

Prevention of Homelessness Duties

A Joint Scottish Government and COSLA Consultation

Analysis of Consultation Responses

Final Report

September 2022



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Executive Summary

A consultation on the prevention of homelessness duties ran from 17 December 2021 to 8 April 2022 and received 113 responses. The consultation asked 108 questions about the introduction of new duties on public bodies and landlords to prevent homelessness and changing existing legislation to ensure homelessness is prevented earlier.

The package of proposals

There was widespread support for the package of proposals which were described as comprehensive, transformational and welcome. Supporters recognised the importance of early intervention and enabling a joined-up approach to prevention. Respondents believed the proposals would strengthen existing practice, improve consistency, positively impact those at greater risk of homelessness, and noted the potential long-term savings or benefits to services which could result from a focus on prevention.

Others stressed that implementing the proposals will require significant investment in public services, homelessness services and housing stock. There were calls for the Scottish Government, local authorities and public bodies to provide sufficient resources to increase staff capacity and training, and to address wider structural and systemic drivers of homelessness. Others highlighted the need for guidance on implementing the proposals, facilitating partnership working, monitoring and consent.

Duties to prevent homelessness on wider public bodies and landlords

The proposals for duties on public bodies and landlords were widely supported. There was high support for the 'ask and act' duties, for a duty on public bodies to prevent homelessness among those within six months of leaving institutions and for new duties on Integration Authorities, social work and social care and local authorities. While there was support for duties on GPs, there was concern about how this would be implemented and how it could impact the relationship between GPs and their patients.

There was also backing for a case co-ordination approach for service users with multiple or complex needs and for the proposals relating to children and young people. In both cases, respondents provided suggestions for implementation as well as concerns regarding consequences of the duties. There were particular concerns that the proposed changes would diminish 16- and 17-year-olds' existing housing rights.

Proposals for new duties on prisons, the courts and the police were supported by the vast majority of respondents. There were some suggestions about how criminal justice services might need to change working practices to implement new duties, for example, guidance and training on how best to ask individuals about their housing status.

Respondents supported the proposed duties on local authorities to ensure they act early when people are at risk of homelessness. Implementation challenges included limited resources and the need to clearly define interagency responsibilities. While there was support for joining-up services through strategic planning, two thirds felt this should be included in legislation and one third in guidance.

The proposed duties on landlords, both social and private, were widely supported by respondents, who noted that formal duties could strengthen existing practice by encouraging earlier intervention, enabling partnership working, reducing discriminatory

practice and ensuring consistent practice. However, a few questioned whether new duties would add anything to existing practice and others preferred guidance over legislation. Some also noted the potential for new duties to act as a disincentive to private landlords.

Reforming homeless legislation to prevent homelessness

The proposals for an extended prevention duty, a duty to take reasonable steps to prevent homelessness, and steps to meet the needs of specific groups all received widespread backing. Many respondents anticipated positive outcomes. The most common was fewer people experiencing homelessness, followed less use of temporary accommodation. Personal Housing Plans were seen as beneficial in helping to ensure individuals are listened to and that their needs, preferences and aspirations are explored.

Clear differences in opinion were evident in responses to the proposed criteria for the stability of housing outcomes. Some viewed the proposals as increasing housing options, while others saw it as reducing existing housing rights. While a majority felt 12 months is an appropriate period for accommodation to be available, others argued it is not long enough to establish stability or fully settle into a community. In contrast, respondents were mostly supportive of the grounds to consider when deciding on the suitability of housing outcomes, though there were questions around how local authorities can realistically meet stability and suitability criteria, due to both high demand and short supply of housing stock.

There was also support for the proposed safeguards around non-standard accommodation options, for the recommendations for enforcing people's rights, and for a general assessment of housing support needs as part of the Local Housing Strategy. Some expressed concern about the appeals process, in particular the workload and resource implications for local authorities and the First Tier Tribunal.

The proposals and domestic abuse

The proposals relating to homelessness and domestic abuse recorded very high support. Respondents supported new or amended legislation, policy or good practice guidance, and several noted the importance of providing victim/survivors with choice and control around housing options. Respondents felt the proposals could improve social landlord engagement, strengthen existing good practice, improve consistency and increase accountability. A few issues around housing perpetrators of domestic abuse were noted.

Conclusion

There is widespread support for both the package of reforms and the individual proposals outlined in the consultation. Many individuals and stakeholders with detailed knowledge took part in the consultation, sharing their views on how to develop and implement duties on local authorities and public bodies to prevent homelessness. Their views provide a useful evidence base for the Scottish Government to draw on when shaping the final duties to be included in a forthcoming Housing Bill.

1. Introduction

Background

In September 2017, the First Minister set out a new commitment to eradicate rough sleeping, transform the use of temporary accommodation in Scotland and end homelessness. Ministers established the Homelessness and Rough Sleeping Action Group (HARSAG) to make recommendations on how these changes could be achieved. In November 2018, the Scottish Government (SG) and COSLA (Convention of Scottish Local Authorities) responded to HARSAG's recommendations with the [Ending Homelessness Together action plan \(updated in October 2020\)](#) which sets out the actions they will take in partnership with others.

A key action was to develop wide-reaching prevention duties. At the request of Scottish Government, Crisis convened the Prevention Review Group (PRG) to develop recommendations for legal duties on Scottish local authorities and wider public bodies¹ to prevent homelessness, and how these might be best implemented.

The recommendations in the [final report of the Prevention Review Group, Preventing Homelessness in Scotland](#) published in early 2021, provided the framework for the prevention of homelessness duties consultation. [The joint SG/COSLA consultation on Prevention of Homelessness Duties](#) was open from 17 December 2021 to 8 April 2022 and asked 108 questions, inviting views in two broad areas²:

- Introducing new duties on public bodies and landlords to prevent homelessness, particularly by asking and acting on a risk of homelessness, as well as responsibilities relating to strategic and joint planning.
- Changing existing homelessness legislation to ensure homelessness is prevented earlier, including a proposal to extend the duty to take reasonable steps to prevent homelessness up to six months before it occurs, to maximise the housing options available to people and to prescribe what actions reasonable steps may include.

The consultation is an opportunity for the Scottish Government to understand a wide variety of stakeholders' views on the proposals, which will shape the final duties to be included in a forthcoming Housing Bill.

Profile of respondents

In total, 113 consultation responses were received. Most were submitted via the online consultation platform, Citizen Space. Those received in an alternative format, for example, a PDF document, were entered into Citizen Space by the Scottish Government. Individuals provided 20 responses to the consultation; the remaining 93 were from organisations. Appendix C details the profile of organisations that took part in the consultation. The largest share of organisational responses came from local authorities (29), health and

¹ The areas highlighted by PRG in recommending new duties on public bodies included health and social care, justice services, children's and young person's services and proposals for those with multiple and complex needs.

² Given the large number of proposals included in the consultation, we recommend reading this report alongside the consultation paper which provides additional background and detail on each proposal.

social care (22) and the third sector (20). During the consultation process, the Scottish Government held six engagement events with stakeholders. The points raised during these events are included in this analysis.

Analysis approach

The Lines Between was commissioned to provide robust, independent analysis of the consultation responses. This report presents the range of views expressed by consultation respondents under each section of the consultation document. A public consultation means anyone can express their views; individuals and organisations with an interest in the topic are more likely to respond than those without. **This self-selection means the respondents' views do not necessarily represent of the views of the population.**

Quantitative analysis

There were 52 closed questions in the consultation. However, because respondents did not answer every question, the quantitative analysis presented in this report is based on those who did answer. A full breakdown of the number and percentage response to each question is in Appendix B.

Qualitative analysis

Qualitative analysis outlines the key themes identified in responses to each question. The analyst team coded each response against a coding framework which was developed based on a review of the consultation questions and a sample of responses. In a small number of instances where alternative format responses contained information that did not align to specific questions, analysts exercised judgement about the most relevant place to include this material for analysis purposes.

A few organisations provided very detailed responses relating to their expertise. There is not scope in this report to fully summarise these responses; however, the responses are referenced where possible. Where appropriate, quotes from individuals and organisations are included to illustrate key points and to provide useful examples, insights and contextual information. Full responses to the consultation, where permission for publication was granted, can be found on the Scottish Government's website; specific points from those who did not give permission for publication are marked as anonymous in this report.

Weight of opinion

While qualitative analysis of open-ended questions does not permit the quantification of results, we signify the weight of a particular view using the following framework which indicates which are the most common or prevalent themes across responses:

- The most common / second most common theme; the most frequently identified.
- Many respondents; more than 30, another prevalent theme.
- Several respondents; 10-29, a recurring theme.
- Some respondents; 5-9, another theme.
- A few / a small number of respondents; <5, a less commonly mentioned theme.
- Two/one respondents; a singular comment or a view identified in two responses.

2. Overall views on the proposals

The Prevention Review Group's recommendations were developed and presented as a full package. The Scottish Government /COSLA joint consultation used the full package of proposals, in the spirit in which they were developed, as its framework, rather than selecting specific proposals for consultation. This included asking for respondents' opinions on the package as a whole at Q88 to Q94, including benefits arising from the proposals and implications for resources, training and monitoring. During analysis it became evident that several over-arching themes were consistently raised throughout the consultation responses. This chapter summarises these themes in the context of the overall package of reforms. Where respondents elaborated on a theme in relation to a specific proposal, that detail has been included under the relevant question.

Support for the package of proposals

Most respondents (84%) who answered Q88 agreed³ that the PRG's proposals are the right package of reforms to meet the principles of early intervention and the prevention of homelessness; 25% strongly agreed. Analysis of the closed consultation questions also indicates widespread support. Across the 36 questions which asked respondents if they agreed with a proposal⁴, an average of 90% of those answering agreed and an average of 40% strongly agreed. Moreover, each proposal was supported by at least three quarters of those who answered. A full breakdown of the closed question results is in Appendix B.

Supporters described the proposals as comprehensive, transformational and welcome, with many agreeing the reforms will introduce important and positive changes for people at risk of homelessness. Some described the package as well balanced, noting the reforms are complementary to one another. A few proposals were highlighted as particularly important: the ask and act duties; requiring action to be taken at six months before homelessness instead of two; and for accommodation to meet specific suitability requirements. A few felt it was too early to comment on the proposals and called for a trial period to monitor their impact and make adaptations where necessary.

Support for early intervention and the prevention of homelessness

Many respondents supported the proposals because they recognised the wider benefits and positive outcomes for individuals which can result from early intervention and a prevention approach. These include reduced trauma, improved wellbeing for those faced with homelessness and less use of temporary accommodation.

“Allowing us to work more quickly with people will hopefully reduce the number of homelessness cases, this then will impact on the levels of temporary accommodation required as well as reduce the time taken to rehouse statutory homeless cases. With more time to provide suitable interventions we can ensure that we achieve better and sustainable housing outcomes.” – Falkirk Council

³ The combined score of those who agreed or strongly agreed.

⁴ Excluding the 2 agree/disagree questions asked of people with lived experience.

Importance of enabling a joined-up approach

Respondents frequently cited the need for, and importance of, a joined-up approach to preventing homelessness. This would involve housing services, local authorities, public bodies, landlords and third sector organisations working in partnership to ensure the needs of individuals are met. Many recognised the potential for the package to encourage partnership working across public services and cement responsibility and accountability across key agencies, providing a wider safety net for those at risk of homelessness.

Strengthening existing practice

Throughout their comments, respondents highlighted examples of existing practice which meet or exceed the approaches outlined under the new duties and legislation. These included examples of organisations' own work, and examples of partnership or multi-agency working. There was, however, recognition that the proposals could help to strengthen existing practice further and increase commitment to reducing homelessness.

Consistency

There was widespread recognition that the proposals have the potential to create and ensure a consistent approach to homelessness prevention between organisations and across Scotland. However, some described the package of proposals as being too prescriptive and not taking account of the regional and organisational variations of the services involved in preventing homelessness.

Potential savings or benefits to services

At Q94, 79% agreed the proposals offer an opportunity for potential savings or benefits to services through an increased focus on early intervention and prevention that the duties could lead to long-term savings and benefits for public services. Respondents recognised that focussing on early intervention and homelessness prevention is likely to resolve situations before a crisis point is reached, which will reduce subsequent local authority housing costs, and have other fiscal benefits for healthcare, social work, criminal justice and services for mental health and problematic substance use.

Impact on specific groups

Most agreed the reforms will be of greatest benefit to society's most vulnerable and those at greatest risk of homelessness. At Q12 71% agreed that a duty on Integration Authorities would prevent homelessness for people with a range of more complex needs and at Q75, 100% agreed with the proposal for preventing homelessness among those experiencing domestic abuse. Some felt the proposals will have the greatest impact on people protected by the Equalities Act, including disabled people, ethnic minorities and women. However, others thought the reforms will impact all groups equally. Given the diversity of the groups targeted by the proposals, and that people who share protected characteristics are disproportionately affected by homelessness, a small number including the Equality and Human Rights Commission called for a comprehensive Equality Impact Assessment on legislative changes, for the sharing of good practice in relation to the different groups, and a focus on avoiding discrimination.

Considerations for implementation

While there was broad support for the package of reforms in principle, many stressed that realising any benefits from the proposals will require significant long-term investment in public services, homelessness services and housing to manage an anticipated increase in demand. These and other considerations for implementation are outlined below.

Addressing the underlying drivers of homelessness

Respondents often called on the Scottish Government, local authorities and public bodies to address wider structural and systemic drivers of homelessness. These included mental health issues, problematic substance use, domestic abuse, debt, and family breakdown, for example. While this was not the remit of the consultation, some expressed a view that homelessness will continue until these issues are addressed by other policy actions and given increased and sustained funding.

Resources and staff capacity

The need to adequately resource the proposals was a prevalent theme throughout the consultation responses. Stakeholders anticipated the proposals would result in a significant increase in referrals to homelessness and housing services, leading to larger staff caseloads. Those working in the sector noted that many services are already struggling to deal with current demand and that additional staff will be required. They also noted ongoing public sector recruitment and retention challenges. Most were very clear that the proposals will only be successful if sufficient funding and staff capacity is in place to manage additional demand and did not feel the proposals set out in the consultation addressed how this would be afforded. However, respondents did not provide suggestions for alternative ways of working or detail on the additional investment required.

Respondents described changes their organisation would need to make to comply with new duties. They argued these will require funding and staffing, and some highlighted the need for a significant adjustment period while teams adapt their working practices and organisational processes to the new duties. Changes included: establishing information sharing protocols; greater collaboration with other agencies; educating service users about their rights; developing formal referral and signposting procedures; collecting additional monitoring data; and offering new services e.g. mediation. A few noted that existing IT systems used to record housing advice, homeless and temporary accommodation information will need to be updated or developed, which will require investment, training and time to embed. Another concern was that the proposals risk burdening public services with complicated new bureaucratic procedures without clear benefits for service users. Conversely, a few felt their organisations were already operating in line with the new duties and minimal changes would be required if the proposals are implemented.

"Additional resources will be required to manage increased numbers of households accessing services. Time will be required for new duties to be embedded in services and for partnership working and referral routes to be established. Additional recording and reporting will need to be developed, systems may need to be adjusted or updated and training for all involved will be required. This will require significant additional resources." – City of Edinburgh Council

Housing stock

Concerns about Scotland's limited housing stock were raised repeatedly. Respondents questioned how the proposals could be delivered as they argued that the volume of housing required to meet increased demand does not exist. There were calls for greater investment to increase the supply of affordable housing, social housing, housing in rural areas, specialist or adapted housing, supported accommodation and housing for disabled people and young people. As will be discussed in Chapter 4, there was support for individuals to have choice and control over housing options, but many noted limited housing stock makes this difficult in practice. Some called for services and individuals to have a realistic understanding of the available housing options and timescales.

"A system that offers more choice and control to the client is to be welcomed but will be difficult to manage in areas where there the demand for property far outstrips supply and other housing solutions are unaffordable." – Stirling Council

A few predicted that the homelessness prevention duties could result in greater demand for temporary accommodation and an increase in associated costs. A small number of local authority responses noted that a shortage of housing solutions may lead to increased use of unsuitable emergency accommodation; this could lead to local authorities incurring financial penalties or legal costs as this breaches the Unsuitable Accommodation Order.

Training

Respondents regularly called for more training. Although not all provided detail on what was required, two main strands of training were identified:

- To increase understanding of homelessness, which should cover the underlying drivers of and routes into homelessness, how to identify and support someone who is at risk, and an understanding of lived experience and stigma.
- Raising awareness of any new duties and legislation and how they would work in practice, covering cross sector delivery and integration with other services, upskilling on making appropriate referrals and prevention activity, and effective signposting.

Many described the roles which would benefit from training including social work, health and social care, education, justice, youth work and landlords. Some felt that training could be delivered internally; others said they would expect the Scottish Government to publish relevant training materials. The Housing Options toolkit was mentioned by a few respondents who suggested it could be utilised and rolled out further to support the training needs of public services. A few third sector organisations anticipated that they will be asked to deliver training to other services to improve understanding of homelessness and how best to work with people at risk of or transitioning out of homelessness.

"Public bodies out with the housing/homelessness system are going to need training and support to develop their understanding of what a risk of homelessness looks like at such an early stage. It's one thing to identify and respond to homelessness that exists now, it's another to anticipate how what we're seeing at this point puts someone at risk of homelessness six months down the line." – Turning Point Scotland

Another recurring theme was for public services and homelessness bodies to ensure they use a trauma-informed approach when supporting those who are experiencing challenging

circumstances. As well as calls for training on this, suggestions included designing processes to ensure that individuals do not have to repeatedly tell their story, for services to have an understanding that there are multiple reasons why someone might not engage and calls for a 'sticky' approach where services are persistent with individuals rather than ending support if an appointment is missed. A small number also called for training in disability, neurodiversity and gender-based approaches and support.

“Another consideration is that many services don't have systems that interact with each other, so we need to design plans so that people don't have to tell their same story repeatedly. We want to avoid giving people multiple steps to deal with, and for information sharing to work effectively, so they aren't having to explain potentially traumatic events to different bodies.” – Falkirk Council

Guidance on implementing the proposals

To ensure the proposals do deliver a consistent approach to prevention, respondents regularly called for more detail on implementation than is available in the consultation paper. Requests related to specific proposals are noted throughout this report. However, some broad themes were evident. These included: guidance over what constitutes a risk of homelessness and how to ask about and identify risk; clear referral pathways; frameworks for partnership working; clearly defined expectations and responsibilities for bodies subject to duties, clarity over who is ultimately responsible for discharging duties, and what constitutes discharge; what data will need to be collected to monitor compliance; and an understanding of how new duties would work alongside existing legislation.

Given the range of stakeholders responding there were mixed views on how this guidance should be provided, as noted at Q41. Some felt it should be included in the legislation; others requested guidance and frameworks to supplement the legislation. More generally, a few respondents argued that the proposed legislation is not required, and that guidance should be sufficient to encourage good practice while allowing for local flexibility.

Facilitating partnership working

Respondents were better able to suggest how multiple services could work together to prevent homelessness. Recurring themes which could enable successful collaboration included the need for clear referral pathways, effective communication, the prompt sharing of data between agencies and clear leadership. These are explored more in the analysis of Q20-Q22 about case co-ordination approaches and Q41-Q42 about joining-up services through strategic planning. Another theme was the challenge of differing organisational cultures and of facilitating a change in culture towards preventing homelessness, particularly in bodies which may not have considered this as part of their remit previously.

Monitoring

Monitoring was the focus of Q96 and various comments on the theme were raised at other questions, in particular Q85 and Q86 about regulation. Some reflected on the importance of robust, accurate and consistent data collection by local authorities, public bodies and landlords. The most common suggestion at Q96 was for existing data collection tools,

such as PREVENT1 and HL1⁵, to be used to assess the implementation, progress, compliance and outcomes of new legislative duties. Some noted existing measures would need to be reviewed or modified to align them to the prevention duties. Others called for centralised guidance on how services should record and collect data.

