

# **Task and Finish Group: Homelessness Prevention**

**Final report**

**August 2023**

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# Introduction

## Executive summary

This report by the Prevention Task and Finish Group provides an outline of the groundwork needed to achieve the potential of the proposed new homelessness prevention duties, as well as outlining the steps needed to catalyse public bodies into taking action to support the duties' implementation. In doing so, it seeks to contribute to the Scottish Government's efforts to build on and develop our shared national approach to homelessness prevention.

The report is based on some key organising principles and values that dominated the Group's discussions throughout its work:

- Cross-sector culture change and leadership is required so that homelessness prevention is seen as everyone's business
- No-one should experience homelessness after leaving the support of any public body
- Public bodies should be fully supported and resourced to enable workforce development and training
- Housing must continue to be built, acquired and updated

Based on these key messages, the report identifies five priority areas that require focus if the new prevention duties are to have the greatest impact. Under the priority areas identified, the Task and Finish Group highlighted a range of actions that are required to ensure that the transformational potential of the new homelessness prevention duties are realised.

While the Group's brief was broad in scope and the report includes medium and long-term actions that are required to ensure the successful implementation of the duties, one of its key tasks was to identify some of the key short-term steps that are required to ensure the success of the legislation being introduced as expected in autumn. These actions include:

### Workforce training and support

- Creating Homelessness Prevention Strategic Lead and Homelessness Prevention Lead roles in all public bodies to whom the new duties apply.
- Creating a national lead on training around the duties, to both support new ways of working across sectors, as well as continuing to ensure the ongoing development of knowledge and understanding in relevant sectors.

### Legislation

- Renaming the Housing Bill to reflect the broad scope of the provision, for example the 'Early Intervention & Housing Sustainability Bill'.

- Providing clarity as soon as possible on which public bodies the new duties will apply to, so that individuals and organisations working in those sectors can engage with the draft legislation.
- Clarifying what is meant by 'Ask' and 'Act,' and introduce these as two separate duties.
- Carrying out in-depth consultation with frontline workers, managers and strategic leads in 'wider public bodies' to ensure the 'Ask' and 'Act' duties are designed in a way that is appropriate for those sectors.

### Funding

- Carrying out a full financial assessment to ensure that all public bodies affected by the new duties have the budget to fulfil their duties, and making all additional funding required available to support the new duties.

### Service changes and support

- Conducting system reviews now, in anticipation of the new duties, to identify changes to commissioned services and the formation of collaborative networks. These reviews should be led by people with experience of homelessness.
- Commissioning a piece of work looking at data sharing across public bodies, with a view to enabling data relating to individuals at risk of homelessness to be shared across public services, supported by informed consent.

### Monitoring and oversight

- Once there is clarity on the new homelessness prevention duties, the Scottish Housing Regulator (SHR) should update its regulatory framework, clearly setting out how it will assess local authority and landlord compliance.
- Establishing an oversight project board with various workstreams to oversee implementation of the duties (legislation, service restructure and transition to the new model, development of statutory guidance etc.).

## **The context: Transformational change is in reach**

Scotland is on the brink of introducing ground-breaking legislation on homelessness prevention. Learning from across Europe and building on changes to the law in England and Wales, the Scottish Government is proposing to introduce legislation which puts prevention at the heart of our approach to tackling homelessness. This ambitious new approach goes further than anywhere else in the world.

In 2018, the Homelessness and Rough Sleeping Action Group recommended that the Scottish Government legislate for a new prevention duty for public bodies. The Scottish Government asked Crisis to convene an independent group to develop legislative proposals

to prevent homelessness. This became the Prevention Review Group; its work was supported by the Prevention Commission, a group of people with lived and frontline experience of homelessness, whose views shaped the final proposals, published in February 2021. A joint Scottish Government and COSLA consultation for the new prevention duties then took place between December 2021 and April 2022, finding widespread support for the new duties.

The journey to this point has been one marked by strong partnership between government, the third sector, academia and people with experience of homelessness. It is in this context and in this spirit of collaboration that the Prevention Task and Finish Group has undertaken its work. The Scottish Government's upcoming Housing Bill (in which the prevention duties will sit) has the potential to be transformational; changing lives across the country.

## The Homelessness Prevention Task and Finish Group

The group is one of four that sit under the Homelessness Prevention and Strategy Group, co-chaired by Scottish Government and COSLA.

