

# Evidence submitted by CIH Scotland 23 October 2020

## About CIH

The Chartered Institute of Housing (CIH) is the independent voice for housing and the home of professional standards. Our goal is simple – to provide housing professionals with the advice, support and knowledge they need to be brilliant. CIH is a registered charity and not-for-profit organisation. This means that the money we make is put back into the organisation and funds the activities we carry out to support the housing sector. We have a diverse membership of people who work in both the public and private sectors, in 20 countries on five continents across the world including over 2,000 in Scotland.

Further information is available at: [www.cih.org](http://www.cih.org)

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## Background

The Scottish Government agreed to explore options for modifying local connection referrals as recommended by the Homelessness and Rough Sleeping Action Group (HARSAG) and carried out an initial consultation last year. In [our response](#) we supported the principles and the intention of providing more choice for homeless households but raised concerns about the potential increase of homeless presentations for some local authorities. We asked for resources to be put in place to ensure that local authorities could meet their homelessness duties and fully implement Rapid Rehousing Transition Plans (RRTPs) and for the Scottish Government to take a holistic approach to tackling homelessness.

Following last year's consultation, the Scottish Government commenced Section 8 of the Homelessness etc. (Scotland) Act 2003 which allows Ministers to modify local connection referral rules following consultation. This consultation asked for feedback on the specific proposals **to suspend all local connection referrals between local authorities in Scotland**.

The Scottish Government acknowledged that previous responses (particularly from local authorities) raised concerns with the ability to manage additional cases if a large number of homeless households present at particular authorities, especially where resources are already stretched. It is proposed that the impact of changes will be monitored through HL1 and it is suggested that further modifications to the suspension of referrals could be made if evidence shows significant issues for local authorities.

We responded to the Scottish Government's specific questions below.

## Consultation questions

**Question 1:** We are proposing to suspend local connection referrals between Scottish local authorities to remove barriers people face to accessing the support they need. The analysis of the 2019 consultation demonstrated that there is support for this position, although there are concerns about the potential for increases in homelessness applications and subsequent impact on statutory services. Please give us your current views about the proposed suspension of referrals.

In responding to the previous consultation on the removal of local connection referrals, we noted our support to provide the very best service possible for homeless households and agreed with the principle that people should have as much choice as possible when making decisions about their housing.

However, we also raised concerns about the possibility that removing local connection referrals could result in an increase in demand for some local authorities which could have a particularly significant impact in areas where housing and homelessness services are already stretched. We also highlighted the fact that this proposal is not being made in isolation. Local authorities are working to implement Rapid Rehousing Transition Plans (RRTPs) as well as a number of other legislative and policy changes such as the extension of the Unsuitable Accommodation Order (UAO), working towards better minimum standards for temporary accommodation and the likely removal or modification of intentionality rules. This is all happening within the context of a public health emergency which has significantly increased pressure on housing and homeless services across Scotland.

The consultation highlights the low number of referrals that are currently made. However, it is not known whether the removal of referral powers may have an impact on people's behaviour. It may be that more people choose to move to a different area if they know that this is now an option. The consultation also states that local authorities in Scotland would still have to accept referrals from elsewhere in the UK. It would be useful to know whether in these cases, the person would be referred to a local authority that they have a connection with, or whether they would be able to choose where to be housed.

Again, we agree that homeless households should have greater choice over where they live, but if demand increases in particular areas, local authorities must be supported to fulfil their statutory duties and ensure that other people in housing need are not disadvantaged.

We are pleased that the consultation states that the impact of changes will be closely monitored and that the criteria focusses on the ability of local authorities to fulfil statutory homeless duties. However, we have some concerns about the lack of detail that is set out in the paper. It is unclear how 'significant undue pressures' will be measured. The consultation states that further modifications could be made if evidence suggests that removal of referrals is having a detrimental impact. This suggests that the power to refer could be reinstated, but there is no mention of any other support that could be made available to help local authorities to meet their duties while referrals are suspended.

The focus should be on ensuring that people can access high quality housing and support no matter where they present as homeless. This means increasing supply of affordable housing, adequate funding for RRTPs and better partnership working with health and social care to ensure easy access to support where it is needed.

Addressing affordable housing need will also help to ensure that local authorities are able to balance the needs of homeless households and others in the community.

In response to the previous consultation, we raised concerns that a small number of households could take advantage of the housing system if local connection referrals and intentionality rules are removed. It will be particularly important to carefully monitor MAPPA and public protection arrangements in this context.

**Question 2:** Considering the core content proposed for the Ministerial Statement (see section two – paras 31 - 33), please give us any suggested amendments with regard to:

- i. circumstances for modifying local connection referrals (see para 31)
- ii. general criteria, by reference to which, the power to modify local connection is to be exercised (see para 32)

With regards to the circumstances for modifying local connection referrals, we agree with the intention to improve outcomes for homeless households and the recognition that this should not negatively impact on communities.

With regards to the general criteria, it is unclear how 'significant undue pressures' will be measured. If this is just taking into account the number of households presenting from another area, it is not clear how many additional presentations would constitute a 'significant' increase.

**Question 3:** Please let us know about any suggested amendments you have to the factors proposed in para 33 for assessing whether the capacity of a local authority to meet its homelessness and housing duties is being adversely affected by any modification to local connection.

Breaches of the UAO and duty to provide temporary accommodation could provide useful additional information to indicate where homeless services are under pressure.

**Question 4:** As set out in the 2019 consultation, we propose using HL1 data to monitor the impact of this change. Please let us know of any comments you have on this proposal.

It would make sense to use the current system of data collection to monitor the number of households presenting in different areas but the process for recording this information will require some further consideration. Reporting systems may have to be modified to include specific criteria to record where a household had previously lived in another local authority area.