local Authorities already receive referrals from children's services and support young people into tenancies, so this could be open to all people at risk of homelessness, but would need the right resources in place (see answer 4)

39 If a statutory duty on local authorities to accept a referral from a public body to prevent homelessness was introduced, what would be the primary advantages and challenges compared to existing arrangements?

Please say what you think the primary advantages would be:

See answer 1 for more detail. We strongly advocate for the No Wrong Door Approach, and this is one of the key elements of our work with the [All in For Change Team](#). This is important as many people struggle to navigate 'the system' especially if you feel stressed and/or struggle to ask for help. It may alert local authorities to safeguarding/risk of harm and reduce gatekeeping as all referrals should be accepted. It will facilitate ownership and accountability over preventing homelessness to local authorities. Ensuring needs are met for specific groups e.g. those with experience of the care system and those fleeing domestic abuse

Please say what you think the primary challenges would be:

- Not enough houses for everyone right now – need to ensure enough secure & suitable housing for people to live in.
- Ensuring that relevant assessments e.g. mental health are in place.
- Referrals may be skewed depending on what public body is referring in since different professions will focus on different issues.
- Risk of prioritising referrals from some public bodies over others.
- Resourcing is a huge issue. Local authorities are already overexposed with the number of referrals they receive and this would increase pressure. Without additional and adequate resources this will not work in practice.
- People may be hesitant with the more formal referral route
- Ensuring there is no grey areas in the language used to implement new duties – everything needs to be clearly defined.
- Issues around consent (see answer 40) and confidentiality
- Ensuring that the individual and their autonomy is upheld. It should be their voices being heard, not that of the worker referring in. Sometimes support needs indicated on referrals are experienced very differently by the individual
- People may fall through the net, after being referred on, but the referring agency may feel that they have done their duty and not follow-up.
- Ensuring consistency, once something arrives in someone's inbox that should be actioned – there needs to be a trail of actions with those responsible held accountable, so people don't get lost in the system and are not discharged if they don't show for an appointment or miss a call.
- Public bodies speak different languages to some degree and prioritise different things. It is important to find a common language and framework to ensure consistency.

40 Do you have a view on the issue of an individual's consent in this process?

In anything we do we need to have the individual on-board, unless they lack capacity to make this decision themselves.

PREVENTION REVIEW GROUP PROPOSED RECOMMENDATIONS FOR JOINING-UP SERVICES THROUGH STRATEGIC PLANNING

41 Should the requirements for joining-up services through strategic planning to prevent homelessness be included in legislation or guidance?

The requirements should be included in legislation

We believe that legislation would increase the potential of prevention work, as long as the right guidance, resources and structures are in place.

42 Are there any other requirements for joining-up services through strategic planning that should be considered?

We believe there should be flexibility to provide localised responses within national guidelines, and that implementation will need to be tested out and adapted. A more collaborative approach to treating homelessness as a public health emergency is needed to ensure that support is provided for all areas without having to go through loads of different assessments and agencies. Joining-up services will foster a sense of mutual accountability.

Longer-term funding should be considered, including funding services that are already doing significant work in homeless prevention. Funding streams that require collaborative working should be increased. Homeless prevention funding should be ring-fenced.

43 What do you think the implications are of increased joint working to prevent homelessness between public bodies on data sharing and data protection?

The lack of adequate and timely data sharing is a major challenge felt acutely within the voluntary sector. There needs to be a strong commitment from all parties to ensure that this improves as people do not fit neatly into one aspect of service provision. Individuals should have the right to opt-out of data sharing if no risk to themselves or others from doing so.

PREVENTION REVIEW GROUP PROPOSED RECOMMENDATIONS FOR SOCIAL LANDLORDS

44 Do you agree with the new legislative duties to ensure social landlords take specified reasonable steps to prevent homelessness where a risk is identified?

Strongly Agree

Social landlords have an important role to play in this by ensuring that people are not struggling in their tenancies and should be checked upon intermittently. This could potentially tie-in prevention work with existing services such as gas inspections.

45 Are there any other reasonable steps apart from those listed that a social landlord should be legally obliged to take to prevent homelessness?

Not answered

46 Do you agree with the proposal to legislate for the establishment of protocols by social landlords in relation to domestic abuse?

Strongly Agree

It is of the utmost importance that social landlords are held to account legislatively with regards to the housing of domestic abuse victims. Additionally, awareness and education are key for social landlords to adopt knowledgeable experience to ensure any risk planning or decision making is relevant with regards to safety.

Most people going through domestic abuse may experience incidents in their home that bring them to the attention of their neighbours or landlord and this can lead to homelessness. These women are often left destitute and unable to pay rent. Therefore, support is vital for that. If women and children can be kept safely in their own homes and communities, this is the best option for them.

[Q 47, 48 and 49 not answered]

50 At how early a stage should a landlord be expected to notify a local authority about the risk of homelessness?

As early as possible.

PREVENTION REVIEW GROUP PROPOSED RECOMMENDATIONS FOR PRIVATE LANDLORDS

51 Do you agree with the proposal to make pre-action requirements on private landlords in cases of rent arrears permanent in legislation?