The Task and Finish group, co-delivered by Crisis and Cyrenians and made up of local government, public sector, members of the All in for Change Team, and third sector, began work in October 2022, meeting six times over six months. The group had input from speakers covering topics including: culture change; system design and strategic planning; prevention of homelessness for at-risk groups; and prevention duties in England and Wales. The remit set by the HPSG for this Task and Finish Group was to:

- Identify what groundwork is needed to ensure successful implementation of Scotland's homelessness prevention legislation
- Consider how to galvanise other parts of the public sector into action and what resources and training might be required to provide clarity to duty holders
- Reflect on the best way to ensure a coherent approach to prevention, and how the new legislation will align with existing prevention pathways
- Gather evidence to make the economic and moral cases for cooperation to address homelessness
- Consider the development of an engagement/influencing strategy to ensure buy-in from the widest range of professional structures outside of the homelessness sector
- Consider any important lessons that can be learned from implementation of similar legislation in England and Wales. Members will want to consider the benefits of a place-based approach to preventing homelessness alongside the implementation of the new duties as that has the potential to bring in groups and organisations who have an interest in homelessness prevention, but no duty.

The group was designed to build on the work of the Prevention Review Group, avoiding repetition of parallel policy development processes already produced, or taking place. It was agreed that it was not within the remit of the group to carry out further policy development,

nor was it within the remit of the group to pre-empt legislation or guidance developed by Scottish Government and COSLA before it is scrutinised through the parliamentary process.

## Stakeholder sessions

As a central strand of the Task and Finish Group work, Crisis and Cyrenians ran three stakeholder engagement sessions, exploring homelessness prevention, focusing on health and social care services, justice services and preventing homelessness for children, families and young people. The purpose of the sessions was to raise awareness of new proposed duties to prevent homelessness across public bodies in Scotland; to share examples of existing good practice; and to collect feedback from frontline workers on what the “Ask” and “Act” duties might look like in their specific roles.

The three stakeholder sessions were attended by 126 frontline workers, from both statutory services and the third sector. Attendees included health visitors, community link workers, nurses, healthcare support workers, housing officers, prison officers, offenders’ outcomes officers, community justice coordinators, social workers, police officers, Housing First key workers, advocacy, outreach and support workers.

## Process and wider issues

While outstanding questions around the policy design have impacted how specific the recommendations are in their current form, the Group recognised the value of carrying out this work ahead of the legislation being drafted. Listening to the feedback of frontline staff and learning from the implementation of similar legislation elsewhere to inform the drafting was and is the right approach and should lead to legislation that enables better outcomes.

Contextually, it is important to note that there are other policy areas undergoing significant change, which have implications for design and implementation of homelessness prevention duties. Examples include the proposed National Care Service; commitments to incorporate UN human rights treaties into domestic law in Scotland; the recent UK signing of the Istanbul Convention, preventing and combating violence against women and domestic violence, and changes to the criminal justice system such as the Bail and Release from Custody (Scotland) Act. There are interactions between these different policy agendas which will need to be taken account of in the drafting of the legislation.

# The outcomes we're trying to achieve

Replicated from the Ending Homelessness Action Plan<sup>1</sup>:

Wherever possible, we **prevent** homelessness from happening in the first place; making it **rare** by responding quickly and effectively whenever it happens; making it **brief** by joining up planning and resources to tackle it and make it **non-recurring** by prioritising safe, settled homes in communities.

## What this means for people:

“My support is flexible and builds on my strengths and successes”

“I always have choice and control”

“I am listened to, valued and treated with dignity and respect”

“I can find support quickly if I need it, before reaching crisis point”

“I am helped to keep my home, which helps me focus on other goals”

“My housing options are considered when my other circumstances change”

“I know where to get help”

“I expect services to work together, in partnership with me”

“I trust that the right people are informed about my needs and experiences”

“I expect my housing crisis to be responded to with urgency”

“The help I get is right for me, and reduces the risk of homelessness happening again”

“I can exercise my right to access and maintain a safe and secure home”

“I build and maintain positive relationships and am part of a community”

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<sup>1</sup> [Scottish Government & COSLA \(2018\), Ending Homelessness Together: High Level Action Plan](#)

## What this means for services:

**Knowledge** Staff and the public understand and can identify the causes and triggers of housing risk and homelessness.

**Confidence** Staff feel more confident in asking about, identifying and assisting someone with housing risk.

**Visibility** Staff and the public understand which services can offer early help when housing risk presents, and how to contact them.

