

Amendment to the Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2020: Fairer Scotland Duty Assessment

May 2020



Scottish Government
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FAIRER SCOTLAND DUTY - ASSESSMENT

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| Title of policy/ practice/ strategy/ legislation etc. | The Homeless Persons (Unsuitable Accommodation) (Scotland) Amendment Order 2020. |
| Lead Minister | Minister for Local Government, Housing and Planning |
| Lead official | Graham Thomson |
| Directorate Division Team | Directorate for Housing and Social Justice DHSJ: Better Homes BET: Housing Support and Homelessness Unit |

STAGE 1 – PLANNING

This first stage is an introductory one.

The initial question to ask is: **Is this a strategic programme / proposal / decision or not?**

- If it is not strategic, there is no formal requirement for a Fairer Scotland Assessment.
- If you think this decision not to conduct an assessment may be subject to challenge at some future point, you should complete the [Assessment Not Required template](#) and store it in your local eRDM folder.
- If the programme/proposal/decision is strategic, but has no implications for inequalities, you should complete the same template.
- In both cases, it will be important that the decision not to conduct an assessment is signed off by a Deputy Director or more senior colleague.
- If you're in doubt about whether an assessment should be carried out or not, we'd advise you to do so. It's good practice to think about socio-economic factors and reducing inequalities in all policy-making.

If you decide an assessment will be needed, please begin the assessment process by answering the questions below.

Please answer the questions below to help with your planning.

1. What is the aim of your policy/strategy/plan?

The aim of the policy is to extend the seven day restriction on time spent in unsuitable accommodation to all people experiencing homelessness. The extension means that the maximum number of days that local authorities can use unsuitable accommodation for any homeless person is 7 days.

Who will it affect (particular groups/businesses/geographies etc)?

The UAO extension will affect all groups. Under the current UAO the only homeless groups covered are pregnant women and families with dependent children. There is no time restriction for any other homeless group and therefore there is no maximum limit that the other groups can remain in unsuitable temporary accommodation.

What main outcomes do you expect the policy/strategy/plan to deliver?

The UAO extension aims to remove existing inequalities as it will extend the 7 day restriction on the time spent in unsuitable accommodation to all homeless people/groups and remove the exclusion that currently exists.

2. What is your timeframe for completing the Fairer Scotland assessment?

1 May 2020

3. Who else in the organisation will be involved in the assessment and what roles will they be playing? We'd expect involvement from policy and analytical teams as a minimum. It is rarely appropriate for one person to conduct the assessment alone.

Homelessness Policy team and analytical team have been involved in the assessment process.

The analytical team has provided statistical information, including data on age and gender for other homeless people not included in the 2 groups that are presently covered under the current UAO, around the time these groups spend in unsuitable accommodation. It is clear from this data that other 'non-protected' homeless groups are spending a substantial time in 'unsuitable' temporary accommodation such as bed and breakfasts.

The homeless team has considered the analysis from the consultation on Improving Temporary Accommodation standards which ran from May until August 2019. It was clear from the responses, which included local authorities, that the clear preference was for the use of unsuitable temporary accommodation to be limited to a maximum of 7 days for all homeless households.

STAGE 2 - EVIDENCE

The second stage involves working closely with analysts, making full use of relevant data and commissioning other evidence to inform options for improvement. This stage is likely to involve a number of discussions between teams:

- To understand fully the inequalities of outcome associated with this programme/policy/decision.
- To begin to scope out how the programme/policy/decision could be strengthened to reduce these inequalities further, based on the evidence.
- Where necessary, to commission new data collection, for example from community consultation/participation, or new secondary analysis of existing data.

The Scottish Government has access to a wide range of relevant data, both quantitative and qualitative. This includes administrative data, data about local neighbourhoods (e.g. the Scottish Index of Multiple Deprivation), new experimental statistics on combined low income and material deprivation (now available at local level for the first time), and health, education and employment data. Analytical teams will be able to advise on which evidence is most useful.

Evidence can also be sought from communities and groups directly, particularly when there are evidence gaps – for example, where a significant new policy is being developed. Engagement processes should ideally reflect the principles of the [National Standards for Community Engagement](#).

Another source of help – particularly in terms of integrating equality and socio-economic considerations – is the Scottish Government [Equality Evidence Finder](#). This is an updated web resource providing equality evidence by subject area and protected characteristic. We intend to expand this over the next year to include socio-economic disadvantage as an additional category, also including child poverty considerations.

Please answer the questions below to help meet the duty's evidence requirements.

