A Consultation on Local Connection and Intentionality Provisions in Homelessness Legislation: Analysis of Responses

PEOPLE, COMMUNITIES AND PLACES

social research

A Consultation on Local Connection and Intentionality Provisions in Homelessness Legislation: Analysis of Responses

Why Research, June 2019

1. Acknowledgments

2. Thanks to the individuals and organisations who responded to the consultation and to all at the Scottish Government who provided input and offered advice as required.

Executive Summary

3. The Programme for Government announced by the First Minister on 5 September 2017 set out a new commitment to eradicate rough sleeping, transform the use of temporary accommodation in Scotland and end homelessness.

4. The Homelessness and Rough Sleeping Action Group (HARSAG) was subsequently established to initiate these changes. HARSAG made 70 recommendations which led to the Ending Homelessness Together High Level Action Plan, which set out how the Scottish Government will work with partners to end rough sleeping and homelessness.

5. One HARSAG recommendation was to commence the Local Connection and Intentionality provisions in the Homelessness etc (Scotland) Act 2003, and the Scottish Government was keen to gather views on taking forward this recommendation, alongside gathering opinions on narrowing the definition of intentionality to focus on deliberate manipulation of the homelessness system.

6. The consultation on Local Connection and Intentionality Provisions in Homelessness Legislation opened on 31 January 2019 and ended on 25 April 2019.

Respondent Profile

7. In total, there were 72 replies to the consultation, of which 65 were from organisations (broken down as below) and 7 were from individuals.

Table 1: Respondent Groups

	Number
Housing association	3
Legal	4
Local authority	31
Tenant group	4
Third sector	18
Other	5
Total organisations	**65**
Individuals	7
Total respondents	**72**

Key Themes

8. A number of key themes were evident across questions as well as across respondent groups and these are summarised below.

- The capacity for an individual experiencing homelessness to have choice as to where they wish to live was seen as being beneficial in terms of their wellbeing and their ability to maintain a sustained tenancy, thus reducing repeat homelessness and contributing to the overall aim of reducing homelessness across Scotland in the longer term.

- Respondents noted a need for a revised Code of Guidance before any legislative changes; and time for staff to undertake training prior to the introduction of the proposed changes. It was noted by respondents that it is important for local authorities to adopt a consistent approach in their homelessness services.

- There were concerns from many of the local authorities over the potential increased number of homeless presentations they would receive and the allied resources that would be needed (both services and funding). This is further exacerbated by a lack of suitable accommodation to meet temporary and permanent housing needs.

- There were also concerns that service providers would need additional funding to provide the required services.

- Linked to these points, there were concerns over how to plan for the introduction of intentionality given that the likely numbers of those presenting as homeless in each area is unknown.

- Many of the local authorities felt that Rapid Rehousing Transition Plans (RRTPs) need to be given time to embed before any changes are introduced, or that time is needed for RRTP to adapt to intentionality changes.

Consultation Questions

9. The following paragraphs summarise the main findings from each of the consultation questions.

Main Findings: Local Connection (Q1)

10. The highest level of support was for the suspension of all local connection referrals, and support for this came primarily from respondents within the third sector. Support for modification of local connection referrals came primarily from local authorities. That said, a significant number of local authorities supported not commencing these provisions.

11. Two key themes emerged in response to this question: support for people experiencing homelessness to be able to choose where they wish to settle and concerns over the potential for an increased number of homeless referrals in areas that do not have the necessary resources and services to

meet needs. There were concerns from local authorities that the proposed changes could impact negatively on RRTP and reduce the likelihood of local authorities achieving the desired outcomes under RRTP.

12. There were some requests for monitoring to assess the impact of any changes, particularly as the likely numbers of homeless presentations in each area is unknown and may impact disproportionately on some local authorities.

Main Findings: The potential impacts of suspending referrals (Q2, Q3)

13. Respondents cited a number of positive benefits including the importance of choice for people experiencing homelessness and offering a capacity to be housed in an area best suited to an individual's needs and where they can access the necessary support services.

14. Some negative impacts were also noted; the key ones being the additional pressure on available support services, the agencies providing these, the financial and budgetary implications of an increased number of individuals wishing to access these services and the availability (or lack) of suitable accommodation. Some issues were also outlined in relation to planning for service delivery and assessing likely demand for services given the unknown number of homeless presentations. Local authorities in particular also noted concerns over the potential for an increased number of homeless presentations.

15. To help overcome some of these negative impacts, there were suggestions for higher levels of consultation and partnership working, the provision of advice and information on available services in specific areas and the need for effective planning, monitoring and reporting in place.

16. Around half of those responding agreed with the proposal to monitor the impact of any changes to the local connection legislation through continued collection and analysis of HL1 data. However, some respondents identified shortfalls with the existing approach to data collection and provided examples of ways in which HL1 should be modified.

17. Once again, the provision of guidance was requested so as to ensure that all data is consistently gathered.

Main Findings: The potential impacts of commencing intentionality provisions (Q4, Q5)

18. Around half the respondents were in favour of removing the duty on local authorities to assess households for intentionality, with the highest level of support coming from respondents within the third sector. The key reason for third sector support was that being labelled as intentionally homeless is often unfair and does not reflect the true picture of individual circumstances. This removal would also help remove barriers to securing accommodation.

19. Local authorities primarily supported not removing this duty and noted concerns of a lack of consistency of approach across and within local authorities, concerns about people manipulating the system and discretion taking away the need for individuals to take personal responsibility to retain their accommodation.

20. In response to Q5, a key positive impact was that homelessness applicants would have an increased chance of receiving assistance with intensive support for housing. Other positives were that there would be improved outcomes, more rapid support for rehousing and more flexibility in decision-making. Negative impacts were primarily seen to be a lack of consequences for people experiencing homelessness failing to accept their responsibilities and problems arising from a lack of consistency in applying the new intentionality provision.

Main findings: The potential costs of commencing local connection and intentionality provisions (Q6)

21. In relation to potential costs that may be incurred should the local connection and intentionality provisions be commenced, respondents tended to focus on the costs of using temporary accommodation, an increased use of temporary accommodation and increased use of bed and breakfast accommodation to plug any shortfalls. This was also perceived to have the potential to impact on other applicants in housing need.

22. A key theme was concerns over the specific costs if the local connection and intentionality provisions are commenced; both to local authorities and service providers. There was also mention again of the negative impact on implementation of RRTP and the need to monitor the changes to measure their impact.

Main Findings: Narrowing the definition of intentionality to focus only on instances of deliberate manipulation (Q7)

23. The key theme emerging was of a need for a careful definition of what would constitute intentionality and deliberate manipulation. Allied to this, there were calls for an updated Code of Guidance to guide decision-making and avoid inconsistent application across different local authorities.

Main Findings: Timings (Q8)

24. There was support for starting as soon as possible, in particular among third sector organisations. However, there was some disagreement as to how to define as soon as possible and many respondents provided qualifying commentary; again referring to the impact on RRTP and the need to align with RRTP timescales, a need for a revised Code of Guidance, a need for financial support from the Scottish Government, suitable housing stock and sufficient time to allow for preparation.

