

## **ALACHO RESPONSE TO THE SCOTTISH GOVERNMENT CONSULTATION ON HOUSING SUPPORT FOR HOMELESS HOUSEHOLDS**

### **Question 1: *Should Regulations be established?***

#### ***ALACHO Response: No***

Firstly, ALACHO welcomes the new duty as an extension to the rights of homeless persons, and believes that the ethos underpinning the duty can already be seen in the best local authority practice. Although there is no definitive view among ALACHO members regarding the value of establishing regulations to support the new duty, there is a clear consensus that, whilst over prescriptive regulations would be unhelpful, a degree of consistency would be welcome in helping to ensure that the new duty is commonly understood in intent and implementation, and that a clear **framework of guidance** should be developed to aid understanding and compliance. Many authorities point to the need for clarity of definition on some key concepts related to the new duty, for example by:

- revising the definition of what constitutes “*housing support services*” (the current definition, although helpful, is now somewhat out of date)
- clarifying what constitutes satisfactory “*reason to believe*” that someone might require such support services
- clarifying the nature and extent of the new duty to other persons in the household
- clarifying the extent of the duty and, in particular, when and in what circumstances it can be deemed to have ended
- clarifying arrangements in circumstances where potential recipients of support refuse or otherwise fail to engage with appropriate services
- clarifying (and emphasising) the role of agencies other than housing and homelessness related services in the provision of support for homeless households

Councils rightly point to a recent record of achievement in reducing homelessness, which of course is also the principle aim of the new duty. Recently published statistics show significant falls in homelessness applications and assessments in 28 out of 32 Scottish Council, with the majority also well on the way to assessing all homeless households as being in priority need. Mainstream allocations to homeless people have increased considerably as a percentage of total lets, and many councils have recorded significantly improved outcomes for homeless individuals and families. This has been due in large measure to a flexible, person centred approach to housing options and advice, and we would not wish to see improvement compromised by over prescriptive (or restrictive) regulations. ALACHO believe that the emphasis over the next few years should continue to focus on prevention and the sharing of good practice.

A few Councils have expressed a view that prescriptive regulations might offer some protection against a future legal challenge that they were not complying with the

new duty. ALACHO has some sympathy for this view, given the propensity in some quarters to test legislation in this manner. However, this has to be balanced against the possibility of prescriptive Regulations adversely impacting on the proven merits of a flexible approach, one based on the assessment of individual needs. The obvious dangers of prescription would be that resources go only to dealing with prescribed matters, and/or that prescribed actions become the accepted minimum standard for provision, perhaps at the expense of innovation and improvement.

On balance therefore, ALACHO believes that rather than prescriptive Regulations, effort should be focused on the production of statutory guidance similar to the Code of Guidance on homelessness already in existence, and to which guidance on the new duty might be a helpful adjunct. Guidance should specify desired outcomes, clarify definitions, and acknowledge and build on good practice to date. It would be helpful if guidance also covered the means by which compliance with the new duty is to be measured and recorded. The work of the Housing Support Enabling Unit in developing the Better Futures Outcomes Framework and the experience of those councils currently using the tool will be instructive in this process.

ALACHO would be pleased to work with Scottish Government and others in helping to formulate such guidance.

***Question 2a: Should Scottish ministers prescribe the types of inquiries local authorities must carry out in determining the housing support required?***

***ALACHO Response: No***

Homelessness practitioners firmly believe that effective provision of housing support needs to be person centred and based on a holistic appraisal of individual and/or family needs. There is a broad consensus among councils that prescribing the types of inquiries local authorities must carry out in determining housing support would inhibit such an approach in future. As suggested above, developing guidance, to include the role of agencies other than housing and homelessness services in the provision of support to homeless people, would be welcome.

***Question 2d: Should Scottish Ministers specify matters to which local authorities must have regard in carrying out the (homeless support) assessment?***

***ALACHO Response: No***

This question is similar to Q2a. As noted above, ALACHO believes that the experience which local authorities have developed in this area can best be augmented by guidance aimed at promoting a consistent framework for understanding and implementing the new duty, which also permits but which permits flexibility in implementation.

