

# **The Homeless Persons (Unsuitable Accommodation) (Scotland) Amendment (No.2) Order 2020**

## **Equality Impact Assessment**

**December 2020**



**Scottish Government**  
Riaghaltas na h-Alba  
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## Equality Impact Assessment Record

|  |   |                          |
|--|---|--------------------------|
| <b>Title of policy/ practice/ strategy/ legislation etc.</b> | <b>The Homeless Persons (Unsuitable Accommodation) (Scotland) Amendment (No.2) Order 2020</b> |                          |
| <b>Minister</b>  | <b>Kevin Stewart</b>  |                          |
| <b>Lead official</b>   | <b>Myra Quinn</b>   |                          |
| <b>Officials involved in the EQIA</b>                        | <b>name</b>   | <b>Team</b>              |
|  | <b>Marion Gibbs</b>   | <b>Homelessness team</b> |
| <b>Directorate:<br/>Division: Team</b>                       | <b>Directorate for Housing and Social Justice: Better Homes Division: Homelessness Team</b>   |                          |
| <b>Is this new policy or revision to an existing policy?</b> | <b>Amendment to existing legislation</b>  |                          |

### Screening

#### Policy Aim

The aim of the policy is to develop and amend legislation 2020/139 – the Homeless Persons (Unsuitable Accommodation) (Scotland) Amendment Order 2020, to take account of feedback from the local authority working group and other stakeholders about the drafting of the Order.

#### Background

SSI 2020/139 was laid on 5 May and came into immediate effect and extended the 2014 Unsuitable Accommodation Order (UAO) from pregnant women and children to all homeless households. This meant that the maximum number of days local authorities can use unsuitable accommodation for any homeless person is seven days.

It fulfils a PfG commitment that the order would come into effect this parliamentary term (by May 2021), to ensure people are provided with the highest quality accommodation to support them out of homelessness.

The definition of unsuitable was extended and redefined slightly and now also refers to minimum safety standards, the need to be in the locality of

employment and that accommodation is suitable for children to visit, where the household has access to non-resident children. It also corrected an anomaly that exempted only local authority owned supported accommodation by extending the exemption to accommodation owned and operated by third sector organisations.

A series of exemptions were created to take account of accommodation models for different needs, including shared tenancies, community hosting and rapid access accommodation.

A local authority working group was created to oversee the development of guidance to support the implementation of the 2020/139 Order. During this process, the Group identified that changes to the Order were needed to correct drafting issues.

### **Who will it affect?**

Amending this legislation will ensure that all homeless households will be placed in accommodation that meets minimum suitable standards and that the maximum number of days that local authorities will be able to use unsuitable accommodation for any homeless person is seven days.

### **What might prevent the desired outcomes being achieved?**

Every local authority is working to implement its rapid rehousing transition plan (RRTP), backed by £24m SG funding over three years. Each RRTP sets out the plans to implement and transition to a rapid rehousing and Housing First approach to redress the local balance of temporary and settled housing options and represents significant culture and systems change in how they respond to homelessness and for the expectations of people affected by it.

Achieving the desired outcomes will be dependent upon the success of the RRTP implementation, so that there is a reduction in the need for temporary accommodation in the first place by reducing demand through effective prevention and re-housing, and improving outflow or move-on into settled housing.

## **Stage 1: Framing**

### **Results of framing exercise**

The local authority working group identified drafting issues of the 2020/139 Homeless Persons (Unsuitable Accommodation) (Scotland) Amendment Order 2020 when developing guidance to support the implementation of the Order.

In addition the working group liaised with a wider group of homelessness stakeholders and an informal consultation was also undertaken on the draft guidance and SSI. The resulting feedback from stakeholders has been incorporated to make the appropriate amendments to the Order. The working group oversaw all of this, was consulted and agreed the amendments.

The revision of the SSI includes:

- Removing references to shared tenancies, community hosting and rapid access accommodation from Article 6(e), and instead places them within a new Article 7A so that Article 5 applies and the accommodation must meet the relevant suitability criteria.
- Amending the interpretation of rapid access accommodation of the draft SSI to read “emergency temporary accommodation for rough sleepers, or those at risk of rough sleeping, which consists of a safe, furnished, private lockable bedroom, of a good standard, and which provides support to a person using that accommodation”.
- Adding wording that states that the new models of accommodation are not suitable where the household includes:
  - a pregnant woman;
  - a dependent child;
  - or a person who exercises parental rights in respect of a dependent child who is not part of the household; and
  - where the household has agreed to be placed in the accommodation.
- adding wording to ensure that the physical accessibility and suitability needs of vulnerable people are met.

