

# **Amendment to the Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2020: CRWIA – Stage 3**

May 2020

## CRWIA – Stage 3

<b>CRWIA title:</b> <b>Date of publication: Amendment to the Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2020</b>	
<b>Executive summary</b>	<p>The aim of the policy is to extend the seven day restriction on time spent in unsuitable accommodation to <b>all people</b> experiencing homelessness.</p> <p>The extension of the Unsuitable Accommodation Order will mean that the maximum number of days that local authorities can use unsuitable accommodation for any homeless person will be reduced to 7 days.</p> <p>Currently the 7 day restriction is only applicable to families with dependent children and pregnant women.</p>
<b>Background</b>	<p>The Programme for Government announced by the First Minister on 5 September 2017 set out a new commitment to eradicate rough sleeping, transform the use of temporary accommodation in Scotland and end homelessness. Ministers subsequently established the Homelessness and Rough Sleeping Action Group (HARSAG) to make recommendations on how these transformational changes could be achieved.</p> <p>In June 2018, HARSAG completed their work, producing a comprehensive set of recommendations aiming to secure strategic changes at both national and local level which would help support delivery on the front-line. In November 2018, the Scottish Government and COSLA published the Ending Homelessness Together High Level Action Plan which sets out the actions we will take in partnership with others to act on the HARSAG recommendations and realise our shared ambitions to end rough sleeping and homelessness.</p> <p>On 3 September 2019, the Scottish Government announced in the Programme for Government that we will legislate to extend the Unsuitable Accommodation Order (UAO) to all homeless households this parliamentary year and that it will come into force in this parliamentary term. The extension means that the maximum number of days that local authorities can use unsuitable accommodation for any homeless person is 7 days.</p>

<p><b>Scope of the CRWIA, identifying the children and young people affected by the policy, and summarising the evidence base</b></p>	<p>The extension of the UAO will mean that the maximum number of days that local authorities can use unsuitable accommodation for any homeless person is 7 days. This measure will remove the current priority given to pregnant women and families with children and expands to anyone presenting as homeless.</p> <p>Whilst this policy aims to extend the protection and give equality of opportunity to all people experiencing homeless it may affect children and young people up to 18 as some local authorities may struggle to comply with the proposed new policy in the short term due to factors including the availability of suitable housing and may result in children remaining in unsuitable accommodation for more than 7 days and causing the local authority increased breaches of the Order.</p>
<p><b>Children and young people's views and experiences</b></p>	<p>A public consultation ran from 22 May until 14 August 2019. This included questions for those with lived experience of homelessness and responses were received from households that included children. Stakeholder's responses to the consultation provided views that are relevant to the policy amendment being introduced.</p>
<p><b>Key Findings, including an assessment of the impact on children's rights, and how the measure will contribute to children's wellbeing</b></p>	<p>Of the 387 consultation responses received and of those that answered the specific question about what might be the impact of extending the UAO to all homeless people, there were only two that considered it may have an indirect impact on families with children, and commented that 'the UAO extension may place the current priority groups at risk, children and pregnant women, of both increased number of 7 day breaches, use of unsuitable accommodation and potential for placement outside of health and education area, further impacting on the effects of adverse childhood events'. The other comment related to the UAO extension causing more breaches for the 7 day restriction for the current protected groups.</p> <p>Whilst this policy aims to extend the protection and give equality of opportunity to all people experiencing homeless it may affect children and young people up to 18 years old as some local authorities may struggle to comply with the Order in the short-term.</p> <p>Long term this will improve as each local authority has developed a Rapid Rehousing Transition Plan (RRTP) which seeks to reduce the time people spend in temporary accommodation. They set out how to redress the local balance of temporary and settled housing options to align with Scotland's transition to a rapid rehousing approach for significant culture and systems change in how we respond to homelessness and for the expectations of people affected by it.</p>

As local authorities deliver their RRTP's, local authorities and partners can support people into settled accommodation first and then help them with their longer term needs. Rapid rehousing is about ensuring that people spend the shortest amount of time in temporary accommodation and are rehoused as soon as appropriate. The implementation of RRTP's will mean that unsuitable accommodation will no longer be needed such as B&Bs.

The majority of consultation responses felt that the UAO extension would have a positive impact and would help to remove inequality amongst homeless households/groups.

The consultation responses on the positive impacts of the UAO extension included:

- Vulnerable young people and older people no longer missed because they have no children;
- It aims to achieve a fairness within the system that does not currently apply to certain groups placed in unsuitable accommodation. If accommodation of a certain nature is considered as unsuitable, then this should mean for all applicants;
- Dignity and privacy, people would feel safe, better quality of accommodation;
- Equality and diversity for all;
- People who are experiencing homelessness are in a state of crisis which is compounded when they are accommodated in unsuitable accommodation. This exacerbates mental health problems and for young people can exacerbate behavioural issues making it difficult for them to engage with support and sustain accommodation - suitable supported accommodation can prevent the escalation of problems caused by setting young people up to fail in unsuitable accommodation;
- Fewer people in unsuitable temporary accommodation will have positive impacts for the individual / family's health and mental health;
- It will provide parity between all homeless households, for example, single households and families. If the focus was only on improving rights of only certain groups of households, it may be at the detriment of others such as single households who account for a larger proportion in temporary accommodation;
- Ensures that people are not housed in inappropriate or unsafe accommodation for extended periods. It ensures people can access the support and services they require, have access to the facilities they need and do not face restrictive rules which limit their ability to maintain a normal

life. The costs of using B&B can be high so extending the restriction is likely to generate savings for local authorities;