**Accessibility** Services are designed to be available where, when and how people need them.

**Coordination** Services provide efficient and joined-up support which benefits wider outcomes (better health, better financial health, sustainable housing, less recidivism, less poverty, improved employment/learning opportunities).

**Culture Change** All staff understand that they have a role to play in identifying housing risk and feel a sense of responsibility, without the burden of fear.

**Person-Centred** Those who access services are front and centre of the improvement journey to ensure that they shape what good looks like in working to avert housing crisis.

**Shared Vision** There is consistent messaging around common understanding of benefits in reducing and preventing housing crises occurring, using a common language which makes sense across sectors.

**Transparency** Staff, service users and the public are confident in highlighting what is and is not working, and services respond to this feedback, driving continuous improvement.

**Accountability** Services hold themselves accountable for meeting service users' outcomes and complying with the law, and are held accountable by regulators and other stakeholders.

**Start Early** Services across all sectors learn from known strategies to identify those at risk of housing crisis as early as possible.

**Resources** The services and resources that people need when facing a housing crisis are available, accessible and are delivered within a reasonable timeframe, that allows them the greatest chance of success.



## Priorities

### Priority 1: Cross-sector culture change

Until we have an entire workforce across all relevant sectors working to prevent people from experiencing homelessness and sharing an understanding of how we will get there together (with people with experience of homelessness at the heart of the processes) we are limiting the possibilities that sit within these transformational changes. This is not about creating a shared value base alone, but requires embedding a person-centred ethos of prevention and support throughout organisations, that has shared ambitions, bringing people together from different sectors to progress these ambitions.

### Action 1: Leadership and culture change

We must recognise and accept that, currently, not all public bodies, third sector and private organisations, reflect and embed a culture where the needs of people are put ahead of process or systems. Even amongst those who do, there will be many that do not put a spotlight on the prevention of homelessness. This must change at a systemic level, with a national lead within relevant services, working together to achieve this change. This will require steer, support and a strategy from the Scottish Government.

The following points offer a springboard to enable us to reach this:

- The proposals for a new National Care Service pose both risks and opportunities in relation to the prevention of homelessness. There must be planning from the outset on the cultural changes required, and how they will play a positive role in reaching the potential this new legislation offers.
- The value and transformative possibilities of the 'Ask' and 'Act' duties should be promoted by national government and national bodies to the local public authorities they oversee or represent. This should include the creation of messages which make clear to staff in those sectors the positive impact that this could have for improving outcomes; supporting the cultural changes required to embed these changes.
- Public sector leaders should consider and be guided by existing evidence on the barriers which have hindered progress since the Christie Commission: including short-termism in planning; inefficient use of existing resources; and lack of coherence across policy areas.<sup>2</sup>

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<sup>2</sup> See, for example: Finch, D, Wilson, H and Bibby, J (2023) [Leave no one behind: The state of health and health inequalities in Scotland](#). The Health Foundation; [The Christie Commission 10 years on: reflection on progress and areas for action](#); The Health and Social Care Alliance

## Action 2: Wider supportive action

We must move away from the preconceptions around homelessness, both in terms of the public perception around it being solely rough sleeping, and the wider perception, that continues to have a focus on male homelessness; instead moving to a gendered approach, with an emphasis on human rights and empowering people to access their rights. Crisis has completed significant work on public attitudes and homelessness<sup>3</sup>, providing a starting point for work to take place. To make a significant difference at a public level, a planned Scottish Government-led campaign would also pave the way to change. We would suggest input from gender specific services and human rights experts to aid this work.

## Action 3: Putting people at the heart of decisions and actions

Any redesign of local services as a consequence of the new duties should be co-produced with people with experience of homelessness and frontline staff, to ensure systems and services are designed in a way that meets the specific needs of people in different localities.

Implementation of homelessness prevention duties is reliant on authentic, meaningful, and ethical involvement of people with experience of homelessness. The All in for Change Team - supported by Homeless Network Scotland, Cyrenians and the Scottish Community Development Centre - has been an important part of the homelessness policy landscape in Scotland, and we should continue and build on that approach. People also need to be fairly remunerated for their contributions, supported to ensure that the experience is beneficial to them, and see the impact of their contributions.