### **Extent/Level of EQIA required**

This amendment does not change the level of EQIA required which is medium. This is after assessment using the criteria reflected below:

|                                       | Medium   |
|---------------------------------------|--|
| <b>People</b>                         | Potential negative impacts identified that require mitigation.<br>Evidence gaps meaning potential impact on certain group(s) not known.  |
| <b>Evidence</b>                       | Some good evidence, but information gaps identified for some relevant protected characteristics that must be filled to assess impact, including consulting with people in those equality groups.                           |
| <b>Legal</b>                          | Not able to robustly demonstrate “due regard” – complaint possible.  |
| <b>Reputation</b>                     | Potential negative publicity or negative impact on relations with stakeholders and communities.  |
| <b>Action required to manage risk</b> | Make adjustments to policy to mitigate identified negative impacts, or have robust reasons for proceeding.<br>Fill evidence gaps as far as is possible.<br>Mitigating action and action plan to be completed and monitored |

## Stage 2: Data and evidence gathering, involvement and consultation

Include here the results of your evidence gathering (including framing exercise), including qualitative and quantitative data and the source of that information, whether national statistics, surveys or consultations with relevant equality groups.

| Characteristic <sup>1</sup> | Evidence gathered and Strength/quality of evidence  | Source                              | Data gaps identified and action taken   |
|-----------------------------|---|-------------------------------------|---|
| <b>Age</b>                  | <p>At 31 March 2020 there were 11,665 households in temporary accommodation.</p> <p>Average number of days spent in temporary accommodation ranged from:</p> <p>Highest - aged between 35 and 49 – 200 days<br/>Lowest - aged 65 and over – 133 days</p> <p>In 2019/20 the UAO limiting the amount of time households with pregnant women or children can be placed in unsuitable accommodation to 7 days was breached 495 times compared to 645 in 2018/19.</p> <p>395 of the 495 breaches were for the age group 25-49.</p> | Scottish Government HL1 statistics. | Data availability around age is strong.   |
| <b>Disability</b>           | Scottish Government does not collect data regarding disabilities from people placed in B&B for more than seven days.  | No evidence gathered.               | <p>No comprehensive and accurate data is available.</p> <p>Since we do not gather data we are not yet sure of the direct/indirect impact of this policy on this characteristic.</p> |

<sup>1</sup> Refer to Definitions of Protected Characteristics document for information on the characteristics

|            |   |                                     |   |
|------------|---|-------------------------------------|---|
|            |   |                                     | <p>However, we aim to keep it under review and work with analysts to change the information captured by the housing/homelessness returns by local authorities to look to include data on the characteristics that are absent at the moment but when included will provide a clearer picture on how they are affected and represented in the homelessness sector and ensure we have considered disabled people's needs fully.</p> <p>We will seek to engage with organisations representing disabled people to establish what their concerns are, and will then use that information to review and revise our policy as necessary, with this stakeholder intelligence sitting alongside information developed by analysts.</p> |
| <b>Sex</b> | <p>Of the 11,665 households in TA at 31 March 2020</p> <p>The average number of days spent in temporary accommodation:<br/> 87 – single male;<br/> 108 – single male parent;<br/> 85 – single female;</p> | Scottish Government HL1 statistics. | Data availability around sex is strong.   |

|                                |   |                                     |  |
|--------------------------------|---|-------------------------------------|--|
|                                | <p>131 – single female parent</p> <p>In 2019/20 out of the 8825 placements where B&amp;B was used:<br/> 55% = single males;<br/> 19% = single females;<br/> 2% = single male parent;<br/> 11% = single female parent;<br/> The remaining 13% relates to couples and couples with children.</p>  |                                     |  |
| <b>Pregnancy And Maternity</b> | <p>In 2019/20 the Unsuitable Accommodation Order limiting the amount of time households with pregnant women or children can be placed in unsuitable accommodation to seven days was breached 495 times.</p> <p>Of those experiencing breaches -<br/> 2% - single pregnant woman;<br/> 3% - couple with pregnant woman;<br/> 5% - single male parent;<br/> 49% - single female parent;<br/> 31% - couple with children;<br/> 10% - other with children.</p> <p>Other is likely to include formal or informal kinship care arrangements, such as children living with older siblings or grandparents.</p> | Scottish Government HL1 statistics. | Data availability is strong for this characteristic.   |
| <b>Gender Reassignment</b>     | <p>Scottish Government does not collect data regarding the gender reassignment status of people placed in B&amp;B for more than seven days.</p>   | No evidence gathered.               | <p>No comprehensive and accurate data is available.</p> <p>At the moment we do not gather data on this characteristic and so</p> |



