



A consultation on local connection and intentionality provisions in homelessness legislation: A consultation by the Scottish Government

- 1. HARSAG recommended that referrals should be suspended between all local authorities for all groups. Do you think we should:**
 - a. Suspend all local connection referrals**
 - b. Modify local connection referrals in another way (please give details)**
 - c. Not commence these provisions (not make any changes)**

On balance we believe that local connection referrals should be suspended in line with the HARSAG recommendations.

We understand and share concerns that removing this requirement will increase demand in the major cities and overwhelm their ability to respond effectively. If this transpires then we have undermined our own efforts, making the situation worse where we were trying to make improvements. We are concerned that it will become harder to house people, temporarily or permanently, that the quality of the housing options and support available will deteriorate and our ability to intervene early and prevent homelessness will be further limited.

However, this is the reality that we are working in. We are not talking about changing demand, the demand is already there, rather we are talking about changing the system in a way that makes it more responsive to the people who need it. This change is a challenge to the way in which we are structured and we need to think carefully about this to ensure that it is properly resourced and that it delivers as intended.

This recommendation came from a group and a process that combined experience with evidence to find the best way forward. If we can agree that our goal is to end rough sleeping – and ultimately to end homelessness – then the question becomes not whether we should take this step, but how can we make it work.

We suggest that local connection should be suspended for a time limited period to allow us to gather evidence of its impact. This could show us what the demand really looks like, why

people are choosing to move to the cities and whether this is balanced out by the number of people choosing to move away. It would enable a more informed discussion of the reality and a more targeted approach to making this change successfully and sustainably.

Although ultimately we believe that the local connection requirement should be suspended for all, there may be value in starting the process by suspending for certain groups who might be most at risk of rough sleeping. Concentrating on people with multiple and complex needs, people leaving prison or moving away from domestic violence might allow us to better understand the nature of demand while limiting the impact on local authority resources.

Whichever course is taken we must ensure that local authorities are fully supported to make this change. This will involve a clear change or amendment to the Code of Guidance, effective training and leadership; it will almost certainly require an exploration of the way in which resources follow demand.

2. 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:

- a) People with multiple and complex needs**
- b) Families with children**
- c) Other disadvantaged households/groups, including those experiencing poverty and/or material deprivation**
- d) Local authorities and partner organisations**
- e) Business or third sector organisations**
- f) People experiencing domestic abuse**

Suspending referrals would be a positive development for all people who are homeless or at risk of homelessness **only** if this process is properly supported and adequately resourced.

There are many reasons why people might wish to make a new start in a new area, particularly if they're moving away from violence or negative social networks and individual choice is important for all the reasons outlined in the consultation document. One of the reasons why people might choose to move to one of the cities is that there are more support services available and stronger recovery communities. We should consider greater easement around spot purchasing of places in services, particularly for areas very close to the major cities. This could allow people to get the support that they need to deal with

what's pressing now while they build the networks that they'll need to maintain their progress and be able to stay in their own area.

One area of concern is around people who have multiple or complex support needs and who require support from a range of or from very specific services that might not be as readily available in another local authority area. We must ensure that people are supported to make a fully informed choice and that we have effective information sharing and communication networks to support the choice that they make.

- 3. Commencing the intentionality provisions in the 2003 Act leads to giving authorities a discretion, rather than a duty, to investigate whether or not a household is intentionally homeless. Do you think we should:**
- a. Remove the duty on local authorities to assess households for intentionality**
 - b. Not remove the duty**

Please explain your answer

This proposal appears to be somewhat less contentious. We support the recommendation to give local authorities the discretion, rather than the duty, to investigate intentionality. As with local connection, the detail that shapes the implementation and delivery of this recommendation will be critical.

This recommendation may not deliver any significant change; local authorities who wish to continue using intentionality as part of its assessment will still be able to do so. This is a first step towards shifting the focus of the assessment on to 'deliberate manipulation'. This is where change will be delivered; amending the legislation will facilitate this change.