Agree

We would support any intervention that would provide further protections to those living in the PRS. However, there is a need for landlords, tenants and frontline workers to have necessary support in place. This would include training and awareness-raising of all parties on rights and responsibilities in the PRS. There are also concerns that additional requirements will make it less likely to secure good landlords, so additional resource and funding needs to be secured to secure landlords and letting agents, and build-up good relationships.

52 How might a new legislative duty on local authorities to respond to referrals to prevent homelessness from private landlords work in practice?

There should be an agreed threshold i.e. a certain value of rent arrears or number of scheduled payments missed. Referrals would then be made to a prevention team similar to the previous Cyrenians' HPS team. After this an assessment of networks, financial capability, health etc. should be made, and this assessment can be used to inform future housing provision. Key questions would include looking at affordability, access to nearby service e.g. schools, courses of treatment, work, training. Again, adequate resources and training need to be in place to achieve this.

53 What sort of support do you think private landlords may need to ensure they meet this requirement?

Our role in the [private rented sector pilot](#) showed that landlords and letting agents really value having a single point of contact to call upon for support, both for themselves and their tenants. Awareness-raising of rights and responsibilities would also be beneficial, particularly for "accidental landlords" who may only have 1 or 2 properties. We would also support a national bond or guarantor scheme for landlords as well as funding for more services to help people overcome financial barriers to accessing the PRS such as first months' rent and deposit.

54 Do you agree with the proposal that a local authority should have a power to request a delay to eviction to allow time to secure a positive outcome for the tenant?

Agree

We agree with this, but again it needs to be backed up by resources and with a comprehensive framework to ensure that this is used in the most appropriate way i.e. not to reduce administrative burden. This should only be used in circumstances that would not negatively affect the outcome i.e. if tenant rent arrears will be increased, adding to financial burden and reducing options for move-on accommodation.

55 The Prevention Review Group propose that the homelessness advice and assistance is designed to meet the needs of people living in and seeking to access the private rented sector. Do you agree with this proposal?

Agree

The PRS is under-utilised in areas such as Edinburgh, so opening up this choice to those experiencing homelessness, should they choose to live in the PRS, can only be a good thing. This will lead to less time being spent in temporary accommodation and being able to move into a settled home quicker. Providing financial assistance such as advanced rental and deposit will assist in this, as well as being able to access specialist support from providers who are used to working in the PRS. This should involve income maximisation, managing budgets & paying bills. As above, this will need to be adequately resourced.

56 How would a specific legislative duty on local authorities to provide homelessness advice and assistance relating to living in and/or accessing the private rented sector work in practice?

Consideration should be required in areas where rental costs are far higher than LHA, such as in Edinburgh, so it could be a struggle for the local authority to achieve good outcomes. Perhaps a more localised approach to meeting housing costs would assist in this. Covering housing costs in the PRS is often much cheaper than providing individuals and families with temporary accommodation, and more importantly, spending prolonged periods in temporary accommodation can be extremely damaging.

PRINCIPLES OF THE PREVENTION REVIEW GROUP – REFORMING HOMELESSNESS LEGISLATION TO PREVENT HOMELESSNESS

57 Do you agree with these principles?

Agree

We mostly agree with these additional principles. We support the principle of extending the duty to prevent homelessness, as long as this proposal is supported by adequate funding. Moreover, we appreciate the focus on meeting the needs of specific groups such as people leaving institutions and young people. Setting out a list of 'reasonable steps' to prevent or alleviate homelessness can be a helpful tool, as long as they are meaningful to the individual or household and no person feels coerced into engaging with prevention activities. Moreover, these steps should never be used to gatekeep against accommodation. See more details in answer 60, 63 and 65. While we support the intention to give people more choice and control over their housing options, we have some concerns around the proposals of 'suitable and stable' accommodation. See more details in answer 77 81.

[Q58 and 59 not answered]

CHANGING THE CURRENT HOMELESSNESS LEGISLATION - AN EXTENDED PREVENTION DUTY AND DUTY TO TAKE REASONABLE STEPS TO PREVENT HOMELESSNESS

60 Do you agree with the recommendation that there should be changes to existing homelessness legislation to ensure that a local authority must assist somebody threatened with homelessness within the next six months to prevent homelessness?

Agree

Cyrenians agree with this recommendation in principle. Encouraging more preventative and upstream work with people at risk of homelessness to prevent them from losing their home is positive. Being able to start preventative activities earlier would give people more time to plan and resettle.

However, as mentioned in section 2, the reality is that housing departments are struggling to house people who are in housing crises currently – especially in hot spots such as Edinburgh – and funding should be in place to expand the statutory framework as needed and have enough staff available to work with people at an earlier stage.

This is emphasised by a recent survey of frontline workers in Scotland. 46% of frontline workers stated that the resources available to prevent homelessness were “low” or “very low”, while 43% said the same for resources available to alleviate homelessness. Moreover, 64% of participants found it “difficult” or “very difficult” to access accommodation for the people they work with (These findings are based on responses from frontline staff in Scotland to the Frontline Network’s Frontline Worker Survey 2021. In total, 89 frontline staff based in Scotland participated in this survey. The full report containing more information about the methodology and findings will be published later in 2021).

