

**Prevention of Homelessness Duties -
A Joint Scottish Government and COSLA Consultation**

Consultation Questions

Section 2: Proposed recommendations by the Prevention Review Group (PRG) and consultation questions on duties to prevent homelessness on wider public bodies and landlords

Principles of the Prevention Review Group (PRG)

Overarching 'foundation principles'

Q1. Do you agree that these are the right foundational principles?

- Strongly Agree
- Agree
- Disagree
- Strongly Disagree

Please say why

Responsibility to prevent homelessness should be a shared public responsibility and not rely solely or primarily on the homelessness service. We know that people at risk of homelessness have a higher number of interactions with health services in the lead up to their homelessness.

Q2. Are there any other principles that should be included? If so, why?

N/A

The principle of 'ask and act' duties

Q3. Do you agree with the proposals to introduce new duties on public bodies to prevent homelessness?

- Strongly Agree
- Agree
- Disagree
- Strongly Disagree

Please say why

Agree that other public bodies have a responsibility towards preventing homelessness. A lot of this work is being progressed without statutory measures.

Q4. Do you agree that public bodies should be required to 'ask and act' to prevent homelessness?

- Strongly Agree
- Agree
- Disagree
- Strongly Disagree

Please say why

Agree that it's important for public bodies to 'ask and act.' However, discussions on housing situations take place across services currently and close working relationships have been built across health and social care and housing services.

Q5. Which public bodies do you think a new duty to prevent homelessness should apply to and why?

Health, Integration Authorities

The principle that no-one should be discharged from institutions without anywhere to sleep that night

Q6. Do you agree to introducing a statutory duty on public bodies to prevent homelessness for anybody leaving an institution within six months?

- Strongly Agree
- Agree
- Disagree
- Strongly Disagree

Agree that public bodies should collaborate at an early stage to prevent homelessness of someone who is leaving an institution within the next 6 months.

Please say why

Q7. What would help public bodies to meet this requirement and how might it work in practice?

Early planning by the Scottish Prison Service and clear communication to housing services and social work (where applicable). Consideration of how long sentences are before a person in prison loses their tenancy. Consideration therefore required for the length of sentences being imposed if sentences of 6 months can result in someone losing their tenancy resulting in homelessness. More thought should be given to those in private-rented sector and owner-occupiers.

Duties on wider public bodies and landlords

Prevention Review Group proposed recommendations for health and social care

Q8. 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
- Agree
- Disagree
- Strongly Disagree

Please say why

Services are already working well to support people who may be at risk of homelessness or present as homeless. There are close working relationships across health and social care and housing services. However, improvements and joint processes could be developed.

Q9. Do you agree that a new legislative duty on Integration Authorities to identify housing circumstances of patients is the best way to prevent homelessness?

- Strongly Agree
- Agree
- Disagree
- Strongly Disagree

Please say why

It is important for Integration Authorities to identify housing circumstances is important. It is difficult to say if this is the best way to prevent homelessness with the information provided in the consultation document. The importance is not on the identification but how this information is used in collaboration with partners.

Q10. 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
- Agree
- Disagree
- Strongly Disagree

Please say why

Integration Authorities would have the specialist expertise to best support people with complex needs. However, collaboration between Integration Authorities and Housing Services would be required to identify appropriate housing models and accommodation.

Q11. How would the Integration Authority having primary legal responsibility where cases are so complex work in practice?

Q12. 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
- No Impact
- Negatively Impact

Please say why

See comments at Q10

Q13. Do you agree with the proposal for a social worker or social care worker to have a duty to 'ask and act' about housing issues or the risk of homelessness?

- Strongly Agree
- Agree
- Disagree
- Strongly Disagree

Please say why

See comments at Q4. In reference to the consultation guidance, if a social worker or social care worker identified unmet social care needs, an assessment would be carried out and if a risk of homelessness was identified, a referral to housing services would be made.

Q14. Do you agree that a duty to co-operate on the Integration Authority is the best way to ensure that people who are homeless or at risk of homelessness, as a result of unmet health or social care needs, get the support they need from health and social care services?

