



What you need to know: Preventing Homelessness in Scotland

Background

A new report on homelessness prevention has been published by Scotland's [Prevention Review Group](#).

The report, [Preventing Homelessness in Scotland](#), published on 18 February 2021, takes forward the work carried out by the [Homelessness and Rough Sleeping Action Group \(HARSAG\)](#) and subsequent Scottish Government/COSLA [Ending Homelessness Together Action Plan](#). It sets out a series of recommendations for new legal duties on local authorities and other public bodies to prevent homelessness in Scotland.

Key principles and recommendations

Through discussions with stakeholders, the report suggests that there is a lack of clarity over current statutory duties which has hindered work to prevent homelessness in Scotland.

The recommendations aim to create a clear and comprehensive legal framework to strengthen homelessness prevention and are guided by three overarching principles:

- **there should be a collective responsibility** across public services to prevent homelessness;
- **intervention** to prevent homelessness should start as early as possible; and
- **people facing homelessness should have an appropriate degree of choice** over where they live, with protections in place to prevent them from becoming homeless again.

Part 1: Duties on wider public bodies

The report recognises that the involvement of a range of services beyond housing and homelessness is key to successful prevention. It recommends placing a duty on public bodies to:

- **identify those at risk** of homelessness at an early stage;
- **act on that information** so that people get the right support to prevent homelessness (this may be acting within their own powers or referring to other agencies); and
- **work together** so that no-one leaves an institution such as prison or hospital with nowhere to sleep that night.

The report and recommendations cover a wide range of services and policy areas including:

- Health and social care
- Care co-ordination for people with multiple or complex needs
- Children's services
- Assistance for young people
- 16 and 17 year olds
- Care leavers
- Social and private landlords
- Prisons
- Court services
- Police Scotland
- Domestic abuse
- Local authorities

The following sections focus on recommendations for landlords, connections with health and social care partnerships and local authority duties.

Social landlords - The report acknowledges that social landlords are well placed to carry out work which prevents homelessness and recommends that homelessness prevention responsibilities should be formalised as duties to compel landlords to take early action if there is a risk of homelessness.

Where a social landlord identifies circumstances which may lead to homelessness, such as rent arrears,



anti-social behaviour, domestic abuse or criminal proceedings, they must take reasonable steps to mitigate that risk. These could include:

- **housing management** practices to sustain tenancies;
- engaging with tenants to address relevant **financial circumstances**;
- engaging with tenants to address **behaviour**;
- putting in place **protocols** to address relevant circumstances, i.e. relating to domestic abuse or where tenants face court proceedings.

The report specifically recommends that social landlords should have a domestic abuse policy in place based on [guidance](#) published by CIH Scotland, Scottish Women's Aid, ALACHO, SFHA and Shelter Scotland in 2019.

If the landlord considers the risk of homelessness to require assistance beyond their powers, then they should notify the relevant local authority.

Private landlords - The report also highlights the role of private landlords in both preventing and resolving homelessness and recommends that local authorities should ensure that their service is set up to support people at risk of homelessness from the private rented sector (PRS). This would be achieved through the provision of advice and assistance to tenants and landlords, provision of housing support, and putting in place appropriate protections before a tenant is evicted.

The PRS should be used for discharge duties where appropriate. The report also recommends that the [pre-action requirements for private landlords](#) which were created as part of the emergency coronavirus legislation should be made permanent.

Health and social care partnerships - Where an individual has health and social care needs, it is recommended that a statutory duty is placed on the health and social care partnership to cooperate with the local authority by identifying the housing circumstances of individuals and working with partners to ensure they are assisted into suitable housing or that homelessness is prevented.

Where needs are more complex, to the extent that they cannot be supported in mainstream housing,

primary responsibility for meeting those accommodation needs should sit with the Health and Social Care Partnership.

Local authority duty to respond - Where a public body identifies a risk of homelessness and the most relevant action is to refer to the local authority for assistance, it is recommended that the local authority should have a responsibility to act on that referral.

The local authority should therefore accept a referral from a public body or landlord as a formal application, unless the individual states that they do not wish to make an application for assistance, or unless the local authority cannot contact the individual.

Consent should be sought where possible, but there may be circumstances where the vulnerability of an individual means that a referral should be accepted regardless, for example where someone is sleeping rough.

Joining up services - In order for homelessness prevention to work effectively, services must work together and plan strategically to identify need and address issues which may lead to homelessness as early as possible.

In order to strengthen strategic planning between services, the report makes the following recommendations:

- **Community planning partners** should set out and establish in Locality Plans the impact of homelessness, emerging issues and joint working strategies and a community planning statement should be included within the Local Housing Strategy.
- **Health and Social Care Partnerships** should set out a clear statement of their contribution to preventing homelessness within the Local Housing Strategy.

The report also recommends that the next iteration of Scotland's [National Performance Framework](#) should contain a strategic emphasis on homelessness prevention and housing.



Part 2: Reform of the current homelessness framework:

Part 2 of the report sets out recommendations for local authorities which seek to clarify, strengthen and extend a duty to prevent homelessness, and integrate it within the main statutory framework.

Early intervention - The report recommends reforms to the homelessness system which would place a greater emphasis on early intervention, with people at risk of homelessness offered help long before they reach an acute crisis point, and also give applicants more control and choice over their accommodation based on the existing Housing Options framework.

The right to appeal – Changes should be made to make the system clearer and more accountable and to provide applicants with appropriate rights of review and challenge throughout the homelessness prevention process.

Regulation

The report acknowledges that the [Scottish Housing Regulator](#) has a key role to play in homelessness prevention and recommends that the Regulator should report annually on the experiences of households facing homelessness and consider how it can work more closely with other regulators such as the Care Inspectorate, Scottish Prisons Inspectorate and Audit Scotland.

Next steps

Local authorities will be working with the Scottish Government over the coming months to consider the proposals within the report and will seek further input and consultation with partners and other key stakeholders.

The CIH view

We welcome this new report by the Prevention Review Group into homelessness prevention and fully support the intention to clarify and strengthen legal duties for public bodies. We also welcome the focus on all public bodies taking a collective responsibility to prevent homelessness and the emphasis on early intervention and greater choice and control for applicants. The housing sector is of course key to ensuring that people can access housing that meets their needs. But homelessness is not just about bricks and mortar, it is a far more complex problem and requires input and partnership working from a wide range of services to ensure the best outcomes for people.

In order to fully achieve the recommendations set out in the report, the Scottish Government must ensure that there is sustained and continued investment in affordable housing supply and local authorities must have enough resources to ensure that anyone at risk of homelessness can access good quality housing and support at the point when they need it most.