We have some concerns about how Local Authorities with stretched resources would prioritise between new duties to prevent homelessness and duties to rehouse people who are homeless. We have concerns that with limited capacity, someone in a crisis may not receive timely support. If someone has received notice that they will be evicted in two months, they should still be the main priority, and it is vital that services are available for people at crisis point with nowhere else to go, such as the Access Place in Edinburgh. Also, some people only sign a 1-year lease on a property and would then spend half of that time being owed a duty which could prove quite a challenge for Local Authorities to uphold. A possible alternative would be to state that “No one will have to wait for X amount of time to be rehoused if their housing situation becomes vulnerable” rather than a blanket extension to six months.

There also needs to be a realistic assessment of the impact of such an increase in duties and a recognition that sometimes homelessness cannot be prevented. An extended prevention duty should not be to the detriment of people who have not managed to prevent their homelessness, and these households should receive the same amount of resource and support as those who are trying to prevent their homelessness. It is also worth recognising that ‘crisis point’ is different depending on people’s situation, for families it might not be the same as for individuals – some people might not realise that they are at risk of homelessness at such an early stage and not wish to engage with prevention activities. A lot can happen in six months, especially in situations with young people or people experiencing domestic abuse. While we broadly agree that starting

preventative work as early as possible is a good thing, we believe that the two-month cut off point is still important to acknowledge as people have 2 months to raise court proceedings and might not realise they are in trouble before they receive a letter from their social landlord.

Among the people we support, there are many stories of people who know they are losing their tenancy in advance but are being turned away from Local Authorities and asked to come back closer to the time, for example young 16-17-year olds approaching their Local Authority to say they need to leave the family home who are being sent right back to that home or asked to present at 8am on the day they become homeless. Similarly, people living in unsuitable accommodation are being turned away. This shows that the current system does not support preventative work very well and that Local Authorities do not take it seriously when someone is flagged as being at risk in the future. Therefore, implementing this legislative change successfully and ensure that any transition is meaningful and deliverable would need sufficient resources and staff training on how to work with someone to prevent a housing crisis. With ever-diminishing resources and increased stretch across departments, who will lead this integrated approach within local authorities?

As mentioned in section 2, it is important to recognise that services – both Local Authorities and third sector – are already stretched and this proposal would create a new influx of referrals (especially along with the duties on wider public bodies to ask and act on homelessness). This would increase the workload of Local Authority staff as well as increase waiting lists at various services provided by the third sector. Consequently, these legislative changes would need to be well resourced to make sure that they are implemented in practice.

Moreover, in Local Authorities with significant pressure on social housing, such as Edinburgh, 6 months is not nearly enough time to rehouse someone – and people with a wider range of challenges in their lives will almost certainly require longer time. Moreover, due to current funding structures, many third sector services are without long-term funding. Starting preventative work with someone at 6 months mean that contracts could run out in the meantime. This would present a challenge for Local Authorities relying on certain services (as per the reasonable steps presented in question answer 63) to fulfill these duties but without being able to provide long-term funding.

Extending the definition to six months would include a lot more work in the short-term, but if this is done right, we do believe it can make prevention work easier in the long run. However, these duties could result in a large 'implementation gap' between policy and what is realistic to achieve on the ground.

61 How do you think a duty to prevent homelessness within six months would work in practice?

It is likely to be challenging to identify a threat of homelessness unless we take this to mean a very broad set of indicators. The approach would need to identify and act on a set of smaller, or seemingly less significant housing problems, something which requires capacity across the whole system. The Local Authority would need to feel confident that the what is indicating a risk merits intervention in part with guidance, but would also need time to gain confidence in recognising the early markers.

It is likely that people are not aware that that they are at risk of losing their home or that they would not know where to find support. This problem ties in with the wider duties on public bodies

discussed in section 2 and highlights how important it is that public bodies are trained to pick up on early warning signs in a respectful and person-centred way and that they are aware of local services available to make sure that people know where to go.

Related to this, people need to know their rights in order to exercise them – a campaign of awareness-raising for the public is necessary to achieve this, taking issues around literacy and language-barriers into account. Moreover, frontline staff across public bodies need to have knowledge of these rights as well, otherwise they can unintentionally act as a barrier. As mentioned in section 2, this will always be a balance of how much people want public bodies interfering in their lives and whether this might impose on rights to privacy.

An unintended consequence of an extended prevention duties could be that Local Authorities might use this to refuse homeless applications and a requirement for people to go through certain prevention activities before being allowed a homeless application (explored in more depth in question Q63).

There are plenty of early signs and indicators that could be picked up on, such as:

- Rent arrears
- Falling behind on mortgage payments
- Anti-social behaviour
- Presentations with healthcare services
- Criminality within household
- Domestic abuse
- Being in contact with 2 or more public services
- Benefit and income/employment changes
- Overcrowding and issues with gatekeeping
- Deterioration in mental health
- Family tensions and family breakdown
- Private landlord selling
- Notice to quit issued

Other services beyond housing would need training to properly understand pathways into and out of homelessness and how to work with people at risk of homelessness without stigmatising any individual or household.

While some of these early warning signs offer clear points of intervention, e.g. when a private landlord intends to sell or a notice to quit is issued, others might be harder to pick up on and demand a joined-up approach and better communication between services and public bodies.