Several respondents emphasised the need to collect data about each referral made to a local authority housing team, including the date, source, reason for referral and actions taken by the referring body. Others advocated local authority level monitoring of the numbers at risk or homeless, and the reasons for this. Some suggested that data should be collected on the outcome of each referral, i.e. whether homelessness has been prevented or whether a tenancy has been sustained. Other suggestions for data to be collected included: personal support needs, including health conditions; family history, e.g. employment, child protection issues, welfare accessed, justice experience; costs to services; and data about the availability of housing stock. A small number raised concerns about the administrative burden of collecting this data.

Consent

The importance of consent was noted by small numbers of respondents across several questions. Most argued that service users or tenants should give consent before a referral is made, their data is shared, or prevention activity is instigated. This was seen as particularly important in relation to healthcare scenarios and especially GPs, and in cases involving children and young people and domestic abuse. Some explained consent is important to gain buy-in and engagement from service users, while a few cited consent as a requirement of data protection legislation. However, there was also agreement with the PRG's view that consent is dependent on individual circumstances. Several noted that consent may not be legally required in certain cases, for example where a service user is at risk of harm and waiting for consent could be a barrier to promptly sharing information.

Related to this, a less commonly recurring theme was the implications of sharing information and data between public bodies. This is summarised under Q43.

The National Care Service (NCS)

The consultation noted that the proposals will need to be considered alongside legislative changes which result from establishing a new National Care Service. This was raised by respondents in a very small number of instances, most of whom reiterated the need to consider how the NCS will impact multi-agency delivery of services. Specifically, a few questioned how a duty on local authorities to assess and meet housing support needs would operate if housing support falls under the remit of the NCS. Others found it difficult to consider the implications of the proposals when it is still unclear what remit the NCS will have and what role bodies such as Integration Authorities will have as part of it.

⁵ PREVENT1 is the case level data collection to monitor housing options/ homelessness prevention in Scotland. HL1 is the homeless statutory statistical return to the Scottish Government submitted by each local authority containing details regarding homelessness applications submitted locally.

3. Duties to prevent homelessness on wider public bodies and landlords

This chapter focuses on the Prevention Review Group's proposed recommendations for duties on public bodies across health and social care, children's service and criminal justice, and on social landlords and the private rented sector.

Principles of the Prevention Review Group (PRG)

The PRG set out the following principles guiding its approach to providing recommendations for legislative changes on the prevention of homelessness:

- Responsibility to prevent homelessness should be a shared public responsibility and not rely solely or primarily on the homelessness service.
- Intervention should start as early as possible. In many cases this will be before issues have escalated to a point where homelessness appears imminent.
- People facing homelessness should have a choice in where they live and access to the same range of housing outcomes as members of the general public, with appropriate protections to mitigate further risk of homelessness. Housing outcomes should be comparable across the prevention and homelessness duties.

Overarching principles

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

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

Almost all respondents (95%) agreed with the principles; 43% strongly agreed. The principle of shared responsibility was overwhelmingly supported. Many respondents agreed that the varied root causes of homelessness can best be addressed with a multi-disciplinary approach. Similarly, early intervention was described as essential, and would likely be an outcome of greater shared responsibility. Some agreed with the principle of choice but raised concerns about the feasibility of accessing a range of housing options, noting the shortage of suitable and affordable housing. Others called for an understanding that offering more choice will put a strain on resources, staff capacity and housing stock. Some suggested a focus on housing suitability and safety as well as choice.

“As foundational principles shared responsibility, early intervention and choice ought to bring focus and shape to the design of all services that engage with people at risk of homelessness.” - Blue Triangle Housing Association

The most common theme in response to Q2 was that no further principles were needed. Several requested that the language used in the principles reflect a desire for equality and non-discrimination. Other suggestions included an emphasis on protecting children and a provision that tenancy-related skills be included in school curriculums. Shelter Scotland called for a principle of non-regression to be included; this is detailed more in Chapter 4.

The principle of 'ask and act' duties

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

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

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

Introducing new duties on public bodies was supported by 93% of those answering Q3; 40% agreed strongly. Some respondents felt new duties could prevent homelessness by introducing prevention frameworks and pathways which enable public bodies to work with individuals who are most at risk before they reach crisis point. While some felt new duties will drive change, others had concerns, such as the need for well-trained staff to correctly support those in need. Some argued that statutory duties are unnecessary as they would be ineffective unless it is backed up with sufficient resources.

"Focus group participants felt strongly about the need for better integration of services, a more proactive approach from services they were in touch with, and a 'no wrong door' approach." - Crisis

Almost all (96%) agreed with the proposal that public bodies should identify whether people they work with have a risk of homelessness and then either act on that information themselves or making a referral. Several respondents emphasised that the public bodies should take ownership by acting, rather than referring the case onwards. Some emphasised the need for clear guidance on the duties, including how they will be monitored and the consequences of failing to comply. Some noted the importance of a trauma-informed approach when asking about housing status. Aff the Streets highlighted that if service users are not approached and asked in an appropriate way they could turn away from assistance⁶.

Supporters of a new duties agreed they should apply to any public body that encounters people at risk of homelessness and agreed they should apply to the public bodies listed in the consultation paper. Other recommendations included: Department for Work and Pensions and Jobcentre Plus; the Armed Forces; Scottish Fire and Rescue Service; and third sector, community and religious organisations, specifically those that work with people with problematic substance use, those with mental health issues, victim/survivors of domestic abuse, veterans, refugees and asylum seekers. Others recommended duties on all landlords, not only on housing authorities. These organisations were highlighted as they have greater contact with the vulnerable groups identified in the consultation as being at highest risk of homelessness.

⁶ Consultation events with key stakeholders highlighted a new methodological approach being trialled by a few local authorities in Scotland. Known as the 'three conversation approach', service providers are trained to ask more open-ended questions, allowing the service user to identify and prioritise their own needs.

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

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

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

The proposal for a statutory duty to prevent homelessness for anybody leaving an institution within six months was supported by 94% of those answering Q6. Several agreed as it would enable early intervention with planning starting sooner, giving agencies enough time to organise suitable accommodation. Scottish Refugee Council, Shelter Scotland, Everyone Home Collective and others suggested that the definition of public body should include housing providers contracted by the Home Office, and a stakeholder at a consultation event suggested including residential rehabilitation facilities. Others called for registered social landlords to be under a duty to maintain residences for service users who are entering institutions, where feasible depending on length of stay in the institution. Several others agreed in principle but questioned the practicality of the duty as institutions are not always aware of release dates six months in advance. Others, including Edinburgh City Council, agreed but reiterated concerns about the availability of housing stock.

Suggestions for implementation included the need for guidance on the expectations of each public body, interdepartmental budgeting and oversight procedures, and a clear referral process. Several noted the importance of clear communication, specifically information and data sharing between agencies. Specific suggestions included commissioning third sector organisations for training and a recommendation by Ayr Housing Aid Centre to support more organisations to receive type I accreditation under the Scottish National Standards for Information and Advice⁷. Some highlighted the need for further education or support to assist individuals returning to their community, such as benefits assistance, furnishing initiatives, support with debt, and financial assistance.

Duties on wider public bodies – health and social care

People who experience homelessness have a much higher rate of interaction with health services than those who do not. Research⁸ shows that there is often an increase in interactions with health and social care before users experience homelessness.

Integration Authorities

The consultation proposes a legislative duty on Integration Authorities to identify those at risk of homelessness and work with partners to assist service users into suitable housing⁹.

⁷ Type I accreditation is a 'signposting' accreditation; all type I providers would be able to identify the early warning signs and refer onto a type II or III organisation straight away for intervention.

⁸ <https://www.gov.scot/publications/health-homelessness-scotland/>

⁹ PRG mentioned Health and Social Care Partnerships (HSCPs) in relation to its proposals but in the consultation this was changed to Integration Authorities, which was considered a more appropriate vehicle if introducing new legal duties. Proposals for new duties on Integration Authorities were included in the consultation, which were considered the most appropriate vehicle for introducing new legal duties. However, many respondents made reference to HSCPs and this language is reflected in some parts of this report

Q8. Do you agree with the proposal that Integration Authorities should identify the housing circumstances of people using health and social care services, and where necessary work with partners to ensure that service users are assisted into suitable housing or prevent the risk of homelessness?

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

Q10. Do you agree that the Integration Authority should have primary legal responsibility for meeting accommodation and support needs where cases are so complex that they cannot be met in mainstream accommodation even with support?

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

Q12. Do you think a duty on the Integration Authority would positively impact on preventing homelessness for people with a range of more complex needs?

The role of Integration Authorities

Almost all (96%) answering Q8 agreed that Integration Authorities have an important role in preventing homelessness; 47% strongly agreed. Integration Authorities were seen as best placed to co-ordinate support services for those at risk, and Health and Social Care Partnerships (HSCP) were seen as best placed to identify those at risk of homelessness, given the relationship between homelessness and interaction with health services. Several respondents described how HSCPs identifying those at risk could provide a pathway for early intervention. For example, Public Health Scotland cited an increase in registered council housing due to an intervention policy implemented with NHS Fife for homeless patients seeking medical assistance¹⁰.

Four fifths (79%) agreed that Integration Authorities should have the primary legal responsibility for those with support needs so complex they cannot be met with mainstream supported accommodation. Several felt this was needed because the legal and specialist support requirements for this were beyond the capabilities of housing and homeless services. Others advised that partnerships between a range of sectors was necessary, such as a case co-ordinated approach with support programmes.

“Many people with complex needs end up being supported by the homelessness service as a default and many homelessness services struggle to get buy-in for partnership working with health and social care services, although this experience has improved through the pandemic.” – Crisis

Views on a legislative duty

Fewer respondents (74%) agreed with the proposed new legislative duty on Integration Authorities to identify the housing circumstances of patients; 17% strongly agreed. While still a high level of agreement overall, this was the lowest agreement recorded in the consultation. Many attached caveats to their agreement, as outlined below. Others stated that while a duty is a good way to prevent homelessness, they found the proposal's

¹⁰ <https://ihub.scot/media/8194/supporting-homeless-patients-attending-hospital-health-economics-report.pdf>

wording misleading as there is not necessarily a singular or best way to prevent homelessness. These respondents suggested holistic approaches alongside the legislative duty, such as statutory duties on a range of public bodies or clear guidance and training to embed the duty in practice. Two respondents felt all routes should be exhausted before legislation is used as it may not be the best way to encourage collaboration.

A similar proportion (71%) believed a legislative duty would positively impact the prevention of homelessness for people with more complex needs. Key reasons for this were that a legislative duty would ensure users do not get missed by or lost in the system; and it would provide a clear framework for a clear multi-disciplinary service approach.

One quarter (24%) believed a duty would have no impact and 5% felt it would have a negative impact on people with more complex needs. These respondents typically expressed a view that the proposed approaches are already in place. For example Perth and Kinross Council felt new legislation would undermine their existing rapid rehousing programme, and Glasgow HSCP and Inverclyde HSCP have integrated homelessness services into their remit without a legislative duty. Several noted that assessments in HSCPs already consider housing needs for adults that present as at risk of homelessness.

Implementation challenges

While many respondents agreed with the proposals, challenges to implementation also were identified. Several raised the cross-cutting themes of housing stock, staff capacity, training and the availability of specialists, and financing the proposals; respondents argued that without appropriate resources, a legislative duty would have no effect. A number of more specific concerns were raised. These included: how a GP would implement the duty; how HSCPs would collaborate with partner agencies to enable best user outcomes; whether staff at Integration Authorities have the specialist housing knowledge needed to assist; the availability of appropriate housing for those users with needs so complex they cannot be met with mainstream supported accommodation. The Association of Local Authority Chief Housing Officers (ALACHO) noted their support for providing people with complex needs the medical and social support they need but warned that labelling users as 'lacking capacity' could hurt their chances of independent living in the future.

Suggestions for ways to make the proposals work effectively included: requests from some for a clearer definition of 'complex needs' to allow transparent assessment criteria; a few respondents called for service users to participate in their care planning and decisions about housing options; and a few recommended removing conditionality and barriers to care. Others noted the importance of a lead organisation or professional to spearhead co-ordination, and the need to maintain good communication and regular conferences to ensure a whole-system or 'no wrong door' approach. While clear legislative guidance was recommended by several, others requested allowances for a flexible, local approach or an approach that allowed the service provider who knows the population best to provide care planning. The Scottish Independent Advocacy Alliance suggested the use of independent advocates or peer advocates in the support process, and another mentioned strengthening mental health services to enable compulsory in-patient care for mental health and problematic substance use. A few respondents either could not answer or disagreed with the proposal as they were unsure of the role of Integration Authorities in the new National Care Service.

Social work and social care

The consultation proposes two new duties in relation to social work and social care work to ensure there is a joined-up approach between housing services, social work and social care for service users experiencing or at risk of homelessness¹¹.

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

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

Almost all who answered (95%) agreed with the proposed duty on social workers and social care workers to 'ask and act' (Q13). Several respondents noted these workers have the experience to recognise the potential risks before homelessness occurs, and already have an established relationship with service users. For example, Crisis presented two case studies where social workers intervened to successfully stabilise housing situations for service users at risk of homelessness. Several respondents believed the duty to 'ask and act' would enable an earlier intervention preventing escalation to the point where homelessness appears imminent.

"At present there is a disconnect in terms of prevention between social services and housing providers. Placing a duty on a social worker or social care worker will place housing as a key component in a client's needs. A duty to 'act' should incorporate a duty to accept and respond to referrals from housing and homeless services and to assess households support needs." - Scottish Borders Housing Association

A similar proportion (89%) supported a duty on Integration Authorities to co-operate to ensure people who are homeless or at risk of homelessness due to unmet health or social care needs get the support they need (Q14). Several respondents believed that the joined-up or co-ordinated approach led by the Integration Authority or the HSCP is most appropriate. Others noted the proposed duty would ensure service users do not encounter gaps in the system. Some suggested that a co-ordinated approach would enable person-centred care, addressing the underlying drivers of homelessness.

"This reinforces the points already made that responsibility to house and support people should be a shared responsibility across public services." – Scottish Federation of Housing Associations (SFHA)

While respondents widely agreed, some had concerns in response to both proposals. There were continued concerns about funding, staffing, training, and clear guidance as mentioned in Chapter 3. There were also specific concerns about: how interagency or shared budgeting would work; gaining service user consent for participation and data sharing; consideration of Adult Support and Protection; and about the definition of 'act' and how that would work in practice, including the need to effectively track and measure responses at every stage of delivery. Two expressed a view that Integration Authorities

¹¹ The consultation paper notes that consideration will need to be given to any changes to social and social care work under a new National Care Service before implementing the homelessness prevention proposals.

were too far removed from the frontline experiences of social workers, social care workers and service users and suggested implementation policies should rely more on local best practices. Two respondents also highlighted concerns about thresholds in the proposals and questioned what would happen to service users who do not meet the “unmet health or social care needs” criteria or the severe mental illness diagnostic criteria.

While many agreed, a few disagreed with new duties - 5% at Q13 and 11% at Q14. They expressed a view that new duties could undermine existing partnerships, systems and pathways, and pointed to existing duties to assess individuals for homelessness¹².

Local Authority duties and powers

The consultation proposes that local authorities must ensure services to prevent or alleviate homelessness are designed to meet the needs of people leaving hospital and people with mental illness or impairment.

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

Q16. Do you agree with the proposal that the local authority must provide assistance to anyone who is going to be discharged from hospital?

Q16B. Please say why, and what is the main difference this statutory change would make to people in hospital and at risk of homelessness?

Q17. What would be the main challenges of introducing a statutory duty on local authorities to house those due to be discharged from hospital within the next six months?

Over four fifths (85%) agreed that local authorities must assist anyone being discharged from hospital, noting that homelessness impedes recovery, and that unstable housing exacerbates anxiety and stress. Some respondents believed the proposal would enable earlier intervention in the housing needs of hospitalised individuals and some others noted it would ensure communication between the NHS and local authorities happens earlier in the treatment process. Others noted that statutory change would enable clear referral pathways, ensure a consistent approach across local authorities, hold local authorities and NHS services accountable to patients, and create more efficient care with reduced hospital costs in the long-term.

Just under a sixth disagreed (14%) with the proposal. A few disagreed as they felt the changes may undermine existing good practice. The broad scope of intervention was questioned, specifically around local authorities' ability to assist 'anyone'. Two suggested the duties should sit with the NHS or health board and two raised concerns about the relevance of the proposals after the new National Care Service takes effect.

Across all four questions in this section, respondents were most concerned about the shortage of housing stock, particularly appropriate housing for those with additional requirements. South Lanarkshire Council suggested that the proposed duty may limit housing stock for others urgently in need but not being discharged from hospital. Others highlighted resource and funding issues, especially shortages in staff trained to

¹² Reference was made to Social Work (Scotland) Act 1968, section 12.

understand homelessness, staff to handle assessments and care workers to provide at-home care after discharge. Further funding considerations were mentioned, particularly around funding post-hospital care such as community care teams, and support for landlords who may need to hold empty properties while awaiting tenant discharge. Some requested clarity on the language of the proposals, noting that 'provide assistance' and 'anyone' were too vague. A few respondents, including those attending consultation events, noted that change to the institutional approaches and culture toward homelessness is also needed across all public bodies.

"No-one should be returning home to an unsuitable house just because there isn't another option. Nor should they be staying in hospital for months waiting on something suitable coming up. The lack of available supply needs to be addressed urgently." - Ayr Housing Aid Centre SCIO

Several respondents noted that implementation would require clear guidance, particularly in relation to discharge protocols and assessments. Some highlighted that planning for housing on discharge could be problematic as there is no certainty over the length of a hospital stay. Other challenges raised by some respondents included: communication and co-ordination between agencies to ensure a smooth discharge, specifically around the transition from hospital to private accommodation; patient consent and confidentiality for information sharing; maintaining contact with service users who may move frequently; changing user needs over the course of the 6-month period; considering all needs of a person when starting a tenancy, including education around budgeting; and service users moving between local authorities. A few highlighted the need to include other family members in planning where appropriate, and one mentioned that some service users may find decision-making difficult.

General Practitioners (GPs)

The PRG suggested that GP practices should be required to refer people to local authorities where homelessness is identified, as there is currently no duty to refer.

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

Just over two-thirds of those who answered (78%) agreed with the proposal, stating that GPs are trusted and knowledgeable care providers who are well-placed to inquire about their patients' housing status. Others noted the proposal would aid early intervention.

One fifth of respondents (22%) disagreed, the third highest level of disagreement across the consultation proposals. Many of those who agreed also caveated their agreement with concerns. These concerns were reflected in responses directly from GP practices and from consultation events, and included: concerns about confidentiality and a breach of doctor-patient trust if referrals were made without patient knowledge or consent; that GPs are already overburdened with work; a recommendation that GP staff receive specialist training to understand indicators of homeless, along with gender-responsive, trauma-informed training in areas such as domestic abuse and trafficking; and concern that telephone and virtual appointments over the pandemic have weakened GPs' understanding of their patients' situations. Others, including some event attendees, felt a statutory duty was unnecessary, stating that clear frameworks, pathways and toolkits

would be enough to encourage GP participation. Some also noted that including the duty in legislation would require renegotiation of the Scottish GP contract.

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

The most common theme was calls for funding to enable non-clinical staff working from GP practices to act as the main contact for patients with housing issues. This includes Community Link Workers, Social Prescribers, Community Connectors or a liaison officer dedicated to homelessness. Dundee HSCP suggested a duty could apply to other health professionals such as Occupational Therapists, Physiotherapists and District Nurses.

