**Prevention of Homelessness Duties -**

**A Joint Scottish Government and COSLA Consultation**

**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?

**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 5:** 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?