This list also highlights the complexity of homelessness and how effective prevention on homelessness demands a variety of different services that need to have the capacity and resources to support people. For example, waiting times for mental health services would need to go down to have an impact. For anti-social behaviour, it is important that the root cause is addressed and there should be a clear and concerted effort to understand why this behaviour is occurring. For rent arrears, a lot more help is needed before jumping to statutory notices

62 How would an assessment be made to identify whether someone was at risk of homelessness within six months?

The important thing is the respect and trust of the individual. It is about asking the right questions (for example around rent arrears or whether someone feels safe in their home) at the right time and avoid making people feel as if services are looking over their shoulder which could prevent them from seeking help. If someone is asked about their housing situation by ten different services and they have to repeat their story, they might get exhausted. For this to work, services would need to need to see people holistically and not as a number or a 'tick-box' exercise.

63 Building on the experience of housing options approaches in Scotland, do you agree with the proposal to regulate for making specific measures available or reasonable steps to prevent homelessness in legislation?

Agree

We agree that 'reasonable steps' should be included in legislation to ensure accountability and should be accompanied with guidelines about what is expected from Local Authorities. It is vital that any steps undertaken are decided by the individual and that people buy into these activities. It will likely take trusted relationships with services or frontline workers to make people ask for help at such an early stage without feeling policed. Legislation is important but the interventions need to be bespoke to the individual and address their specific needs. This again requires training and support for Local Authorities on how to work with people in a person-centred way. Moreover, staff across different services need to be knowledgeable about the options of support – this infrastructure of information sharing and joined-up working need to be in place before legislation can take shape.

While the consultation underlines that an extended prevention duty should not diminish existing housing rights, conversations with frontline workers reveal a risk of this becoming a prerequisite from councils to make people go through certain steps as gatekeeping to accommodation, especially in places with low housing stock. For example, people being told that they can't be assessed as homeless before they have done gone through various prevention activities. It is important that implementing any list of reasonable steps does not push people down the route of resolving a housing issue that is unresolvable or even unsafe, in particular, if these steps are applied to people who are not just threatened by homelessness but also homeless by definition. If a young person has been asked to move out or fled the family home it is often beyond crisis point and family mediation should be their choice and not something that are coerced into engaging with – it is good to offer mediation as one option, but it should never be used to prevent someone from their right to being rehoused or become a 'forced' step before someone can present as homeless.

While these steps are reasonable, it is also important to acknowledge the strain on existing services and long waiting lists as mentioned earlier, for example for dept advice services or furniture supply. We know of clients who have to wait for 30+ minutes to get through to dept departments in their local authorities or who are refused a bed from the Scottish Welfare Fund if they own a sleeping bag. Therefore, Local Authorities need to assess whether there are sufficient and high-quality advocacy, mediation and domestic abuse support services available in their area and ensure that these are properly funded to provide long-term support for people.

For example, when considering 'family mediation' it is important to outline what this consists of, how long does it take, how intensive is it? A 'light touch' family mediation service might not

produce the right results and Local Authorities might end up wasting resources on ineffective services. The Cyrenians Mediation & Support model is based on working on relationships, conflict mediation and building relationship skills. When we work with young people we are almost 100% successful in keeping people in the family home or moving out of the home in a planned way, and although it takes time and resources there are massive gains to be had when people avoid the homelessness system.

64 Are there any other specific measures that should be made available or reasonable steps to prevent homelessness that should be included in legislation?

Yes

The pathways into homelessness are complex and in order to prevent homelessness, a range of services will need to be involved. For people with multiple and complex disadvantages, true relationship-based support is needed which takes time and skill. If someone is struggling with their mental health, providing proper support with this might prevent them from losing their tenancy. We would also like to add that this list seems to focus on deficits rather than people's strengths and would advocate for a more strengths-based assessment that looks at people holistically. Making people feel connected to their community and engaging in meaningful activities might also help them thrive in their home.

Other measures that should be included:

- Employment assistance
- Income maximisation
- Access to meaningful activities
- Support with addiction and substance use
- Access to mental health support
- Relationship support

Some councils still operate in a punitive way and are reluctant to offer support to people they do not deem 'tenancy ready' – this culture would need to change to become more trauma informed and look beyond someone's behaviour.

65 Do you think the specific measures made available, or reasonable steps duties outlined, are clearly and unambiguously set out so that it is possible to measure their achievement? Do they need to be more specific?

No

No, the reasonable steps are not clearly and unambiguously set out and yes, they need to be more specific.

'Referrals to other relevant agencies' is one item on the list but could include a range of different services. It would be helpful with more guidance on what is expected from this. Moreover, referring someone to a service is not always enough – due to traumatic experiences in their past and distrust in services, some people might even need someone to support them to attend or reach out to a new service. Furthermore, some services might have long waiting list and will not have the capacity to help the person in question right away. This is an important consideration, because what happens to the 'duty' of Local Authorities if they can tick the 'referral' box but in reality the person will not get the support they need for several months.

This is further highlighted in the forthcoming Frontline Worker Survey. 75% of participants responded that they find it "difficult" or "very difficult" to access mental health support for the people they work with. Similarly, 70% found it difficult or very difficult to access support for people with complex needs (Frontline Worker Survey 2021, forthcoming).

Therefore, effective monitoring would need to be in place to ensure that the steps taken are meaningful, put into practice and do not become a tick box exercise. Care needs to be taken that people without digital access and literacy are supported to access any of the abovementioned activities.