Other suggestions included: clear and accessible information and signposting about housing either in the practice or on practice websites; training to ensure GPs and their staff are comfortable and capable asking about homelessness and identifying risk factors; an all-staff approach, including training for frontline staff such as receptionists; offering drop-in services for guidance on non-clinical issues; including housing questions in GP registration forms; creating alerts for patients who change address often or register temporary accommodation; and platforms for GPs to track patients discharged from hospital.

Multiple or Complex Needs

PRG proposed a case co-ordination approach where people may have multiple and complex needs and require the input of two or more public services.

Q20. Do you agree with the proposal that a statutory duty to put a case co-ordination approach in place for people requiring input from two or more public services is the right approach?

Q20B. If you disagree, please say how public services can best work together to prevent homelessness for people with more complex needs.

Q21. If this statutory duty is established: How would it work in practice?

Q21B. If this statutory duty is established: What challenges would it present, and how could these be best addressed?

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

Support for a case co-ordination approach

Almost all who answered Q20 (94%) agreed with the proposal to introduce a statutory duty for a case co-ordination approach; just under half (46%) strongly agreed. In their open comments, some respondents specifically expressed support for a statutory duty as they agreed it would underpin the approach and increase accountability.

However, many agreed with the proposal because of the perceived overall value of a case co-ordination approach. Respondents noted this approach would benefit individual users by simplifying a complex network of contacts, reducing service gaps due to uncoordinated interagency processes, and eliminating the need for the user to repeat personal histories or paperwork. Several others advocated for this approach as the best for the users' welfare, to provide person-centred support, and include user participation in their care

meetings. Some noted it could have administrative benefits, such as ensuring collective responsibility, accountability and risk management. Others suggested it would improve joint working between and within local authorities, HSCPs, health boards and other partner agencies. Several respondents felt a case co-ordination approach would create efficiency and clarity by reducing duplication of work, allowing all relevant parties to participate in the decision-making process, and providing clear overviews of users' care plans. Some suggested this approach would benefit inter-agency communication and speed up service provision. Attendees at consultation events expressed a desire to consider whether the families of people with complex needs may need assistance.

A case co-ordination approach in practice

Assigning a key worker or lead professional was seen as vital by several respondents. A lead professional could provide consistency, enable trust, and provide an easy contact for the multi-agency team. Others felt co-ordination of the services through a key contact would ensure a smoother process for service providers. A few highlighted concerns about using a lead professional. For example, a lead professional cannot be available all the time, which may mean service users rely on unknown support during a crisis. A lead professional from a specific agency may only have expertise in a single area or could view a service user's needs through their own particular lens. One organisation thought it was important to ensure a referral is accessible to any member of a primary care team including nurses, link workers and GPs, to increase the reach of client contact.

Several cited case co-ordination approaches already being successfully implemented by local authorities or in social care¹³. Some local authorities highlighted their own approaches such as Aberdeen City's Lead Professional model. Housing First was highlighted by some as an approach that successfully helped those with complex needs with housing and underlying issues that lead to homelessness. Dundee HSCP made some suggestions in their response about how partnership working could function in practice. They described an example of innovative practice where social workers are currently hosted in the Housing Options Team, resulting in a faster and more co-ordinated response to people with complex needs. They also highlighted the Getting it Right Together model proposed as part of the National Care Service as a practice model which could be introduced across housing and homelessness services, as it encourages shared responsibility across the partnership to help people achieve positive outcomes.

“There are already good examples of positive working in partnership. A statutory duty and obligation would extend the requirement and clarify the obligation to co-operate but this needs to be a balanced approach across services with a focus on case management and lead professional agency” – Fife Partnership

Concerns about a statutory duty and case co-ordination approach

Though only a very small number disagreed with the proposal, several respondents raised concerns about how the proposal might operate in practice. Many argued the success of this approach would depend on increased funding and staff capacity. Some felt a statutory

¹³ These included the Multi-Agency Public Protection Arrangements (MAPPA), Adults Support and Protection (ASP) legislation, Medically Assisted Treatment Standards (MAT), Multi-Agency Risk Assessment Conference (MARAC), Getting It Right for Every Child (GIRFEC).

duty would undermine existing frameworks for multi-agency working, while others highlighted the need for clear guidelines and open communication to ensure that all agencies co-operate effectively. Several expressed concern about data sharing – regarding both user confidentiality and interagency communication - and others suggested joint working agreements be driven by local agencies with knowledge of the service users.

Some respondents questioned the feasibility of a case co-ordination approach. Challenges included: ensuring buy-in from all relevant agencies; establishing comprehensive guidance; assigning roles to agencies to create measurable outcomes; and clearly defining multiple and complex needs. A few believed a case co-ordination approach would not work in practice as it would be challenging to identify those with complex needs. One noted concern about the negative impact of staff turnover on service users.

Others disagreed with the statutory duty as it could undermine existing multi-agency relationships, such as Inverclyde’s Community Mental Health Teams, or exclude third sector organisations that are trusted by users. The Clackmannanshire and Stirling HSCP mentioned a concern with oversight and questioned whether the Care Inspectorate would inspect these partnerships.

Children and Young People services

The consultation proposes changes to improve outcomes for children and young people at risk of homelessness. These include measures to identify those at risk more quickly and to provide housing and care services that meet the unique needs of this group.

Q23. Do you agree with the proposal to establish a duty on health visitors or head teachers to identify a housing issue or risk of homelessness to a local authority?

Q24. How would a duty on health visitors or head teachers to identify a housing issue or risk of homelessness to a local authority work in practice?

Almost all (92%) agreed with the proposed duty on health visitors or head teachers to identify housing risks and issues to local authorities; 41% strongly agreed. The most common theme in responses was that head teachers and health visitors were well placed to identify risks of homelessness. Other reasons for support included the possibility for earlier intervention and prevention which a few noted could reduce the likelihood of homelessness in adulthood, more robust support for existing pathways, and continued strengthening of multi-agency intervention and collaboration.

The most common theme in response to Q24 was calls for clear, simple and thorough guidance and referral processes to ensure support reaches all children. The second most common theme was for training to both identify and support children and families who may be at risk of homelessness. Some noted the importance of clear communication and a partnership approach. Other points to consider included: how to address issues with young people not in school; consent and the limits of data sharing between departments and agencies; and a suggestion for parent/carer assessment once a referral is made.

“There are many reasons why young people and their families may be at risk of homelessness; often issues that are not directly related to housing but have an impact on this, e.g. domestic violence, parental use of alcohol and drugs, poverty. Coordination and

flexible repatterning of support to sit around each young person's circumstances can reduce youth homelessness." – Aberdeen Foyer

While most agreed, several noted that teachers are already bound under GIRFEC to protect children from harm, including homelessness, and some questioned the value of creating a new statutory duty. Some respondents noted health visitors and head teachers have different remits, meaning a singular referral framework may not work for both. Others highlighted that head teachers have too many students to be aware of individual circumstances, and suggested a duty includes teachers, guidance staff and school nurses who may know individual students better. A few called for local authorities to have a duty to notify head teachers and health visitors when a child is at risk of homelessness.

Q24B. At what stage should a request for assistance be made to the local authority?

The most common theme in response to this question was support for making a referral as soon as any risk is identified, allowing local authorities to make a clear assessment and identify thresholds and eligibility. Suggested triggers include a child directly asking for help or expressing a desire to run away or leave home, and a risk to the tenure or safety of accommodation. Angus Council suggested making referrals when health visitors or head teachers can no longer offer support. A few suggested alternate routes for assistance as they felt not all concerns should be referred to housing services immediately. These included using family mediation or alerting teams in Child Welfare and Adult Support and Protection.

Q25. How can we ensure a homelessness prevention service is designed so that it can meet the needs of young people at risk, in partnership with other relevant services?

Q26. Do you agree that a local authority, possibly in partnership with others, should have a family mediation service as part of its legislative duties to prevent youth homelessness?

Three main themes emerged in responses to Q25: raising awareness and educating young people about prevention; involving frontline service providers and young people who have experienced homelessness in service design; and using approaches to meet the unique needs of young people, such as specialised housing options and further social assistance. A few highlighted The Youth Homelessness Prevention pathway compiled by A Way Home Scotland as a good model of prevention. Opportunities for those with lived experience of youth homelessness to mentor other young people at risk were noted by a small number. The South Ayrshire Champions Board, comprised of young people with care experience, was highlighted an example of how this could work in practice. Some were concerned the proposal does not sufficiently address the needs of care leavers and CELCIS requested that it is made clear that any legislation or duties applies to this group.

Providing a family mediation service was supported by 86%, though the most common theme was the need to consider the individual circumstances of each case. A few felt mediation can only be successful if users opt-in, and some highlighted it would be inappropriate to offer mediation in cases of domestic abuse.

"Relationship breakdown is a key reason for people experiencing homelessness... However, we must ensure that mediation is not forced onto people, particularly when there are indicators of violence or abuse. People should still be able to make a homeless

application but can access mediation in the meantime. It should not be used as an alternative to providing necessary, safe and adequate accommodation.” - Cyrenians

A concern among some was that mediation should not be a barrier to accessing housing. While some felt it could work well where young people have been ‘asked to leave’ their home, they noted mediation may not be effective in every case and should not be the only tool considered. A few mentioned the value of a cooling off period where mediation services can be offered after the point of crisis. Another suggestion was that mediation be carried out by independent parties without any stake in the outcome. A Way Home Scotland recommended mediation services be extended to landlords and flatmates.

16- and 17-year-olds

The PRG proposed that young people aged 16 and 17 at risk of homelessness must be treated as children under the law and should receive assistance from children’s social work.

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

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

Three quarters (75%) believed the proposal would positively impact 16- and 17-year-olds, while 11% felt it would have no impact and 14% a negative impact. Those anticipating a positive impact argued more needs to be done to support 16- and 17-year-olds and that the proposal will help create stable guidance on case management.

Despite this support, 98% of those who answered Q28 felt there would be unintended consequences of the proposal. Responses from Crisis, Clan Childlaw, Shelter Scotland, and The Promise, among others, highlighted a concern that the proposed changes would diminish 16- and 17-year-olds’ existing housing rights by diverting them to social work, rather than allowing them the choice to work directly with housing services to secure independent, permanent accommodation. Several argued that many young people and their families may avoid getting support with housing to avoid contact with social work, causing an increase in young people experiencing homelessness. In contrast, several who agreed with the proposal noted social work could provide specialist care for this group.

Other unintended consequences included: providing access to social work for a short time and then removing it when service user turns 18¹⁴; creating an incentive for young people to leave home; unawareness of benefits system; and causing traumatic experiences.

Criminal Justice

The consultation invited respondents’ views on proposals relating to criminal justice – specifically prisons, courts, Police Scotland and domestic abuse. The themes below align with the views expressed by criminal justice stakeholders at a consultation event. One

¹⁴ Stakeholders attending consultation events noted that Health Visitors support up to age 23 or 24 but did not specify how this affects the provision of other social work support.

anonymous organisation requested that any proposed duties on criminal justice should be complementary to provisions resulting from the Bail and Release from Custody Bill.

Prisons

Q29. Do you agree with the proposal to introduce new legal duties on prisons to ask about and work with partners to address housing issues to prevent homelessness?

There was significant support for introducing new legal duties for prisons to ask about and work with partners to address housing issues. Almost all (98%) who answered agreed and 56% strongly agreed; the second highest level of strong agreement in the consultation.

Respondents felt the duties will ensure people in prison receive housing advice in prison so they can access suitable housing on release; this was the most common reason for agreement. The importance of providing advice as early as possible in an individual's sentence was emphasised across all the questions related to prisons, by respondents including Bethany Christian Trust, Blue Triangle Housing Association and Crisis. Another recurring theme was that new duties should assist people in prison who need ongoing support to maintain an existing tenancy or avoid eviction during their time in prison.

"It is important to have discussions at the very start of a prison sentence with prisoners. This allows for pre-planning and applications to be submitted if re-housing is required."—
Fife Partnership

Several respondents noted that homelessness can contribute to re-offending, so ensuring individuals have suitable housing on release could help to reduce re-offending. However, respondents commented on the wide range of support that individuals might need to sustain housing including benefits advice, and support with mental health and problematic substance use.

SHORE (Sustainable Housing on Release for Everyone) standards were referred to in several responses. While respondents gave examples of how SHORE is currently used and individuals are supported with housing, respondents felt new legal duties will ensure SHORE is applied consistently across Scotland.

Q30. How would a statutory duty on prisons to identify and work with partners on housing issues change existing practice already in place to prevent homelessness amongst those leaving prison?

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

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

There were some suggestions about how SPS and local authorities might need to change working practices to implement the duty. These included: issues related to information sharing to ensure that local authority housing services receive the data they require about people in prison; cross-boundary working where people in prison live in a different local authority area to the prison; making referrals to support services in plenty of time before release; enabling local authority housing staff to have contact with people in prison; and the importance of throughcare to support people in prison after they have been released.

Some respondents suggested prison staff may need training to enhance their knowledge of housing issues and raise awareness of how they can support people in prison with housing issues and the agencies they can refer individuals to. Other challenges identified in comments included: stigma and discrimination towards people in prison establishing processes for monitoring compliance with and learning from the duty; gaining consent for referral from individuals; ensuring people in prison engage with support services; and considering victim and community needs when planning the location of an individual's housing on release. An anonymous respondent raised a concern that private prisons would not have to comply with the duty.

Court services

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

There was widespread support for this proposal. 91% of those who answered this question agreed that housing options advice should be available in court settings. The opportunity to offer support to vulnerable people who may be at risk of losing their home was the main reason for agreement among respondents including Turning Point Scotland and Highland Council Housing Services. Some observed that those being released from court may not have had the chance to receive prison-based advice, so it is important to have advice available in this setting too. A few mentioned that it could help to reduce re-offending and a small number emphasised the need to support people whose bail conditions prohibit them from returning home.

Reasons for disagreement among the few who opposed the proposal included a feeling that demand for advice may vary across local authorities, and a suggestion that people may be too pre-occupied with their court appearance to engage fully with housing advice. Another organisation noted other challenges including: not all courts have social work staff in the building, or space to accommodate them; providing a service after a virtual court appearance; and that some accused appear in a court outwith their local authority.

Police Scotland

Q34. Do you agree with the proposal to place a statutory duty on the police to ask about somebody's housing circumstances if there is 'reasonable belief' they may be homeless or at risk of homelessness?

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

Almost all (96%) who answered Q34 supported the proposal to place a statutory duty on the police to ask about somebody's housing circumstances if there is 'reasonable belief' they may be homeless or at risk of homelessness. Just under half (48%) strongly agreed. Some respondents commented that, while police should ask about housing, this should not be a legal duty. However, they did not explain why they held this view.

Several respondents, including Shelter Scotland and Crisis, commented that because the police often have contact with people at risk of homelessness, they have an opportunity to intervene before the person becomes homeless; this was the most common reason for

support. Other supportive arguments included the need to ensure consistency across Scotland, and the potential to make housing support more accessible to people who need it because of sensitive cases such as domestic abuse.

“Police often come into contact with people who are homeless or are at risk of homelessness. It makes sense for police to have a duty to flag this or refer such individuals to homelessness prevention services and it would assist those affected to access services quickly.” – North Lanarkshire Council

The need for guidance and support for police officers to ensure they know how and when to ask individuals about their housing situation in a sensitive and timely manner was a recurring theme about implementation. Police Scotland supported the proposal but called for more clarity about what is expected of officers and identified various challenges, including the limited time that individuals have in custody. Others suggested training to raise awareness among police officers that asking about housing is part of their role.

Several, including 11 local authorities, emphasised the importance of robust referral pathways so that police officers can refer people appropriately. A few respondents identified the risk of individuals providing dishonest answers due to a mistrust of the police and the knowledge that their release is dependent on having an address to go to. Scottish Association of Social Work highlighted a risk that “if someone comes before the Court is thought to be homeless, they are more likely to be remanded. Any duty on police must not result in deprivations of liberty on the grounds of homelessness”.

Domestic abuse

Analysis of Q36 and Q37, which consider the proposed measures on domestic abuse and how they should be implemented, is provided in Chapter 5.

Duty on local authorities

The consultation included questions about the proposed statutory duty on a local authority to accept a referral from a public body to prevent homelessness.

Q38. Do you agree with the proposal that there should be a statutory duty on a local authority to accept a referral from a public body to prevent homelessness, as part of legislative change that places a duty on public bodies to ‘ask and act’?

Q39A. Please say what you think the primary advantages would be.

Q39B. Please say what you think the primary challenges would be.

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

There was widespread support for the proposed duty; 88% agreed and 43% strongly agreed. The main reason for agreement was that the duty would compel local authorities to act when people are at risk of homelessness. Several respondents, including 15 local authorities, Wheatley Group (previously Glasgow Housing Association) and Scottish Refugee Council, stated that the duty would enable local authorities to intervene early, thereby helping to prevent homelessness. Other advantages included the potential for the duty to: support joint working between local authorities and public bodies; clearly allocate

ownership of and accountability for homelessness prevention to local authorities; allow for better monitoring of prevention work; and ensure everyone who needs support receives it.

The most frequently identified challenge was local authorities' resources and capacity to handle an anticipated increase in referral numbers. Many respondents, including 19 local authorities, Bethany Christian Trust and Turning Point Scotland emphasised the importance of ensuring local authorities have the resources to deliver the duty.

“There is a potential that the new measures could overwhelm existing resources, resulting in a reduced level of service for individuals with the highest level of needs.” – Scottish Borders Housing Association

Another challenge was ensuring referring bodies take preventative action, including supporting individuals where possible, rather than relying on local authorities to act. Other themes included: the potential for inappropriate referrals, with a suggestion that guidance should be provided for referring bodies; and a call for criteria to determine when an individual should be referred for homelessness prevention and when a homelessness assessment would be more appropriate. One noted this approach could be abused if this route was to become seen as a prioritised route to housing.

A summary of views on consent is provided in Chapter 2.

Joining-up services through strategic planning

Respondents were asked for their views on the PRG's recommendations for joining-up services through strategic planning. This is where services work together to identify need and ensure steps are in place to address issues which may lead to homelessness.

Q41. Should the requirements for joining-up services through strategic planning to prevent homelessness be included in legislation or guidance?

Most respondents (61%) felt the requirements for joining-up services through strategic planning should be included in legislation, while 39% felt they should be in guidance. The most common argument in support of using legislation was that it would ensure services comply with the recommendations. Other themes included the potential for legislation to promote joint working and ensure services treat homelessness prevention as a priority. Arguments in favour of guidance, made by a few respondents, included a feeling that there is already strong partnership working which does not need enforcement via legislation, and that using guidance allows flexibility for services to be tailored to local need. For example, Dundee HSCP questioned whether the same outcomes could be achieved through investment in the sharing of good practice between areas and greater use of guidance and best practice at a local level.

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

Respondents reported a range of other requirements for joining-up services through strategic planning. Some, including Ayr Housing Aid Centre and Lochalsh & Skye Housing Association, highlighted the need for joint working to address the multiple contributory factors to homelessness such as problematic substance use, mental health, job loss and relationship breakdown. Others discussed establishing shared outcomes that encourage

collaboration and joint accountability. Some suggested services could jointly fund services or develop local plans and strategies together with homelessness prevention as a priority.

“A more collaborative approach to treating homelessness as a public health emergency is needed... Joining-up services will foster a sense of mutual accountability.” - Cyrenians

Other considerations included: the need for robust referral and service pathways; the impact of the National Care Service on homelessness prevention services; issues around corporate parenting; the need for greater consideration of learning disabilities and autism in local housing strategies; ensuring a link between national and local strategies; the importance of flexibility to adapt services to local need; and including third sector services.