- Strongly Agree
- Agree
- Disagree
- Strongly Disagree

Please say why, and if you disagree please say how this might be addressed

Agree that Integration Authorities co-operate with housing services to ensure people who are homeless or at risk of homelessness the support they need. There is a great deal of collaboration and co-operation currently if health and social care needs are identified by housing services.

Q15. What changes to existing practice do you think local authorities and relevant health and social care services would have to make, to ensure they meet the needs of those leaving hospital and those with mental illness and impairment?

A clear hospital discharge protocol being in place to support early planning. Close working with housing services on an ongoing basis to project our housing requirements. Clear processes for Occupational Therapy services.

Q16. 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
- Agree
- Disagree
- Strongly Disagree

Please say why, and what is the main difference this statutory change would make to people in hospital and at risk of homelessness

Clear processes would be in place and planning would start at an earlier stage. It can be the case that someone is discharged from hospital into hostel accommodation where staff are not equipped to support the person.

Q17. 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?

General Practitioners (GP)

Q18. Do you agree with the proposal that GP practices are required to refer to local authorities where there is a risk of homelessness identified?

- Strongly Agree
- Agree
- Disagree
- Strongly Disagree

Please say why

Agree that staff in GP practices (not necessarily GP's) are required to refer to local authorities where there is a risk of homelessness identified.

Q19. Are there any additional approaches that could be adopted by GP practices to better identify and respond to housing need?

For all staff in GP practices to be adopting the approach of better identifying and responding to housing needs.

Prevention Review Group proposed recommendations for case co-ordination for people with multiple or complex needs

Q20. 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? If you disagree, please say how public services can best work together to prevent homelessness for people with more complex needs.

- Strongly Agree
- Agree
- Disagree
- Strongly Disagree

Please say why, and how public services can best work together to prevent homelessness for people with more complex needs.

Care coordination would provide a streamlined approach for people experiencing homelessness to access the various services they may require. Better information sharing and partnership working would be beneficial.

Q21. If this statutory duty is established:

How would it work in practice?

For discussion locally looking at best practice.

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

Q22. What difference would a case co-ordination approach make to people experiencing homelessness or at risk of homelessness who have more complex needs?

See comments at Q.20

Prevention Review Group proposed recommendations for children's services

Q23. 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
- Agree
- Disagree
- Strongly Disagree

Please say why

This fits with GIRFEC and the team around the child approach. It will require Named Person/Lead Person to look at issues that may be impacting upon the family. Ideally, we would hope that this Team Around The Family approach builds resilience and support where required. However, it comes with caveats around understanding what the criteria would be to raise a homelessness risk with the local authority.

Q24. 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? At what stage should a request for assistance be made to the local authority?

This is the fundamental issue, what would they need to see, hear and understand for a risk of homelessness application to be made? An interesting aspect is the duty of housing relating to GIRFEC. So do they input to named persons / lead professionals where homelessness / loss of tenancy is an issue. This is as per the National Practice Model. Where the house was inhabitable, significant overcrowding, significant rent arrears which threaten eviction, the inability to pay rent due to poverty. The Homelessness team would have a clearer set of indicators to inform this and should be consulted.

Prevention Review Group proposed recommendations for young people

Q25. 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?

The HSCP is already implementing many of the recommendations that have been proposed and work with "My Future My Plan". Housing has a direct route for 15+ year olds who present as homeless where they can refer on to social work services for support. There lots of good practice going on within the HSCP however the new duties will solidify the duties of other agencies who already work in partnership with housing.

Q26. 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
- Agree
- Disagree
- Strongly Disagree

Please say why

A family mediation service exists in South Ayrshire. This is an important service to prevent youth homelessness.

Prevention Review Group proposed recommendations for 16 and 17 year olds

Q27. Do you think the proposal for 16- and 17-year-olds would positively impact on the prevention of homelessness for young people?

- Positively Impact
- No Impact
- Negatively Impact

Please say why

Q28. Could there be any 'unintended consequences' for 16- and 17-year-olds in taking this approach to legislation? If so, how can this best be addressed so that any new legislation improves outcomes for 16- and 17-year-olds at risk of homelessness?