|                                  |  |                              |   |
|----------------------------------|--|------------------------------|---|
|                                  | <p>The Registrar General for Scotland maintains a Gender Recognition Register in which the birth of a transgender person whose acquired gender has been legally recognised is registered showing any new name(s) and the acquired gender. This enables the transgender person to apply to the Registrar General for Scotland for a new birth certificate showing the new name(s) and the acquired gender. In 2014, there were 16 entries in the Gender Recognition Register, the same number as in 2013. The Gender Recognition Register is not open to public scrutiny.</p> |                              | <p>we are not yet sure of the direct/indirect impact of this policy on this characteristic.</p> <p>We do aim to keep it under review and work with analysts to change the information captured by the housing/homelessness returns by local authorities to look to include data on the characteristics that are absent at the moment but when included will provide a better view on how they are affected and represented in the homelessness sector and ensure we have considered this characteristic fully.</p> <p>We will seek to engage with organisations representing this characteristic to establish what their concerns are, and will then use that information to review and revise our policy as necessary, with this stakeholder intelligence sitting alongside information developed by analysts.</p> |
| <p><b>Sexual Orientation</b></p> | <p>Scottish Government does not collect data regarding the sexual orientation of people placed in B&amp;B for more than seven days.</p>  | <p>No evidence gathered.</p> | <p>No comprehensive and accurate data is available.</p>   |

|  |  |  |   |
|--|--|--|---|
|  |  |  | <p>At the moment we do not gather data on this characteristic and so we are unable to determine what the direct/indirect impact of this policy may be on this characteristic.</p> <p>We do aim to keep it under review and work with analysts to change the information captured by the housing/homelessness returns by local authorities to look to include data on the characteristics that are absent at the moment but when included will provide a better view on how they are affected and represented in the homelessness sector and ensure we have considered this characteristic fully.</p> <p>We will seek to engage with organisations representing this characteristic to establish what their concerns are, and will then use that information to review and revise our policy as necessary, with this stakeholder intelligence sitting alongside information developed by analysts.</p> |
|--|--|--|---|

|                                  |  |   |  |
|----------------------------------|--|---|--|
| <p><b>Race</b></p>               | <p>In 2019/20 out of the 8825 placements where B&amp;B was used there were:<br/> 80% = White;<br/> 3% = African;<br/> 1% = Caribbean or Black;<br/> 2% = Asian, Asian Scottish or Asian British;<br/> 1% = mixed or multiple ethnic groups;<br/> 8% = other ethnic group;<br/> 5% = not known or refused</p> <p>In 2019/20 out of the 495 placements where B&amp;B was used for more than seven days there were:<br/> 56% = White;<br/> 13% = African;<br/> 4% = Caribbean or Black;<br/> 7% = Asian, Asian Scottish or Asian British;<br/> 3% = mixed or multiple ethnic groups;<br/> 14% = other ethnic group;<br/> 3% = not known or refused;</p> | <p>Scottish Government HL1 statistics</p> | <p>By comparison 96% of the Scottish population are of white ethnicity.</p>  |
| <p><b>Religion Or Belief</b></p> | <p>Scottish Government does not collect data regarding the religion or beliefs held by people placed in B&amp;B for more than seven days.</p>  | <p>No evidence gathered.</p>              | <p>No comprehensive and accurate data is available.</p> <p>Currently we do not gather data on this characteristic and so we are unable to determine what the direct/indirect impact of this policy may be on this characteristic.</p> <p>We do aim to keep it under review and work with analysts to change the information captured</p> |