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

Various implications of increased joint working for data sharing and data protection were identified. Several respondents, including ALACHO and Argyll & Bute Council, highlighted the importance of effective data sharing between partners to identify and support people at risk of homelessness. Crisis provided best practice guidance on data analytics for homelessness prevention. Another common theme was the need for services to create data sharing agreements, or to review agreements already in place, to ensure they can share information timeously and in line with data protection legislation.

Proposed recommendations for social landlords

The consultation invited views on proposed duties to formalise social landlords' existing responsibilities to prevent homelessness. The PRG proposed that where a social landlord identifies a risk of homelessness, they should take reasonable steps to mitigate the risk. The reasonable steps include: practices to sustain tenancies; engaging with the tenant to address financial issues e.g. rent arrears or to address behaviour; and putting in place protocols to mitigate risk of homelessness at an early stage, including relating to domestic abuse or where tenants face court proceedings.

Q44. Do you agree with the new legislative duties to ensure social landlords take specified reasonable steps to prevent homelessness where a risk is identified?

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

All (100%) who answered Q44 agreed with the proposal, the joint highest agreement in the consultation; 64% agreed strongly. Several respondents made comments in support of the proposal, including recognition that formal duties could strengthen existing practice by encouraging earlier intervention, enabling partnership working, reducing discriminatory practice and ensuring consistent practice among social landlords. A few noted that the steps should be taken as early as possible to support engagement and positive outcomes.

A recurring theme was that social landlords have existing relationships with their tenants and so are well placed to identify risk and deliver preventative support. However, some suggested they could do more to prevent court action, eviction and homelessness. While some agreed the duties should improve outcomes for tenants, another theme was that tenants hold a shared responsibility for engaging with preventative support.

“We commonly see people cycling through the system repeatedly as result of failures in early tenancies that were never addressed. We see people whose health has been impacted and whose life chances and opportunities have become limited through battling repeat homelessness. We welcome the move to formalise the role of landlords being responsible for identifying and mitigating risks of homelessness. This will help to break the cycle.” - Blue Triangle Housing Association

A few questioned whether new duties would add anything to existing practice, while others called for them to build on existing work rather than create new processes, and to ensure that the reasonable steps are not overly prescriptive or limiting.

Views on the reasonable steps were mixed. Some felt they were sufficient; others suggested additional steps. Several highlighted a need for social landlords to support tenants with financial challenges, including help with rent arrears or to access grants, welfare rights and employment advice. A few suggested benefits or grants could be paid directly to social landlords to address rent arrears. Another theme was that social landlords should have a duty to ask about and assess their tenants' risk of homelessness through regular well-being checks, support needs assessments and use of data related to rent arrears or neighbourhood complaints. There were calls for clear guidance, regulatory frameworks and monitoring to ensure compliance and accountability.

The importance of including social landlords in multi-agency working was highlighted. For example, it was suggested that social landlords could refer or signpost tenants to mental health services, statutory bodies, mediation services and independent legal advice and advocacy services for support. A few expressed concerns about social landlords receiving little prevention support from other agencies, or about them acting alone in complex cases.

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

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

Nearly all who answered Q46 (96%) agreed with the proposal to legislate for the establishment of protocols by social landlords in relation to domestic abuse. Analysis of open responses to this question is included in Chapter 5.

Almost all (94%) agreed with legislating for the establishment of protocols by social landlords where tenants face court proceedings; 43% strongly agreed. Reasons for support varied. Some argued the protocols could remove ambiguity and promote consistency around the role of social landlords. Others felt the proposal could help to avoid evictions, limit the need to re-house people on release from prison, and stop a cycle of housing insecurity. Suggestions for protocols and supports included: amending Housing Benefit claims; transferring tenancies to other household members; storing belongings; and re-allocating property as temporary accommodation in cases of short-term sentences.

However, a few were unsure or disagreed that legislation was necessary and felt guidance and monitoring would be more effective. Others felt social landlords were already working to sufficient protocols or highlighted the need for earlier notification of court proceedings to the local authority. A small number of respondents highlighted the protocols could only be successful with tenant engagement. Specifically, Glasgow and West of Scotland Forum of

Housing Associations noted that landlords could find themselves in a situation where they are both taking action against an individual who is refusing to engage but also being expected to try and prevent homelessness.

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

Among those answering Q48, 85% supported the proposal; 50% strongly agreed. The most common reason for agreement was that earlier notification would allow more time to engage in preventative work and represent a move away from crisis-driven support. Some felt the proposal would strengthen Section 11 provision¹⁵, and encourage more meaningful engagement and compliance with pre-action requirements, rather than treating notification as a tick-box exercise. A few requested clarification on whether tenants' consent would be needed for early notification and, if not, what the appropriate triggers would be.

Among the 15% who disagreed, some expressed a view that earlier notification could be an unnecessary or unhelpful process which generates additional referrals. There was a concern that the pressure of additional referrals on local authority capacity could dilute or hinder existing prevention activities and increase response times. Another concern was that the proposal could place an unfair onus on local authorities, either by making them an intermediary between social landlords and other support agencies, or by detracting from social landlords' responsibilities to engage in prevention. A few suggested the focus should be on promoting engagement with and improving current Section 11 provision.

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

Several respondents proposed that social landlords should have an obligation to share information and work more closely with local authorities and engage in multi-disciplinary working. Specific suggestions included making advance referrals to third sector organisations so support is immediately available if required, working within the Named Person provisions where children are at risk of homelessness, and forming Common Housing Register Partnerships. SFHA cited The North & Islands Section 11 Project as an effective example of partnership working between housing associations and local authorities where 96% of evictions were prevented. A few suggested that landlords adopt a holistic approach and assess tenants' wider support needs such as mental and physical health. Another theme was the need for monitoring, performance indicators, and reporting of outcomes to evidence whether prevention is being undertaken by social landlords.

"There would be benefits from greater co-ordination by social landlords with public bodies who could work together to prevent homelessness, for example health, alcohol and drugs services and education. These links are not as strong at the moment compared to that of a local authority landlord, therefore tenants of a local authority are getting more opportunities than other social landlords."- Aberdeen City Council

¹⁵ The Section 11 duty of the Homelessness etc. (Scotland) Act 2003 states that landlords must notify a local authority where the landlord raises proceedings for possession.

A few felt there was no need for further statutory measures beyond the existing Section 11 provision. However, some expressed reservations about Section 11 provision, including concerns about whether landlords give homelessness services sufficient notice and details related to individuals at risk of homelessness, and felt this could be improved.

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

By far the most common theme in response to Q50 was that landlords should notify a local authority about the risk of homelessness as early as possible or as soon as any risk is identified. Views on when this could be varied, with a few acknowledging that timings would depend on individual circumstances and the support available. A small number suggested specific risk factors for early referral including the tenant having previous experience of homelessness, prison, the care system, or mental health problems, or there being issues with the property, such as it being unfurnished. A less common suggestion was linking notification to specific triggers, such as the tenant falls into rent arrears, makes late payments, is reliant on foodbanks, engages in anti-social behaviour, or is experiencing neighbour disputes. Some felt that landlords should be expected to notify a local authority once they had had taken all reasonable steps and exhausted all support measures without progress. A few specified a time frame for notification such as three or six months.

Several described how notifying a local authority of a risk of homeless should align with legal proceedings, though views were mixed. Most commonly, respondents felt notification should take place at the same time as, or ideally before, a Notice of Proceedings is issued to maximise the time available for preventative or multi-agency work. A smaller number felt local authorities should be notified after this, but prior to court proceedings.

A few reiterated the view that the focus should be on landlords taking the reasonable steps towards prevention outlined in the consultation and there should be no requirement for them to notify the local authority at an earlier stage.

“There should be no limit on how early a notification could be sent with the consent of the tenants. Where no consent is sought or given then, as previously noted, the specific trigger should be clearly defined in law. With this in mind, it is probably appropriate to continue to rely on the point at which formal notification of an intention to take action is given to the tenant” - ALACHO

Proposed recommendations for private landlords

Respondents were asked for their views on the PRG’s recommendations for preventing homelessness from the Private Rented Sector (PRS) and to enable the PRS to be more widely used to house people at risk of homelessness.

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

Nine in ten (91%) of those who answered agreed with the proposal; 54% strongly agreed. Most commonly, it was felt this would ensure parity of protection for PRS and social housing tenants, and potentially make the PRS more attractive for tenants.

“Private renting tenants should be afforded the same legislative rights as social renting tenants and will ensure a consistent and equitable approach.” - East Ayrshire HSCP

However, some noted potential risks associated with the requirements. For example, there was a suggestion that the requirements could act as a disincentive to landlords, causing them to demand higher deposits or to leave the sector, thereby reducing housing stock. It was also highlighted that private landlords could themselves face homelessness if rent arrears lead to mortgage default. While most agreed with the proposal, 10% disagreed. Reasons for opposition included that pre-action requirements are ineffective or unnecessary and that individuals have a responsibility to resolve their own debt.

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

Most commonly, respondents discussed challenges associated with this duty working in practice. These frequently echoed the themes outlined in chapter 2 such as capacity, resources, housing stock and training; one highlighted the need for local authority staff to be trained in PRS specific housing rights.

Several respondents emphasised the importance of establishing clear referral criteria, pathways and timings. Another theme related to ensuring the new duty on local authorities aligns with existing processes such as housing options advice, landlord registration arrangements, and Section 11 protocols. A few, including Crisis, felt the Section 11 protocols should be strengthened to increase their efficacy as a prevention tool.

Some made suggestions about how local authorities should respond to referrals. Support needs assessments, advice or mediation services, housing plans and financial signposting were mentioned. Other suggestions included dedicated staff within the local authority to manage referrals such as East Ayrshire’s Private Rented Sector Unit and Angus’ Private Rented Sector Officers. Others, however, emphasised private landlords’ responsibilities in preventing homelessness, including implementing pre-action protocols, and argued against local authorities being relied on to fulfil this role.

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

By far the most common request was for training, education, and advice to promote landlords’ understanding and awareness of their role and responsibilities. Suggestions included guidance from the Scottish Government or COSLA on specific topics such as Section 11 protocols, consent, domestic abuse and the pre-action requirements. A few noted that private landlords are likely to have less access to tenancy sustainment resources than social landlords, especially non-professional landlords who may have less knowledge of legislation and available support. There were suggestions for outlining landlord obligations during registration and for an accreditation system to disseminate training and share knowledge. Materials and tools such as websites, a central resource and tenant friendly information packs, were also asked for.

Another theme was the need for better partnership working between local authorities, landlords, tenants and the various representative bodies within the sector. There were requests for landlords to have access to a single named point of contact within the local

authority for advice and support. The need for a smooth and clear referral process to the local authority and for the landlord to be able to signpost and refer their tenants to other support services was also raised by some. Several respondents called for mechanisms to record, monitor and enforce compliance with the duties.

Q54. Do you agree with the proposal that a local authority should have a power to request a delay to eviction to allow time to secure a positive outcome for the tenant?

There were high levels of support for the proposal that a local authority should have a power to request a delay to eviction; 87% agreed. Several, including Ayr Housing Aid Centre and 11 local authorities, argued that a delay would allow time to deliver support that could help the tenant avoid homelessness. Some, however, noted the importance of establishing clear guidelines for how this would work in practice, including criteria for making a request and ensuring the delay has appropriate time limits.

Some respondents, including Propertymark, disagreed with the proposal. Some, including some who agreed with the proposal, warned this power could make the PRS less attractive to existing or potential landlords, thereby reducing the housing stock available. Others argued that a delay could be unfair if there is a valid reason for the eviction.

Q55. The Prevention Review Group propose that the homelessness advice and assistance is designed to meet the needs of people living in and seeking to access the private rented sector. Do you agree with this proposal?

A large majority of respondents (93%) supported the proposal that the homelessness advice and assistance should be designed to meet the needs of people living in and seeking to access the PRS. Several respondents, including 10 local authorities and Cyrenians, described the potential for this to improve access to the PRS, alleviating pressure on temporary accommodation and social housing. Some called for financial support such as income maximisation advice to help tenants maintain their tenancy. A small number of respondents disagreed with this proposal. Reasons included difficulties in remote locations where PRS accommodation is limited and expensive, and the need for more resources to provide the service. Another theme was the importance of ensuring advice is available across all tenures and sectors, not just the PRS.

Q56. How would a specific legislative duty on local authorities to provide homelessness advice and assistance relating to living in and/or accessing the private rented sector work in practice?

Several respondents, including Shelter Scotland, Crisis and 11 local authorities, observed that this type of advice should already be delivered by local authorities as part of housing options advice. Some felt there is no need for a legislative duty because of this.

Another recurring theme related to improving access to and quality of PRS accommodation through initiatives such as rent deposit schemes and landlord registration and licensing. Some respondents highlighted that the advice should take account of local variations in the availability and affordability of PRS accommodation. Other themes included the need to clearly define and communicate the nature and scope of the advice.

4. Reforming homeless legislation to prevent homelessness

The PRG proposed five principles for prevention to be achieved by amending the statutory framework for homelessness. The principles cover: an extended and strengthened duty to prevent homelessness; personalised housing plans that maximise applicants' choice and control; meeting the needs of specific groups; ensuring people requiring assistance receive stable and suitable housing; and clarity and accountability of the system. Respondents' views on each of these principles are described in turn in this chapter.

Principles of the Prevention Review Group

Q57. Do you agree with these principles?

Among those who answered Q57, 92% agreed with the principles; 43% strongly agreed. The most common reasons for support were the benefits of early intervention, support for offering a wider choice of housing options, the importance of a joined-up approach, and an appreciation for the focus on specific groups. The principles were described as easy to understand and complementary to each other.

“The principles set out within the consultation document appear to be a useful legislative framework for the provision of homelessness prevention services. The emphasis on early intervention is particularly welcome.” – Glasgow HSCP

Some respondents noted concerns around the principle of maximising choice and control, specifically that limited housing stock could make it hard to manage expectations around choice. North Ayrshire and West Lothian Councils suggested amended wording to reflect this¹⁶. Others felt maximising choice could negatively impact rapid rehousing services, with homeless applicants waiting longer in temporary accommodation for housing that meets their preferences. Some stakeholders noted concerns about the principle of stable and suitable housing; this is examined under the analysis of Q77-Q81. A few respondents agreed with the principles but disagreed with the use of personalised housing plans.

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

Several respondents suggested overarching approaches to consider as principles. The most common was for a principle of collaboration and multi-agency working to strengthen shared responsibility. Other suggestions, each mentioned by very few, included: a trauma-informed approach; a human-rights based approach; a principle of non-discrimination; non-regression from existing rights; Turning Point Scotland suggested a principle that recognises connection to community; and Chartered Institute for Housing (CIH) Scotland suggested a principle to develop the skills, knowledge and behaviours of practitioners who support those at risk.

¹⁶ “Maximise applicant’s choice and control within the realistic options and resources available” or “aim to maximise applicants’ choice and control” were suggested.

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

Many respondents anticipated positive outcomes. The most common was fewer people experiencing homelessness, followed less use of temporary accommodation. Another positive was the opportunity to engage in more prevention work resulting in increased tenancy sustainment and a reduction in repeat homelessness. Other positive outcomes anticipated by small numbers included: reduced stigma about homelessness; improved education and health outcomes; reduced re-offending; cultural and organisational change in public bodies about how they prevent homelessness; improved public awareness; and individuals having the ability to hold public bodies to account.

Conversely, some respondents anticipated negative impacts. These included: an increased number of referrals and greater use of temporary accommodation; increased pressure on independent support services and homelessness services, making it more difficult for the latter to discharge duties; and Shelter Scotland cited a reduction of homelessness rights and a violation of the principle of non-regression (see Q77-Q81).

An extended prevention duty

Q60. Do you agree with the recommendation that there should be changes to existing homelessness legislation to ensure that a local authority must assist somebody threatened with homelessness within the next six months to prevent homelessness?

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

The PRG proposed that a local authority assist anyone threatened with homelessness within the next six months, rather than the existing two-month timeframe. Almost nine in ten (87%) of those answering Q60 agreed with the proposal for an extended prevention duty; 38% strongly agreed. The most common theme in support was that the additional time is beneficial in allowing meaningful prevention activity to occur and for housing options to be explored. A few noted six months would mirror the tenancy notice period.

“Extending the definition to six months would include a lot more work in the short-term, but if this is done right, we do believe it can make prevention work easier in the long run. However, these duties could result in a large ‘implementation gap’ between policy and what is realistic to achieve on the ground.” - Cyrenians

Many, however, caveated their agreement or were unsure because of concerns about how an extended duty would work in practice. While a few stated their current prevention processes would simply begin earlier, concerns about training, capacity and resourcing due to increased caseloads was a recurring theme. The next most common theme was defining what constitutes a threat of homelessness. Some stated that a six month timeframe is too broad for the proposal to be practicable, arguing that it could be hard to predict who may find themselves homeless in six months. For example, leaving an institution or receiving a Notice to Quit are clear risks, but other circumstances leading to homelessness such as relationship breakdown are harder to predict. Several stated that a referral through a clear referral pathway should trigger an assessment. Several

respondents called for the legislation to clearly define what constitutes a risk and be supported by guidance about how to identify early warning signs of homelessness.

Other considerations included the need for: consent for prevention activity to begin; a process to prioritise those at the greatest risk; assurance the duty does not act as a barrier to those who are statutorily homeless or who approach services for support prior to being six months away from homelessness; and greater public awareness of the duty, housing rights and where to go for support. Cyrenians highlighted a challenge for local authorities who rely on third sector services whose long-term funding may end during the six months.

“Given the relatively long lead in time of becoming homeless within six months, council staff will need much clearer direction and guidance as to circumstance that fall within the policy intention of the Bill. Examples cannot be exhaustive however some can be instructive as well as providing clarity on scenarios that previously would not have met the scope of preventing homelessness but now do.” – CIH Scotland

A few argued that a longer timeframe could lead individuals or landlords to stop their own prevention work, if they felt a local authority would provide a safety net. Aberdeen City Council highlighted that the duty could lead to services and landlords intervening at the same time and arguing the landlord should take the lead.

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

Responses to Q62 covered three themes: the overall approach to an assessment, how it could be conducted and what measure should be used. On the overall approach, small numbers called for a holistic, person-centred assessment of circumstances. Some suggested a skilled individual should conduct the assessment, usually a Housing Officer who is able to reliably identify risks of homelessness. Others suggested the assessment could be part of existing PREVENT1 or Housing Options assessments. Measures included in the assessment could cover: financial status including working status, welfare receipts, debt and rent arrears; health; relationship status; and property condition. Some called for consistent criteria across all local authorities, bodies and housing providers.

Duty to take reasonable steps to prevent homelessness

The PRG proposed that the minimum statutory framework of a duty to take reasonable steps to prevent homelessness should include: housing options information, advice and advocacy; advocacy support; welfare and debt advice; referral to other relevant agencies; support for landlords and tenants in the private rented sector; Family mediation services; support for people experiencing domestic abuse; and supply of furniture or similar goods.

Q63. Building on the experience of housing options approaches in Scotland, do you agree with the proposal to regulate for making specific measures available or reasonable steps to prevent homelessness in legislation?

Most (90%) of those who answered Q63 agreed with the proposal to regulate for reasonable steps to prevent homelessness in legislation; 31% strongly agreed. The most common reason for support was that this creates a consistent approach and strengthens the implementation of Housing Options. Five local authorities disagreed as they felt this

work is already being done and that legislation is not required. Across these questions there were frequent calls for funding and training for local authorities to successfully offer the reasonable steps; a few local authorities stated that if they cannot comply with legislation, they could be subject to regulatory intervention and legal challenge. A recurring theme in local authority responses was for duties to apply to other public bodies, include steps those bodies could take, and the need to monitor the support they provide.

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

Two thirds (67%) stated at Q64 that other reasonable steps should be included. Some called for the right to independent advocacy and legal representation. Other suggestions made by small numbers included: physical and mental health assessments; support with employability, welfare or problematic substance use; and support for owner occupiers.