Other areas of work required:

- Linked with the above recommendations, the restructuring of local services should be done in collaboration across public bodies; working to design systems which put the service-user at the heart of how they are accessed, what they do, and the outputs. This may include exploring opportunities that are outwith using only local authority housing / homelessness buildings.
- All public bodies to which the new duties apply must have dedicated, trained, Homelessness Prevention Strategic Leads to support frontline staff to implement the new duties, with continuous training built into the role. The Strategic Leads will be key to embedding positive culture changes.
- Services to which the new duties apply should also consider introducing dedicated Homelessness Prevention Leads to work with individuals and coordinate links with housing and homelessness services, landlords, benefits services and other

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Scotland (2021) [Christie Commission 10 years on: achieving the vision today](#). Glasgow: The ALLIANCE.

<sup>3</sup> [Crisis \(2018\), Everybody In: How to end homelessness in Great Britain](#)

stakeholders. To take prisons as an example: this would be a dedicated Housing Officer or Link Worker based in each prison who works alongside prison staff to discuss housing situations/options with individuals, attend case meetings and liaise with other local authorities and partners as necessary.

- Embedding a culture of identifying and preventing homelessness in some localities will require changes to commissioned services and the formation of collaborative networks to meet future homelessness prevention duties. Where relevant, we would ask for a system review to start now, in anticipation of the new duties, led by people with experience of homelessness.
- Personal Housing Plans must be person-led to succeed. Choice and control are key, but equally managing expectations is fundamental in areas where choice may be limited. Creative solutions and partnership working will be required by those supporting the implementation of plans. Guidance should convey the wider parameters they can operate in to make plans realised. Where solutions are hampered by a lack of suitable provisions, this information should be collated and reviewed at a national level.

## Action 4: Language

A reoccurring theme through the Task and Finish Group meetings was that of language. The word 'homelessness' carries a host of myths, stigma and misunderstandings, but it can also hold weight and power. Statutory definitions around homelessness have specific meanings in law, which convey rights. However, whilst the definition of homelessness in Scotland is broader than many people think it is, with people often conflating it with rough sleeping. It also focuses our attention on the acute problem at the point of crisis rather than when the early warning signs begin to emerge.

For true change, we require a focus on addressing myths and stigma associated with homelessness, broadening out people's understanding so that we recognise all forms of homelessness, including those which are often hidden. The prevention duties will identify a wider group of people that may not have previously been visible to services and will highlight other routes into homelessness. Most importantly, homelessness exists because of a system failure.

Where possible, we should prioritise the use of terms such as 'housing crisis,' or 'housing emergency' to describe situations where people need support to avert homelessness, and terms like 'housing options,' 'housing assistance,' 'early intervention,' and 'tenancy sustainment' to describe the kinds of support that are offered.

- The Bill should be named to reflect the broad scope of the provisions, which are not just about housing or homelessness. For example, the 'Early Intervention & Housing Sustainability Bill.'

- The terms ‘the homeless’, and ‘those who are homeless’ remove people from the scenario. Where the word homeless needs to be used, we would ask that ‘people experiencing homelessness’ becomes the normal terminology.

## Action 5: A focus on young people

With no changes to the under 18’s element of the legislation, we cannot lose sight of improvements that could be made for 16–17-year-olds. Housing, social work, and other sectors must work better together both in good practice, as well as with budgets. We must continue to build on and learn from models of best practice for children and young people, for example Housing First for Youth<sup>4</sup>, the ongoing work and recommendations of The Promise, and the Upstream model<sup>5</sup>, whilst continuing to learn from the experts across Scotland and further afield.

We need to reverse the change that has been emerging where youth homelessness merges into other areas of homelessness, recognising that both the reason for a young person becoming homeless, as well as the solutions, are different in every case. Equally, recognition is required around the variations across ages and stages of young people (including care leavers); it is very difficult to compare the needs of a 16-year-old young person at school, who has been asked to leave their grandparents due to a lack of funds, compared to a 19-year-old young person studying at college, who has been asked to leave as a result of coming out, compared to a couple of 17-year-old young people who are expecting a child needing to move due to overcrowding. In addition to the very different scenarios, the age and stage each young person is at in terms of their maturity and life skills will differ much more than that of their adult counterparts. There should be a spotlight on youth homelessness across all sectors, with each exploring how to best ensure there is knowledge and understanding of the differences in access, needs and solutions.