|  |   |                              |   |
|--|---|------------------------------|---|
|  |   |                              | <p>by the housing/homelessness returns by local authorities to look to include data on the characteristics that are absent at the moment but when included will provide a better view on how they are affected and represented in the homelessness sector and ensure we have considered this characteristic fully.</p> <p>We will seek to engage with organisations representing this characteristic to establish what their concerns are, and will then use that information to review and revise our policy as necessary, with this stakeholder intelligence sitting alongside information developed by analysts.</p> |
| <p><b>Marriage And Civil Partnership</b><br/>(the Scottish Government does not require assessment against this protected characteristic unless the policy or practice relates to work, for example HR policies and practices - refer to Definitions of Protected</p> | <p>Scottish Government does not collect data regarding the marriage or civil partnership status of people placed in B&amp;B for more than seven days.</p> | <p>No evidence gathered.</p> | <p>No comprehensive and accurate data is available.</p> <p>At the moment we do not gather data on this characteristic and so we are unable to determine what the direct/indirect impact of this policy may be on this characteristic.</p>   |

|  |  |  |  |
|--|--|--|--|
| <p>Characteristics document for details)</p> |  |  | <p>We aim to keep it under review and work with analysts to change the information captured by the housing/homelessness returns by local authorities to look to include data on the characteristics that are absent at the moment but when included will provide a better view on how they are affected and represented in the homelessness sector and ensure we have considered this characteristic fully.</p> <p>We will seek to engage with organisations representing this characteristic to establish what their concerns are, and will then use that information to review and revise our policy as necessary, with this stakeholder intelligence sitting alongside information developed by analysts.</p> |
|--|--|--|--|

### Stage 3: Assessing the impacts and identifying opportunities to promote equality

Having considered the data and evidence you have gathered, this section requires you to consider the potential impacts – negative and positive – that your policy might have on each of the protected characteristics. It is important to remember the duty is also a positive one – that we must explore whether the policy offers the opportunity to promote equality and/or foster good relations.

#### Do you think that the policy impacts on people because of their age?

| Age   | Positive | Negative | None | Reasons for your decision  |
|---|----------|----------|------|--|
| Eliminating unlawful discrimination, harassment and victimisation |          |          | x    | The policy development was primarily to eliminate the current distinction where a seven day restriction on the time spent in unsuitable accommodation only applied to pregnant women and families with children who are homeless. Opening the restriction from this cohort to all homeless households means that the age profile will change from the current UAO focus on younger people who are specifically targeted as a priority group under the 2014 Order.  |
| Advancing equality of opportunity                                 |          |          | x    | This policy development aimed to offer equal opportunity to all people presenting as homeless and opens the seven day restriction up to all. The legislation includes a new accommodation model - for community hosting. This model is used more frequently at the moment for young, single people, however, the Scottish Government wishes to see this model being used, where it is appropriate to do so, for a wider age demographic.<br>In addition shared tenancy and rapid access accommodation models have been added to the legislation to cater for the fact that it is no longer only families that are the focus of the order and these |

|   |  |  |   |   |
|---|--|--|---|---|
|   |  |  |   | accommodation types are focussed on single people needs.  |
| Promoting good relations among and between different age groups |  |  | x | The policy is not intended or expected to directly or indirectly impact on the interactions among and between different age groups. |

**Do you think that the policy impacts disabled people?**

| <b>Disability</b>   | <b>Positive</b> | <b>Negative</b> | <b>None</b> | <b>Reasons for your decision</b>   |
|---|-----------------|-----------------|-------------|--|
| Eliminating unlawful discrimination, harassment and victimisation           |                 |                 | x           | This policy development aims to eliminate discrimination as it will open the seven day restriction of time spent in unsuitable accommodation to all persons experiencing homelessness.   |
| Advancing equality of opportunity   |                 |                 | x           | This policy development aims to offer equal opportunity to all people presenting as homeless and opens the seven day restriction up to all. An exemption does exist for supported accommodation, some of the users of which are those with physical disabilities and learning difficulties, however the policy aims to ensure that there is equality of access to suitable temporary and supported accommodation for all.<br>The legislative amendment adds in wording to ensure that the physical accessibility and suitability needs of vulnerable people are met. |
| Promoting good relations among and between disabled and non-disabled people |                 |                 | x           | The policy is not intended or expected to directly or indirectly impact on the interactions among and between people with and without disabilities.  |