Q65. Do you think the specific measures made available, or reasonable steps duties outlined, are clearly and unambiguously set out so that it is possible to measure their achievement? Do they need to be more specific?

While 59% answered 'Yes' at Q65, the question wording means it is unclear if they agreed the measures are clear and unambiguous, or if they need to be more specific. Conversely, a few, including Crisis and Fife Partnership, argued that while a list of steps should exist and that local authorities should be able to offer them, this should not stop other steps being used, or prevent a person-centred approach where users are forced to take steps which not appropriate for their circumstances.

“Specificity is helpful in measuring delivery and impact, but our experience shows repeatedly that we have to leave room for flexibility and adaptability. What one person needs and what delivers for them will not be the same as what another person needs.” – Turning Point Scotland

Specifically, there were calls for a definitive list of minimum furniture requirements, and questions around how some of the steps align with the Scottish Welfare Fund. Blue Triangle Housing Association stated that making these measures 'available' is a low aspiration; they argued that legislation should include an indication of quality to avoid the use of the cheapest available service, and that monitoring should link service provision to individual outcomes to avoid the measures being a tick-box exercise. A small number called on the steps to be reviewed on a regular basis to ensure they remain fit for purpose.

The importance of monitoring performance against, and compliance with, the legislation was frequently raised across Q65 and Q66, though some felt it was not currently clear how this would work in practice. There were also calls for monitoring to be overseen by an appropriate body; a few suggested a role for the Scottish Housing Regulator.

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

A variety of other suggestions to encourage compliance were given at Q66. In addition to calls for resources and training the most common was a call for clear, accessible and detailed guidance about the new duties. This could cover: how procedures should be

implemented; how compliance should be monitored; and how to forecast and budget for a new model of working. Some noted the need to update the Code of Guidance to reflect any changes to statutory duties. A few called for the sharing of best practice and Crisis suggested a role for COSLA in supporting local authorities.

Personal Housing Plans

These questions explored how an individual's housing support needs could be assessed, and the potential role for Personal Housing Plans (PHP) in maximising choice and control.

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

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

The most common theme in response to Q67 was ensuring individuals are asked about their needs, preferences and aspirations, and that these are listened to and explored. Suggestions for achieving this included: adopting a trauma-informed approach recognising the stress of homelessness; providing independent advocacy and support; ensuring ongoing review in case circumstances change; and the need to record the options discussed, an applicant's views on them, and what is agreed. A few mentioned ensuring timely, appropriate and accessible communication, including translators if needed, and incorporating quality assurance e.g. independent peer review. Some highlighted the importance of managing expectations, specifically the need for clear communication about the types of property available.

Just over half (56%) supported using personal housing plans as part of a statutory assessment. The most common reason was that this enables a person-centred approach. Others mentioned: enabling earlier prevention; the benefit of a PHP to people with complex needs; providing clarity for local authorities; and support for adopting a consistent approach which could aid planning, transparency and accountability. Two local authorities called for flexibility to avoid plans becoming a bureaucratic tick-box.

A variety of reasons were given by the 44% who felt PHPs should be an option. Allowing choice was the most common; respondents argued that individuals should have a right to a PHP but should not be forced to have one. A few argued PHPs may not be suitable in all cases, e.g. people making themselves voluntarily homeless. Some argued local authorities should be able to choose the most appropriate support planning tool, with PHPs available as a useful option. A few argued they have existing tools in place and there is limited evidence of a need for, or benefit to, a standardised approach which disregards local context and may not be the best use of limited local authority resources.

Q69. Do you agree with the proposal that a local authority should assess housing support needs, and make provision to meet them, as part of a new prevention of homelessness duty?

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

Nine in ten (90%) of those who answered Q69 agreed with the proposal; 44% strongly agreed. Several respondents expressed their support in broad terms, noting that an assessment by a local authority could help to meet people's needs and prevent homelessness. Some local authorities noted they already undertake this work.

The need to adequately resource the proposal was a commonly mentioned concern. Several argued that a local authority should not be solely responsible for assessing housing support needs. Some felt a holistic assessment should be conducted in partnership with health and social care partners. Others noted landlords should be included, reflecting their prevention responsibilities. A few called for third sector representation. Turning Point Scotland suggested that this could be rebranded as 'support to prevent homelessness' or 'independent living support', to represent the expanded idea of what might constitute housing support. A few noted the challenges of assessing the needs of people who are unwilling to engage; an anonymous local authority suggested changing the wording to 'offer to assess' to allow individuals choice and control.

By far the most common response to Q70 was that needs should be assessed as early as possible for example, at initial contact, when a referral is first made, or when an issue first becomes evident. The need for ongoing assessment to address any changes in circumstances was also mentioned by several respondents.

At the earliest point of contact with an ongoing review due to changing circumstances and provision to meet identified support needs. Only when an applicant feels ready to discuss and broach long standing concerns. Having a relationship with their worker enables that assessment to be fuller and achieve better outcomes." - South Ayrshire Council

Only a small number of respondents commented on how housing support needs could be assessed. Key points were that an individual needs to be willing and able to engage and that the person undertaking the assessment has a good relationship with the individual.

Q71. An applicant during the time they are receiving prevention assistance under a new prevention duty from the homelessness system experiences loss of accommodation, or other change of circumstances which make the reasonable steps agreed to be carried out no longer valid. What should the process look like to ensure someone always has access to the right assistance for the circumstances they are in?

Q72. What assistance should be provided to those defined as statutorily homeless but where it may be possible to prevent them from becoming homeless from their current accommodation (while ensuring it meets the definitions of suitable and stable)?

The most common theme in response to Q71 was that a change in circumstances should trigger a reassessment of an applicant's case and an update of any support plan. For this to work well, some noted the need for a flexible process, improved communication between agencies, support to be offered in a timely fashion, an ongoing review process, and ideally an individual having one key contact to liaise with. Cyrenians and an individual argued that applicants should not be penalised in any way if their circumstances changed.

Some expressed a view that existing processes cover this eventuality, and if prevention is no longer possible a homeless application should be made and recorded under HL1. Others supported the PRG's proposal for a single application process. A very small number argued that an applicant should have the right to choose the process they are

assessed under. Blue Triangle Housing Association suggested “a *“Homes Gateway” which can provide an independent, possibly regulated, triage service for people in insecure housing situations. This can be independent of the local authority housing teams*”.

“The key is that there should be a single housing options team in a local authority where applicants can move between Prevention and Statutory Homeless as their circumstances dictate. Local authorities should have a single case management system in place so that prevention work and statutory homeless applications can be recorded in one place.” - Argyll & Bute Council

Respondents gave a wide range of options for assistance at Q72. Some suggested advocacy and legal advice; money and debt advice including access to Discretionary Housing Payments and local authority prevention funds; and wider housing support and prevention work to enable someone to remain in their property should they wish to. Mediation was also mentioned by some, particularly in relation to those asked to leave their home. Comments about the private rented sector included access to the Tenant Grant Fund, the payment of minor arrears and help negotiating with landlords. Comments around domestic abuse included support for victim/survivors to stay and be safe in their home, with tenancy transfer, and understanding their legal rights.

A few either stated prevention activity should no longer take place, or questioned whether it is appropriate, once a person has been defined as statutorily homeless, and argued the full housing duty and right to permanent accommodation should apply at this point.

Meeting the needs of specific groups

The PRG proposes services should meet the needs of anyone leaving prison, youth detention, the armed forces or hospital in the next six months with no accommodation in place, as well as people experiencing domestic abuse, young people, people with mental health conditions, and those facing homelessness from the private rental sector or as a result of legal proceedings.

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

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

Almost all (96%) agreed with the proposal. There was recognition that these groups are more at risk of homelessness and that the proposal could lead to earlier action and better outcomes. A few felt these groups should have equal access to a full range of housing options but may require ongoing support to help them sustain a tenancy.

“We agree with the proposals for meeting the needs of specific groups. Although homelessness can happen to anyone, it is strongly socially patterned with some groups much more likely to experience homelessness than others. The specific groups set out in the proposals are at increased risk and it is right to have a strong prevention focus targeted on these groups.” – Public Health Scotland

While some agreed with the proposed groups, several suggested others including: people on remand; people with physical or learning disabilities; people with problematic substance use; people with multiple disadvantages and undiagnosed trauma; live-in carers; the

gypsy/traveller community; veterans; and homeowners at risk of repossession. Crisis and Scottish Refugee Council highlighted the challenges faced by asylum seekers and refugees facing homelessness, with Crisis calling for agencies to co-ordinate their support as set out by the Fair Way Scotland Gateway, and in line with the Scottish Government and COSLA's Anti Destitution Strategy. A few, including Clan Childlaw called for young people leaving care to be included. Crisis suggested local areas should add other groups according to local need. Another organisation noted homelessness services must be able to address intersecting identities. In relation to this specific proposal, Shelter Scotland felt the local authority should have ultimate responsibility to take applications, carry out assessments and secure accommodation. Conversely, four local authorities called for legislation to be clear about other agencies' responsibilities.

"It should be clear that the duty lies not just with the local authority but with all services, landlords and stakeholders to agree protocols so that the message of it being a shared responsibility to prevent homelessness is embedded across all services." – Angus Council

A few respondents stated that these groups will have differing housing and support needs and noted the need to avoid a one-size-fits-all approach. They also called for legislation to acknowledge that the available housing stock may not meet an individual's needs or preferences. Other points for consideration, each mentioned by very small numbers, included: beginning to address risk of homelessness as soon as possible after someone enters an institution; a desire to offer health assessments to those being referred as at risk; Highland Council Housing Services called for Short-Assured Tenancies to be converted into Private Residential Tenancies to eliminate no-fault evictions; and Glasgow HSCP argued that Discretionary Housing Payment criteria should be reviewed to identify opportunities to extend its use to prevent homelessness due to rent arrears. Langstane Housing Association and Ayr Housing Aid Centre both highlighted the importance of accessing furniture, white goods and carpets in sustaining a tenancy. Falkirk Council noted the challenge of assisting someone with legal proceedings if it is the local authority who has instigated the proceedings due to antisocial behaviour.

Questions Q75 and Q76 covered the proposals for preventing homelessness for people experiencing domestic abuse. An analysis of these questions is provided in Chapter 5.

Stability and suitability of accommodation

The PRG wanted to give people at risk of homelessness the same accommodation options as are available to any member of the public and to those who are statutorily homeless. They proposed that the criteria for identifying appropriate housing options shifts to focus on the stability and suitability of the accommodation, with suitable safeguards. In this context, stable accommodation must be expected to be available for a minimum of 12 months, and should be defined to include to: A Scottish secure tenancy (SST) or short Scottish secure tenancy (SSST); Owner occupation (e.g. LIFT scheme – Low Cost Initiative for First Time Buyers); Private Residential Tenancy (PRT) where there is an expectation that the accommodation will be available for at least 12 months; or other forms of accommodation, e.g. with a parent or a friend, where the owner/landlord has provided in writing their intention that the accommodation will be available for at least 12 months, and the local authority is satisfied with this reassurance. PRG defined suitable housing as those that meet the needs of the household, including criteria such as affordability,

interests of any children, location (including proximity to perpetrator/victim where abuse is a factor), access to services, needs relating to health, and cultural preferences.

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

Clear differences in opinion were evident in responses to the proposed criteria for the stability of housing outcomes set out in the consultation paper; some viewed it as increasing housing options, while others saw it as reducing existing housing rights.

Three quarters (75%) of those who answered Q77 agreed with the proposal; 23% strongly agreed. Supporters welcomed changes which afford those at risk of homelessness or those experiencing homelessness more choice and autonomy over their accommodation options. A few emphasised the importance of applicants being educated on their rights and presented with the full range of options available before making a decision.

However, several respondents, including third sector advocacy groups such as Cyrenians, Shelter Scotland, Everyone Home Collective and Scottish Women's Aid, raised concerns. While recognising the positive intentions behind the proposal, they expressed concern that any changes to existing legislation could inadvertently dilute or undermine the existing statutory right to permanent housing by replacing it with a duty to secure 'stable' accommodation, which would only be guaranteed for a minimum of 12 months. Several of these organisations requested the Scottish Government examine this aspect of the proposals in depth before drafting legislation.

"[We] welcome this proposed broadening of the ways in which councils can discharge homelessness responsibilities... Local authorities need to have an appropriate degree of flexibility to come to particular judgements on what may be suitable for specific households. There are areas, not least Glasgow, where any further increase in the number of homeless households will take housing associations to breaking point, and in these situations the proportionate use of alternatives needs to be available." - Glasgow and West of Scotland Forum of Housing Associations

"Currently, those who are defined as unintentionally statutorily homeless are entitled to one offer of permanent accommodation... This right includes a strong emphasis on security of tenure: housing is not adequate if its occupants do not have a degree of tenure security which guarantees legal protection against forced evictions, harassment and other threats. The proposed changes are in direct conflict with realising the UN right to adequate housing." - Shelter Scotland

Some questioned how local authorities can gain assurance that accommodation will be available for a 12 month period. They noted that circumstances can change at short notice leading to accommodation becoming untenable, e.g. through family breakdown, minor rule breaking resulting in eviction from supported housing, or a landlord needing to sell their property. Some felt it was unrealistic to expect the changes to result in more choice due to a shortage of housing stock. A few disagreed with a discharge of duty without permanent accommodation being secured, fearing this could lead to repeat homelessness.

Q78. Do you agree that 12 months is an appropriate minimum expected period for accommodation to be available (regardless of the type of tenure) for people who are threatened with homelessness or have become homeless?

Four fifths (79%) of those who answered Q78 agreed that 12 months is an appropriate timeframe; 21% strongly agreed. Supporters described 12 months as reasonable and sufficient, noting that a minimum of 12 months offers stability and security.

However, others disagreed and argued that 12 months is not enough time to establish stability or fully settle into and establish roots in a community. Some raised concerns about what happens when the 12 months comes to an end, insisting that support should be provided at this stage to reduce the risk of repeat homelessness. Comhairle nan Eilean Siar suggested the minimum period should be two years; A Way Home Scotland suggested 3-5 years.

Q79. Please say how you see this working in each of the following scenarios:

A private tenancy

Some respondents reiterated concerns about landlord assurances that a property would be available for a minimum of 12 months. A few highlighted that the private rental sector is not best suited to all individuals facing or experiencing homelessness, especially those who may have complex needs which would be unmet in privately rented accommodation. A few felt there was a risk that landlords could view the agreement as a 12 month fixed term contract, and a small number were concerned that the commitment required from landlords could dissuade them from letting to tenants coming from a housing assistance process. However, some respondents were satisfied with the proposal in the context of a private tenancy, as long as a fair and robust tenancy agreement was in place.

Accommodation with an occupancy agreement¹⁷

A common theme was concerns that occupancy agreements offer no security of tenure beyond the right to a minimum period of notice, and more questions were asked regarding how local authorities would conclude that they are satisfied with assurances of a 12 month minimum tenure. A few felt that occupancy agreements are not suitable for long-term placements and did not view them as a form of 'stable' accommodation. However, some felt that this could work if a lease is agreed in writing and individuals have access to support throughout their tenure.

People returning to the family home or to live with another relative

Some respondents expressed concerns about the lack of legal protections for those who return to the family home or to live with another relative. This option was seen as particularly unstable by some, who commented that while mediation can take place and written assurances may be given, family relationships can still deteriorate, impacting on the viability of accommodation. Some worried this may result in individuals returning to volatile and untenable living situations which are not safe and are detrimental to wellbeing.

However, some respondents felt that this scenario could work in practice if applicants are given access to ongoing mediation services. Crisis welcomed the requirement for local authorities to secure an expectation that this type of accommodation will be available for a

¹⁷ An occupancy agreement is typically used when a person rents a room in a group home run by a housing association or in supported accommodation, where the main purpose of the stay is to receive support

minimum of 12 months, noting that this creates an appropriate test for the stability of such an arrangement which does not exist in current procedures.

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

The PRG proposed that suitability of accommodation will cover affordability, needs relating to health and disability, the best interests of any children in the household, location and access to relevant services, employment, education and social networks. Respondents were largely supportive of considering these factors when deciding on the suitability of housing outcomes with 83% of those who responded to Q80 answering 'Yes'. Supporters felt the proposals cover a household's basic needs, and if accommodation can be found which meets these criteria, it is more likely the tenancy will be sustained. A few, including Shelter Scotland, were particularly supportive of the inclusion of affordability grounds, however there were calls for a clear definition of affordability to be set out. There were a few suggestions for additional grounds to consider when deciding on the suitability of accommodation, including: health and safety requirements; not being overcrowded and having sufficient space/bedrooms; and access to places of worship.

Q81. Do you think the criteria proposed for both stability and suitability of housing outcomes would allow people a wider range of housing options to either prevent homelessness or rehouse someone who has become homeless, and that could lead to better outcomes for the applicant?

Two thirds (67%) of those answering Q81 answered 'Yes'. Those who agreed felt that the proposed criteria for stability and suitability of housing outcomes will afford applicants a wider choice, allowing individuals' circumstances and requirements to be considered and accommodated, which should help with tenancy sustainability.

Some agreed in principle but questioned how realistic the proposals are; they argued that securing accommodation which meets stability and suitability criteria across all of the grounds may be extremely difficult for local authorities, due to both high demand and short supply of housing stock, particularly in rural areas. However, some others criticised the proposals, viewing them as a temporary fix which erode the right to permanent housing.

Safeguards for non-standard accommodation options

The PRG proposal provides guidelines and safeguards for people discharged into any 'non-standard' accommodation, i.e. not social or private tenancy and not owner-occupied accommodation, including appropriate facilities for settled living such as 24-hour access.

Q82. When taken with the general criteria for suitability and stability, do these additional safeguards provide the right safeguards to ensure these accommodation types (non-standard) are always suitable and stable? Are there any additional safeguards that could be put in place?

The majority of those who answered Q82 (70%) felt the proposed safeguards are appropriate and sufficient, with supporters noting the safeguards ensure certain standards are met and offer enhanced protections for households placed within non-standard accommodation. However, questions were raised about who would be responsible for

assessing and enforcing the safeguards, and how this would be resourced. A few felt that safeguards about accessibility and vulnerability should be added, and City of Edinburgh Council requested clarity about the safeguard of 'adequate toilet and washing facilities'.

Views on gaining applicant's written consent to be discharged into non-standard accommodation were mixed. Some agreed with applicants' right to veto and felt that if enforced, it should not affect their homelessness status or result in them being found intentionally homeless. Others felt applicants should not be able to veto accommodation if it is deemed suitable, stable and affordable and there are no other alternatives available.

Recommendations for enforcing people's rights

The PRG provided recommendations on people's rights including the right to review, the right to appeal, regulation, and the right to strategic housing needs assessments.

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

Three fifths (62%) of those answering said no additional measures were needed to ensure a right to review. Open comments were split between those noting general support for a right to review, support for the proposed list of measures, and those stating that no additional measures are needed. Four organisations felt that sufficiently robust review mechanisms are already in place, which could be supplemented by these proposals.

"The recommendations for enforcing people's rights are a critical part of the package of proposals. The right to review is a vital first step in challenging where decisions have been made wrongly or inappropriately, where the law has not been followed, and where people have not received the assistance they require." - Crisis

While 38% felt other measures were needed, only a small number of respondents gave suggestions: Shelter Scotland called for a right to review decision on whether an applicant is eligible for homeless assistance; South Lanarkshire Council thought whether an individual is tenancy ready should be considered as a right to review; and an anonymous third sector organisation called for local authorities to be obliged to give clear information about their decisions and ensure people get appropriate advice and support when requesting a review. Other comments included a few calls for the measures to be monitored to ensure they remain relevant, and Falkirk Council called for a similar right to review for homeless applications as well as under the prevention duties. Another noted that because the review process is embedded in local authorities it would need to be amended to take account of other services, and learnings from reviews would need to be shared with other services. Blue Triangle Housing Association suggested an independent oversight of how the right to review is being implemented.

