

The Scottish Government Call for Views:

A Consultation on Commencing Local Connection and Intentionality Provisions in Homelessness Legislation

April 2019

Call for Views:

This Scottish Government consultation paper invites views on implementing the Homelessness and Rough Sleeping Action Group (HARSAG) recommendation to commence the Local Connection and Intentionality provisions in the Homelessness etc. (Scotland) Act 2003. The HARSAG also recommended narrowing the definition of intentionality to focus on 'deliberate manipulation' of the homelessness system. The Scottish Government are currently considering the options regarding this element of the recommendation and are asking for views to inform further work.

The Scottish Women's Convention (SWC)

The Scottish Women's Convention (SWC) is funded to engage with women throughout Scotland in order that their views might influence public policy. The SWC uses the views of women to respond to a variety of Parliamentary, Governmental and organisational consultation papers at both a Scottish and UK level.

The Scottish Women's Convention engages with women using numerous communication channels including Roadshow events, Thematic Conferences and regional contact groups. This submission provides the views of women and reflects their opinions and experiences in a number of key areas relevant to the issues set out in terms of women's rights and homelessness legislation.

Commencing the local connection provisions in the Homelessness etc. (Scotland) Act allows Scottish Ministers to modify referrals relating to local connection. The HARSAG has recommended that referrals should be suspended between all local authorities for all groups. Do you think we should:

- Suspend all local connection referrals - YES
- Modify local connection referrals in another way (please give details)
- Not commence these provisions i.e. do nothing Please explain your answer.

Please tell us about any potential impacts of suspending referrals relating to local connection for people who are homeless or at risk of homelessness. Please include any positive or negative impacts. We are particularly interested in your views on the potential impacts for the following:

(i) People with multiple and complex needs....

(ii) Families with children....

(iii) Other disadvantaged households/groups, including those experiencing poverty and/or material deprivation....

(iv) Local authorities and partner organisations....

(v) Business or third sector organisations...

(vi) People experiencing domestic abuse...

(vii) Others....

Due to deep rooted gender inequality, it is well established that women face a disproportionate amount of discrimination in all areas of life including violence, employment and social security because of their gender. It is therefore imperative that women's rights and any vulnerabilities they or their families may have are taken into account throughout the housing process.

With this in mind, a main reason for suspension of all referrals would include the potential vulnerabilities that may be embedded within sending someone back to somewhere with a local connection i.e. harassment or abuse.

Housing is so much more than simply a physical space. It feeds into other issues such as violence against women in all its many forms. It impacts on every aspect of women's lives, both individually and collectively. Lack of quality, sustainable housing for women sets in motion a range of problems. Making the first step towards escape from this cycle can be extremely damaging. It can force women to stay with abusive and controlling partners or into commercial sexual exploitation just to keep a roof over theirs and their children's heads.

Women have spoken to the SWC about the issues when attempting to gain secure accommodation which can often overlook the likes of accessibility for those with specific needs or their children. This may leave those with the likes of pre-existing health conditions worse off.

The current local connection referral mechanism between Local Authorities (LA) often means that women are “rerouted” and “uprooted” from one area to another, restricting autonomy over the decision making process. Women should be able to freely present themselves at risk of homelessness to their LA of choice without being turned away or “*passed from pillar to post*”. Giving this small piece of freedom not only alleviates an unnecessary burden placed on women but also promotes a “*fresh start*”.

Notwithstanding this, however, it is noted that this may place pressure on LA’s in terms of increase in demand, most notably in more urbanised areas. Continuous monitoring and analysis to understand how this is working has been suggested. This should include ensuring adequate allocation of resources to help rectify any imbalances within a particular LA’s portfolio due to increased demand. Monitoring in terms of the suspension of the local connection referral mechanism should also include quantitative data which shows influxes and downturns between LA’s.