25. Although some respondents suggested specific timescales, there was little by way of consistency in their suggestions.

Main Findings: The impact of these changes on people with protected characteristics (Q9)

26. Many respondents provided comments on all groups of people with protected characteristics, rather than focusing on specific groups. Many comments were that there would be no impact on any specific group, that there would be no negative impact or that any impact would be positive. A relatively small number of respondents outlined any negative impacts.

Main Findings: Final comments (Q10)

27. Many comments made in response to this question echoed points made to earlier questions. The key theme, albeit only from a small number of respondents was support for the HARSAG recommendations.

Introduction

Background

28. The Programme for Government announced by the First Minister on 5 September 2017 set out a new commitment to eradicate rough sleeping, transform the use of temporary accommodation in Scotland and end homelessness.

29. The Homelessness and Rough Sleeping Action Group (HARSAG) was subsequently established to initiate these changes. HARSAG made 70 recommendations which have led to the Ending Homelessness Together High Level Action Plan, which sets out how the Scottish Government (SG) will work with partners to end rough sleeping and homelessness. Delivery of the HARSAG recommendations is being supported by the £50m Ending Homelessness Together Fund.

30. The HARSAG recommendation to commence the Local Connection and Intentionality provisions in the Homelessness etc. (Scotland) Act 2003 led to a consultation on the subject which opened on 31 January 2019 and closed on 25 April 2019. The consultation gathered views on taking forward this recommendation, alongside gathering opinions on narrowing the definition of intentionality to focus on deliberate manipulation of the homelessness system.

Respondent Profile

31. In total, there were 72 responses to the consultation, of which 65 were from organisations and 7 from individuals.

32. Respondents were assigned to respondent groupings in order to enable analysis of any differences or commonalities across or within the various different types of organisations and individuals that responded.

33. A list of all those organisations that submitted a response to the consultation and agreed to have their name published is included in Appendix 1.

	Number
Housing association	3
Legal	4
Local authority	31
Tenant group	4
Third sector	18
Other	5
Total organisations	**65**
Individuals	7
Total respondents	**72**

34. As Table 2 shows, the two largest organisation sub-groups were local authorities and third sector organisations.

Methodology

35. Responses to the consultation were submitted using the Scottish Government consultation platform Citizen Space, or by email or hard copy.

36. It should be borne in mind that the number responding at each question is not always the same as the number presented in the respondent group table. This is because not all respondents addressed all questions. This report indicates the number of respondents who commented at each question.

37. Two organisations referred to research or engagement they had undertaken and which were incorporated into their response; one had undertaken discussions among people with lived experience of homelessness; and the other had held a series of workshops and discussions among individuals involved in planning, delivering and using homelessness services across Scotland. The views expressed in these discussions have been incorporated into the consultation analysis.

38. Some of the consultation questions contained closed, tick-boxes with specific options to choose from. Where respondents did not follow the questions but mentioned clearly within their text that they supported one of the options, these have been included in the relevant counts.

39. The researchers examined all comments made by respondents and noted the range of issues mentioned in responses, including reasons for opinions, specific examples or explanations, alternative suggestions or other comments. Grouping these issues together into similar themes allowed the

researchers to identify whether any particular theme was specific to any particular respondent group or groups.

40. When considering group differences however, it must also be recognised that where a specific opinion has been identified in relation to a particular group or groups, this does not indicate that other groups did not share this opinion, but rather that they simply did not comment on that particular point.

41. While the consultation gave all who wished to comment an opportunity to do so, given the self-selecting nature of this type of exercise, any figures quoted here cannot be extrapolated to a wider population outwith the respondent sample.

Local Connection and Intentionality

42. The consultation document stated that **local connection** is defined in the Housing (Scotland) Act 1987 as a connection which a person has with an area because:

- They are or were in the past normally resident in it, and this residence was of their own choice; or

- They are employed in it; or

- They have family associations; or

- They have special circumstances.

43. Currently, local authorities have the power under section 33 of the 1987 Act to refer households experiencing homelessness who do not have a local connection with them to another local authority where there is a connection. However, this power does not apply where the person has been assessed as intentionally homeless. A local authority which accepts a referral will be responsible for any further decisions or inquiries relating to that application. However, the homelessness decision of the notifying authority cannot be revised by the authority accepting the referral.

44. Section 8 of the 2003 Act gives Scottish Ministers the power to issue a statutory instrument restricting the operation of the local connection referral rules.   This power can be applied to all local authorities or selected local authorities.

45. The Housing (Scotland) Act 1987 states that a person is **intentionally homeless** if they deliberately did or failed to do anything which led to the loss of accommodation which it was reasonable for them to occupy. This Act places a duty on local authorities to investigate whether a person they have found to be homeless or threatened with homelessness became homeless or threatened with homelessness intentionally. This allows local authorities to distinguish between the case of a person who has become homeless through no fault of their own, and someone who through deliberate action or inaction has contributed to their homelessness. If found to be intentionally homeless, local authorities are not obliged to provide the person with settled housing, although they are still entitled to temporary accommodation, advice and assistance.

46. The Homelessness etc (Scotland) Act 2003 makes provision to change the operation of the intentionality homeless test which would give local authorities the discretion, rather than the current duty, to investigate intentionality.

47. Specifically for local connection and intentionality, the HARSAG made a recommendation aimed at reducing barriers to people getting the support they need so that they can be helped at the earliest opportunity.

48. The HARSAG recommended the following actions on local connection:

- Commence the provisions on local connection in the 2003 Act.

- Suspend referrals between local authorities to remove barriers to support for people experiencing homelessness or rough sleeping or at risk of homelessness or rough sleeping.

- Scottish Government should monitor the impact of these changes on local authorities to respond to any local authorities coming under undue pressure as a result of disproportionate net inflows.

49. The Scottish Government is proposing to bring forward secondary legislation under section 33A of the 1987 Act which would allow it to suspend the local connection referral provision which is currently in place.

50. The HARSAG recommended the following actions on intentionality:

- Commence the current provisions on intentionality in the Homelessness etc (Scotland) Act 2003.

- Narrow the definition to focus on instances of 'deliberate manipulation' of the homelessness system.

51. It is proposed that changes would be made to the intentionality provisions by commencing provisions in the 2003 Act. These changes would mean that the authority may, if they think fit, make any further inquiries necessary to satisfy themselves as to whether a household has become homeless or threatened with homelessness intentionally.

52. Question 1 asked,

Q1: 'Commencing the local connection provisions in the Homelessness etc. (Scotland) Act allows Scottish Ministers to modify referrals relating to local connection. The Homelessness and Rough Sleeping Action Group has recommended that referrals should be suspended between all local authorities for all groups. Do you think we should:

Suspend all local connection referrals

Modify local connection referrals in another way

Not commence these provisions i.e. do nothing'

53. All those who chose the option to modify local connection referrals in another way were asked to provide further details. However, some respondents who supported one of the other two options also opted to provide further detail and these comments are also reported. Regardless of their choice of option, the same themes tended to emerge across responses.