The main focus of the reasonable steps should be to encourage an understanding of local services available and for Local Authorities to sustain and support the safety net of local services and projects needed to prevent homelessness. As mentioned earlier, many contracts for third service providers are short-term which would work against the long-term planning needed to prevent people from becoming homeless.

66 If you agree with these new duties, what processes or procedures do you think should be put in place to encourage local authority compliance?

Systems would need to be in place to demonstrate actions taken so far. For example, a platform which referrer and Local Authority can access to see how far along the line people are and which actions are ongoing so that responsibility is held with all parties – however, such a system might have implications on data protection and consent over who can access that information.

CHANGING THE CURRENT HOMELESSNESS LEGISLATION - PERSONAL HOUSING PLANS, SUPPORT NEEDS AND REASONABLE STEPS

[Q 67 and 68 not answered]

69 Do you agree with the proposal that a local authority should assess housing support needs and make provision to meet them as part of a new prevention of homelessness duty?

Strongly Agree

Yes, Local Authorities should assess housing support needs and provide them. However, currently there are many hoops to jump through to get any kind of support in people's homes and these types of services often have long waiting lists.

For Local Authorities to provide adequate housing support it would require housing officers to have smaller caseloads in order to pick up on whether someone is struggling to sustain their tenancy before it escalates to a crisis point.

It would also require enough resources to meet the needs of people in a housing crisis as well as the needs of people currently struggling in their tenancy which is not something that Local Authorities prioritise at the moment. For example, someone with multiple disadvantages in a tenancy at risk of homelessness could be provided a Housing First worker to offer the person-centred, sticky support they need as an effective preventative measure – but this is currently an exception and will only be provided under very special circumstances. It makes sense that Housing First support initially went to people who have been in and out of temporary accommodation and have a history of repeat homelessness, but the type of support offered by Housing First would also be helpful to some people already in tenancies

There is also a small group of people who do not wish to live in their own tenancy and for whom Housing First is not working. More needs to be done to meet their housing support needs as outlined in the report [Shared Spaces](#)

71 An applicant during the time they are receiving prevention assistance under a new prevention duty from the homelessness system experiences loss of accommodation, or other change of circumstances which make the reasonable steps agreed to be carried out no longer valid. What should the process look like to ensure someone always has access to the right assistance for the circumstances they are in?

This process should be person-centred and trauma-informed. The system around new prevention duties should not be too rigid but allow for changes in people's situation. Someone engaging in prevention activities should be aware of their rights if they lose their accommodation and should never feel coerced into engaging with prevention activities that are no longer meaningful. Using the same application process for people requiring homelessness and prevention assistance would hopefully ensure this.

Moreover, Local Authorities engagement criteria should be carefully considered. The consultation states that: "There are other circumstances in which the reasonable steps duty would no longer apply, such as where the applicant withdraws their application, or where the local authority loses contact with the applicant." Research continuously highlights that for people with multiple disadvantages, services need to be persistent and 'sticky', therefore it is important the councils do not operate with a '3 strikes and you're out' criteria where someone is punished by having their case closed for not turning up to a couple of meetings or picking up their phone. This further highlights the need for more trauma informed practice to understand why someone might disengage.

72 What assistance should be provided to those who are defined as statutorily homeless but where it may be possible to prevent them from becoming homeless from their current accommodation (while ensuring it meets the definitions of suitable and stable)?

As mentioned in question answer 63, we are concerned about this suggestion to apply prevention duties to people who are statutorily homeless, and great consideration should be taken to make sure that staying in their currently accommodation is indeed the wish of the person.

See answer 75-76 for people experiencing domestic abuse.

See answer 25 for young people being asked to leave the family home.

CHANGING THE CURRENT HOMELESSNESS LEGISLATION - MEETING THE NEEDS OF SPECIFIC GROUPS

73 Do you agree with the proposal for meeting the needs of specific groups?

Strongly Agree

As explained in further detail in section 2, we support the proposal to consider people leaving institutions with no accommodation arrangements to be threatened with homelessness. For people leaving institutions there are existing mechanisms that can help with this, for example prisons and youth detention accommodation have screening and assessment processes and 'ask and act' duties would allow institutions to take people's housing situation into consideration at an early point and plan properly.

We further support the proposal that homelessness services must work with other partners to ensure the service meets the needs of other specific groups. However, this list is not extensive and other groups should be added, such as:

- People with physical disabilities
- People with addictions
- People with undiagnosed trauma
- Live-in carers
- Gypsy/Travellers

Importantly, people will often belong to more than one of these groups and homelessness services must make sure to address these intersections.

Moreover, prison leavers, care leavers and veterans often face homelessness because they do not have the relationships to support transition processes and will need support in building relationships. We have added 'people with undiagnosed trauma' to the list as well since for many people, their homelessness and substance use are symptoms and consequences of trauma – this also leads to distrust on other people and services. It is also important that the Gypsy/Travellers/Roma communities are included in this work and that residents on local authority, and private Gypsy/Traveller sites are informed about their rights under this legislation and given culturally appropriate options towards their accommodation needs.

How efficiently these services meet the needs of different groups will come down to resources and effective partnership working. A whole-council approach to allocating funds as well as ring-fenced funding would lead to better collaboration and more efficient provision.

