

**Child Rights and Wellbeing Impact
Assessment (CRWIA)**

**The Homeless Persons
(Unsuitable Accommodation)
(Scotland) Amendment Order
2017**

October 2017



Scottish Government
Riaghaltas na h-Alba
gov.scot

CRWIA front sheet

Policy/measure

A general description of the policy/measure

A. The Homeless Persons (Unsuitable Accommodation) (Scotland) Amendment Order 2017.

Reduction in the number of days that local authorities can use unsuitable accommodation such as bed and breakfasts for families with children or pregnant women from 14 to 7 days, except in exceptional circumstances.

Initiating department

A. Homelessness Team, Better Homes Division.

Policy aims

What the policy or measure is trying to achieve; what are the expected outcomes

A. Reduce time spent by children and pregnant women in unsuitable temporary accommodation to reduce potentially damaging consequences from homelessness to health and wellbeing.

Timetable

What is the time frame for a policy announcement/ consultation/ implementation.

A. Implementation is from 2nd October 2017.

Date 24 August 2017

Signature 

DAVE SIGNORINI

Head of Better Homes Division

CRWIA Stage 1 Screening - key questions

1. What aspects of the policy/measure will affect children and young people up to the age of 18?

A. All aspects of the measure potentially affect children up to the age of 16 and pregnant women who are homeless.

2. What likely impact - direct or indirect - will the policy/measure have on children and young people?

A. Direct and very positive impact will result from less time spent in inappropriate temporary accommodation in which children live while experiencing homelessness.

3. Are there particular groups of children and young people who are more likely to be affected than others?

A. The change in legislation will affect local authorities and homeless households where the applicant is (a) pregnant; (b) a person whose household includes a pregnant woman; or (c) a person whose household includes dependent children.

The amendment contributes to the following national outcomes:

- Our children have the best start in life and are ready to succeed.
- We have improved the life chances for children, young people and families at risk.

The objective fits with the Scottish Government's strategic 'Safer and Stronger Scotland' objective. This helps local communities to flourish, becoming stronger, safer places to live, offering improved opportunities and a better quality of life.

The Scottish Government's Housing Vision is that 'all people in Scotland live in high quality, sustainable homes that they can afford and that meet their needs'. The amendment of the Order contributes to the intermediate Housing Vision outcomes of 'A Well Functioning Housing System' and 'Homes that Meet People's Needs'.

4. Who else have you involved in your deliberations?

Consultation

- **Within Government**

We have worked closely with colleagues in the Scottish Government Legal Directorate to redraft the existing Order including the amendment. In developing the BRIA we have consulted with colleagues in the Better Regulations team, in

developing the EQIA we consulted the Equality team, in developing the CRWIA we consulted the Children's Rights Team. In developing the SSI we also worked with the Scottish Statutory Instrument Admin team, the Access to Justice team, and the Cabinet Parliament and Governance Team.

- **Stakeholders**

A consultation with key stakeholders commenced on 29 June 2017 and ran until 20 July 2017. A total of 17 responses were received. Responses were received from ALACHO, COSLA, Glasgow Homelessness Network, Shelter Scotland, Crisis, Scottish Women's Aid, Highland Council , South Lanarkshire Council, West Dunbartonshire Council, Angus Council, Aberdeen City Council, Fife Council, East Ayrshire Council, Clackmannanshire Council, Glasgow City Council, South West of Scotland Housing Options Hub and Aberdeenshire Council .

5. Will this require a CRWIA?

CRWIA Declaration

CRWIA required **YES**

Authorisation

Policy lead

Lynsey McKean, Senior Policy Officer, Better Homes Division.

Deputy Director or equivalent

Dave Signorini, Head of Better Homes Division

CRWIA Stage 2

Scoping - key questions

1. What children's rights are likely to be affected by the policy/measure?

A. Relevant articles:

Article 2: Non discrimination.

Article 3: Best Interests of the Child

Article 4: Life, Survival and Development

Article 16: Right to Privacy

2. How will the policy/measure affect children's wellbeing as defined by the wellbeing indicators?

A. Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible, Included.

This change will mean less time spent in unsuitable accommodation resulting in children being in temporary accommodation which is required to meet standards on proximity to health and education services and having room to play.