54. As shown in the following table, a total of 65 respondents responded to this question and the most popular choice was for suspension of all local connection referrals. The highest level of support for suspension of all local connection referrals came from organisations within the third sector. The highest levels of support for the other two alternatives (modification of local connection referrals or for not commencing these provisions) came from local authorities.

Table 3: Q1

	Number			
	Suspend all local connection referrals	Modify local connection referrals	Not commence these provisions	Not answered
Housing association (3)	1	1	-	1
Legal (4)	2	1	-	1
Local authority (31)	6	10	11	4
Tenant group (4)	2	2	-	
Third sector (18)	17	-	-	1
Other (5)	4	1	-	
Total organisations (65)	**32**	**15**	**11**	**7**
Individuals (7)	1	4	2	-
Total respondents (72)	**33**	**19**	**13**	**7**

55. A total of 67 respondents, across all sub-groups, then went onto provide additional commentary in support of their response.

56. Two key themes emerged in response to this question. The first, primarily from respondents within the third sector and who supported suspension, was **support for people experiencing homelessness to be able to choose where they wish to settle**. This was seen as offering choice to people experiencing homelessness, removing unnecessary barriers to finding permanent accommodation and ensuring that homelessness services can be delivered at the point of need. Additionally, a small number of these respondents commented that it is good for people experiencing homelessness to be able to decide their needs and make informed choices. Furthermore, this is more likely to lead to sustained tenancies and help to reduce homelessness longer term. A small number of these respondents also noted that the best option is sometimes being able to move areas and move away from the situation that contributed to their homeless status; examples given included LGBT individuals or victims of domestic abuse.

57. The second key theme, cited primarily by local authorities, was **concerns over the potential for increased numbers of referrals in areas that do not have the resources to meet needs**. Various different types of local authority were cited, including major cities such as Glasgow or Edinburgh, urban areas or rural and island and highland areas. Reasons included that this would place uneven pressure on local authorities and that it would impact on the delivery of services such as health and social care or the availability of permanent housing. Allied to this point, a small number of local authorities felt that this could impact negatively on their Rapid Rehousing Transition Plans (RRTPs) and make it difficult for local authorities to achieve their outcomes under RRTP.

58. A few respondents – mainly local authorities who supported suspension – felt that this would have little impact given the relatively low numbers of referrals to other local authorities. A few local authorities, who mostly supported non-commencement felt there is already enough flexibility within the system to allow for a significant level of choice.

59. There were some requests from a few respondents for **monitoring to assess the impacts of this on local authorities**, for example, to see if any local authorities are more disproportionately affected than others (this issue was cited by respondents who supported modification and suspension).

60. A small number of respondents who supported suspension, noted that the Code of Guidance would need to be updated to be in line with the proposed changes. Some of these also suggested that training for their staff on the new guidance would be needed.

61. Some respondents requested information or clarification; these requests included:

- Requests from two local authorities for clarity on the term 'all local authorities' and whether this simply referred to Scottish authorities and what will happen with referrals to other parts of the UK.

- What would happen to referrals from outwith Scotland.

- A need to define 'any special circumstances'.

- Clarification on what measures would be put in place by the Scottish Government to support the housing sector if Local Connection referrals are suspended.

- How the impact of this will be measured.

- What evidence lies behind this proposal.

62. While respondents who supported modification of Local Connection referrals were asked to provide further details, suggestions were also made by some respondents who were supportive of suspension or who supported the status

quo. A wide range of suggestions were made by very small numbers of respondents for the modification of Local Connection referrals and these included;

- A need for exemption criteria or a point of consideration, for example, if a family or individual has extensive involvement with support services in a specific area.

- A need for a discretionary approach on a case-by-case and person-centred basis.

- Introducing changes in specific areas only, for example, those with a significant amount of low demand stock and high numbers of empty properties.

- Greater flexibility and widening of social connection with limited restrictions in relation to MAPPA[1] / Violent Offenders.

- Reduction of the 5 year residency rule; or more flexibility in this rule.

- Greater collaboration between neighbouring authorities as allowing partnership arrangements at local level would allow local factors to be built in.

- A need to make people experiencing homelessness aware of any resources issues prior to making a referral, for example, letting them know what services would be readily available to meet their needs in a new local authority area.

- Suspension for a limited time period only so as to gather information on the impact of this change.

- Suspension for certain groups most at risk of rough sleeping e.g. those moving away from domestic violence, ex-offenders or those with multiple and complex needs, rather than suspension for all people experiencing homelessness.

- Retaining the status quo for island authorities, particularly given a lack of accommodation and limited availability of some services.

- A need for flexibility or offering discretion to local authorities.

- A need for a wider culture change.

- A Personal Data Store (PDS) for each individual to be shared with providers to enable the process.

- Safeguards in place to mitigate the impact of an applicant who has been evicted for anti-social behaviour in one area moving to another.

- Piloting the impacts across different types of authorities prior to full roll-out.

---

[1] Multi-Agency Public Protection Arrangements

- A joint-working, partnership focus on meeting the housing needs of different individuals.

63. A very small number of respondents noted a concern that some people experiencing homelessness may be sent to local authority areas where they are more likely to be offered settled accommodation more quickly, rather than being provided with accommodation in an area where they wish to settle or have an existing support network. This was felt to be contrary to the intention of the HARSAG recommendations and at odds with the proposed legislation.

64. Question 2 of the consultation paper asked,

> **Q2: '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:**
> **(i) People with multiple and complex needs**
> **(ii) Families with children**
> **(iii) Other disadvantaged households/groups, including those experiencing poverty and/or material deprivation**
> **(iv) Local authorities and partner organisations**
> **(v) Business or third sector organisations**
> **(vi) People experiencing domestic abuse**
> **(vii) Others ….**

65. Many of those responding to this question cited common positives and negatives across all of these groups and these are covered in the following paragraphs. Comments relating solely to each specific group are then provided after that.

Positive impacts

66. A number of positive benefits were cited by respondents. The key one, and echoing a point made to the previous question, was that choice for applicants is important and allows them to make their own decisions about where they wish to live. One example cited by respondents was that someone can be fleeing from harassment and in need of a move to a different area where they can be safe. Allied to this point, some respondents commented that an individual experiencing homelessness can be housed in an area best suited to their capacity to sustain a tenancy, which, in turn, can help to prevent repeat homelessness.

67. There were also some comments on the **ability to obtain access to specialist support and / or services** in other areas, or that services can be accessed in the local authority that is most appropriate to an individual experiencing homelessness. Some respondents also cited the potential to achieve improved outcomes, which in turn helps contribute to the longer term goal of ending homelessness.

68. Some respondents noted that in some cases it is important for an individual experiencing homelessness not to return to their local authority area; harassment or addiction were used as examples, as a change of area removes them from a negative situation, provides a place of safety and / or provides opportunities to break a negative life cycle. Linked to this, a number of respondents noted that suspension of referrals relating to local connection would have a positive impact on health, wellbeing and safety.

Negative impacts

69. A number of respondents – primarily local authorities – felt there would be **an increased number of homeless presentations**; with some of these respondents referring to specific areas which were felt to be more popular areas for relocation. Examples given included Edinburgh and Glasgow which, as large cities, are assumed to be able to offer a wide range of services and housing stock; other examples were for the more rural and island areas which were felt to be nice areas for relocation, albeit that the availability of services and accommodation could be restricted in these areas.