- Yes, there could be 'unintended consequences'
- No, there could not be any

Please say what the 'unintended consequences' could be, and how can this be addressed so that any new legislation improves outcomes for 16- and 17-year-olds at risk of homelessness?

From a rights perspective, young people should be allowed to determine if they want input from Social Services. At times organisational generated risk can see this over reach and issues surface that then become the focus of support rather than the young person's desire to achieve independence.

Prevention Review Group proposed recommendations for criminal justice – prisons, court services and Police Scotland

Prisons

Q29. 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
- Agree
- Disagree
- Strongly Disagree

Please say why

Q30. 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?

Q31. What are the main challenges of introducing any new statutory duty on prisons to identify and work with partners on housing issues?

Q32. What changes to existing practice would local authorities have to make to ensure they meet the needs of those leaving prison??

Prevention Review Group proposed recommendation for court services

Q33. Do you agree with the proposal that housing options advice should be available in court settings?

- Strongly Agree
- Agree
- Disagree
- Strongly Disagree

Please say why

Prevention Review Group proposed recommendations for Police Scotland

Q34. 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
- Agree
- Disagree
- Strongly Disagree

Please say why

Q35. How would a statutory duty on police to ask about somebody's housing circumstances, if there is 'reasonable belief' they may be homeless or at risk of homeless, work in practice?

Prevention Review Group proposed recommendations for Domestic Abuse

Q36. 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
- Agree
- Disagree
- Strongly Disagree

Please say why

Q37. 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?

Prevention Review Group proposed recommendations for a local authority duty to respond to referrals

Q38. 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'?

- Strongly Agree
- Agree
- Disagree
- Strongly Disagree

Please say why

Q39. 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?

What would be the primary advantages:

What would be the primary challenges:

Q40. Do you have a view on the issue of an individual's consent in this process?

Prevention Review Group proposed recommendations for joining-up services through strategic planning

Q41. 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
- The requirements should be included in guidance

Please say why

Q42. Are there any other requirements for joining-up services through strategic planning that should be considered?

Data sharing and data protection

Q43. What do you think the implications are of increased joint working to prevent homelessness between public bodies on data sharing and data protection?

Prevention Review Group proposed recommendations for social landlords

Q44. 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
- Agree
- Disagree
- Strongly Disagree

Please say why

Q45. Are there any other reasonable steps apart from those listed that a social landlord should be legally obliged to take to prevent homelessness?

Q46. Do you agree with the proposal to legislate for the establishment of protocols by social landlords in relation to domestic abuse?

- Strongly Agree
- Agree
- Disagree
- Strongly Disagree

Please say why

Q47. Do you agree with the proposal to legislate for the establishment of protocols by social landlords in relation to where tenants face court proceedings?

- Strongly Agree
- Agree
- Disagree
- Strongly Disagree

Please say why

Q48. Given that landlords are already expected to notify local authorities of raising proceedings for possession, do you agree with a new legislative provision to ensure it happens earlier than under current arrangements?

- Strongly Agree
- Agree
- Disagree
- Strongly Disagree

Please say why

Q49. What further statutory measures beyond the existing Section 11 provision are needed so landlords notify and work with local authorities as soon as possible to prevent homelessness?

Q50. At how early a stage should a landlord be expected to notify a local authority about the risk of homelessness?

Prevention Review Group proposed recommendations for private landlords

Q51. Do you agree with the proposal to make pre-action requirements on private landlords in cases of rent arrears permanent in legislation?

- Strongly Agree
- Agree
- Disagree
- Strongly Disagree

Please say why

Q52. How might a new legislative duty on local authorities to respond to referrals to prevent homelessness from private landlords work in practice?

Q53. What sort of support do you think private landlords may need to ensure they meet this requirement?

Q54. 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?

- Strongly Agree
- Agree
- Disagree
- Strongly Disagree

Please say why

Q55. 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?

- Strongly Agree
- Agree
- Disagree
- Strongly Disagree

Please say why

Q56. 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?