**Do you think that the policy impacts on men and women in different ways?**

| <b>Sex</b>                          | <b>Positive</b> | <b>Negative</b> | <b>None</b> | <b>Reasons for your decision</b>   |
|-------------------------------------|-----------------|-----------------|-------------|--|
| Eliminating unlawful discrimination |                 |                 | x           | <p>This policy development aims to eliminate discrimination as it will open the seven day restriction of time spent in unsuitable accommodation to all persons experiencing homelessness.</p> <p>Men and women do experience homelessness in different ways, including the reasons for becoming homeless in the first place.</p> <p>For female main applicants, the most common reason for making a homelessness application is a violent or abusive dispute within the household, this accounts for 23% of all applications from female main applicants and compares to 5% of applications from male main applicants. This amendment to the Order retains an exemption for refugees, allowing women the ability to flee from domestic violence as a top priority.</p> <p>The data shows us that single males are more likely to be placed in B&amp;Bs or hostels than any other group and men are most likely to be sleeping rough.</p> <p>The legislation includes the addition of rapid access accommodation where the priority is to get those who are rough sleeping or those at risk of rough sleeping a place to go and help and support.</p> |



|  |  |  |   |   |
|--|--|--|---|---|
| Advancing equality of opportunity              |  |  | x | This policy development aims to offer equal opportunity to all people presenting as homeless and opens the seven day restriction up to all. |
| Promoting good relations between men and women |  |  | x | The policy is not intended or expected to directly or indirectly impact on the interactions among and between different genders.            |

**Do you think that the policy impacts on women because of pregnancy and maternity?**

| <b>Pregnancy and Maternity</b>      | <b>Positive</b> | <b>Negative</b> | <b>None</b> | <b>Reasons for your decision</b>  |
|-------------------------------------|-----------------|-----------------|-------------|---|
| Eliminating unlawful discrimination |                 |                 | x           | This policy development aims to offer equal opportunity to all people presenting as homeless and opens the seven day restriction up to all. This removes the former positive discrimination that only applied to women who are pregnant and families with children under the current UAO. |
| Advancing equality of opportunity   |                 |                 | x           | This policy development aims to offer equal opportunity to all people presenting as homeless and opens the seven day restriction up to all, which currently already applies to women who are pregnant and families with children.   |
| Promoting good relations            |                 |                 | x           | The policy is not intended or expected to directly or indirectly impact on the interactions among and between people with different pregnancy or maternity statuses.  |

**Do you think your policy impacts on transgender people?**

| <b>Gender reassignment</b>          | <b>Positive</b> | <b>Negative</b> | <b>None</b> | <b>Reasons for your decision</b>  |
|-------------------------------------|-----------------|-----------------|-------------|---|
| Eliminating unlawful discrimination |                 |                 | x           | This policy development aims to eliminate discrimination as it will open the seven day restriction of time spent in |

|                                   |  |  |   |   |
|-----------------------------------|--|--|---|---|
|                                   |  |  |   | unsuitable accommodation to all persons experiencing homelessness.  |
| Advancing equality of opportunity |  |  | x | This policy development aims to offer equal opportunity to all people presenting as homeless and opens the seven day restriction up to all.     |
| Promoting good relations          |  |  | x | The policy is not intended or expected to directly or indirectly impact on the interactions among and between cisgender and transgender people. |

**Do you think that the policy impacts on people because of their sexual orientation?**

| <b>Sexual orientation</b>           | <b>Positive</b> | <b>Negative</b> | <b>None</b> | <b>Reasons for your decision</b>   |
|-------------------------------------|-----------------|-----------------|-------------|--|
| Eliminating unlawful discrimination |                 |                 | x           | This policy development aims to eliminate discrimination as it will open the seven day restriction of time spent in unsuitable accommodation to all persons experiencing homelessness. |
| Advancing equality of opportunity   |                 |                 | x           | This policy development aims to offer equal opportunity to all people presenting as homeless and opens the seven day restriction up to all.  |
| Promoting good relations            |                 |                 | x           | The policy is not intended or expected to directly or indirectly impact on the interactions among and between people with different sexual orientations.                               |