70. As a result of this, respondents outlined negative impacts that related to additional pressure on available support services, the agencies providing these services and the financial and budgetary implications of an increased number of people experiencing homelessness trying to access these services. This could impact on both third sector providers and local authorities who rely on third sector organisations to provide services. Linked to this there were some comments of the greater difficulties that would be faced in planning for service delivery and assessing likely demand levels for different services in different areas, given the likely, but unknown, increase in demand for services.

71. A number of respondents also referred to **increased pressure on available housing stock** and whether local authorities would be able to meet needs. Linked to this, there were also concerns that an increased number of presentations in a local authority area could dilute the service to all users, not just those who are experiencing homelessness. This in turn could lead to more people experiencing homelessness being housed temporarily in bed and breakfast accommodation, and for longer periods of time; as well as impact on available accommodation for others on the housing waiting list who would be less of a priority as this could exacerbate existing housing supply issues.

72. Some respondents – again, primarily local authorities – felt that this could **undermine the key objectives of the Rapid Rehousing policy agenda**; and impact on Rapid Rehousing Transition Plans (RRTPs). Again, the disadvantage of changes to local connection rules being an increased risk that more individuals would have to stay in temporary accommodation which is contrary to the aims and objectives of RRTP.

73. There was also a view from some respondents that not all support services will be available in all local authority areas, particularly within the smaller local authorities where individuals with multiple and complex needs might find it challenging to access the support they need. Even in instances where the necessary support services are available, there was a perception that these could come under increasing pressure because of increased demand. This issue could be exacerbated further by the need for communication and information exchange between different local authorities. There was also reference to the standard of services that may vary across different local authority areas.

74. Another negative impact was the loss of proximity to family and friends and informal support networks.

75. Respondents outlined a number of suggestions for ways in which to help overcome the negative impacts that they perceived could result from suspending referrals relating to local connection. These included:

- Consult with others involved in providing services to people experiencing homelessness.

- Offering a discretionary approach on a case-by-case basis, which would still allow for a person-centred approach.

- Strengthening the definition of 'other special circumstances'.

- The provision of advice and information on available services so that an individual experiencing homelessness can make an informed decision about where they wish to live.

- Effective planning, monitoring and reporting in place.

- Greater levels of partnership working, for example, Housing Options Hubs.

- Careful and concise data collection and sharing of information to ensure the availability of resources and services.

Business and third sector organisations

76. A specific impact outlined in relation to business and third sector organisations was that there could be access to more employees, although the converse was a loss of employees in some local authority areas that are less popular, and a subsequent loss of income within the wider economy in that area.

Families with children

77. A specific issue for families with children was the disruption of education for the children, which in turn can impact negatively on a child's wellbeing, their development and their mental health. Other negatives included the loss of family and social networks and the loss of access to support services with the

allied potential to fall through the social care gap when they move to another area. There was also a concern about a potential lack of appropriate accommodation in some local authority areas.

Victims of domestic abuse

78. The key comment was that the current referral provisions allow for flexibility in applying local connection criteria and that people fleeing domestic abuse do not have to prove a local connection, so there could be little change in terms of the impacts upon this specific group. One potential negative impact outlined by a small number of respondents was that the suspension of referrals relating to local connection could allow for perpetrators of domestic abuse to follow their partners to an area where they would have previously had to prove a local connection.

Others …

79. Other groups outlined by respondents included prison leavers, MOD establishments and applicants from outwith Scotland. A key issue in relation to prison leavers was that they could present to an authority which has no prior knowledge of the risks or offences committed. For example, an issue outlined by a local authority noted that Registered Sex Offenders (RSOs) who have statutory supervision placed upon them through Community Payback Orders, Parole and Non-Parole licence conditions will be the responsibility of the local authority holding the licence (and not necessarily the one they may apply to if local connection referrals are suspended). Another local authority commented that guidance is currently clear that if an applicant cannot establish a local connection in the UK, then the authority they applied to retains responsibility and they felt it was unclear how changes will impact on individuals who have a local connection in England, Wales or Northern Ireland where homeless legislation is more strict. Another local authority noted concerns over child/adult protection arrangements, which could present case management challenges for local authorities and Police Scotland.

80. A very small number of respondents again noted their concerns over the 'knock-on' impact on non-homeless households who are waiting for settled accommodation, as priority would be given to people experiencing homelessness presenting in a specific local authority area.

Monitoring the impact

81. The consultation paper noted that the Scottish Government plan to monitor the impact of these changes on local authorities by continuing with its current HL1 data collection. The current HL1 National Statistics data collection in Scotland collects data at the point people make a homelessness application to the local authority on a quarterly basis (and the analysis is published on a 6 monthly basis).

82. Question 3 asked,

Q3: 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.

83. A total of 63 respondents opted to provide an answer to this question, and around half agreed with the proposal to monitor the impact of any changes to the local connection legislation through continued collection and analysis of HL1 data.

84. However, a number of respondents noted shortfalls with the use of HL1 data, and a key comment was that it is not robust enough to collect and collate all the information that will be necessary under the proposed changes. Some respondents provided examples of additional information that will be required and these included:

- The need to be able to identify increased demand on support services.

- Ways of monitoring informal referrals.

- Gathering data on fluctuations in the use of temporary accommodation prior to rehousing.

- Recording how tenancies are sustained and repeat homelessness reported for those moving to a new local authority area.

85. A small number of respondents suggested that HL3 data could be used for monitoring patterns of temporary accommodation usage.

86. Overall, there was a general viewpoint that while HL1 could form the starting point for data collection, there would need to be changes, revisions and additional questions incorporated to ensure that all necessary and relevant information is collected to inform future decision making.

87. There were also a few comments on the need for any data collected to highlight positive impacts of the change and to highlight where additional resource allocation is needed.

88. A number of respondents also noted the need for provision of guidance to ensure consistency in data gathering.

89. Some respondents outlined specific additional information that should be collected to help measure impact, including:

- Case studies.

- Longitudinal studies.

- Analysis of longer term outcomes.

- More detail on criteria that would be used to identify and assess a need for specific intervention as the current figures may not accurately reflect the situation and the impact of change is unknown.

- Reasons as to why an individual wishes to move local authority area.

- Qualitative impacts not readily identifiable via HL1.

- Incorporation of presenting information from third sector organisations.

- Increased numbers of applications in specific local authorities.

90. There were also concerns expressed by a small number of respondents that not all individuals – and particularly those with multiple complex needs – will be recorded on an HL1 form. For example, one third sector organisation noted 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; another third sector organisation commented that not everyone who presents for housing receives a Housing Assessment and in turn not everyone's presenting needs and details are analysed on HL1.

91. Finally, the issue of additional resources was cited by a few local authorities. First, for those areas with an increased number of homeless presentations. Second, that increased resources would be needed to carry out data collection because of changes to the HL1 form and the need for additional information to be collected.