Section 3: Proposed recommendations by the Prevention Review Group and consultation questions on reforming the homelessness legislation to prevent homelessness

Principles of the Prevention Review Group

Q57. Do you agree with these principles?

- Strongly Agree
- Agree
- Disagree
- Strongly Disagree

Please say why

Q58. Are there any other principles that should be included and, if so, why?

Q59. What outcomes do you foresee if the above principles were to be adopted to amend the statutory homelessness framework?

Prevention Review Group proposed recommendations for changing the current homelessness legislation

An extended prevention duty

Q60. 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?

- Strongly Agree
- Agree
- Disagree
- Strongly Disagree

Please say why

Q61. How do you think a duty to prevent homelessness within six months would work in practice?

Q62. How would an assessment be made to identify whether someone was at risk of homelessness within six months?

Duty to take reasonable steps to prevent homelessness

Q63. 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?

- Strongly Agree
- Agree
- Disagree
- Strongly Disagree

Please say why

Q64. Are there any other specific measures that should be made available or reasonable steps to prevent homelessness that should be included in legislation?

- Yes
- No

Please say why, and what are these other specific measures

Q65. 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?

- Yes
- No

Please say why, and how they could be more specific

Q66. If you agree with these new duties, what processes or procedures do you think should be put in place to encourage local authority compliance?

Personal Housing Plans

Q67. How can we best ensure that an applicant's views are addressed in a statutory assessment to prevent homelessness?

Q68. Should personal housing plans form part of a statutory assessment for preventing homelessness by local authorities, or just be an option for local authorities to use with an applicant?

- Yes, they should form part of a statutory assessment
- No, they should be an option

Please say why

Q69. 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
- Agree
- Disagree
- Strongly Disagree

Please say why

Q70. How and at what point do you think an individual's housing support needs should be assessed?

Q71. 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?

Q72. 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)? This might include:

- People experiencing domestic abuse and who therefore have statutory homelessness status
- People facing eviction from a PRS tenancy
- People being asked to leave the family home.

Meeting the needs of specific groups

Q73. Do you agree with the proposal for meeting the needs of specific groups?

- Strongly Agree
- Agree
- Disagree
- Strongly Disagree

Please say why

Q74. Is there anything you would add to these proposals that may strengthen legislative changes to prevent homelessness amongst specific groups?

Q75. Do you agree with these proposals on preventing homelessness for people experiencing domestic abuse?

- Strongly Agree
- Agree
- Disagree
- Strongly Disagree

Please say why

Q76. Is there anything else that should be included in considering new legislative proposals on the prevention of homelessness resulting from domestic abuse?

What else should be included

Prevention Review Group proposed recommendations for stability and suitability of accommodation

Q77. Do you agree with the criteria proposed for the stability of housing outcomes?

- Strongly Agree
- Agree
- Disagree
- Strongly Disagree

Please say why

Q78. 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?

- Strongly Agree
- Agree
- Disagree
- Strongly Disagree

Please say why

Q79. How do you see this working in a) a private tenancy; b) accommodation with an occupancy agreement; and c) those returning to the family home or to live with another relative?

a) private tenancy:

b) accommodation with occupancy agreement:

c) return to family home/living with relative:

Q80. Are these the right grounds to consider in deciding on the suitability of housing outcomes? Are there any other grounds that should be considered?

- Yes
- No

Please say why, and any other grounds that should be considered

Q81. Do you think the criteria 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?

Yes

No

Please say why

Safeguards for non-standard accommodation options as part of a new prevention of homelessness duty

The Prevention Review Group suggested that accommodation not protected by other legal safeguards (referred to “non-standard” options in the PRG report) must have additional safeguards in place:

- The accommodation must have appropriate facilities for settled living (such as 24-hour access, adequate toilet and washing facilities, access to kitchen facilities, a private bedroom)
- A statement of rights and responsibilities in relation to the accommodation
- Applicants must give written consent to be discharged into a non-standard form of accommodation (i.e. they have a veto).

Q82. When taken with the general criteria for suitability and stability, do these 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?

Yes

No

Please say why, and if there are additional safeguards that could be put in place

PRG proposed recommendations for enforcing people's rights

Right to review

Q83. Do you think any additional measures are needed to ensure a right to review by the local authority within the proposed legislative measures to prevent homelessness?