**Do you think the policy impacts on people on the grounds of their race?**

| <b>Race</b>                         | <b>Positive</b> | <b>Negative</b> | <b>None</b> | <b>Reasons for your decision</b>   |
|-------------------------------------|-----------------|-----------------|-------------|--|
| Eliminating unlawful discrimination |                 |                 | x           | This policy development aims to eliminate discrimination as it will open the seven day restriction of time spent in unsuitable accommodation to all persons experiencing homelessness, regardless of race. |

|                                   |  |  |   |  |
|-----------------------------------|--|--|---|--|
|                                   |  |  |   | <p>During 2019/20, 86% of main applicants were of White ethnicity (74% were of White Scottish ethnicity). By comparison 96% of the Scottish population are of white ethnicity (84% White Scottish)</p> <p>Under the current UAO, the data shows that the highest percentage of people staying in unsuitable accommodation identifies as white ethnicity, making up 56% of all those placed in unsuitable accommodation for more than seven days.</p> |
| Advancing equality of opportunity |  |  | x | This policy development aims to offer equal opportunity to all people presenting as homeless and opens the seven day restriction up to all.  |
| Promoting good race relations     |  |  | x | The policy is not intended or expected to directly or indirectly impact on the interactions among and between different ethnicities.   |

**Do you think the policy impacts on people because of their religion or belief?**

| <b>Religion or belief</b>           | <b>Positive</b> | <b>Negative</b> | <b>None</b> | <b>Reasons for your decision</b>   |
|-------------------------------------|-----------------|-----------------|-------------|--|
| Eliminating unlawful discrimination |                 |                 | x           | This policy development aims to eliminate discrimination as it will open the seven day restriction of time spent in unsuitable accommodation to all persons experiencing homelessness. |
| Advancing equality of opportunity   |                 |                 | x           | This policy development aims to offer equal opportunity to all people presenting as homeless and opens the seven day restriction up to all.  |
| Promoting good relations            |                 |                 | x           | The policy is not intended or expected to directly or indirectly impact on the interactions among and between people with different religions and beliefs.                             |

**Do you think the policy impacts on people because of their marriage or civil partnership?**

| <b>Marriage and Civil Partnership<sup>2</sup></b> | <b>Positive</b> | <b>Negative</b> | <b>None</b> | <b>Reasons for your decision</b>  |
|---|-----------------|-----------------|-------------|---|
| Eliminating unlawful discrimination               |                 |                 | x           | This policy development aims to eliminate discrimination as it offer equal opportunity to all people presenting as homeless and opens the seven day restriction of time spent in unsuitable accommodation to all. |

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<sup>2</sup> In respect of this protected characteristic, a body subject to the Public Sector Equality Duty (which includes Scottish Government) only needs to comply with the first need of the duty (to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010) and only in relation to work. This is because the parts of the Act covering services and public functions, premises, education etc. do not apply to that protected characteristic. Equality impact assessment within the Scottish Government does not require assessment against the protected characteristic of Marriage and Civil Partnership unless the policy or practice relates to work, for example HR policies and practices.

## Stage 4: Decision making and monitoring

### Identifying and establishing any required mitigating action

|  |   |
|--|---|
| <p>Have positive or negative impacts been identified for any of the equality groups?</p>               | <p>This policy intends to give equality of opportunity to all groups by extending the seven day restriction on unsuitable accommodation from pregnant women and families with children to all. This aims to have a positive impact on all groups by limiting the time local authorities can place them in unsuitable accommodation. However, for pregnant women and families with children who were given priority for suitable housing prior to this policy, there may be a negative impact for this group if the policy intentions cannot be realised by local authorities due to funding pressures, housing shortages and other realistic barriers to the policy being fully implemented in all local authorities. Scottish Women's Aid and other organisations have raised concerns that this will negatively affect pregnant women and women with children who may now spend longer in unsuitable temporary accommodation. We will need to monitor this situation carefully.</p> |
| <p>Is the policy directly or indirectly discriminatory under the Equality Act 2010<sup>3</sup>?</p>    | <p>The policy aim is not to directly discriminate any group with a protected characteristic.</p> <p>The policy will be applied to everyone in the same way, which may potentially disadvantage pregnant women and families with children by removing the priority given to this group. However, the intentions of the policy which are to provide better legislative protection and suitable accommodation to all. The group this duty already applies to may only be negatively impacted if the policy is not fully realised by local authorities.</p>   |
| <p>If the policy is indirectly discriminatory, how is it justified under the relevant legislation?</p> | <p>Not Applicable</p>   |
| <p>If not justified, what mitigating action will be undertaken?</p>                                    | <p>The policy may only have a negative impact for pregnant women and families with children if the policy is not fully implemented for all.</p>   |

<sup>3</sup> See EQIA – Setting the Scene for further information on the legislation.