Assessing households for intentionality

92. Question 4 of the consultation paper then went on to ask,

> **Q4: Commencing the intentionality provisions in the Homelessness etc (Scotland) Act 2003 leads to giving authorities a discretion, rather than a duty, as to whether to investigate whether or not a household is intentionally homeless. Do you think we should:**
>
> **Remove the duty on local authorities to assess households for intentionality**
>
> **Not remove the duty on local authorities to assess households for intentionality?**

93. As shown in the following table, a total of 60 respondents opted to provide a response to this question. Around half of all respondents were in favour of removing the duty on local authorities to assess households for intentionality. The highest levels of support for removing the duty came from organisations within the third sector. The highest levels of support for not removing the duty came from local authorities.

	Number		
	Not remove the duty on local authorities to assess households for intentionality	Remove the duty on local authorities to assess households for intentionality	Not answered
Housing association (3)	-	1	2
Legal (4)	-	3	1
Local authority (31)	19	7	5
Tenant group (4)	1	2	1
Third sector (18)	-	16	2
Other (5)	1	3	1
Total organisations (65)	**21**	**32**	**12**
Individuals (7)	3	4	-
Total respondents (72)	**24**	**36**	**12**

94. Amongst respondents supporting the removal of the duty and giving local authorities discretion, the main theme cited (by a majority of third sector respondents) **is that being labelled as intentionally homeless is often unfair and does not reflect the true picture of individuals' circumstances**. Examples where people were perceived to have been unfairly classified as intentionally homeless were reported to have included cases of marital splits, leaving prison, domestic violence and rent arrears. Furthermore, a number of respondents (almost all from the third sector) made the related observation that it is often stigmatising or harmful to be labelled intentionally homeless in terms of causing hardship and being a cause of being excluded from getting accommodation.

95. Significant numbers of respondents perceived that the **removal of the duty in favour of discretion will benefit vulnerable people**, with specific beneficiaries including:

- People with multiple / complex needs.

- People with mental health issues.

- People with addictions.

- LGBT people.

96. More generally, a number of respondents commented that barriers to securing accommodation for people experiencing homelessness should be

removed wherever possible, or that the move to discretion will make it easier for these people to get housing needs support.

97. A few respondents supported giving authorities' discretion because it gives a more judgement-based or flexible approach which can overcome faults caused by having to match cases against broad system criteria. Small numbers of respondents perceived a benefit from better usage of authorities' resources in terms of carrying out fewer investigations, or being able to redirect more resources towards rehousing.

98. Small numbers of respondents supporting the removal of the duty also remarked that:

- Some local authorities overuse the intentionality rule, to discourage people from making homeless applications (almost all comments from third sector respondents).

- There are issues with consistency of application of the current intentionality rules and processes, with differing rates of intentionality amongst people experiencing homelessness between local authority areas.

- There is a need to have systems in place to scrutinise how discretion is used between different local authority areas.

- The labelling of intentionality will be narrowed down so that less people will be labelled as intentionally homeless.

- They would like to see changes to intentionality implemented as a complete package (as in full implementation of Sections 4,5,6 and 7 of the Housing Act 2003) rather than as a phased approach.

- It will reduce the risk of people becoming disengaged from the homelessness service.

- It would be preferable to have the intentionality test removed entirely.

99. There were three predominant themes mentioned by respondents who were in favour of not removing the local authority intentionality assessment duty.

100. Firstly, a large number of respondents cited concerns about the **lack of consistency of approach** on the issue in future if the duty was reduced to a power, both at local authority level and between local authorities. A number of respondents pinpointed specific drawbacks potentially arising from the perceived future lack of consistency, including:

- Applicants approaching multiple local authorities in the hope of getting a more favourable decision from one of them.

- Equalities and human rights issues arising from a lack of consistency.

- Discrimination issues arising from a lack of consistency.

- How to justify investigations in some cases but not in others.

- An increase in the number of appeals from agencies over both decisions to investigate intentionality and decision outcomes.

101. Secondly, a number of respondents from all organisation types expressed **concerns about people manipulating the system**, specifically repeat offenders and those with detailed knowledge of the system. Instances could include some households considering making a homeless application to be preferable compared to a lengthy wait on a housing transfer list, payment of rent or compliance with tenancy conditions.

102. Thirdly, there were a number of concerns expressed about discretion taking away the need for individuals to take personal responsibility to retain their accommodation (e.g. timeous payment of rent).

103. A small number of respondents focused on other potential negative unintended consequences resulting from changing the system:

- Tensions arising between those making assessments and housing providers (e.g. where there has been a previous failed tenancy).

- Consequences to local authorities' Housing Revenue Accounts of increased tenancy related debts being transferred to former tenant debt, because of tenants using deliberate non-payment of rent in order to get rehoused.

- Constant rehousing (because of an increased number of individuals not being assessed for intentionality such that they may continue to present as homeless on multiple occasions) having negative effects on other tenants or the wider community.

- Problems with housing providers being put in a position of greatly increased arrears.

104. Other points, each mentioned mostly by respondents supporting the status quo, were as follows:

- Extra pressure on services and housing stock caused by potential increased demand.

- Current provisions already provide for flexibility in terms of decision-making (e.g. personal circumstances of individuals being taken into account, under the Children's Act or in cases of domestic abuse).

- The current intentionality test has a high benchmark, which safeguards against misguided intentionality decisions.

105. A more general point made by significant numbers of respondents (both in favour and against the proposition) was that instances of intentional homelessness as classified by local authorities are unusual and constitute a small proportion of all homelessness cases, though varying between local

authority areas. Other general comments made by small numbers of respondents included the following:

- Requirement for more detail on the how the proposed change might work.

- Requirement for better understanding of how the duty to assess is currently applied.

- Lack of clarity for housing providers.

- The need for clarity about how to define intentionality.

- Some people may be unable to sustain an independent or mainstream tenancy and should be moved to sheltered housing.

- The need for a range of balanced homelessness measures.

- Negative impacts of welfare reform / universal credit causing growth in homelessness.

Impacts of commencing the intentionality provisions

106. Question 5 then asked,

> **Q5: Please tell us about any impacts for people who are homeless or at risk of homelessness, of commencing the intentionality provisions in the Homelessness etc (Scotland) Act 2003. Please include any positive or negative impacts. We are particularly interested in your views on the potential impacts for the following:**
>
> **(i) People with multiple and complex needs**
>
> **(ii) Families with children**
>
> **(iii) Other disadvantaged households/groups, including those experiencing poverty and/or material deprivation**
>
> **(iv) Local authorities and partner organisations**
>
> **(v) Business or third sector organisations**
>
> **(vi) People experiencing domestic abuse**
>
> **(vii) Others ….**

107. Respondents were then asked to answer each question section. Some respondents elected to give answers pertaining to the specific object group at each of the seven sections, but many (the majority) opted to give a more general overview of the potential impacts of commencing the intentionality provisions. Significant numbers of those responding foresaw ether no impact or noted that the likely impact is unknown. Many of those responding to this

question cited common positives and negatives across all of these groups and these are covered in the following paragraphs. Comments relating solely to each specific group are then provided after that.

Positive impacts

108. A number of positive benefits were cited by respondents. A key theme was that people experiencing homelessness would have an increased chance of receiving assistance with intensive support for rehousing.