74 Is there anything you would add to these proposals that may strengthen legislative changes to prevent homelessness amongst specific groups?

Veterans: Based on our work with people in the armed forces, we find that housing issues for veterans often present later in life, 5-10 years after their service ended, and not at the transition point out of the armed forces. At that point, so much has happened and depending on the help they have received (or not received) people will have a broad range of issues to deal with besides housing. This can present some issues for veterans to be recognised as being part of this specific group and the rights and entitlements they have, especially if different departments don't communicate. [A recent report](#) recommends that every council area has a specialist within their housing department for veterans to link to other departments and make sure they get the support they need.

Young people: See more details in answer 25. If a young person is aged 16-18 and left school they will belong to adult services whereas a 16-18-old who is still at school is considered children's services. This cut-off point means that young vulnerable people have to present as homeless and potentially end up in adult hostels and there are few places available for them.

People with multiple disadvantages and undiagnosed trauma: More work should be done to combat stigma from services – we often see clients being treated differently as soon as people read "history of addiction" or "history of offending". This is specifically true for our Housing First clients. Currently, most services are aimed at people who are in crisis and there is competition and long

waiting times for the help they need which makes preventative work difficult. This is especially true for people with alcohol and drug addictions who struggle alone in their tenancies but who are not currently homeless. Moreover, many people are turned away from mental health services if they also have addiction problems. Need to look at services that are working, e.g. Cunningham House, Thorntree Street and Gilmour's Close in Edinburgh.

75 Do you agree with these proposals on preventing homelessness for people experiencing domestic abuse?

Agree

The key thing here is advocacy, choices and time restraints of legislation being adopted in law. The women need support with information and safety planning to build confidence, empower them and support them to making the correct choices for themselves and their children. Quite recently guidance was published for social landlords to remove the perpetrator and allow the victim or family to stay in the home. However, some people are aware of this. Also, some choose not to do that out of concerns for their safety. Therefore, it is vital that any preventative measures taken to keep the victim or family in the home take into account the potential safety risks of their location being known to the perpetrator.

76 Is there anything else that should be included in considering new legislative proposals on the prevention of homelessness resulting from domestic abuse?

A multi-agency approach is vital, such as MAPPA, guidance and protocols for information sharing should be established and each agency having their own policies and procedures which can be agreed by others without going through intense bureaucracy when this can be avoided. The key thing here is the inclusion of the definition of abuse. As it is all encompassing, and it recognises that abuse isn't just physical violence.

CHANGING CURRENT HOMELESSNESS LEGISLATION - STABILITY AND SUITABILITY OF ACCOMMODATION

77 Do you agree with the criteria proposed for the stability of housing outcomes?

Disagree

While we appreciate the sentiment behind the proposal and the wish to allow for more choice and control for people going through the homelessness system, we are concerned that the proposal infringes on people's existing rights to permanent accommodation. For many of the people we work with who have a history of repeat homelessness and who require different levels of housing support to sustain their tenancies, the security provided by for example a Scottish Secure Tenancy and the level of protection against eviction that comes with this is vital. The experiences from our Housing First projects is that even with an SSST people are at high risk of being kicked out based on their behaviour. Occupancy agreements similarly do not provide a lot of security and have been used to threaten clients that they can be kicked out within 28 days. If they lose their right to permanent accommodation it might result in more repeat presentations at housing departments.

Therefore, these new proposals should be approached with caution to make sure that people get the type of accommodation that is needed in their specific situation and that any choice is an informed choice where people are not feeling pressured to accept a living situation that is not going to work for them. This would require flexibility from housing options teams and trauma informed practice training to make sure that the person is at the centre of any decision.

Moreover, people should have the right to reconsider and change their mind if an option is not working out.

However, even getting the choice right brings its own challenges. The proposal seems to present a choice of either stability/security or choice/control. None of those options are valid choices when it comes down to it, and it can be difficult to foresee whether the option you go for is going to be right for you long-term. For example, an option of sharing a flat with other people might appear 'suitable and stable' to start with, only for someone to discover later on that these people are far from stable.

Therefore, any changes to current housing rights would need safeguards to make sure that if 'non-standard' housing options break down, the Local Authority is going to catch people and make sure they are supported to find permanent accommodation. Currently, we do not think the proposal offers the right answer. It becomes a question of whether people risk losing their current right to secure tenancies (which might place them in areas cut them off from family and community) in order to gain a few more housing options, none of which are necessarily ideal and with no guarantee for support if 'non-standard options' don't work out.

We do not think that Local Authorities should be discharged of their duty to house someone if a person decides to accept other forms of non-permanent accommodation such as staying with a friend or returning to the family home. Instead, certain safeguards need to be in place to make sure that if that situation breaks down, people will still be in the system and be fast-tracked to permanent accommodation. Otherwise, we risk setting up a new revolving door system.

78 Do you agree that 12 months is an appropriate minimum expected period for accommodation to be available (regardless of the type of tenure) for people who are threatened with homelessness or have become homeless?

Agree

We agree that 12 months should be the minimum expected period for accommodation to be available as this would allow time for people to resettle and build a social network. But as mentioned, we have some concerns about the proposal as a whole and the safeguards presented in the consultation. Accommodation being "expected" to be available for 12 months does not offer much guarantee and Local Authorities would need to make sure that the right support is in place in case this falls through, e.g. if a private landlord decides to sell anyway or a young person decides to leave the family house again following mediation.