Young people are likely to have a very broad range of routes into prevention, as a result of the implementation of Ask and Act, and it will be vital to have input and direction from youth homelessness experts, to ensure this is well executed from the right knowledge base.

## Action 6: A focus on women

With domestic abuse being the main cause of women becoming homeless in Scotland<sup>6</sup>, the recommendations set out in the *Improving Outcomes for Women and Children Experiencing Domestic Abuse* report,<sup>7</sup> must be implemented if a new approach to homelessness

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<sup>4</sup> [Rock Trust \(2020\), Rock Trust Housing For Youth Pilot](#)

<sup>5</sup> Upstream Scotland is an innovative schools-based programme that utilises a universal screening/surveying tool to identify and support students at risk of homelessness

<sup>6</sup> [Scottish Women's Aid \(2023\), Scottish Women's Aid's input to the Homelessness Prevention Duty Task and Finish Group](#)

<sup>7</sup> [Scottish Government working group \(2020\), Improving housing outcomes for women and children experiencing domestic abuse](#)

prevention is to be a success. Specifically, the Scottish Government must prioritise the implementation of the Domestic Abuse Protection (Scotland) Act 2021, which creates a ground on which a social landlord can apply to the court to end the tenancy, or interest in a joint tenancy of the perpetrator and transfer it to the victim; and requires social landlords to develop and implement domestic abuse housing policies based on the good practice guidance on domestic abuse for social landlords.

The need is not just in terms of legislation change, but there needs to be a spotlight placed on what housing options that are for women experiencing domestic abuse; these are currently limited, and frequently do not provide safe solutions for women (and often children). Continuing discussions with women's services on appropriate provisions that meet the needs of people and their geographical settings, must be part of the plans moving forward.

In both the solutions for preventing youth homelessness, as well as women's homelessness (which often includes children) arising as a result of domestic abuse, we already know what works - information that has already been collated across several Scottish Government and third sector documents. We need a Scottish Government spotlight and strategy to ensure they do not remain only as good practice on paper, and instead plan and implement solutions in line with these.

## Action 7: Training

Across almost all of the Group's meetings, as well as the stakeholder groups, the importance of cross-sector workforce training was continually emphasised. The key points with this recommendation are:

- Creating a national lead on training around the duties, to both support new ways of working across sectors, as well as continuing to ensure the ongoing development of knowledge and understanding in relevant sectors. This role should be created in advance of the new duties being applied in order to support training ahead of their commencement.
- There is the opportunity to incorporate training on the new duties into existing mandatory programmes, for example the Newly Qualified Social Worker Mandatory Supported Year; programmes delivered by NHS Education Scotland; and teacher training programmes.
- Prior to the legislation being rolled out, some training will be required to enable sectors to input to guidance and embed changes to reflect the need.
- Whilst there will need to be targeted training for housing/homelessness teams, and colleagues in each of the public bodies to which the duties apply, training should be cross-sector, with people from different services coming together, offering an opportunity to learn together and encouraging cross-sector working. This should

become an ongoing part of everyone's roles (sharing knowledge with the appropriate people across the sectors).

- Training provided should reflect any relevant actions highlighted in this document, for example including focuses on gendered approaches, young people, and care leavers. This will be especially relevant in terms of 'Ask & Act', the questions, and opportunities for change.
- Community Planning Partnerships should be considered as the lead to be responsible for committing to and planning such multi-agency approaches to training described above.
- Training must include information to improve general understanding of homelessness, highlight clear triggers and early warning signs to look out for, and improve frontline workers' understanding of when someone's homelessness has ended. Depending on the end product of the Housing Options Toolkit, this may provide an opportunity for other organisations.
- Training should be designed in a way that is trauma-informed, taking learning from the NHS Trauma Informed Practice training programme.
- There is an opportunity to replicate Housing Options Hubs to widen out peer learning and sharing of best practice across a wider group of public bodies and third sector agencies.
- The requirement for ongoing training is key to overcoming the challenges the prevention work brings. The shape and content of training required will be different depending on the varying roles across sectors.
- As mentioned earlier in this report, culture change is seen as one of the main priorities in ensuring the changes are as transformative as they can be. Training that embeds this change of culture should start to be rolled out well in advance of the changes ahead and remain a focus in the ongoing training and development across sectors.
- Training styles must be varied, with less focus on e-learning and more focus on people working together. Training opportunities bring more than the content itself.