109. Other positive impacts included cases being assessed on their own merits with greater flexibility in decision-making, improved outcomes, quicker help or support for rehousing and more would be willing to present as homeless.

110. Very small numbers of respondents also mentioned the following as potentially advantageous:

- Reduction in rough sleeping.

- Less time spent in care shelters or temporary accommodation.

- Health and wellbeing benefits.

- An opportunity for homelessness services to see what drives decision-making (e.g. embed trauma-informed practice into services).

Negative impacts

111. Amongst those respondents perceiving negative impacts, there were two dominating concerns: **a lack of consequences for people failing to accept their responsibilities** (e.g. about rent arrears) because of a lack of threat of being classified as intentionally homeless, and **problems arising from a lack of consistency in applying the new intentionality provision**. On the latter theme, potential problems included people manipulating the system, the possible use of intentionality by local authorities to 'gatekeep' (i.e. control access to assistance), and varying interpretations between local authority areas.

112. Very small numbers of respondents also pinpointed the following issues:

- More people being eligible to access accommodation, thereby slowing down the system (increased waiting times for housing, etc.).

- More pressure on local authority and housing providers' services (e.g. an increased need for sufficient available accommodation).

- People potentially bypassing the normal housing allocation route (by making a homeless application) without intentionality to get quicker housing.

- Concerns about increased tenancy failure resulting in disruption to local communities

113. Several respondents stated that the impact was unknown, with more detail being needed in terms of:

- More research being required and data gathered about impacts and individual outcomes, in order to feed back into the system to improve it.

- More consideration being needed as to what the changes are intended to achieve.

- How the effects of the intentionality changes will be monitored.

- Clarification over how the provision is to be applied.

- Clarification about data sharing issues between services (e.g. due to GDPR).

114. Several local authority respondents thought that there would be no impact from the commencement of the intentionality provisions, with many of them saying that needs are currently considered on an individual or household basis as part of an intentionally homeless assessment.

People with multiple or complex needs

115. The main overarching point was that decision-making is a problematic area in regard to this specific group, with the following difficulties identified:

- It is often difficult to get clear background information from which to make informed decisions.

- Mental health issues are often involved.

- Understanding intentionality is a struggle for this group.

- Significant support and special consideration is often required, as these people struggle to help themselves.

- People with complex issues are easily put off from making an application.

116. It was pointed out that intentionality decisions regarding people with complex needs are often challenged and overturned; several respondents suggested that people classified as having complex and multiple needs should not be subject to the intentionality test at all.

117. Another point made related to a risk that people with complex needs may withdraw from additional support services because they think there is less likelihood of being found intentionally homeless (and losing their right to accommodation).

118. More positively, it was posited that the new intentionality provisions would help solve the often chaotic lifestyles of those with complex needs.

Families with children

119. Some respondents (particularly local authorities) noted that children have additional protection under the Children's (Scotland) Act 1995, or that local authorities have a duty of care to protect children. According to most of these respondents, the decision to rehouse takes precedence over any intentionality decision and therefore the new intentionality provisions would not have a significant impact on this group.

120. Some respondents noted that the presence of children was a complicating factor and that they should not be made to suffer, and that families needed to be prioritised. Perceived positive impacts concerned the greater prevalence of settled housing and that the new provisions would give greater protection to children.

Other disadvantaged households/groups, including those experiencing poverty and/or material deprivation

121. Comments about other disadvantaged households or groups tended to focus on their current issues and problems, rather than the impact of intentionality changes. The theme most commonly cited was that those in poverty were in danger of failing to pay their rent and get into rent arrears. Problems with the benefits system generally, and Universal Credit in particular, were noted, potentially contributing to intentional homelessness. Types of other disadvantaged households or groups with particular issues were identified as follows:

- Refugees finding the homelessness system difficult to navigate.

- Single applicants being marginalised (this group account for most intentionality decisions).

- Those with health problems (generally) needing support.

- Those with mental health problems needing support

- Young people suffering from a lack of support for independent living.

122. Significant numbers of respondents cited negative general impacts with the most common theme being concerns about the lack of consequences for failure to accept housing or tenancy responsibilities (e.g. on rent arrears).

Local authorities and partner organisations

123. Views about impacts on these organisations were much more negative. Two main issues were raised by significant numbers of respondents; firstly, that there would be **increased pressures on local authorities and housing providers services** (arising from not instigating as many intentionality assessments with the result that increased numbers of people are assessed as experiencing homelessness), with it being pointed out that additional

investment would be needed; and secondly, **problems arising from a lack of consistency in applying the new intentionality provision between areas.**

124. Other perceived drawbacks for local authorities and partner organisations included:

- Providers of advice or advocacy needing to train staff and provide guidance on changes (incurring time and financial costs).

- Pressure being put on local authorities by some services, in the form of lobbying for intentionality to be disregarded.

125. Two perceived positive impacts were:

- Local authorities would be enabled to effectively address repeat or complex homelessness cases, in terms of getting time to examine or resolve complex issues or provide extra support.

- Local authority or partner resources previously earmarked for intentionality investigations could be freed up for other means.

Business or third sector organisations

126. Only a small number of comments were specific to this grouping and these were as follows:

- Providers of advice and advocacy will need to train staff and / or provide guidance on changes, with negative impacts in terms of costs and time.

- Private sector landlord numbers may decline, due to tenants assuming that social rented housing will be available if they fail to pay rent.

- Third sector providers will have less pressure to accommodate people turned away by local authorities.

- Businesses and the third sector should focus their resources at those who are unintentionally homeless.

People experiencing domestic abuse

127. The overriding point made by most respondents commenting about this specific group was that people experiencing domestic abuse would or should not be considered intentionally homeless under current rules, and so would be unaffected by any changes in intentionality test provisions. A very few local authority respondents further stated that they had a local domestic abuse housing policy which enabled them to apply discretion.

128. A few respondents thought there would be positive impacts however:

- Discretion may help stop local authorities overusing the intentionality test which can prevent domestic abuse victims from accessing support.
- There would be victim safety benefits because there would be quicker resettlement.
- Local authority powers can be focused on the knock-on effects of domestic abuse, such as rent arrears, relationship breakdowns and ill health.

Other ….

129. A small number of respondents cited alternative groups of people to those mentioned previously as being affected by the intentionality provisions, including the following, all positively impacted:

- LGBT community: seen as positive impact as they would be more willing to give information in order to access services.

- Those in poor physical health: seen as an opportunity to remove the intentionality label for this grouping.

- Young vulnerable adults (e.g. young people coming from a care background): seen as an opportunity to remove the intentionality label for this grouping.

- Those with addiction issues: seen as an opportunity to reduce the numbers labelled as intentionally homeless.

130. Very small numbers of respondents pinpointed other groups who would either be negatively impacted by the provisions, or could create a negative impact, as follows:

- Non homeless households requiring general needs accommodation: problems meeting requests because of prioritised increased numbers of homeless households.

- (Social) Tenants: will suffer knock-on effects when rent arrears, abandonment and antisocial behaviour increase.

- Those with no financial issues or housing need: presentations from those outwith the local area will increase because of people simply taking an opportunity to move area.