[Q79 not answered]

80 Are these the right grounds to consider in deciding on the suitability of housing outcomes?

Yes

These factors are important to consider when deciding on the suitability of a housing option. As mentioned in answer 77, any decision would need to take the personal circumstances of the individual or household into account and make sure they are at the centre. That being said, the grounds mentioned are rarely achievable and there are plenty of restrictions, e.g. if you have a disability, if you are trying to avoid a specific area or avoid an abusive partner. Therefore, including these grounds for suitability in legislation without sufficient housing stock available might not make much of an impact.

81 Do you think the criteria/grounds proposed for both stability and suitability of housing outcomes would allow people a wider range of housing options to either prevent homelessness or rehouse someone who has become homeless, and that could lead to better outcomes for the applicant?

No

Not necessarily for the people we work with. In Edinburgh, it can take years to get social housing and the private rented sector is extremely expensive and inaccessible for people on low income or benefits. Broadening the range of options might help in some cases, however this would be at the expense of security. While this compromise might work for some people – perhaps those who find themselves unexpectedly homeless for the first time – our experience is that people with a previous history of homelessness or people who require quite a lot of support to settle and thrive in a tenancy need the security provided by a Scottish Secure Tenancy and the protections against evictions that come with these.

We fully agree that people should have choice and control over where they live as this increases their chances of sustaining a tenancy and thriving in their home. Broadening the range of housing options might be helpful for some people, for example two friends putting an application in together if they wish to share a flat, but as mentioned in answer 77, safeguards would need to be in place in case things go wrong and relationships break down.

82 The Prevention Review Group suggested that accommodation not protected by other legal safeguards must have additional safeguards in place. When taken with the general criteria/grounds for stability and suitability, do the proposed additional safeguards provide the right safeguards to ensure these accommodation types (non-standard) are always suitable and stable? Are there any additional safeguards that could be put in place?

No to the first question, yes to the second question.

As per the concerns presented in answer 77, we do not think that these additional safeguards are sufficient to ensure that non-standard housing options are suitable and stable and we think that additional safeguards would need to be put in place.

As mentioned earlier, non-standard options do not provide people with a permanent solution to their homelessness. These options might be helpful if someone is roofless or rough sleeping and in that case, they might work as an alternative to temporary accommodation. But we would be concerned if Local Authorities start considering these options as anything more than a temporary solution, in particular if people are discharged into one of these options and Local Authorities have no responsibility to find a permanent housing solution in the future. This is especially concerning for people with vulnerabilities or young people who might not be able to assert their rights and might feel pressured to accept one of these options rather than permanent accommodation. There would have to be safeguards in place in case a non-standard option becomes unsuitable after e.g. 6 months, 12 months or longer to make sure that Local Authorities cannot claim intentional homelessness for someone because that person once thought that a non-standard option would be suitable for them but their situation has changed.

Options could be to set up a fast-tracking system for people who have accepted non-standard accommodation but where this does not work out and rather than triggering a discharge of duty, non-standard options should result in a pausing of duty. Unless, of course, the person decides to withdraw their application.

QUESTIONS ON THE PACKAGE OF PREVENTION REVIEW GROUP PROPOSALS, RESOURCES AND MONITORING

88 Do you agree this is the right package of reforms to meet the policy principles of early intervention and preventing homelessness?

Agree

We agree to an extent that this package of proposals is a step in the right direction and – with the right resources and frameworks in place – could lead to a more co-ordinated way of working with people experiencing or at risk of homelessness where different public bodies are obliged to look out for people in vulnerable housing situations and create networks of organisations that can liaise and help get people the specific support they need.

The pandemic showed how political will and sufficient resources can lead to real change. However, it is vital that Scottish Government recognise the magnitude of change needed to make these duties work across a wide range of public bodies. This change will take long-term planning and thinking beyond election cycles.

And most importantly, the person at risk of homelessness should be at the centre of everything. These duties should not merely be about making referrals and signposting blindly, but making sure people are referred to the right service, that this service has the capacity to support them and that the voice and choice of the person is respected.

89 If you do not agree this is the right package of reforms to meet the policy principles of early intervention and preventing homelessness, what do you recommend in terms of other ways of reforming the system to meet these policy principles?

While we overall agree with the package of proposals, we have additional considerations that would help meet the policy principles of early intervention and preventing homelessness

- Support for owner occupiers in need of crisis funding as mortgages are not currently covered by benefits
- Peer representation at ministerial and Local Authority level
- Transparent and non-competitive tendering to encourage organisations to work together rather than competing for limited funds
- More work to be done to understand the routes into homelessness better through research and consultation. Currently, we don't believe that we have the right data available to address hidden homelessness and sofa surfing, and the HL1 data only captures the experiences of people who make it through the door in Housing Offices.
- We also believe that establishing housing properly as a human right is vital rather than merely extending the preamble. More work can be done to place duties on landlords to not evict someone without a solution for the person affected.
- Local Authorities should be willing to flip properties from temporary accommodation to a permanent tenancy, for example in cases where people have stayed in a temporary furnished flat for a long time and want to stay in that area.