- This is a fairer system and aims to ensure that all homeless people are treated equally in accessing temporary accommodation;
- Vulnerable people would not be left in inappropriate accommodation for any length of time except in an emergency and then for a very limited period. It would force LA's to move people on to more appropriate accommodation whilst still retaining options in the face of an emergency;
- Fairness of approach, taking steps to ensure that temporary accommodation is better suited to all, including those with vulnerabilities beyond pregnancy and safeguarding of children, reducing use of unsuitable and potentially costly temporary accommodation and value for money implications for local authorities;
- The negative impact of people spending long periods of in poor quality temporary accommodation would be reduced;
- Research demonstrates the negative impact unsuitable temporary accommodation can have on residents, in relation to their physical and mental health, their sense of safety, and their ability to maintain a normal life, including cooking for themselves and accessing laundry facilities. Effective extension of the Order will mean that no one has to stay in this type of accommodation for more than a week, and that all households in temporary accommodation will have access to basic facilities and support to ensure they can maintain a reasonable standard of living during their journey out of homelessness and that their situation does not deteriorate. Ending the use of unsuitable temporary accommodation aims to enable people to move on with their lives more effectively;
- Reduce the impact of homelessness on all homeless households and meet different individual support needs.
- Women who are homeless, compared to men, experience higher rates of drug use, mental health problems and conditions such as depression. Many of the complex support needs of women who are homeless stem from their experience of violence. Women experiencing domestic abuse are more likely to suffer from depression and post-traumatic stress disorder and are also more likely to self-harm or attempt suicide:
- Reduce the impact on women and their children temporarily separated as a result of being made homeless because of domestic abuse;
- Protect refugees who find themselves homeless who have experienced torture, gender based violence and have fled

insecurity. Unsuitable accommodation is unsuitable regardless of circumstance;

- Remove the distinction between “priority” and “non-priority” needs groups and by implications the “deserving” and “undeserving” amongst homeless applicants. Important in equalities and human rights terms as a matter of principle, but it is also important in ensuring that all homeless applicants experience homelessness for as short a period as possible, get the support they need through the transition to permanent accommodation and have the best chance of sustaining their new home in the long term;
- Provides all homeless people an enforceable right to adequate temporary accommodation for the first time;
- Reduce impact to those individuals with Adverse Childhood Experiences or experience of child poverty;
- There is a common perception that the current Order is potentially a breach of human rights and equalities legislation. Extending the restriction to all homeless people would end any sensitivities around the possibility of legislative discrimination and provide the basis for a fairer, more reasonable and unbiased approach. Aligned to this, currently there is a lack of consistency across Scotland in respect of how the Order is applied to parents with access to children. Extending the restriction to all homeless people would ensure local authorities are less exposed and not open to challenge on this; and
- People able to enjoy the ability to have visits from friends, family and children who may be residing with another parent or carer.

A positive impact of the policy is that the extension aims to end the use of expensive bed and breakfast as temporary accommodation, apart from in emergency situations, and this may lead to households being placed in settled accommodation sooner

For example, ‘the UAO extension would have a positive impact upon parents with children who don’t live with them. Hostels are generally classified as unsuitable accommodation and are commonly allocated to single men. Many of these hostels have restrictive rules in terms of curfews and visitors, which is very problematic for single men who have children. These rules have meant that during homelessness, many fathers could not see their children or have them to stay as per care or shared custody agreements’. This comment supports that the UAO extension aims to contribute to children’s wellbeing where they are in the above scenario.

<b>Monitoring and review</b>	Each local authority provides statistical information through its HL1 and HL3 returns which includes the number of times that they have breached the current UAO restriction, the extension will be monitored by the same method with the Scottish Housing Regulator			
<b>Bill - Clause</b>	<b>Aims of measure</b>	<b>Likely to impact on . . .</b>	<b>Compliance with UNCRC requirements</b>	<b>Contribution to local duties to safeguard, support and promote child wellbeing</b>
Extend to all homeless households	Aims to extend the protection and give equality of opportunity to all people experiencing homeless	<p>This policy may have both a negative and positive impact on children's rights.</p> <p>A negative impact could occur through unintended consequences of extending the Unsuitable Accommodation Order (UAO). The UAO extension will mean that the maximum number of days that local authorities can use unsuitable accommodation for any homeless person will be reduced to 7 days. Currently the 7 day restriction is only applicable to families with dependent</p>	<p>All UNCRC rights are underpinned by the four general principles: Non-discrimination, best interest of the child, right to life survival and development and right to be heard.</p> <p>The relevant Articles of the UNCRC that link to the policy are 3, 4, 19, 23, 24, 27, 33, 34, 35, 36, and 39.</p>	The long term policy implementation implications will mean that all people who are homeless will not be in unsuitable accommodation for more than 7 days and will move to settled accommodation quicker. These aims mean that the policy will contribute to the wellbeing of children and young people in Scotland.

		<p>children and pregnant women.</p> <p>The UAO extension will mean that the current priority for families with dependent children and pregnant women will no longer be in place as anyone who is homeless is to be treated the same and since some local authorities may have pressures due to the local housing market it may be difficult for the local authority to achieve full compliance to meet the restriction that any homeless household should not be placed in unsuitable accommodation for more than 7 days.</p> <p>This could put children at risk of not meeting their right to a standard of living that is good enough to meet their physical and social needs</p>		
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		<p>and support their development. If placed in unsuitable accommodation for more than 7 days this may not allow children the right to rest and leisure and to engage in play and recreational activities as access to this would depend on whether the accommodation is safe and has space for children to play.</p> <p>A positive impact of the policy is that the extension will end the use of bed and breakfast as temporary accommodation, apart from in emergency situations, and this may lead to households being placed in settled accommodation sooner.</p>		
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## CRWIA Declaration

### Authorisation

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#### Date

1 May 2020

1 May 2020

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On behalf of  
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#### Date

4 May 2020



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