- The public: altered perceptions about homelessness and the fairness of housing allocations policies.

Potential Costs

131. Question 6 of the consultation asked,

132. A total of 56 respondents, across all sub-groups, opted to provide an answer to this question and a number of key themes emerged.

133. A large number of comments made by respondents focused **on the costs of using temporary accommodation for people experiencing homelessness**; and there were three key strands to their comments. First, a significant number of these respondents – primarily local authorities – commented on the **increased costs of temporary accommodation**. Second, a significant number of respondents – again mostly local authorities – also referred to an **increased demand for temporary accommodation**, as well as the potential for people experiencing homelessness having to spend longer periods of time in temporary accommodation because of a shortfall of permanent accommodation. Third, some of these respondents also noted concerns that this **could lead to an increased use of bed and breakfast accommodation** to plug a shortfall in suitable temporary accommodation.

134. Allied to concerns over an increased demand for temporary accommodation, some respondents – mostly local authorities and third sector organisations – noted concerns that this would also lead to a negative impact on other applicants in housing need because of an increased pressure on mainstream accommodation; so this would affect Registered Social Landlords (RSLs) and local authority waiting lists.

135. Another key theme emerging and cited by large numbers of respondents, across all sub-groups, related to the **specific costs if the local connection and intentionality provisions are commenced**; and a wide range of different reasons were referenced. These included general comments about increased costs to local authorities at a time when budgets are already under significant pressure. Other comments made specific references to direct and indirect additional costs, often in relation to local authority expenditure but there were also some references to service providers. Comments included additional costs in relation to:

- The need for more staff and increased budgets for this.

- Increased workloads for staff.

- Additional guidance, training and support for (frontline) staff.

- A need for additional resources and support services such as care packages.

136. Some comments echoed points made to earlier questions, primarily relating to the potential for increased homeless presentations within local authority

areas, with some respondents referring specifically to cities or island / remote / rural areas.

137. Some respondents also outlined ways in which revenue within an area would be lost, with a key theme being the potential for increases in rent arrears and an allied loss of revenue for local authorities. Other examples provided included the cost of recovery actions, eviction actions, damage to property or anti-social behaviour.

138. Once again, there was reference to Rapid Rehousing Transition Plans (RRTPs), with comments from a number of local authorities that this could impact on the implementation of RRTP or that this is contrary to the spirit of RRTP because of the likely increased numbers of temporary accommodation that will be required.

139. Small numbers of respondents also mentioned:

- The potential for more people to present as homeless as there could be an increase in demand from people who are not currently eligible under current provisions (mostly local authorities).

- Negative impacts on communities if tenancies are not sustained; for example, an impact on education services or loss of spending within the local economy.

- An increased demand for Scottish Welfare Fund applications.

140. While the bulk of comments focused on the cost implications, a few respondents noted that the proposed changes will need careful monitoring to ascertain their impact. A similar number of respondents also suggested that it is difficult to determine or predict the cost impact until any change is introduced. While a small number of local authorities outlined likely costs per homeless presentation, they also commented that it was difficult to predict likely increased numbers.

141. A small number of respondents – local authorities and organisations within the third sector – commented on a need for national investment and resourcing to enable access to high quality affordable housing across different tenures.

142. A small number of respondents, mostly third sector organisations and tenant groups felt there might be savings in the longer term and cited some examples. These included:

- There could be cost benefits in providing early and effective support as this would help to reduce the numbers of unsustainable tenancies.

- Longer term as homelessness numbers reduce, there could be reductions in the use of the emergency services and corresponding savings within health and criminal justice.

The definition of intentionality

143. Question 7 of the consultation went onto ask,

> **Q7: 'The Homelessness and Rough Sleeping Action Group 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.'**

144. A total of 66 respondents, across all sub-groups, opted to provide a response to this question, with a **significant minority** of these – many in the third sector – **noting their support for this change**.

145. The key theme cited by more than half of those responding to this question and mentioned by respondents in all sub-groups, was of **a need for a careful definition of what would constitute intentionality and deliberate manipulation**.

146. Allied to this, there were also a number of calls – particularly from respondents within local authorities – for an **updated Code of Guidance on what is deliberate manipulation**. A concern noted by some respondents was the potential for inconsistent application across local authorities and there were some requests for this guidance to demonstrate how and when investigations should be undertaken or for case examples to be provided so as to avoid inconsistency in application. Linked to this concern, a small number of local authorities noted that staff training would be required so that all relevant staff would have the necessary knowledge and qualities required to assess deliberate manipulation. For example, some of these respondents noted the need for staff to be able to understand the difference between those deliberately attempting to manipulate the system and those who have a limited capacity to understand the consequences of their decisions, for example, those driven by poverty, trauma or mental illness should not be considered as deliberately manipulating the situation.

147. Allied to this, a small number of respondents suggested that decisions should be based on a clear and objective assessment of an individual's decision-making capacity rather than having a test on deliberate manipulation. There were also a small number of comments, primarily from third sector organisations, on the need to ensure that this change does not disadvantage certain groups of vulnerable applicants.

148. A small number of respondents noted that guidance (including the Code of Guidance) also needs to promote the Rapid Rehousing Transition Plan (RRTP) and Housing First approaches.

149. A small number of respondents noted that this approach would be fairer, offer more flexibility as well as offering more options to successfully sustain a tenancy with appropriate and targeted support.

150. A few respondents – mostly local authorities – felt that this would not be needed if Sections 5 and 6 of the Housing (Scotland) Act 2003 as originally set out were implemented or requested further discussion and consideration on the appropriateness of applying Section 5 of this Act.

151. Very few respondents outlined specific disadvantages, and where they were highlighted, they were cited by only one or two respondents. These included:

- A narrow definition could result in an increased number of homeless presentations.

- This would be too vague or difficult to assess.

- This may be too narrow a definition.

- Diverting attention and resources to new provisions in relation to local connection and intentionality could hinder RRTP targets and outcomes and compromise the ability to achieve the outcomes of rapid rehousing.

- Providing local authorities with discretion to consider intent could trigger variations of its use across different local authorities.

- This could lead to increased pressure on local authority housing services.

- This could reinforce the perception that there are no consequences for those who have taken deliberate or reckless action, such as anti-social behaviour, that has resulted in them losing a tenancy.

Timescales

152. Question 8 then went onto ask,

> **Q8: '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.'**

153. A total of 60 respondents opted to provide commentary in response to this question. There was support for starting as soon as possible, in particular among third sector organisations. However, there was some disagreement as to how to define as soon as possible and many respondents provided qualifying commentary. These qualifications included:

- A need for financial support from the Scottish Government.

- A need for a revised Code of Guidance to be provided.

- A need to consider RRTP and other aspects of reform alongside what is being proposed.

- Sufficient time will be needed for preparation by local authorities, health and social care partners and organisations involved in service delivery.

- The availability of housing stock.

154. A small number of respondents suggested piloting this in a few areas so as to gather some baseline data and enable effective comparison before this is rolled out across Scotland.