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

Respondents outlined a range of considerations for an appeals process. Most common were views on how an efficient system should operate. These included: clarity over the permitted grounds for an appeal, the range of possible outcomes and who oversees the appeals process; an accessible process and clear, regular communication, where

proceedings are easy to understand for individuals who are already facing challenging circumstances; transparent reporting of appeals and outcomes; and quick decision making. A few local authorities argued an appeal should only be after a review which they responded to and should only relate to whether the legislation has been adhered to. Crisis noted that while the expected process would be a review followed by an appeal, a local authority's refusal to provide a review should not be a barrier to an appeal. North Lanarkshire Council questioned whether applicants can apply directly to the Housing and Property Chamber. A few noted the proposals are preferable to a judicial review.

Some expressed concern about the workload and resource implications for local authorities and the First Tier Tribunal of increased reviews and appeals, which also has implications for the speed of decisions. A few questioned if the proposals could introduce a disproportionate level of bureaucracy. Some highlighted the need to ensure appellants can access appropriate independent support and advocacy. A very small number supported the right to appeal on points of law or where a decision is based on incorrect or incomplete information but questioned whether the First Tier Tribunal should judge on whether a housing decision is reasonable when the statutory duties sit with a local authority.

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

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

In response to Q85, some respondents noted their general support for the proposal, or noted they had nothing to add. Some supported the proposal as it could allow for better oversight and accountability of local authorities, improve service delivery and prevention work, and ensure the legislation is implemented correctly. There was also support for an approach which incorporates the views of those with lived experience, which could help shape ongoing delivery and a human rights-based approach.

Another common theme was questions around how the data would be gathered and monitored. Specifically, a few queried how the Scottish Housing Regulator would collect data from, or about experiences with, any other public bodies involved in delivering prevention duties. There were calls to ensure the data is meaningful, useful and reflects the housing market and stock availability in each local authority, and for thought to be given to how data collection could align with existing systems. Another theme, mentioned by Crisis, CIH Scotland, Scottish Women's Aid and others, was for the SHR to include more information about the performance of social landlords in homelessness prevention.

Other calls included for: additional resources for the SHR; the existing regulatory framework to be used to reflect the revised legislative framework; the SHR to consider reporting on the private rental sector and repossessions by lenders; and clarification about whether dual tracking should apply to all applicants. An anonymous local authority felt additional regulation could stifle local authorities' ability to deliver innovative approaches.

Only a small number of open comments were given at Q86. The most common theme was the need for adequate monitoring and reporting of performance against the duties by regulatory bodies, potentially by amending monitoring frameworks. An anonymous local authority strongly advocated for new legislation to be regulated to the same degree as other duties; they feared that if there is not consistent regulation then implementation of

the duties would fall exclusively to statutory homeless bodies. They also called for a clear and transparent approach to addressing areas of weakness where these are identified.

Another theme was that the cross-cutting nature of the proposals means their regulation needs to be considered and agreed between regulators. Suggestions for which bodies would need to work together included: the Scottish Housing Regulator; Care Inspectorate, the Scottish Social Services Council; Her Majesty's Inspectorate of Prisons; Scottish Police Authority; Healthcare Improvement Scotland; the General Medical Council; and Royal College of Nursing. Blue Triangle Housing Association questioned if a failure to 'ask and act' becomes a reportable incident to bodies such as OSCR (Office of the Scottish Charity Regulator).

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

Nine in ten (89%) supported a general assessment of housing support needs as part of the LHS; 26% strongly agreed. The most common theme was support for this approach, with many noting they already do this. Two local authorities felt this should be part of the Housing Need and Demand Assessment which precedes the LHS; one noted HL1 and PREVENT1 data will need to be reliable and robust to enable a credible assessment, and another suggested this should be part of the Housing Contribution Statements.

Another common theme was that an assessment helps local authorities to plan and target resources and housing stock appropriately, identify specific local issues, and may contribute to policy development more widely. Some respondents agreed with the proposal but suggested that it should be a joint review between local authorities and health and social care due to the latter's greater understanding of support needs and their role in commissioning the support services. A few requested clarity on what a general assessment would involve, what health needs would be assessed, and how this could be recorded consistently across Scotland.

"On balance we believe that it may be beneficial to encompass an assessment of housing support needs at a population level. However, this should be undertaken in conjunction with Health and Social Care Partnerships who will already understand the health and social care needs of their population that will provide strong indications as to the level of need within an authorities' area." - Glasgow HSCP

5. The proposals and domestic abuse

Three parts of the consultation addressed homelessness prevention for people experiencing domestic abuse. The PRG's proposals in relation to new duties were the focus of Q36 and Q37, while Q75 and Q76 covered proposed changes to existing legislation. Q47 asked for views on legislating to establish protocols by social landlords in relation to domestic abuse. The analysis of open comments to these five questions has been consolidated into this chapter given the overlap in responses across the questions.

Support for the proposals

Very high support was recorded by those answering the closed questions: 98% agreed that the PRG's proposed measures on domestic abuse are complementary to each other and consideration should be given to implementing them in full; 100% agreed with the PRG's proposals in relation to extending legislation; and 96% supported legislating for the establishment of protocols by social landlords in relation to domestic abuse.

Reasons for support were consistent across the three questions. There was recognition that domestic abuse is a common cause of homelessness for women, and agreement that the measures will support victim/survivors to access safe and appropriate housing, while avoiding homelessness and temporary accommodation. This view was expressed by several respondents including Cyrenians and Glasgow HSCP. Supporters noted the potential to create positive outcomes for victims/survivors of domestic abuse by minimising trauma and enabling them to stay in their own homes if desired.

Aligning the proposals with existing legislation and policy

Another theme was calls for new or amended legislation to align with or be based on other legislation, policy or good practice guidance. Examples cited included: the Scottish Government's Equally Safe strategy; "Domestic abuse: a good practice guide for social landlords"; and "A New Deal for Tenants - Draft Rented Sector Strategy". A few, including CIH Scotland and Scottish Women's Aid, called for the power under the Domestic Abuse (Protection) (Scotland) Bill that allows a social housing landlord to end the interest of an abusive partner in a joint tenancy to be extended to the private sector.

Despite widespread support, two respondents, including Scottish Women's Aid, stated that the PRG's proposed measures should not be implemented in full. Instead, they suggested a focus on the recommendations of the Scottish Government's "Improving Housing Outcomes for Women and Children Experiencing Domestic Abuse". Others also called for these recommendations to be implemented alongside the PRG's recommendations.

Implementing the proposals

Several respondents, such as the Scottish Federation of Housing Associations and CIH Scotland, noted the importance of providing victim/survivors with choice and control. These respondents felt that victim/survivors should be supported to remain in their own home or to be re-housed, depending on their preferences. The need to avoid housing victim/survivors close to the perpetrator was highlighted by some, while a few focused on the importance of victim/survivors being housed close to their support network. And a few mentioned physical safety measures that could be installed in victim/survivors' homes.

A few noted the need for a trauma-informed approach and that victim/survivors of domestic abuse may need additional support to make effective use of the proposed measures. A small number called for recognition that domestic abuse is all encompassing and not just physical violence. The need for free legal advice for victim/survivors to pursue exclusion orders against the perpetrator was another theme. However, North Ayrshire Council^{HL1} questioned how they could support victim/survivors to access exclusion orders as proposed by the PRG, suggesting their role should be to signpost to a relevant service which could offer appropriate legal advice. Another called for exclusion orders to be longer than three months. West Dunbartonshire Council asked if there is a need for HL1 for funding purposes if temporary accommodation is needed.

Perpetrators of domestic abuse

A few raised issues around perpetrators¹⁸ of domestic abuse. Considering location when rehousing a perpetrator is important to ensuring ongoing safety of victim/survivors in their homes. Police Scotland questioned how housing providers should respond to a perpetrator who has been removed from a home under new domestic abuse legislation, and a HSCP requested guidance on how to treat a perpetrator who is going through the legal process. Two argued that a perpetrator removed from a home should be considered as intentionally homeless i.e. the local authority no longer has a duty to offer them a permanent home. In response to Q47, Public Health Scotland noted the need to prevent homelessness for all parties as the safety of victim/survivors can be at further risk if the perpetrator becomes homeless.

Views on protocols by social landlords in relation to domestic abuse

In addition to the reasons for broad support outlined above, respondents felt the proposals could improve social landlord engagement, strengthen existing good practice, improve consistency and increase accountability. Some emphasised the need for multi-agency working, and for social landlords to seek and be provided with support and information from specialist domestic abuse organisations. A less commonly mentioned concern was putting too much responsibility onto landlords to deal with complex situations where they may lack expertise, and that risk and safety training for social landlords would be beneficial. A small number emphasised the importance of gaining tenant consent to engage with the protocols given potential risks to safety in domestic abuse situations. Argyll & Bute Council stated that landlords should not be able to defer any duties around domestic abuse to local authorities.

“As an RSL we are all too aware that Social Landlords need and value information, advice, guidance and protocols to follow in relation to domestic abuse. We do not want to be inadvertently reducing the safety of people experiencing abuse through a lack of expertise”
- Blue Triangle Housing Association

¹⁸ A very small number objected to the use of the term ‘other party in the abuse’ in the consultation as they felt it diminished the role of the perpetrator.

6. Views of people with lived experience

The final section of the consultation focused on the views of those with lived or living experience of housing crisis, homelessness or risk of homelessness. These questions¹⁹ received fewer responses than the rest of the consultation. A total of 78 relevant comments were provided by five individuals and 11 organisations, including Scottish Women's Aid and Aff The Streets who consulted with, and responded on behalf of, people with lived experience of homelessness. Analysis of responses to Q97-Q108 is presented in two sections; first, the stories of two individuals who shared their experiences of homelessness are set out; this is followed by thematic analysis of the wider responses to questions in this section. A full list of the lived experience questions is in Appendix C.

Lived experiences of homelessness

Respondent A experienced homelessness twice in her life. The first time, her life in a privately rented property became untenable due to her landlord's invasive behaviour, and harassment from neighbours which her partner was unable to cope with due to mental health issues. After leaving the property, the couple were found to be intentionally homeless and struggled to find alternative accommodation. Respondent A experienced homelessness a second time when her landlord sold the property she was renting; she was then housed in a housing association property. In both instances, Respondent A said she did not receive support from any public bodies and did not know where to go for help.

Respondent B experienced homelessness as a result of domestic abuse. She struggled to access support, describing a culture where many assumed that she was able to cope and not a priority for help because she was employed, well-educated and presented as functioning. In reality, she was struggling with mental health issues and suicidal thoughts. Scottish Women's Aid supported her and helped her to access housing support. She and her children were eventually offered a tenancy away from her abuser, but it was in an area where she felt was unsafe due to the prevalence of drugs and crime within the community.

Actions taken by local authorities

Very few responses detailed actions taken by local authorities to prevent homelessness. Most described being offered little or no support and relying on other agencies, health services and third sector organisations. Two responses described individuals being offered tenancies by their local authorities, but the accommodation was deemed unsuitable or unsafe. One respondent said their council did a housing benefit agreement with their letting agent. Another had a positive experience with a member of staff at the council who completed a homeless assessment and helped with next steps.

Actions which could have prevented homelessness

Several suggested actions which could have prevented homelessness including: mental health needs assessment and follow-on care; authorities taking action to address harassment and anti-social behaviour from neighbours; greater access to family mediation services; better signposting and communication between public services; more support to access financial assistance; cases being treated with greater urgency; having processes in

¹⁹ Q97 to Q108; Q106 was split into two separate questions.

place to support women experiencing domestic abuse; and relaxing requirements around accessing housing support (e.g. need for documentation or National Insurance number).

A few responses mentioned agencies or professionals who could have intervened, including social work, health visitors and the police, but did not identify any specific actions that would have prevented them from becoming homeless. In some cases, respondents felt that nothing could have been done to prevent them from becoming homeless.

Services accessed prior to becoming homeless

Respondents discussed interactions with a range of services, including housing and homelessness services, social work, police, GPs, health visitors, mental health teams, education providers, Jobcentre Plus and charities including Scottish Women's Aid and Salvation Army. Access to support in rural areas was described as particularly poor. A few reported that they did not access any support at all throughout their experience.

A few with lived experience of homelessness reported that services they interacted with recognised warning signs and offered help in response, for example by providing food, clothing or financial assistance or referring them to other services or organisations. Others, however, said that despite showing clear signs of distress and raising concerns over their precarious or dangerous living situation, they were dismissed, not taken seriously or not treated with any level of urgency by various services. Scottish Women's Aid's response highlighted cases where this inaction left women with no option but to stay with an abusive partner, exposing themselves and their children to further violence and abuse.

Views on 'ask and act' duty

Views on the proposed 'ask and act' duty were mixed. Some expressed support as it may allow public bodies to detect issues earlier and prevent homelessness. Others questioned the sensitive and personal nature of the issue and how questioning would be handled by public services. Respondents described a need for public service staff to undertake trauma-informed practice training if the duty is implemented. Scottish Women's Aid raised concerns about confidentiality and called for data sharing between agencies to be subject to service user's consent. One noted the duty would have prevented their homelessness.

Views on changing existing legislation

There were mixed views about changing the law so that prevention needs to be taken up to six months before an individual becomes homeless. Some felt it would have helped in their case by giving them more time to prepare; others disagreed, describing experiences where approaching services two years in advance did not prevent their homelessness. Respondents broadly agreed they would know if they were six months away from homelessness; indicators would include eviction notices, financial troubles and struggling with bills, family breakdown, and leaving care or prison. Most felt they would know where to go in these situations, though Aff the Streets noted that those with lived experiences are more likely to access support as they are likely to have done so in the past. There was support for the requirement to provide stable and suitable accommodation, although questions were raised over the exact definition of 'stable and suitable', and respondents felt that safety should be a priority when providing accommodation.

7. Conclusions

Many individuals and stakeholders with detailed knowledge took part in the consultation, sharing their views on how to develop and implement duties on local authorities and public bodies to prevent homelessness. Reflecting their experience and perspectives, this report provides a high-level summary of the consultation responses. For more detail, readers are encouraged to look to individual responses where permission was given for publication²⁰.

There is widespread support for both the package of reforms and the individual proposals outlined in the consultation. Respondents highlighted the potential to increase early intervention and prevention, resulting in positive outcomes for those at risk of homelessness. Others supported the principle of shared responsibility and noted positive impacts including strengthening existing practice and enabling a joined-up and consistent approach to prevention across local authorities and public bodies. The reforms were described as transformational, comprehensive and well balanced, with some noting the individual proposals link well and are complementary to one another.

Respondents highlighted concerns about three specific proposals which they felt should be examined more closely when developing the legislation. The opportunity to offer more choice and control around housing options was welcomed, but respondents cautioned that this must be balanced with a realistic understanding of limited housing stock. Several stakeholders stated that the proposals relating to social work responsibility for 16 and 17 year olds at risk of homelessness could diminish their existing housing rights. A clear difference of opinion was evident regarding the criteria for stable and suitable housing. Some felt strongly that the proposals undermine existing rights to permanent housing but others saw this as a sensible way to increase housing options.

A recurring theme was that new duties will only be successful if sufficient funding and staff capacity is in place to manage additional demand, and if there is significant investment in more housing stock. Respondents highlighted the need to provide training to improve public sector understanding of the causes of homelessness, and how to identify whether someone is at risk and how to 'ask and act'. There were repeated calls for training in, and use of, trauma-informed approaches across prevention activity.

While views on whether guidance should supplement or be included in legislation were mixed, there were calls for clear referral pathways frameworks for partnership working, clearly defined responsibilities for bodies subject to duties, and detail about how new legislation would work alongside existing duties. Many recognised the need for increased recording and monitoring of prevention activity to ensure compliance with new duties.

The views expressed in the consultation will help to provide a useful evidence base for the Scottish Government to draw on when shaping the final duties to be included in a forthcoming Housing Bill.

²⁰ Responses are published on the Scottish Government's consultation website: <https://consult.gov.scot/>

Appendix A: Respondent classification

Given the range of sectors represented by respondents, analysts created a broad level of classification for analysis purposes. Respondents were assigned to one of the categories below based on the nature of their organisation.

Table 1: Sectoral classification

Sector	Number of responses	% of all responses
Individuals	20	18%
Organisations:	93	82%
- Local authority	29	26%
- Health and social care	22	19%
- Third sector:	20	18%
<i>Housing</i>	13	12%
<i>Domestic abuse</i>	2	2%
<i>Other</i>	5	4%
- Housing	11	10%
- Children and young people	3	3%
- Justice	2	2%
- Other	6	5%

Appendix B: Full closed question results

Introduction

The Prevention of Homelessness Duties consultation included 52 closed questions which asked respondents for their views on the range of proposals included in the consultation. This appendix details the responses to these questions.

38 questions asked respondents whether they agreed with a proposal, on a scale of: strongly agree, agree, disagree, disagree strongly. Answer options for the remaining 14 questions varied depending on the question.

In some cases, respondents did not answer every question. Four questions were asked of people with lived experience of homelessness; between 5 and 8 respondents answered these. Of the remaining 48 questions, an average of 56 out of 113 respondents gave an answer (50%).

Two tables follow. Table 1 is based on **respondents who gave an answer to each question and** presents the percentage of this group who gave each response.

Table 2 provides **a full summary of the data**, presenting the number and percentage of responses to each question, and the number who did not answer. We then present the share of response among those who answered.

Summary

Analysis of the closed questions show widespread support for the proposals put forward in the consultation.

Across the 36 agree/disagree questions²¹, among those who gave an answer:

- An average of 90% **agreed** with the proposals (the combined score of those who agreed or strongly agreed).
- More specifically, an average of 40% **strongly agreed** with the proposals.

The highest levels of total agreement were:

- 100% (64% strongly agreed) - Q44. Do you agree with the new legislative duties to ensure social landlords take specified reasonable steps to prevent homelessness where a risk is identified?
- 100% (51% strongly agreed) - Q75. Do you agree with these proposals on preventing homelessness for people experiencing domestic abuse?
- 98% (56% strongly agreed) - Q29. Do you agree with the proposal to introduce new legal duties on prisons to ask about and work with partners to address housing issues to prevent homelessness?
- 98% (41% strongly agreed) - Q36. Do you agree that the set of proposed measures on domestic abuse are complementary to each other and consideration should be given to implementing them in full?

²¹ Excluding the 2 agree/disagree questions asked of people with lived experience.

- 96% (48% strongly agreed) - Q34. Do you agree with the proposal to place a statutory duty on the police to ask about somebody's housing circumstances if there is 'reasonable belief' they may be homeless or at risk of homelessness?
- 96% (47% strongly agreed) - Q8. Do you agree with the proposal that Integration Authorities should identify the housing circumstances of people using health and social care services, and where necessary work with partners to ensure that service users are assisted into suitable housing or prevent the risk of homelessness?
- 96% (39% strongly agreed) - Q4. Do you agree that public bodies should be required to 'ask and act' to prevent homelessness?

The following proposals recorded comparatively lower levels of total agreement, but three quarters or more agreed with each proposal:

- 74% (17% strongly agreed) - Q9. Do you agree that a new legislative duty on Integration Authorities to identify housing circumstances of patients is the best way to prevent homelessness?
- 75% (23% strongly agreed) - Q77. Do you agree with the criteria proposed for the stability of housing outcomes?
- 78% (30% strongly agreed) - Q18. Do you agree with the proposal that GP practices are required to refer to local authorities where there is a risk of homelessness identified?
- 79% (21% agreed strongly) - Q78. Do you agree that 12 months is an appropriate minimum expected period for accommodation to be available (regardless of the type of tenure) for people who are threatened with homelessness or have become homeless?
- 79% (37% agreed strongly) - Q10. Do you agree that the Integration Authority should have primary legal responsibility for meeting accommodation and support needs where cases are so complex that they cannot be met in mainstream accommodation even with support?