## Action 8: Empowerment through digital tools

As part of the culture change, we should look to empower people to be in control of the data we hold with / for / about them. Delivering a commitment to the development of digital tools that allow people greater ownership of the data public bodies hold about them, whilst also allowing information to be, with the individual's consent, shared easily across agencies. The development of a single electronic record, as part of Scotland's Promise to Care Experienced People, may support the sharing of data or those at risk of homelessness too:

- Scottish Government should commission a piece of work to look at data sharing across public bodies, with a view to enable data relating to individuals at risk of homelessness to be shared across public services, supported by informed consent.
- The new legislation will require streamlined referral processes supported by information on what services provide, such as through up-to-date service directories with both local and national contacts, or a designated point of contact who know what support is available locally.<sup>8</sup>

## Priority 2: Recognition of the importance of a home

A home is core to a person's health and wellbeing. Without a home, people are not as well as they could and should be.

As has been evidenced<sup>9</sup>, without a secure home, people do not thrive, and instead spend much more time needing to access health and other support services (which they wouldn't otherwise do). And yet, as a society, we have been accepting that for many, it is the case that a home is out of reach. This must change, with a focus on the importance of a home. To clarify, a house does not always constitute a home, and therefore, we emphasise that the focus is to be 'a home'.

This focus should be clear across all of both the primary solution providers to this – builders, planners, local & national government. But also, as outlined further in our recommendations, this should also include education, health, policing, justice, and every sector area with the opportunity to embed this.

## Action 9: Including a home as part of someone's broader health and wellbeing needs

- Placing the importance of a home at the heart of someone's health and wellbeing should be key within the structure of the proposed National Care Service.
- Community is part of a house being a home, and local community organisations have an important role to play in homelessness prevention. This requires a clear

<sup>8</sup> Two examples given of how this could work in practice were: 1) the ALISS directory (A Local Information System for Scotland) created by the Health and Social Care Alliance was identified as an example of how this could work in practice; and 2) The London Hospital Discharge Housing Options Directory – an online resource to help hospital staff across London when discharging patients experiencing homelessness

<sup>9</sup> [Scottish Government \(2018\), Health and Homelessness in Scotland](#)

statement from Scottish Government on the importance of third sector and community organisations, with accompanying support provided to those organisations. Guidance should be developed which sets out the need for public bodies to work with community organisations, housing associations, RSLs, private landlords' community groups, and wider networks that surround and support an individual.

- No-one should be blocked from receiving assistance to prevent homelessness because it is judged they have created the circumstances that have led to the potential loss of their home. Scottish Government must give very careful consideration to the interaction of the various duties and legal tests (such as intentionality) and ensure that the tests are not applied inappropriately, with a focus placed on having and retaining a home.
- Temporary accommodation (TA) plays an essential role in supporting people when experiencing homelessness, but too many households in Scotland spend long periods of time in temporary accommodation (13,954 households in TA for 2021/22 reporting<sup>10</sup>). As noted in the recommendations made by the Task and Finish Group on Temporary Accommodation,<sup>11</sup> there must be a spotlight on reducing the amount of time any person/household is in TA, with a focus on accessing and retaining a home.
- Accessing a house and maintaining a home are not always easy steps. We need to recognise and act upon the importance of having specialised staff who are well-connected to services and focused on prevention. For example, some local authorities have hired Homeless Prevention Workers focused on streamlining processes between third sector and staff based in local authorities, which has led to clearer support packages and helped provide ongoing tenancy support. Community Link Workers are also in a good position to identify housing risk and act on it, as well as being an accessible referral option for health staff. When we look at a home, some people will require short-term, long-term, and in some cases lifelong housing support, to maintain a home. In many cases, these provisions are as important as the physical building.

## Action 10: Continue to build, acquire and update housing

- We must continue to build, acquire, update and adapt a better range of housing that meets the needs of people across our communities; an agenda to prevent homelessness must have the housing stock to enable it to work.

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<sup>10</sup> [Scottish Government \(2022\), Homelessness Statistics 2021-2022](#)

<sup>11</sup> [Scottish Government \(2023\) \*Temporary Accommodation Task and Finish Group: final report and recommendations\*](#).