4. What does the evidence suggest about existing inequalities of outcome, caused by socio-economic disadvantage, in this specific policy area? You might want to think about:

- People on low incomes
- People living in deprived areas (and within particular communities of place and interest)
- People with no / low wealth or in debt

- People in material deprivation
- People from different social classes

Analysts have provided statistical information which includes age and gender on the number of people experiencing homelessness in Scotland and staying in 'unsuitable' temporary accommodation such as bed and breakfast. It is clear from this information that the other homeless households/groups that are not covered by the current UAO are remaining in unsuitable accommodation for long periods.

People who experience homelessness are more likely to have a low income so will have very limited access to renting accommodation in the private rented sector due to the high rent costs and need help from local authorities to access affordable social housing.

5. What does the evidence suggest about any possible impacts of the policy/programme/decision, as currently planned, on those inequalities of outcome?

The initial impact is that extending the UAO to all homeless groups aims to reduce the inequality that is occurring, as there is no time limit on the number of days that the local authority can leave these homeless groups in temporary accommodation that is classed as unsuitable.

The UAO extension may have a negative indirect impact on the current 'protected' homeless groups i.e. pregnant women and households with dependent children as it will remove their 'priority right' as everyone should be treated the same when the UAO extension is implemented. This may be the case in some local authorities but Scottish Government will work with the local authorities in question in the lead up to the legislation coming into force to help them overcome any barriers they face and ensure that they do not breach the new order.

Work is in motion to consider other options/types of temporary accommodation and meet with stakeholders, including local authorities, advocating and third sector organisations, to learn of good practices in the sector and share these with local authorities. For example the shared tenancy model has been agreed by Ministers as suitable temporary accommodation.

The long term policy implementation implications will mean that all people who are homeless should not be in unsuitable accommodation for more than 7 days and should move to settled accommodation quicker. This means that the policy aims to contribute to the wellbeing of all homeless people in Scotland.

6. Is there any evidence that suggests alternative approaches to the policy/programme/decision? E.g. Evidence from around the UK? International evidence? **No**

7. What key evidence gaps are there? Is it possible to collect new evidence quickly in areas where we don't currently have any? For example, through consultation meetings, focus groups or surveys?

Not required.

8. How could you involve communities of interest (including those with lived experience of poverty and disadvantage) in this process? The voices of people and communities are likely to be important in identifying any potential improvements to the programme/policy/decision.

We have already involved those with lived experience via the consultation we ran on Improving Temporary Accommodation Standards and the gathered information from the responses received.

STAGE 3 – ASSESSMENT AND IMPROVEMENT

Having considered the data and evidence you have gathered, the Assessment and Improvement Stage is where you look in more detail at potential improvements to the proposal, plan or decision.

It's essential that policy team leaders are involved at this stage to ensure that opportunities for developing a better proposal are able to be taken up; analysts should again be involved. This will be key for meeting the 'due regard' test.

The outcomes of the assessment and improvement phase, with any options emerging for consideration, should be clearly set out for consideration by the appropriate officer(s) in Stage 4.

The key questions to answer at this stage are:

9. What options could strengthen this programme/policy/decision in terms of its impacts on inequalities of outcome?

It is clear that the implementation of the UAO extension is the only option to reduce inequalities that occur under the current order. The impact of this policy should level the playing field so that any homeless person should not remain in unsuitable accommodation for longer than 7 days.

10. What are the pros and cons of these options?

Not applicable

11. How could the programme/policy/decision be adjusted to address inequalities associated with particular groups? Particular communities of interest or communities of place who are more at risk of inequalities of outcome?

The policy to extend the UAO aims to address the inequalities for those currently not included under the 7 day restriction i.e. everyone apart from pregnant women and families with dependent children.

STAGE 4 - DECISION

This decision stage allows Deputy Directors (or above) to consider the assessment process from Stages 2 and 3, agree any changes to the policy, proposal or decision and confirm that due regard to meeting the Fairer Scotland Duty has been given in this case.

Key questions to discuss at this summary stage are:

12. What changes, if any, will be made to the proposal as a result of the assessment? Why are these changes being made and what are the expected outcomes?

No changes proposed.

13. If no changes are proposed, please explain why.

No changes are proposed since this policy is aiming to reduce the current inequality around certain homeless groups having to stay in unsuitable temporary accommodation without a legislated time limit.

Once these questions have been discussed and written up, save this document in the relevant project file in eRDM. Your deputy director (or above) should sign and date in the box below.

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|------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Sign off of the Fairer Scotland Assessment template | Name: Janine Kellett Unit Head, Homelessness, Better Homes Division On behalf of Job title: Catriona MacKean, DD Better Homes Division 4 May 2020 |
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The final stage is to complete the [Fairer Scotland Duty summary template](#) for publication on the Scottish Government website. This should be published on the Scottish Government's website - contact [Social Justice Strategy](#) for more details.



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