3. How many children and young people are likely to be affected by the policy or measure?

A. There were 6.041 children in temporary accommodation on 31st March 2017. However, there were only 33 households with children or pregnant women in bed and breakfast accommodation. There were 3 'breaches' of the existing Unsuitable Accommodation Order, which limits the use of unsuitable accommodation.

Source: Homelessness in Scotland: 2016/17. A National Statistics Publication for Scotland.

4. What research evidence is available?

A. No specific research has been conducted. Statutory Guidance on meeting the best interests of children facing homelessness was published in 2009 and addresses the issue of appropriate temporary accommodation for households with children.

From statistical data provided by local authorities, we know local authorities currently demonstrate good practice in providing suitable accommodation for homeless applicants. To date, breaches of the Order by local authorities, as measured by the official homelessness statistics, have been low.

5. Has there been any public or stakeholder consultations on the policy/measure?

A. There is no statutory requirement to consult on this instrument, however, the Scottish Government consulted with stakeholders from 29 June to 20 July 2017 on the impact of the proposed amendment to The Homeless Persons (Unsuitable Accommodation) (Scotland) Amendment Order 2017, reducing the time pregnant women and families with children spend in unsuitable accommodation from 14 days to 7 days. Stakeholders included local authorities, local government representative bodies, the third sector and homelessness charities. 17 organisations responded. Respondents felt that the amendment would positively affect pregnant women and households with dependent children by further reducing the amount of time they spend in unsuitable accommodation. All stakeholders thought the amendments was a positive move and should proceed. No negative impacts were identified.

Through the consultation, we gained an understanding of the impact on families with children and pregnant women of amending The Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014. Respondents felt that it would positively affect pregnant women and households with dependent children by ensuring they are moved to more appropriate accommodation sooner. Respondents said they would be more likely to be housed in suitable accommodation by further reducing the amount of time they spend in unsuitable accommodation.

6. Has there been any estimate of the resource implications of the policy/measure?

A. A BRIA has been conducted on the business impact, where no adverse impact on business or extra cost to local authorities was identified.

CRWIA Stage 3 Data Collection, Evidence Gathering, Involvement of/Consultation with Stakeholder Groups - key questions

1. What does the evidence tell you?

A. The proposed change is to strengthen an existing order, with official homelessness statistics published by the Scottish Government indicating a fall in the use of unsuitable accommodation for households with children and pregnant women since its introduction in 2004.

In addition, respondent to the consultation were of the opinion that limiting the time from 14 to 7 days that children spend in unsuitable accommodation should be advantageous in terms of limiting distress and uncertainty within their housing environment. Two stakeholders stated B&B accommodation has historically had a negative impact on families and can be disruptive to their life chances. Reducing the time spent in such accommodation should in the longer term have a more positive outcome.

2. What further data or evidence is required?

A. No further evidence is required to make this change.

3. Has there been any consultation on the development of the proposal(s)?

A. Yes, a consultation was held with stakeholders, including local authorities who will have the legal duty to provide temporary accommodation.

4. Should children and young people be further involved in the development of this policy? Are there particular groups of children and young people whose views should be sought?

A. Numbers of pregnant women and children placed in unsuitable accommodation is low. Going forward we may involve families with children and pregnant women about the impact the amendment to the legislation has had on them. We would ask local authorities to assist us with this exercise. It is worth caveating that they may be unable to express this impact compared to the 14 day time limit as it is unlikely these families will have been place in unsuitable accommodation on more than one occasion

Should other stakeholders and experts be further involved in the development of this policy?

A. Recommendation is that this is not required given the limited change proposed. We will ask local authorities what affect there has been as a result of the change. We will look closely at the results of our proposed monitoring and further involve children, families, local authorities and other stakeholders as needed.



Scottish Government
Riaghaltas na h-Alba
gov.scot

© Crown copyright 2017

OGL

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit nationalarchives.gov.uk/doc/open-government-licence/version/3 or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: psi@nationalarchives.gsi.gov.uk.

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at www.gov.scot

Any enquiries regarding this publication should be sent to us at
The Scottish Government
St Andrew's House
Edinburgh
EH1 3DG

ISBN: 978-1-78851-225-1 (web only)

Published by The Scottish Government, October 2017

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA
PPDAS295986 (10/17)

W W W . G O V . S C O T