***Question 3a: Should Scottish Ministers prescribe the housing support services for which an applicant is to be assessed?***

***ALACHO Response: No***

As with other areas relating to the new duty, ALACHO believes that guidance is likely to prove more helpful than prescribed regulations in assisting local authorities

to comply with the new duty and deliver improved services to homeless people. Guidance could helpfully cover the distinction between housing related support, as currently delivered by housing and homelessness professionals, and the support likely to be required for individuals and families presenting with varied and potentially complex needs, more likely to require health or social care intervention. The guidance might specifically cover situations where housing professionals find such services difficult to procure for clients, perhaps due to other priorities within the agencies concerned.

***Question 4a: Should Scottish Ministers specify the period for which housing support services should be provided?***

***ALACHO response: No***

Prescribing a maximum (or minimum) duration for housing support would not be consistent with a person centred approach which seeks to tailor solutions to individual situations. Many councils have indicated however, that guidance on the circumstances under which an authority might reasonably be considered to have discharged its obligations would be helpful, for example : where support requirements are outwith the remit of housing related support and, for whatever reason, suitable services are not available; where a homeless applicant is unwilling to engage with the support offered ; and/or where a degree of permanency attaches to the support needs which it would be unreasonable to expect the housing service to provide in perpetuity. Councils are keen to have some clarification on the expectations introduced by the new duty, and are particularly wary of legal challenge in situations where they themselves believe they have discharged the duty to the best of their ability.

***Question 5a: Should Scottish Ministers specify matters to which a local authority is to have regard to when ensuring provision of housing support services?***

***ALACHO response: No***

Here too ALACHO is of the opinion that this issue can best be dealt with by the development of statutory guidance, encompassing the points developed above, rather than prescriptive regulations

***Question 6: Should Scottish ministers make different provision for different purposes and different areas?***

***ALACHO response: No***

ALACHO believe that situations regarding different purposes and different areas can best be dealt with by an individual, person centred approach to the provision of housing support

***Question 7: Are there other matters relating to the provision of housing support services by local authorities which Scottish ministers should consider?***

ALACHO members are clear that the guidance referred to above should be comprehensive in nature, and so cover issues such as the treatment of households with more than one member. The duty covers all household members; is the expectation that different assessments should be undertaken for each member? Similarly, what is the best approach to covering the very specific support needs of children, and how are the support needs of those who are intentionally homeless to be met? These are all issues which will need to be given consideration in formulating the guidance, and where the sharing of best practice is likely to prove particularly helpful.

***Question 8: What are the likely Business Impacts of the proposals?***

Many ALACHO members have indicated that although currently difficult if not impossible to quantify, there are likely to be significant additional costs arising from implementing the new duty, whether under prescriptive regulations or statutory guidance (although there is a consensus that costs in the former case are likely to be higher). Some councils have tentatively estimated the increased costs of complying with the new duty, and have set out their calculations in their individual response to the consultation. Most have indicated that the actual costs of implementing the new duty will only become clear when requirements become clear, and through implementation and practice. ALACHO concurs with the COSLA position on this issue, namely that the introduction of new duties for local government should also carry an obligation on government to fully fund their implementation. We would expect government to respond positively to evidence of increased costs arising from implementation of the new duty.

***Question 9: Equalities Impact of the proposals***

In broad terms ALACHO agrees with the content of the Scottish Government's draft equalities impact assessment. As noted above however, there is some concern among ALACHO members that the intended (and understandable) focus of the new duty on unintentionally homeless applicants in priority need could result in ***less support being provided for intentionally homeless, or not homeless, applicants.*** In the climate of scarce resources which is likely to continue in Scotland for some time, it would seem likely that intervention will be prioritised for duties of a statutory nature. This could adversely affect the good work undertaken throughout Scotland on the prevention of homelessness for all client groups.

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