Of the other closed questions included in the consultation:

- 79% think these proposals offer an opportunity for potential savings or benefits to services through an increased focus on early intervention and preventing homelessness (Q94)
- 75% think the proposal for 16 and 17 year olds would positively impact on the prevention of homelessness for young people? (Q27). However, 98% felt there could be unintended consequences for 16 and 17 year olds in taking this approach.
- 71% think a duty on the Integration Authority would positively impact on preventing homelessness for people with a range of more complex needs (Q12)

Table 1: Summary of % response among all answering each question

Question	Base n=	TOTAL AGREE	Strongly Agree	Agree	Disagree	Strongly disagree
Q1. Do you agree that these are the right foundational principles?	77	95%	43%	52%	4%	1%
Q3. Do you agree with the proposals to introduce new duties on public bodies to prevent homelessness?	75	93%	40%	53%	5%	1%
Q4. Do you agree that public bodies should be required to 'ask and act' to prevent homelessness?	76	96%	39%	57%	3%	1%
Q6. Do you agree to introducing a statutory duty on public bodies to prevent homelessness for anybody leaving an institution within six months?	72	94%	46%	49%	4%	1%
Q8. Do you agree with the proposal that Integration Authorities should identify the housing circumstances of people using health and social care services, and where necessary work with partners to ensure that service users are assisted into suitable housing or prevent the risk of homelessness?	70	96%	47%	49%	3%	1%
Q9. Do you agree that a new legislative duty on Integration Authorities to identify housing circumstances of patients is the best way to prevent homelessness?	66	74%	17%	58%	21%	5%
Q10. Do you agree that the Integration Authority should have primary legal responsibility for meeting accommodation and support needs where cases are so complex that they cannot be met in mainstream accommodation even with support?	62	79%	37%	42%	18%	3%
Question	n=		Positive Impact	No impact	Negative Impact	
Q12. Do you think a duty on the Integration Authority would positively impact on preventing homelessness for people with a range of more complex needs?	63		71%	24%	5%	

Question	n=	TOTAL AGREE	Strongly Agree	Agree	Disagree	Strongly disagree
Q13. Do you agree with the proposal for a social worker or social care worker to have a duty to 'ask and act' about housing issues or the risk of homelessness?	65	95%	45%	51%	3%	2%
Q14. Do you agree that a duty to co-operate on the Integration Authority is the best way to ensure that people who are homeless or at risk of homelessness, as a result of unmet health or social care needs, get the support they need from health and social care services?	62	89%	34%	55%	8%	3%
Q16. Do you agree with the proposal that the local authority must provide assistance to anyone who is going to be discharged from hospital?	67	85%	28%	57%	13%	1%
Q18. Do you agree with the proposal that GP practices are required to refer to local authorities where there is a risk of homelessness identified?	77	78%	30%	48%	10%	12%
Q20. Do you agree with the proposal that a statutory duty to put a case co-ordination approach in place for people requiring input from two or more public services is the right approach?	63	94%	46%	48%	6%	0%
Q23. Do you agree with the proposal to establish a duty on health visitors or head teachers to identify a housing issue or risk of homelessness to a local authority?	61	92%	41%	51%	8%	0%
Q26. Do you agree that a local authority, possibly in partnership with others, should have a family mediation service as part of its legislative duties to prevent youth homelessness?	59	86%	36%	51%	12%	2%
Question	n=		Positive Impact	No impact	Negative Impact	
Q27. Do you think the proposal for 16 and 17 year olds would positively impact on the prevention of homelessness for young people?	56		75%	11%	14%	
Question	n=		Yes	No		
Q28. Could there be any 'unintended consequences' for 16 and 17 year olds in taking this approach to legislation? If so, how can this best be addressed so that any new legislation improves outcomes for 16 and 17 year olds at risk of homelessness?	48		98%	2%		

Question	n=	TOTAL AGREE	Strongly Agree	Agree	Disagree	Strongly disagree
Q29. Do you agree with the proposal to introduce new legal duties on prisons to ask about and work with partners to address housing issues to prevent homelessness?	62	98%	56%	42%	2%	0%
Q33. Do you agree with the proposal that housing options advice should be available in court settings?	58	91%	29%	62%	9%	0%
Q34. Do you agree with the proposal to place a statutory duty on the police to ask about somebody's housing circumstances if there is 'reasonable belief' they may be homeless or at risk of homelessness?	56	96%	48%	48%	4%	0%
Q36. Do you agree that the set of proposed measures on domestic abuse are complementary to each other and consideration should be given to implementing them in full?	54	98%	41%	57%	2%	0%
Q38. Do you agree with the proposal that there should be a statutory duty on a local authority to accept a referral from a public body to prevent homelessness, as part of legislative change that places a duty on public bodies to 'ask and act'?	60	88%	43%	45%	12%	0%
Question	n=		Included in legislation	Included in guidance		
Q41. Should the requirements for joining-up services through strategic planning to prevent homelessness be included in legislation or guidance?	51		61%	39%		
Question	n=	TOTAL AGREE	Strongly Agree	Agree	Disagree	Strongly disagree
Q44. Do you agree with the new legislative duties to ensure social landlords take specified reasonable steps to prevent homelessness where a risk is identified?	58	100%	64%	36%	0%	0%
Q46. Do you agree with the proposal to legislate for the establishment of protocols by social landlords in relation to domestic abuse?	53	96%	55%	42%	4%	0%
Q47. Do you agree with the proposal to legislate for the establishment of protocols by social landlords in relation to where tenants face court proceedings?	51	94%	43%	51%	6%	0%
Q48. Given that landlords are already expected to notify local authorities of raising proceedings for possession, do you agree with a new legislative provision to ensure it happens earlier than under current arrangements?	46	85%	50%	35%	15%	0%
Q51. Do you agree with the proposal to make pre-action requirements on private landlords in cases of rent arrears permanent in legislation?	54	91%	54%	37%	4%	6%

Question	n=	TOTAL AGREE	Strongly Agree	Agree	Disagree	Strongly disagree
Q54. Do you agree with the proposal that a local authority should have a power to request a delay to eviction to allow time to secure a positive outcome for the tenant?	52	87%	35%	52%	6%	8%
Q55. The Prevention Review Group propose that the homelessness advice and assistance is designed to meet the needs of people living in and seeking to access the private rented sector. Do you agree with this proposal?	55	93%	36%	56%	5%	2%
Q57. Do you agree with these principles?	53	92%	43%	49%	4%	4%
Q60. Do you agree with the recommendation that there should be changes to existing homelessness legislation to ensure that a local authority must assist somebody threatened with homelessness within the next six months to prevent homelessness?	52	87%	38%	48%	10%	4%
Q63. Building on the experience of housing options approaches in Scotland, do you agree with the proposal to regulate for making specific measures available or reasonable steps to prevent homelessness in legislation?	48	90%	31%	58%	8%	2%
Question	n=		Yes	No		
Q64. Are there any other specific measures that should be made available or reasonable steps to prevent homelessness that should be included in legislation?	45		67%	33%		
Q65. Do you think the specific measures made available, or reasonable steps duties outlined, are clearly and unambiguously set out so that it is possible to measure their achievement? Do they need to be more specific?	34		59%	41%		
Question	n=		Yes, they should form part of a statutory assessment	No, they should be an option		
Q68. Should personal housing plans form part of a statutory assessment for preventing homelessness by local authorities, or just be an option for local authorities to use with an applicant?	45		56%	44%		
Question	n=	TOTAL AGREE	Strongly Agree	Agree	Disagree	Strongly disagree

Q69. Do you agree with the proposal that a local authority should assess housing support needs, and make provision to meet them, as part of a new prevention of homelessness duty?	50	90%	44%	46%	8%	2%
Q73. Do you agree with the proposal for meeting the needs of specific groups?	56	96%	38%	59%	2%	2%
Q75. Do you agree with these proposals on preventing homelessness for people experiencing domestic abuse?	51	100%	51%	49%	0%	0%
Q77. Do you agree with the criteria proposed for the stability of housing outcomes?	53	75%	23%	53%	13%	11%
Q78. Do you agree that 12 months is an appropriate minimum expected period for accommodation to be available (regardless of the type of tenure) for people who are threatened with homelessness or have become homeless?	48	79%	21%	58%	10%	10%
Question	n=		Yes	No		
Q80. Are these the right grounds to consider in deciding on the suitability of housing outcomes? Are there any other grounds that should be considered?	46		83%	17%		
Q81. Do you think the criteria proposed for both stability and suitability of housing outcomes would allow people a wider range of housing options to either prevent homelessness or rehouse someone who has become homeless, and that could lead to better outcomes for the applicant?	45		67%	33%		
Q82. When taken with the general criteria for suitability and stability, do these additional safeguards provide the right safeguards to ensure these accommodation types (non-standard) are always suitable and stable? Are there any additional safeguards that could be put in place?	43		70%	30%		
Q83. Do you think any additional measures are needed to ensure a right to review by the local authority within the proposed legislative measures to prevent homelessness?	39		38%	62%		
Question	n=	TOTAL AGREE	Strongly Agree	Agree	Disagree	Strongly disagree
Q87. Do you agree that there should be a general assessment of housing support needs of persons (separate to assessments for individuals) in an area as part of the Local Housing Strategy?	46	89%	26%	63%	11%	0%
Q88. Do you agree this is this the right package of reforms to meet the policy principles of early intervention and preventing homelessness?	51	84%	25%	59%	12%	4%
Question	n=		Yes	No		

Q94. Do you think these proposals offer an opportunity for potential savings or benefits to services through an increased focus on early intervention and preventing homelessness?	42		79%	21%		
Lived experience questions						
Q102. Did any services you were interacting with pick up on warning signs prior to your most recent or previous homelessness?	5		40%	60%		
Question	n=	TOTAL AGREE	Strongly Agree	Agree	Disagree	Strongly disagree
Q103. Do you agree with the proposal for a new duty to 'ask and act' about homelessness for public bodies such as health, justice, education, etc.?	8	100%	88%	13%	0%	0%
Question	n=		Yes	No		
Q104. Do you think such a duty on public bodies would have made a difference to your experiences, and do you think it could have prevented your most recent or previous homelessness?	4		100%	0%	0%	0%
Question	n=	TOTAL AGREE	Strongly Agree	Agree	Disagree	Strongly disagree
Q105. Do you agree with this approach, and would it have helped prevent your most recent or previous homelessness?	5	100%	60%	40%	0%	0%

Table 2: Full summary of closed question results

Question	Base	n=	TOTAL AGREE	Strongly Agree	Agree	Disagree	Strongly disagree	No answer
Q1. Do you agree that these are the right foundational principles?	Total	113	73	33	40	3	1	36
	Total %		65%	29%	35%	3%	1%	32%
	All answering	77	73	33	40	3	1	
	All answering %		95%	43%	52%	4%	1%	
Q3. Do you agree with the proposals to introduce new duties on public bodies to prevent homelessness?	Total	113	70	30	40	4	1	38
	Total %		62%	27%	35%	4%	1%	34%
	All answering	75	70	30	40	4	1	
	All answering %		93%	40%	53%	5%	1%	
Q4. Do you agree that public bodies should be required to 'ask and act' to prevent homelessness?	Total	113	73	30	43	2	1	37
	Total %		65%	27%	38%	2%	1%	33%
	All answering	76	73	30	43	2	1	
	All answering %		96%	39%	57%	3%	1%	
Q6. Do you agree to introducing a statutory duty on public bodies to prevent homelessness for anybody leaving an institution within six months?	Total	113	68	33	35	3	1	41
	Total %		60%	29%	31%	3%	1%	36%
	All answering	72	68	33	35	3	1	
	All answering %		94%	46%	49%	4%	1%	

Question	Base	n=	TOTAL AGREE	Strongly Agree	Agree	Disagree	Strongly disagree	No answer
Q8. Do you agree with the proposal that Integration Authorities should identify the housing circumstances of people using health and social care services, and where necessary work with partners to ensure that service users are assisted into suitable housing or prevent the risk of homelessness?	Total	113	67	33	34	2	1	43
	Total %		59%	29%	30%	2%	1%	38%
	All answering	70	67	33	34	2	1	
	All answering %		96%	47%	49%	3%	1%	
Q9. Do you agree that a new legislative duty on Integration Authorities to identify housing circumstances of patients is the best way to prevent homelessness?	Total	113	49	11	38	14	3	47
	Total %		43%	10%	34%	12%	3%	42%
	All answering	66	49	11	38	14	3	
	All answering %		74%	17%	58%	21%	5%	
Q10. Do you agree that the Integration Authority should have primary legal responsibility for meeting accommodation and support needs where cases are so complex that they cannot be met in mainstream accommodation even with support?	Total	113	49	23	26	11	2	51
	Total %		43%	20%	23%	10%	2%	45%
	All answering	62	49	23	26	11	2	
	All answering %		79%	37%	42%	18%	3%	
Question	Base	n=		Positive Impact	No impact	Negative Impact		No answer
Q12. Do you think a duty on the Integration Authority would positively impact on preventing homelessness for people with a range of more complex needs?	Total	113		45	15	3		50
	Total %			40%	13%	3%		44%
	All answering	63		45	15	3		
	All answering %			71%	24%	5%		
Question	Base	n=	TOTAL AGREE	Strongly Agree	Agree	Disagree	Strongly disagree	No answer
Q13. Do you agree with the proposal for a social worker or social care worker to have a duty to 'ask and act' about housing issues or the risk of homelessness?	Total	113	62	29	33	2	1	48
	Total %		55%	26%	29%	2%	1%	42%
	All answering	65	62	29	33	2	1	
	All answering %		95%	45%	51%	3%	2%	

Question	Base	n=	TOTAL AGREE	Strongly Agree	Agree	Disagree	Strongly disagree	No answer
Q14. Do you agree that a duty to co-operate on the Integration Authority is the best way to ensure that people who are homeless or at risk of homelessness, as a result of unmet health or social care needs, get the support they need from health and social care services?	Total	113	55	21	34	5	2	51
	Total %		49%	19%	30%	4%	2%	45%
	All answering	62	55	21	34	5	2	
	All answering %		89%	34%	55%	8%	3%	
Q16. Do you agree with the proposal that the local authority must provide assistance to anyone who is going to be discharged from hospital?	Total	113	57	19	38	9	1	46
	Total %		50%	17%	34%	8%	1%	41%
	All answering	67	57	19	38	9	1	
	All answering %		85%	28%	57%	13%	1%	
Q18. Do you agree with the proposal that GP practices are required to refer to local authorities where there is a risk of homelessness identified?	Total	113	60	23	37	8	9	36
	Total %		53%	20%	33%	7%	8%	32%
	All answering	77	60	23	37	8	9	
	All answering %		78%	30%	48%	10%	12%	
Q20. Do you agree with the proposal that a statutory duty to put a case co-ordination approach in place for people requiring input from two or more public services is the right approach?	Total	113	59	29	30	4	0	50
	Total %		52%	26%	27%	4%	0%	44%
	All answering	63	59	29	30	4	0	
	All answering %		94%	46%	48%	6%	0%	
Q23. Do you agree with the proposal to establish a duty on health visitors or head teachers to identify a housing issue or risk of homelessness to a local authority?	Total	113	56	25	31	5	0	52
	Total %		50%	22%	27%	4%	0%	46%
	All answering	61	56	25	31	5	0	
	All answering %		92%	41%	51%	8%	0%	

Question	Base	n=	TOTAL AGREE	Strongly Agree	Agree	Disagree	Strongly disagree	No answer
Q26. Do you agree that a local authority, possibly in partnership with others, should have a family mediation service as part of its legislative duties to prevent youth homelessness?	Total	113	51	21	30	7	1	54
	Total %		45%	19%	27%	6%	1%	48%
	All answering	59	51	21	30	7	1	
	All answering %		86%	36%	51%	12%	2%	
Question	Base	n=		Positive Impact	No impact	Negative Impact		No answer
Q27. Do you think the proposal for 16 and 17 year olds would positively impact on the prevention of homelessness for young people?	Total	113		42	6	8		57
	Total %			37%	5%	7%		50%
	All answering	56		42	6	8		
	All answering %			75%	11%	14%		
Question	Base	n=		Yes	No			No answer
Q28. Could there be any 'unintended consequences' for 16 and 17 year olds in taking this approach to legislation? If so, how can this best be addressed so that any new legislation improves outcomes for 16 and 17 year olds at risk of homelessness?	Total	113		47	1			65
	Total %			42%	1%			58%
	All answering	48		47	1			
	All answering %			98%	2%			
Question	Base	n=	TOTAL AGREE	Strongly Agree	Agree	Disagree	Strongly disagree	No answer
Q29. Do you agree with the proposal to introduce new legal duties on prisons to ask about and work with partners to address housing issues to prevent homelessness?	Total	113	61	35	26	1	0	51
	Total %		54%	31%	23%	1%	0%	45%
	All answering	62	61	35	26	1	0	
	All answering %		98%	56%	42%	2%	0%	

Question	Base	n=	TOTAL AGREE	Strongly Agree	Agree	Disagree	Strongly disagree	No answer
Q33. Do you agree with the proposal that housing options advice should be available in court settings?	Total	113	53	17	36	5	0	55
	Total %		47%	15%	32%	4%	0%	49%
	All answering	58	53	17	36	5	0	
	All answering %		91%	29%	62%	9%	0%	
Q34. Do you agree with the proposal to place a statutory duty on the police to ask about somebody's housing circumstances if there is 'reasonable belief' they may be homeless or at risk of homelessness?	Total	113	54	27	27	2	0	57
	Total %		48%	24%	24%	2%	0%	50%
	All answering	56	54	27	27	2	0	
	All answering %		96%	48%	48%	4%	0%	
Q36. Do you agree that the set of proposed measures on domestic abuse are complementary to each other and consideration should be given to implementing them in full?	Total	113	53	22	31	1	0	59
	Total %		47%	19%	27%	1%	0%	52%
	All answering	54	53	22	31	1	0	
	All answering %		98%	41%	57%	2%	0%	
Q38. Do you agree with the proposal that there should be a statutory duty on a local authority to accept a referral from a public body to prevent homelessness, as part of legislative change that places a duty on public bodies to 'ask and act'?	Total	113	53	26	27	7	0	53
	Total %		47%	23%	24%	6%	0%	47%
	All answering	60	53	26	27	7	0	
	All answering %		88%	43%	45%	12%	0%	
Question	Base	n=		Included in legislation	Included in guidance			No answer
Q41. Should the requirements for joining-up services through strategic planning to prevent homelessness be included in legislation or guidance?	Total	113		31	20			62
	Total %			27%	18%			55%
	All answering	51		31	20			
	All answering %			61%	39%			

Question	Base	n=	TOTAL AGREE	Strongly Agree	Agree	Disagree	Strongly disagree	No answer
Q44. Do you agree with the new legislative duties to ensure social landlords take specified reasonable steps to prevent homelessness where a risk is identified?	Total	113	58	37	21	0	0	55
	Total %		51%	33%	19%	0%	0%	49%
	All answering	58	58	37	21	0	0	
	All answering %		100%	64%	36%	0%	0%	
Q46. Do you agree with the proposal to legislate for the establishment of protocols by social landlords in relation to domestic abuse?	Total	113	51	29	22	2	0	60
	Total %		45%	26%	19%	2%	0%	53%
	All answering	53	51	29	22	2	0	
	All answering %		96%	55%	42%	4%	0%	
Q47. Do you agree with the proposal to legislate for the establishment of protocols by social landlords in relation to where tenants face court proceedings?	Total	113	48	22	26	3	0	62
	Total %		42%	19%	23%	3%	0%	55%
	All answering	51	48	22	26	3	0	
	All answering %		94%	43%	51%	6%	0%	
Q48. Given that landlords are already expected to notify local authorities of raising proceedings for possession, do you agree with a new legislative provision to ensure it happens earlier than under current arrangements?	Total	113	39	23	16	7	0	67
	Total %		35%	20%	14%	6%	0%	59%
	All answering	46	39	23	16	7	0	
	All answering %		85%	50%	35%	15%	0%	
Q51. Do you agree with the proposal to make pre-emption requirements on private landlords in cases of rent arrears permanent in legislation?	Total	113	49	29	20	2	3	59
	Total %		43%	26%	18%	2%	3%	52%
	All answering	54	49	29	20	2	3	
	All answering %		91%	54%	37%	4%	6%	