- Yes
- No

Please say why

Right to appeal

Q84. What do you think are the key considerations in any appeal process linked to new legislative measures to prevent homelessness as outlined?

Regulation

Q85. Do you have anything to add to the proposal on the role of the Scottish Housing Regulator in relation to proposals for new legislative duties to prevent homelessness?

Q86. What implications do you think these proposals have for other regulatory bodies?

Q87. Do you agree that there should be a general assessment of housing support needs of persons (separate to assessments for individuals) in an area as part of the Local Housing Strategy?

- Strongly Agree
- Agree
- Disagree
- Strongly Disagree

Please say why

Section 4: Questions on the package of proposals, resources and monitoring

The package of proposals

Q88. Do you agree this is this the right package of reforms to meet the policy principles of early intervention and preventing homelessness?

- Strongly Agree
- Agree
- Disagree
- Strongly Disagree

Please say why

Q89. 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?

Q90. How do you feel about the overall package and the balance it strikes between the different objectives, interests and principles outlined? Does it work as a whole package? If not, how can the package be adjusted overall to better meet the principles of early intervention and prevention?

Q91. Please give us your views on the potential impact of the proposed new homelessness prevention duties on different groups of people.

(Different groups of people with protected characteristics in the Equality Act 2010 include: age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, sex, sexual orientation).

Resources

Q92. 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?

Q93. What do you think you or your organisation would be doing to meet new prevention duties as outlined in this consultation that you were not doing before?

Q94. 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?

Q95. What additional training needs do you think will be required for your role or your organisation's role in implementing any new prevention of homelessness duties, and what do you think the timescales for this would be?

Monitoring

Q96. 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?

Section 5: Questions on the Prevention Review Group proposals on prevention of homelessness duties for people with lived or living experience of housing crisis, homelessness or risk of homelessness

Q97. When you most recently or previously became homeless were there any earlier actions that you think could have been taken by the council or other public bodies (health, education, justice services, etc.) that would have prevented it?

Q98. What was the main action taken by the council or other public bodies to help prevent your most recent or previous homelessness?

Q99. What other actions taken by the council or other public bodies do you think would have helped prevent your most recent or previous homelessness?

Q100. Please list some of the different services, homeless and otherwise, that you were in contact with in the time before you most recently or previously became homeless?

Q101. How long (if at all) before you most recently or previously became homeless did you start receiving support?

Q102. Did any services you were interacting with pick up on warning signs prior to your most recent or previous homelessness?

- Yes
- No

What services picked up on warning signs and what was your experience

Duty on wider public bodies and landlords to prevent homelessness

There is a proposal that public bodies would need to identify or ‘ask’ whether the people they work with have a risk of homelessness, and then would have a different role and opportunities to ‘act’ on this information. In some cases the action required would be a referral to the local authority.

Q103. Do you agree with the proposal for a new duty to ‘ask and act’ about homelessness for public bodies such as health, justice, education, etc.?

- Strongly Agree
- Agree
- Disagree
- Strongly Disagree

Please say why

Q104. Do you think such a duty on public bodies would have made a difference to your experiences, and do you think it could have prevented your most recent or previous homelessness?

- Yes
- No

Please say why, and if not what do you recommend

Prevention of homelessness legislation

There are proposals for making changes to the law so that action to prevent homelessness needs to be taken up to six months before you may become homeless.

Q105. Do you agree with this approach, and would it have helped prevent your most recent or previous homelessness?

- Strongly Agree
- Agree
- Disagree
- Strongly Disagree

Please say why, and would it have helped prevent your most recent or previous homelessness?

Q106. How would you know if you are 6 months away from homelessness, and how would you know where to go for help?

Q107. There are proposals for making changes to the law so that local authorities can prevent or resolve your homelessness by providing you with accommodation that is 'stable and suitable'? Do you have a view on this proposal?

Q108. Is there anything else you wish to add to the proposals in this consultation to change the law on preventing homelessness based on your lived or living experience of homelessness?