|  |  |
|--|--|
|  | <p>It is recognised that this may happen in some local authorities due to funding pressures or shortages of housing that full compliance of the UAO extension within the timescale may be difficult.</p> <p>To mitigate against this the Scottish Government will work with local authorities to help them overcome any barriers they face and ensure they do not breach the Order. Part of this role will to be develop guidance, to consider options and learn of good practices in the sector and share these with local authorities to help bring about this change that will benefit all those at risk of homelessness.</p> |
|--|--|

## **Describing how Equality Impact analysis has shaped the policy making process**

The Equality Impact analysis has shown that the extension of the UAO is beneficial to all homeless households as the policy to be introduced will affect the maximum number of days that local authorities can use unsuitable accommodation for any homeless person will be reduced to seven days and therefore there is no need for policy changes to be made.

It is recognised that for some local authorities there will be pressures in the local housing market that will mean they it may be difficult to achieve full compliance to meet the maximum seven day restriction that homeless households can be placed in unsuitable accommodation. In these special cases, SG will seek to agree specific solutions that recognise the challenges as long as the local authority has set out clear plans to initiate the transformational change required to ensure compliance as quickly as possible. SG will work closely with these authorities to help bring about this change that will benefit all those at risk of homelessness.

It may be the case that local authorities will ask for flexibility in the approach to breaches in the short term and for support and resource to be provided to them to help transition from the current use of B&B in some areas. However, the extension will also end the use of bed and breakfast as temporary accommodation, apart from in emergency situations, which will help to reduce the amount of money all local authorities spend on expensive B&B accommodation.

The EQIA aims to evidence that the UAO extension is beneficial for people and communities as the policy proposal will reduce the time that local authorities can use unsuitable accommodation for any homeless person.

## Monitoring and Review

Statistical information is gathered throughout the year from local authorities and includes data on the number of breaches of the UAO by each local authority. This information is used by the Scottish Housing Regulator who monitors, assesses and reports on social landlords' performance, including how local authorities deliver homelessness services and how local authorities and RSLs work together to provide homes for people who need them.

Additionally, where breaches of the UAO occur the minister writes to the relevant local authority and requests to meet with senior officials of the local authorities who have the highest number of breaches to hear and discuss the plans that they have in place to address the issue and ensure that they do not breach the Order.

It is recognised that for some local authorities there are pressures such that full compliance in the short term may be difficult. In these special cases, SG will seek to agree specific solutions that recognise the challenges as long as the local authorities clearly set out plans to initiate the transformational change required to ensure compliance as quickly as possible. SG will work closely with these authorities to help bring about this change that will benefit all those at risk of homelessness.

SG will continue to monitor the statistical information closely to identify local authorities that are having issues meeting the UAO legislation and continue to engage with them to address any non-compliance.

In addition we aim to work with analysts to change the information captured by the housing/homelessness returns by local authorities to look to include data on the characteristics that are currently absent. We will also seek to engage with organisations representing those characteristics to establish what their concerns are and then use that information to review and revise as necessary our policy, with this stakeholder intelligence sitting alongside information developed by analysts.

## Stage 5 - Authorisation of EQIA

Please confirm that:

- ◆ This Equality Impact Assessment has informed the development of this policy:

Yes  No

- ◆ Opportunities to promote equality in respect of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation have been considered, i.e.:

- Eliminating unlawful discrimination, harassment, victimisation;
- Removing or minimising any barriers and/or disadvantages;
- Taking steps which assist with promoting equality and meeting people's different needs;

- Encouraging participation (e.g. in public life)
- Fostering good relations, tackling prejudice and promoting understanding.

Yes  No

- ◆ If the Marriage and Civil Partnership protected characteristic applies to this policy, the Equality Impact Assessment has also assessed against the duty to eliminate unlawful discrimination, harassment and victimisation in respect of this protected characteristic:

Yes  No  Not applicable

### **Declaration**

**I am satisfied with the equality impact assessment that has been undertaken for the Homeless Persons (Unsuitable Accommodation) (Scotland) Amendment (No.2) Order 2020 and give my authorisation for the results of this assessment to be published on the Scottish Government's website.**

**Name: Janine Kellett**

**Position: Unit Head, Homelessness, Better Homes Division**

**On behalf of DD Better Homes Division**

**Authorisation date: 8 December 2020**





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