Commencing the intentionality provisions in the Homelessness etc. (Scotland) Act 2003 leads to giving authorities a discretion, rather than a duty, as to whether to investigate whether or not a household is intentionally homeless. Do you think we should:

- **Remove the duty on local authorities to assess households for intentionality YES.**
- **Not remove the duty on local authorities to assess households for intentionality Please explain your answer.**

Please tell us about any potential impacts for people who are homeless or at risk of homelessness, of commencing the intentionality provisions in the Homelessness etc. (Scotland) Act 2003. Please include any positive or negative impacts. We are particularly interested in your views on the potential impacts for the following:

- (i) People with multiple and complex needs....**
- (ii) Families with children....**
- (iii) Other disadvantaged households/groups, including those experiencing poverty and/or material deprivation....**
- (iv) Local authorities and partner organisations....**
- (v) Business or third sector organisations...**
- (vi) People experiencing domestic abuse...**
- (vii) Others....**

As outlined within the consultation document, housing is a basic human right and in tandem with this, in terms of vulnerable people with multiple and complex needs, should be looked upon as such. This should include affording extra protection when taking account of vulnerable individuals with complex needs.

Recommendations by HARSAG were written to ensure that individuals are given the utmost support. As such, they should be seen in this context at all steps of the process. Legislation stipulates that those with children should not reside in temporary accommodation for a set period. At present, many are left in such places much longer whilst inquiries are undertaken. Therefore, removal of the duty of intentionality may go some way to helping relieve this.

In the Scottish context, and especially in regards to women, the impact of welfare reform should be wholly considered when assessing homelessness. This includes emphasis on the roll out of Universal Credit and the impact of the benefit cap including the effect this has had on the rise in rent arrears that has accompanied such a move.

Societal stigma and unsympathetic media portrayals routinely classify those in poverty as being undeserving of both social security and secure housing – both fundamental human rights. However, as can be seen, this is completely unestablished and is shown to be refuted by the fact that very few households at present are assessed as being intentionally homeless. The removal of the duty may also remove the burden on lengthy time delays on establishing an individual in secure accommodation. Women have also noted that it, importantly, may go some way to augmenting the large anxiety and duress placed on individuals in these circumstances during an already pressing time.

There should be careful consideration at all points for women and their children who have fled a dwelling due to abuse or harassment. At present most have to flee their home – often with children. They are then assessed as homeless and re-housed. Whilst it is laudable that the issue of domestic violence is not even questioned and a woman has the right to be re-housed, there is still significant disruption to her and any children.

Whilst the current regulations do explicitly outline domestic abuse as being a major factor in not assessing intentionality the following should also be considered:

- Preservation of a family home when a partner or ex-partner has been harassing a woman.
- The effect of financial and non-physical abuse which may have led to rent arrears by an individual.

The vulnerabilities embedded within this must be taken into account. This must include that an individual is not forced to continue to occupy current accommodation whilst their LA looks for other housing and should be assessed on individual basis. Households with complex needs should be given intensive support before and after provided with permanent tenancy.

While we are in a position to commence these provisions in 2019 we would welcome your views about the most effective timing, including reasons for your response.

It is to be praised that the Scottish Government have noted that a position can be taken to commence these provisions within the current year. Given that the commencements have been in place within legislation since 2003, it is thought that as timely a response as possible is the best route in order to relieve any burdens placed on women who are at threat of potential homelessness.

Please give us your views on the impact of these proposed changes on people with protected characteristics (see Annexes E and F for currently available national statistics):

• age

• disability

• gender reassignment

• pregnancy and maternity

• race

• religion or belief

• sex

• sexual orientation

Those with multiple discrimination such as older women or BAME women, face increasing inequality. Any legislation which seeks to aid women in finding new homes when they are potential victims of homelessness should be looked upon as a clear step forward for equality. Any individual who finds themselves in such a position is automatically in a precarious and vulnerable position.

In relation to local connection and intentionality provisions in homelessness legislation, please outline any other comments you wish to make, including whether you think there may be unintended consequences (you have not mentioned elsewhere) related to commencing these provisions.

Other issues detailed by women include:

- The need for sensitivity through the process of homelessness and finding accommodation by local authorities.
- More thorough signposting to third sector organisations who can provide advice and assistance.

- The majority of single parent households are led by women. Child poverty is therefore linked to housing. The Child Poverty (Scotland) Act must be considered when dealing with single parent households at threat of homelessness.
- The increase in poverty rates after housing costs and the effect this has on women attempting to keep their homes.
- Greater cooperation between LA's and Police Scotland in terms of housing for those with complex support needs and addictions.
- Clear and precise channels and support for women and their families when experiencing the threat of homelessness including knowing their rights.