90 How do you feel about the overall package and the balance it strikes between the different objectives, interests and principles outlined?

We suspect that wider public bodies might not respond well to the terminology around 'homelessness'. There are still widespread misunderstandings in the general public about

homelessness, the pathways into and out of homelessness and understanding homelessness as not just rough sleeping but also hidden homelessness or people living in unsafe conditions. To get buy-in from other public bodies, it is important how these duties are framed to make sure that everyone understands the shared responsibility to prevent homelessness. Framing homelessness as a public health issue could be one way of highlighting the shared, societal responsibility.

91 Please give us your views on the potential impact of the proposed new homelessness prevention duties on different groups of people.

We have concerns that the legislation and duties might be misused against certain groups through unconscious bias – safeguards and training should be in place to protect against this. For example, an assumption might be made about someone based on a protected characteristic about their ability to maintain a tenancy, so a referral should be made with consent wherever possible.

There should be no loopholes that might take away from someone's agency to make their own decisions. There is already evidence from young people identifying as LGBTQ+ and young people in some minority ethnic communities that they sometimes feel 'forced' to stay in the family home. An unintended consequence of the new homelessness prevention duties might be that these young people would feel coerced into engaging with prevention activities that make them feel trapped in an unsafe situation.

Moreover, we would like the specific needs of the Gypsy/Traveller community to be recognised in the proposal. Gypsy/Travellers are a minority ethnic community recognised as such under the Equality Act, however their accommodation needs have been systematically ignored and neglected for decades. They face significant inequalities across health, accommodation, education and lower than average life expectancy. Significant work by Gypsy/Travellers, support groups and Scottish Parliament Inquiries have shown clear evidence which resulted in an Action Plan but in practice, little has changed. For example, the number of Local Authority sites has reduced despite population growth, and their accommodation needs are regularly ignored in Housing Need and Demand Assessments. Many families now feel they have no option other than to live in unsuitable housing and/or private sites. Housing legislation currently states Gypsy/Travellers should be regarded as homeless if they have no legal place to park their caravan but this is regularly ignored and/or not known.

We would suggest that Scottish Government to carry out an Equality Impact Assessment of these new duties to properly assess the impact on various groups, especially considering that some groups are less likely to seek support and be known to public bodies or services in the community.

92 What do you think are the potential implications for your role or for your organisation's role of the implementation of new duties to prevent homelessness in terms of time and resource?

As a third sector support provider, Cyrenians would expect a significant increase in enquiries and referrals from public bodies. We imagine for many, the duty to act may be viewed as making a 'referral' on to an organisation like ours. It begs the question, if we don't provide the service needed, or don't have the capacity to respond right away, has the duty then been carried out? There is risk that this is the point where people fall through the cracks only to reappear when homelessness is imminent or at point of crisis. We imagine the need for increased capacity at the point of enquiry and signposting, but also within support provision (potentially specialist interventions such as mediation, financial advice and housing law).

93 What do you think you or your organisation would be doing to meet new homelessness prevention duties as outlined in this consultation that you were not doing before?

We are likely to be in the position where we are viewed as the response, however we believe that there is an opportunity for organisations like ours to slowly shift the balance of intervention to further upstream and possibly increase our work with people at points of transition. We will look to the evidence as to what works well in communities where we know homelessness occurs. We will likely need (and want) to align ourselves with policy and work within sectors out with homelessness even more than we currently do. We can also play a role in supporting other public bodies and organisations to better understand homelessness and successful ways of working in a person-centred way with people at risk of or transitioning out of homelessness.

94 Do you think these proposals offer an opportunity for potential savings or benefits to services through an increased focus on early intervention and preventing homelessness?

Yes

Yes, but there would likely be an early spike in cost with the additional interventions needed for those who might not previously have received any help or support. Homelessness is very expensive and all that can be done early will avoid some of the cost, both overall, but also within particular parts of the system, e.g. the prevention of homelessness ought to reduce costs within temporary accommodation provision. However, it may require investment to be shifted in to other services such as advice services. More significant than the financial cost, is the human cost. The misery, the impact on health, the stigma facing families, the deconstruction of communities – these are the real costs and the relief of these should be the main focus.

[Q95 not answered]

96 What monitoring information do you think should be collected in order to best assess the implementation, progress and outcomes of new legislative duties to prevent homelessness?

It might be difficult to measure what 'might' have happened, that is the actual prevention of homelessness. Rather, we would need to trust that the right actions will have had a positive impact on the person's circumstances and thus may have either individually or collectively resulted in their potential homelessness being prevented. With this in mind, monitoring would need to focus on the activities undertaken (breadth, volume etc.) and by whom.

A view of how and where people have been identified as 'at risk' within the early stages of implementation of new duties should help create a baseline and identify areas where the new duties are not being fully implemented. It will be important to build upon the data collected, cross referencing changes in homelessness presentation with where and when the duty to ask and act has been embraced. The "what works, at what point, for who, in response to which early indicators?" should be the guiding questions that any monitoring system is seeking to ask. Moreover, existing procedures, such as HL1 Data, could be refreshed to include more history of a person's circumstances and landlords or accommodation providers could be required to provide information on where tenants have gone after their tenancy ended.

Also, see response to Q66.