155. Some respondents – mostly local authorities – also noted **implementation should be aligned to publication of an updated Code of Guidance**, with a small number of respondents suggesting a need for input from a range of interested parties, including those with a lived experience of homelessness.

156. A number of respondents who felt that commencing these provisions in 2019 would be too early, provided suggestions for alternative dates, although there was little by way of consistency in the dates that were suggested.

157. A small number of tenant groups suggested August 2019 would be suitable as this would coincide with the Scottish Parliament and allow time for landlords and local authorities to have systems in place to deal with the proposed changes.

158. A few respondents within local authorities, third sector organisations and the 'other' sub-group suggested April 2020 as this would allow time for required IT system changes to be installed and offer a more realistic timescale for planning and the delivery of staff training.

159. Once again, RRTP was cited by around half the local authorities. One local authority suggested 2022 as this would allow local authorities to have the full resource allocation and time to implement the service transformation required by RRTP. However, a number of these respondents suggested 2024 as an alternative timescale as this would allow time for the RRTPs to become embedded as well as allowing time for RRTP to be updated to reflect the expected change in demand and housing requirements, and for third sector partners to train their staff. A similar number of local authorities did not make suggestions for a specific date but focused on the need to develop and progress the requirements of RRTP before any additional changes are made.

160. A small number of local authorities also noted that 2019 implementation would be unrealistic given the need for lead in time to allow for the development of the Code of Guidance, to establish a definition for 'deliberate manipulation', make the necessary changes to IT systems and offer staff training.

161. A small number of respondents also noted concerns about a lack of adequate housing and the need for Scottish Government to provide more by way of funding and resources to allow local authorities to implement these changes.

162. Finally, in response to this question, a small number of respondents felt that more work is needed around intentionality, that there needs to be more extensive engagement with local authorities, health and social care partnerships and service delivery partners and further work on the implications and likely consequences of the proposed changes before these should be introduced.

The impact of these changes on groups with protected characteristics

163. Question 9 of the consultation paper asked,

> **Q9: Please give us your views on the impact of these proposed changes on people with protected characteristics (Age, Disability, Gender reassignment, Race, Religion or belief, Sex, Sexual orientation)**

164. Around half of the respondents provided an answer on the impact on people with protected characteristics. Moreover, many of these respondents provided the same response for each group of protected characteristics.

165. Many of the comments made were that there would be no impact on any specific group with protected characteristics, that there would be no adverse impact or that any impact would be positive.

166. Some respondents outlined specific positive impacts and these included:

- A streamlining of the homeless assessment service.

- Improvements for those who might be subject to discrimination; it was often, although not solely, young single males who were given as an example of a group who would benefit from the proposed changes.

- It will ensure that those who might not currently be entitled to assistance will be able to seek help and access support.

- It will allow for increased opportunities to access accommodation.

- It will offer access to accommodation in a wider geographic area, and where services are available.

- Fair / better access to housing and health services.

- Better health outcomes.

167. A few respondents outlined negative impacts and this included that those who are not experiencing homelessness but on the housing list may have greater problems accessing accommodation because of the priority given to people experiencing homelessness.

168. A small number of respondents once again highlighted issues of concern and these included a lack of suitable accommodation, a need for greater resources for local authorities and a need for monitoring to ensure that all groups with protected characteristics receive the support they need.

169. A small number of respondents also felt that the outcomes are unknown at present. One respondent suggested an impact assessment could be carried out by the Scottish Government; another that human rights assessment and assessment of the impact on health inequalities would need to be conducted.

Final Thoughts

170. The final question in the consultation asked,

> **Q10: 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.**

171. Thirty-six respondents took the opportunity to provide additional commentary, although most of these echoed points made at earlier questions.

172. The key theme, albeit only mentioned by a small number of respondents, was support for the HARSAG recommendations and / or the Scottish Government's commitment to this legislation to improve the rights of people experiencing homelessness. There was general agreement of the need to expand and extend the scope for promoting a person-centred, partnership approach to the assessment of housing and support needs. That said, a very small number of respondents felt that it is not yet clear that these changes are needed.

173. Issues that have been noted earlier in this report included concerns over:

- Additional pressures on local authorities, with some reference to disproportionate impacts on some local authorities, such as Edinburgh or the islands.

- A need for greater co-operation across partners and increased levels of partnership working. Aside from health and social care partnerships, local authorities and service providers, respondents also referred to the Police and those with lived experience of homelessness. There were a very small number of suggestions that there needs to be more partnership working with the Department of Work and Pensions (DWP) with a suggestion that rent should be paid directly to landlords to help avoid rent arrears and unsustained tenancies.

- Greater workload pressures on local authority and service providers.

- Capacity and resource constraints in terms of service provision, with requests for ring-fenced funding or greater investment in homelessness service provision.

- A lack of accommodation, both temporary and permanent, with one suggestion of a need to ensure different types of housing is available to meet all needs. There was also a suggestion of a need for additional funding for the Social Rented Sector to increase its housing stock and improve its existing housing stock.

- A need for monitoring and review of the impact of these changes.

- A need to update the Code of Guidance to reflect changes.

- A need to provide more advice, signposting and assistance to those in need.

- Changes to HL1 data collection.

- A need to ensure that any changes chime with other areas such as the wider welfare reform agenda, housing and health and social care. This would help to avoid any conflict with other legislation.

APPENDIX 1: Respondent Organisations

Aberdeen Council
Aberdeenshire Council
Argyll & Bute Council
Aspire Housing and Personal Development Services Ltd
Association of Local Authority Chief Housing Officers
Bethany Christian Trust
CATH (Churches Action for the Homeless)
Central Scotland Regional Network: Region
Chartered Institute of Housing Scotland
Citizens Advice Scotland
City of Edinburgh Council
Clan Laidlaw
Comhairle nan Eilean Siar
Community Justice Scotland
COSLA
Crisis
Crossreach
Cyrenians
Dumfries & Galloway Council
Dundee City Council
East Ayrshire Council
East Ayrshire Federation of Tenants & Residents
East Dunbartonshire Council
East Lothian Council
East Renfrewshire Council
Falkirk Council
Fife Council

Glasgow City Health & Social Care Partnership

Glasgow and West of Scotland Forum of Housing Associations

Govan Law Centre

Health Improvement Scotland

Highland Council

Homeless Action Scotland

Legal Services Agency

LGBT Youth Scotland

Midlothian Council

Moray Council

Mydex CIC

North Ayrshire Council

North Lanarkshire Council

North of Scotland Regional Network 1

Orkney Islands Council

Parkhead Housing Association

Perth and Kinross Council

Renfrewshire Council

Scottish Borders Council

Scottish Churches Housing Action

Scottish Federation of Housing Associations

Scottish Government Regional 3 Network

Scottish Refugee Council

Scottish Women's Aid

Scottish Women's Convention

Shelter Scotland

Shetland Islands Council

Simon Community Scotland

South Ayrshire Council

South Lanarkshire Council
Stirling Council
Stonewall Scotland
The Homeless Network
The Independent Care Review
The Salvation Army
Turning Point Scotland
West Dunbartonshire Council
West Lothian Council
+ 7 individuals

GSR
GOVERNMENT SOCIAL RESEARCH

Social Science in Government