Question	Base	n=	TOTAL AGREE	Strongly Agree	Agree	Disagree	Strongly disagree	No answer
Q54. Do you agree with the proposal that a local authority should have a power to request a delay to eviction to allow time to secure a positive outcome for the tenant?	Total	113	45	18	27	3	4	61
	Total %		40%	16%	24%	3%	4%	54%
	All answering	52	45	18	27	3	4	
	All answering %		87%	35%	52%	6%	8%	
Q55. The Prevention Review Group propose that the homelessness advice and assistance is designed to meet the needs of people living in and seeking to access the private rented sector. Do you agree with this proposal?	Total	113	51	20	31	3	1	58
	Total %		45%	18%	27%	3%	1%	51%
	All answering	55	51	20	31	3	1	
	All answering %		93%	36%	56%	5%	2%	
Q57. Do you agree with these principles?	Total	113	49	23	26	2	2	60
	Total %		43%	20%	23%	2%	2%	53%
	All answering	53	49	23	26	2	2	
	All answering %		92%	43%	49%	4%	4%	
Q60. Do you agree with the recommendation that there should be changes to existing homelessness legislation to ensure that a local authority must assist somebody threatened with homelessness within the next six months to prevent homelessness?	Total	113	45	20	25	5	2	61
	Total %		40%	18%	22%	4%	2%	54%
	All answering	52	45	20	25	5	2	
	All answering %		87%	38%	48%	10%	4%	
Q63. Building on the experience of housing options approaches in Scotland, do you agree with the proposal to regulate for making specific measures available or reasonable steps to prevent homelessness in legislation?	Total	113	43	15	28	4	1	65
	Total %		38%	13%	25%	4%	1%	58%
	All answering	48	43	15	28	4	1	
	All answering %		90%	31%	58%	8%	2%	

Question	Base	n=		Yes	No			No answer
Q64. Are there any other specific measures that should be made available or reasonable steps to prevent homelessness that should be included in legislation?	Total	113		30	15			68
	Total %			27%	13%			60%
	All answering	45		30	15			
	All answering %			67%	33%			
Q65. Do you think the specific measures made available, or reasonable steps duties outlined, are clearly and unambiguously set out so that it is possible to measure their achievement? Do they need to be more specific?	Total	113		20	14			79
	Total %			18%	12%			70%
	All answering	34		20	14			
	All answering %			59%	41%			
Question	Base	n=		Yes, they should form part of a statutory assessment	No, they should be an option			No answer
Q68. Should personal housing plans form part of a statutory assessment for preventing homelessness by local authorities, or just be an option for local authorities to use with an applicant?	Total	113		25	20			68
	Total %			22%	18%			60%
	All answering	45		25	20			
	All answering %			56%	44%			
Question	Base	n=	TOTAL AGREE	Strongly Agree	Agree	Disagree	Strongly disagree	No answer
Q69. Do you agree with the proposal that a local authority should assess housing support needs, and make provision to meet them, as part of a new prevention of homelessness duty?	Total	113	45	22	23	4	1	63
	Total %		40%	19%	20%	4%	1%	56%
	All answering	50	45	22	23	4	1	
	All answering %		90%	44%	46%	8%	2%	

Question	Base	n=	TOTAL AGREE	Strongly Agree	Agree	Disagree	Strongly disagree	No answer
Q73. Do you agree with the proposal for meeting the needs of specific groups?	Total	113	54	21	33	1	1	57
	Total %		48%	19%	29%	1%	1%	50%
	All answering	56	54	21	33	1	1	
	All answering %		96%	38%	59%	2%	2%	
Q75. Do you agree with these proposals on preventing homelessness for people experiencing domestic abuse?	Total	113	51	26	25	0	0	62
	Total %		45%	23%	22%	0%	0%	55%
	All answering	51	51	26	25	0	0	
	All answering %		100%	51%	49%	0%	0%	
Q77. Do you agree with the criteria proposed for the stability of housing outcomes?	Total	113	40	12	28	7	6	60
	Total %		35%	11%	25%	6%	5%	53%
	All answering	53	40	12	28	7	6	
	All answering %		75%	23%	53%	13%	11%	
Q78. Do you agree that 12 months is an appropriate minimum expected period for accommodation to be available (regardless of the type of tenure) for people who are threatened with homelessness or have become homeless?	Total	113	38	10	28	5	5	65
	Total %		34%	9%	25%	4%	4%	58%
	All answering	48	38	10	28	5	5	
	All answering %		79%	21%	58%	10%	10%	
Question	Base	n=		Yes	No			No answer
Q80. Are these the right grounds to consider in deciding on the suitability of housing outcomes? Are there any other grounds that should be considered?	Total	113		38	8			67
	Total %			34%	7%			59%
	All answering	46		38	8			
	All answering %			83%	17%			

Question	Base	n=		Yes	No			No answer
Q81. Do you think the criteria proposed for both stability and suitability of housing outcomes would allow people a wider range of housing options to either prevent homelessness or rehouse someone who has become homeless, and that could lead to better outcomes for the applicant?	Total	113		30	15			68
	Total %			27%	13%			60%
	All answering	45		30	15			
	All answering %			67%	33%			
Q82. When taken with the general criteria for suitability and stability, do these additional safeguards provide the right safeguards to ensure these accommodation types (non-standard) are always suitable and stable? Are there any additional safeguards that could be put in place?	Total	113		30	13			70
	Total %			27%	12%			62%
	All answering	43		30	13			
	All answering %			70%	30%			
Q83. Do you think any additional measures are needed to ensure a right to review by the local authority within the proposed legislative measures to prevent homelessness?	Total	113		15	24			74
	Total %			13%	21%			65%
	All answering	39		15	24			
	All answering %			38%	62%			
Question	Base	n=	TOTAL AGREE	Strongly Agree	Agree	Disagree	Strongly disagree	No answer
Q87. Do you agree that there should be a general assessment of housing support needs of persons (separate to assessments for individuals) in an area as part of the Local Housing Strategy?	Total	113	41	12	29	5	0	67
	Total %		36%	11%	26%	4%	0%	59%
	All answering	46	41	12	29	5	0	
	All answering %		89%	26%	63%	11%	0%	

Question	Base	n=	TOTAL AGREE	Strongly Agree	Agree	Disagree	Strongly disagree	No answer
Q88. Do you agree this is this the right package of reforms to meet the policy principles of early intervention and preventing homelessness?	Total	113	43	13	30	6	2	62
	Total %		38%	12%	27%	5%	2%	55%
	All answering	51	43	13	30	6	2	
	All answering %		84%	25%	59%	12%	4%	
Question	Base	n=		Yes	No			No answer
Q94. Do you think these proposals offer an opportunity for potential savings or benefits to services through an increased focus on early intervention and preventing homelessness?	Total	113		33	9			71
	Total %			29%	8%			63%
	All answering	42		33	9			
	All answering %			79%	21%			
Lived experience questions								
Q102. Did any services you were interacting with pick up on warning signs prior to your most recent or previous homelessness?	Total	113		2	3			108
	Total %			2%	3%			96%
	All answering	5		2	3			
	All answering %			40%	60%			
Question	Base	n=	TOTAL AGREE	Strongly Agree	Agree	Disagree	Strongly disagree	No answer
Q103. Do you agree with the proposal for a new duty to 'ask and act' about homelessness for public bodies such as health, justice, education, etc.?	Total	113	8	7	1	0	0	105
	Total %		7%	6%	1%	0%	0%	93%
	All answering	8	8	7	1	0	0	
	All answering %		100%	88%	13%	0%	0%	

Question	Base	n=		Yes	No			No answer
Q104. Do you think such a duty on public bodies would have made a difference to your experiences, and do you think it could have prevented your most recent or previous homelessness?	Total	113		4	0			109
	Total %			4%	0%	0%	0%	96%
	All answering	4		4	0	0	0	
	All answering %			100%	0%	0%	0%	
Question	Base	n=	TOTAL AGREE	Strongly Agree	Agree	Disagree	Strongly disagree	No answer
Q105. Do you agree with this approach, and would it have helped prevent your most recent or previous homelessness?	Total	113	5	3	2	0	0	108
	Total %		4%	3%	2%	0%	0%	96%
	All answering	5	5	3	2	0	0	
	All answering %		100%	60%	40%	0%	0%	

Appendix C: Consultation questions

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

Principles of the Prevention Review Group (PRG)

Overarching 'foundation principles'

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

Strongly Agree / Agree / Disagree / Strongly Disagree

Please say why.

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

The principle of 'ask and act' duties

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

Strongly Agree / Agree / Disagree / Strongly Disagree

Please say why.

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

Strongly Agree / Agree / Disagree / Strongly Disagree

Please say why.

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

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

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

Strongly Agree / Agree / Disagree / Strongly Disagree

Please say why.

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

Duties on wider public bodies and landlords

Prevention Review Group proposed recommendations for health and social care

Q8. Do you agree with the proposal that Integration Authorities should identify the housing circumstances of people using health and social care services, and where necessary work with partners to ensure that service users are assisted into suitable housing or prevent the risk of homelessness?

Strongly Agree / Agree / Disagree / Strongly Disagree

Please say why.

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

Strongly Agree / Agree / Disagree / Strongly Disagree

Please say why.

Q10. Do you agree that the Integration Authority should have primary legal responsibility for meeting accommodation and support needs where cases are so complex that they cannot be met in mainstream accommodation even with support?

Strongly Agree / Agree / Disagree / Strongly Disagree

Please say why.

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

Q12. Do you think a duty on the Integration Authority would positively impact on preventing homelessness for people with a range of more complex needs?

Positively Impact / No Impact / Negatively Impact

Please say why.

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

Strongly Agree / Agree / Disagree / Strongly Disagree

Please say why.

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

Strongly Agree / Agree / Disagree / Strongly Disagree

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

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

Q16. Do you agree with the proposal that the local authority must provide assistance to anyone who is going to be discharged from hospital?

Strongly Agree / Agree / Disagree / Strongly Disagree

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

Q17. What would be the main challenges of introducing a statutory duty on local authorities to house those due to be discharged from hospital within the next six months?

General Practitioners (GP)

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

Strongly Agree / Agree / Disagree / Strongly Disagree

Please say why.

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

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

Q20. Do you agree with the proposal that a statutory duty to put a case co-ordination approach in place for people requiring input from two or more public services is the right approach? If you disagree, please say how public services can best work together to prevent homelessness for people with more complex needs.

Strongly Agree / Agree / Disagree / Strongly Disagree

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

Q21. If this statutory duty is established:

How would it work in practice?

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

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

Prevention Review Group proposed recommendations for children's services

Q23. Do you agree with the proposal to establish a duty on health visitors or head teachers to identify a housing issue or risk of homelessness to a local authority?

Strongly Agree / Agree / Disagree / Strongly Disagree

Please say why.

Q24. How would a duty on health visitors or head teachers to identify a housing issue or risk of homelessness to a local authority work in practice? At what stage should a request for assistance be made to the local authority?

Prevention Review Group proposed recommendations for young people

Q25. How can we ensure a homelessness prevention service is designed so that it can meet the needs of young people at risk, in partnership with other relevant services?

Q26. Do you agree that a local authority, possibly in partnership with others, should have a family mediation service as part of its legislative duties to prevent youth homelessness?

Strongly Agree / Agree / Disagree / Strongly Disagree

Please say why.

Prevention Review Group proposed recommendations for 16 and 17 year olds

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

Positively Impact / No Impact / Negatively Impact

Please say why.

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

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

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

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

Prisons

Q29. Do you agree with the proposal to introduce new legal duties on prisons to ask about and work with partners to address housing issues to prevent homelessness?

Strongly Agree / Agree / Disagree / Strongly Disagree

Please say why.

Q30. How would a statutory duty on prisons to identify and work with partners on housing issues change existing practice already in place to prevent homelessness amongst those leaving prison?

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

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

Prevention Review Group proposed recommendation for court services

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

Strongly Agree / Agree / Disagree / Strongly Disagree

Please say why.

Prevention Review Group proposed recommendations for Police Scotland

Q34. Do you agree with the proposal to place a statutory duty on the police to ask about somebody's housing circumstances if there is 'reasonable belief' they may be homeless or at risk of homelessness?

Strongly Agree / Agree / Disagree / Strongly Disagree

Please say why.

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

Prevention Review Group proposed recommendations for Domestic Abuse

Q36. Do you agree that the set of proposed measures on domestic abuse are complementary to each other and consideration should be given to implementing them in full?

Strongly Agree / Agree / Disagree / Strongly Disagree

Please say why.

Q37. Do you have any comments about the implementation of any specific proposal made in relation to preventing homelessness as a result of domestic abuse, and is there anything missing from these proposals?

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

Q38. Do you agree with the proposal that there should be a statutory duty on a local authority to accept a referral from a public body to prevent homelessness, as part of legislative change that places a duty on public bodies to 'ask and act'?

Strongly Agree / Agree / Disagree / Strongly Disagree

Please say why.

Q39. If a statutory duty on local authorities to accept a referral from a public body to prevent homelessness was introduced, what would be the primary advantages and challenges compared to existing arrangements?

What would be the primary advantages?

What would be the primary challenges?

\

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

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

Q41. Should the requirements for joining-up services through strategic planning to prevent homelessness be included in legislation or guidance?

The requirements should be included in legislation
The requirements should be included in guidance

Please say why.

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

Data sharing and data protection

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

Prevention Review Group proposed recommendations for social landlords

Q44. Do you agree with the new legislative duties to ensure social landlords take specified reasonable steps to prevent homelessness where a risk is identified?

Strongly Agree / Agree / Disagree / Strongly Disagree

Please say why.

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

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

Strongly Agree / Agree / Disagree / Strongly Disagree

Please say why.

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

Strongly Agree / Agree / Disagree / Strongly Disagree

Please say why.

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

Strongly Agree / Agree / Disagree / Strongly Disagree

Please say why.

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

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

Prevention Review Group proposed recommendations for private landlords

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

Strongly Agree / Agree / Disagree / Strongly Disagree

Please say why.

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

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

Q54. Do you agree with the proposal that a local authority should have a power to request a delay to eviction to allow time to secure a positive outcome for the tenant?

Strongly Agree / Agree / Disagree / Strongly Disagree

Please say why.

Q55. The Prevention Review Group propose that the homelessness advice and assistance is designed to meet the needs of people living in and seeking to access the private rented sector. Do you agree with this proposal?

Strongly Agree / Agree / Disagree / Strongly Disagree

Please say why.

Q56. How would a specific legislative duty on local authorities to provide homelessness advice and assistance relating to living in and/or accessing the private rented sector work in practice?

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

Principles of the Prevention Review Group

Q57. Do you agree with these principles?

Strongly Agree / Agree / Disagree / Strongly Disagree

Please say why.

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

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

Section 3: Prevention Review Group proposed recommendations for changing the current homelessness legislation

An extended prevention duty

Q60. Do you agree with the recommendation that there should be changes to existing homelessness legislation to ensure that a local authority must assist somebody threatened with homelessness within the next six months to prevent homelessness?

Strongly Agree / Agree / Disagree / Strongly Disagree

Please say why.

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

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

Duty to take reasonable steps to prevent homelessness

Q63. Building on the experience of housing options approaches in Scotland, do you agree with the proposal to regulate for making specific measures available or reasonable steps to prevent homelessness in legislation?

Strongly Agree / Agree / Disagree / Strongly Disagree

Please say why.

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

Yes / No

Please say why, and what are these other specific measures

Q65. Do you think the specific measures made available, or reasonable steps duties outlined, are clearly and unambiguously set out so that it is possible to measure their achievement? Do they need to be more specific?

Yes / No

Please say why, and how they could be more specific

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

Personal Housing Plans

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

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

Yes, they should form part of a statutory assessment

No, they should be an option

Please say why.

Q69. Do you agree with the proposal that a local authority should assess housing support needs, and make provision to meet them, as part of a new prevention of homelessness duty?

Strongly Agree / Agree / Disagree / Strongly Disagree

Please say why.

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

Q71. An applicant during the time they are receiving prevention assistance under a new prevention duty from the homelessness system experiences loss of accommodation, or other change of circumstances which make the reasonable steps agreed to be carried out no longer valid. What should the process look like to ensure someone always has access to the right assistance for the circumstances they are in?

Q72. What assistance should be provided to those who are defined as statutorily homeless but where it may be possible to prevent them from becoming homeless from their current accommodation (while ensuring it meets the definitions of suitable and stable)? This might include:

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

Meeting the needs of specific groups

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

Strongly Agree / Agree / Disagree / Strongly Disagree

Please say why.

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

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

Strongly Agree / Agree / Disagree / Strongly Disagree

Please say why.

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

What else should be included

Prevention Review Group proposed recommendations for stability and suitability of accommodation

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

Strongly Agree / Agree / Disagree / Strongly Disagree

Please say why.

Q78. Do you agree that 12 months is an appropriate minimum expected period for accommodation to be available (regardless of the type of tenure) for people who are threatened with homelessness or have become homeless?

Strongly Agree / Agree / Disagree / Strongly Disagree

Please say why.

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

a) private tenancy:

b) accommodation with occupancy agreement:

c) return to family home/living with relative:

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

Yes / No

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

Q81. Do you think the criteria proposed for both stability and suitability of housing outcomes would allow people a wider range of housing options to either prevent homelessness or rehouse someone who has become homeless, and that could lead to better outcomes for the applicant?

Yes / No

Please say why.

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

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

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

Q82. When taken with the general criteria for suitability and stability, do these additional safeguards provide the right safeguards to ensure these accommodation types (non-standard) are always suitable and stable? Are there any additional safeguards that could be put in place?

Yes / No

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

PRG proposed recommendations for enforcing people's rights

Right to review

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

Yes / No

Please say why.

Right to appeal

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

Regulation

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

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

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

Strongly Agree / Agree / Disagree / Strongly Disagree

Please say why.

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

The package of proposals

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

Strongly Agree / Agree / Disagree / Strongly Disagree

Please say why.

Q89. If you do not agree this is the right package of reforms to meet the policy principles of early intervention and preventing homelessness, what do you recommend in terms of other ways of reforming the system to meet these policy principles?

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

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

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

Resources

Q92. What do you think are the potential implications for your role or for your organisation's role of the implementation of new duties to prevent homelessness in terms of time and resource?

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

Q94. Do you think these proposals offer an opportunity for potential savings or benefits to services through an increased focus on early intervention and preventing homelessness?

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

Monitoring

Q96. What monitoring information do you think should be collected in order to best assess the implementation, progress and outcomes of new legislative duties to prevent homelessness?

Section 4: Questions on the Prevention Review Group proposals on prevention of homelessness duties for people with lived or living experience of housing crisis, homelessness or risk of homelessness

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

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

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

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

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

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

Yes / No

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

Duty on wider public bodies and landlords to prevent homelessness

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

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

Strongly Agree / Agree / Disagree / Strongly Disagree

Please say why.

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

Yes / No

Please say why, and if not what do you recommend.

Prevention of homelessness legislation

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

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

Strongly Agree / Agree / Disagree / Strongly Disagree

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

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

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

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



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