- 4. Please tell us about any potential impacts for people who are homeless or at risk of homelessness, of commencing these provisions. Please include any positive or negative impacts.**

We are particularly interested in your views on the potential impacts for the following:

- a) People with multiple and complex needs**
- b) Families with children**
- c) Other disadvantaged households/groups, including those experiencing poverty and/or material deprivation**
- d) Local authorities and partner organisations**
- e) Business or third sector organisations**
- f) People experiencing domestic abuse**

It can be difficult to decide what is and isn't intentional when a person has multiple and complex support needs; their ability to make a clear and fully informed decision can be limited when these support needs are not being well met and/or they are in crisis. We have often challenged a decision of intentionality on this basis and in many cases that decision can be overturned; however, this very much depends on the individual making the decision.

"Some LA staff can understand better than others why someone may have to give up their tenancy or have chosen to leave a family home but it's fair to say there are also some "jobs worth" people to whom things are black or white and choose not to look into the humanity of a decision. There are people who will try to manipulate any system for their benefit, that cannot be denied, however that is not a reason for not allowing it to be. I do think that with regards to the Protected Characteristics intentionality needs to be looked at more closely."

(Member of TPS staff, homelessness service)

In order for intentionality to be determined an assessor must have all the necessary details on that person, their history and the circumstances that have led to their homelessness or risk of homelessness. The formal application and assessment process does not always capture the detail that is needed. We believe that there would be value in developing a partnership approach to assessment, or at least information gathering, with voluntary organisations and/or other support providers. This would produce more accurate information, provide a more detailed picture of a person's needs and history and enable a more nuanced consideration of the housing and support options.

5. HARSAG recommended narrowing the definition of intentionality to focus only on instances of deliberate manipulation. Please provide your initial views on the advantages and disadvantages of amending the definition. As noted in section 2 we intend to carry out further work on this at a later date and your initial thoughts will help inform this

We welcome this recommendation and agree that this is the course that we should be taking; we also believe that careful consideration must be given to how this shift is made.

We must explore how 'deliberate manipulation' can be defined in a way that delivers on the intention of this recommendation. This shift must be underpinned by a values based approach that respects people's dignity and human rights if we are to avoid creating further barriers or stigmatisation of people who need support. We can only make this shift once the definition is clear, guidance is produced and training is delivered.

Tackling stigma, misconceptions and misunderstanding among the people who make decisions on homelessness applications – and among the public at large – will be key if we are to reduce the part that they play in decision making.

Currently, people found to be intentionally homeless are still entitled to advice, assistance and temporary accommodation; this may not be available for someone found to be deliberately manipulating the system. We must consider what their rights would be and how they would be met.

6. We propose monitoring the impact of any changes to the local connection legislation through continued collection and analysis of HL1 data. Please give us your views on this

We strongly support the view that all these changes must be underpinned by the collection and analysis of data so that our progress is informed by the evidence and we can respond to what we learn. We do not have a view on whether HL1 data is sufficient to inform this process but we do think that there is an opportunity to consider what additional data we need to gather to strengthen our approach. We have anecdotal evidence that would suggest that individuals who have multiple complex needs are less likely to approach the local authority and therefore not be included within HL1 returns.

7. Please detail any potential costs that may be incurred should the local connection and intentionality provisions be commenced

We do anticipate costs in relation to the development of guidance, training and supporting staff but it is not clear what these costs will be.

It may be likely that the cities within Scotland could see an increase in presentation due to higher levels of rough sleeping activity within their area. This may in turn see an increase in spend due to levels of ongoing support. However, as stated earlier it will be important to monitor this and reciprocal arrangement could be made with neighbouring Local Authorities to return homeless households to their area of origin, if the homeless household is in agreement.

8. 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

Our only view on the timescale is that any decision must balance the need to act quickly in order to address issues that are impacting directly on people experiencing homelessness with the need for these changes to be well considered, planned and prepared for. 2019 would seem to be too soon, but if that preparation can be delivered we support as early an implementation as possible. Particular priority must be given to those who are rough sleeping and a more immediate time scale should be implemented for this group.

9. Please give us your views on the impact of these proposed changes on people with protected characteristics:

- **Age**
- **Disability**
- **Gender reassignment**
- **Pregnancy and maternity**
- **Race**
- **Religion or belief**
- **Sex**
- **Sexual orientation**

Our general view is that these proposed changes represent a positive moves enhancing the rights based approach to the UK, and in particular, Scottish approach to homelessness.

10. 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.

We have no further comments to make.

Faye Keogh
Policy & Business Development Officer
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