- We must also have a continuous focus on the eradication of both entrenched poverty and shorter-term financial crises. It is only by putting these priorities at the core of our policies that we can achieve the life changing opportunities a cross-sector prevention agenda offers.
- Strategic Housing Investment Plans (SHIPs) support the implementation of the Affordable Housing Supply Programme. The framework for resource planning for this programme includes consideration of homeless households in temporary accommodation and who receive social lets. In planning its investment in affordable housing, the Scottish Government should clearly set out the outcomes it expects to achieve through its investment including reducing homelessness and poverty.

### **Action 11: Define what affordable housing is, and increase the availability of this, as well a social housing**

- Alongside the legislative changes, we need to address wider structural and systemic drivers of homelessness, in particular supply of and access to social housing; some of this stemming from a lack of building enough new social housing.
- With no one universally accepted definition of what affordable housing is, in terms of affordability to the tenant, the term comes with ambiguity and risk of misuse. Work must take place to agree a legal definition that can be used, that places the affordability from the tenant / buyer perspective.

### **Action 12: Forward planning to access a home must become key to every person leaving all types of institutions**

- We need a healthcare equivalent to the SHORE (Sustainable Housing on Release for Everyone) standards, which provide a nationally consistent approach to meeting the housing needs of people in contact with the justice system. With people with experience of homelessness and other partners, Scottish Government should develop national guidance for hospital and healthcare discharge planning in order to prevent homelessness, as well as more hospital in-reach, learning from the work of Cyrenians and Shelter about what works.

All recommendations that come from the current SHORE pilot must be acted upon by all partners, encouraging those in SPS care to engage voluntarily. This includes a shared focus on exploring digital opportunities across prison settings for better engagement between Local Authorities, third sector organisations and prisons.

- Systems and protocols should make it impossible to leave an institution, without having access to safe and secure accommodation, and all relevant welfare plans in place.

## Action 13: Home must be at the heart of our education system

Without 'home' being a topic throughout the National Curriculum, we currently provide a postcode lottery in terms of what knowledge our children and young people receive around housing and homelessness.

'Home' should be a subject taught throughout someone's educational life, and be evident across every year in the National Curriculum, covering what a home is, legislation and rights, maintaining a home, paying bills, understanding domestic abuse, general repairs, a loving household, etc. This will deliver the skillset required to access and maintain a happy, safe, secure, loving home.

This sort of education should also be encouraged at a wider level across all educational establishments and any institutions where there are people who have been there for some time, for example, prisons.

## Action 14: Normalising Housing Support, with broad access throughout communities, employment, and other relevant settings

- Work is taking place by colleagues in the Shared Housing Task and Finish Group around housing models, some of which will incorporate housing support. However, it must be recognised that the need for both housing support, and access to housing advice is required out with these settings.
- We would recommend that work takes place to make accessing housing support on a short-term, long-term, and lifelong long basis, much easier.
- As a country amidst a cost-of-living crisis, we must look at ways to provide a national approach to funded housing advice, with a consistent approach to this across the country. We need to debunk the myth that housing advice is only for people renting, or with lower incomes.
- Tying into the culture change section earlier in the report, we must look to change the public narrative around who support and advice services are for. Early access to housing advice, or being referred for housing support, could be the difference between a home being retained or lost.

### Priority 3: Clarity on legislation

With a number of unanswered questions on the shape and detail of the legislation, planning for the Housing Bill at national and local levels is currently impossible. The group recognised a number of areas requiring clarity, as well as some that will be key as the bill progresses in terms of guidance.

#### Action 15: Clarity on the Housing Bill

- The Scottish Government need to provide clarity as soon as possible regarding which 'Public Bodies' the new duties will apply to, so that individuals and organisations working in those sectors can engage with the draft legislation. Specifically, it should clarify the role of public bodies which were not mentioned by the Prevention Review group report, such as Social Security Scotland and Further Education Colleges, health professionals, and the role of public service providers who are not public bodies, such as Registered Social Landlords.
- Scottish Government should clarify what is meant by 'Ask' and 'Act,' and should introduce these as two separate duties. 'Asking' must lead to 'acting' (including but not limited to referral), but 'acting' must not be dependent on the public body itself identifying the risk of homelessness.
- There needs to be clarity regarding any changes from the current homelessness duty of care, and the expected interaction between the bodies who have legislative responsibilities and those who don't; ensuring expectation and practice is not left to chance. This should be clear through legislation and backed through Scottish Government guidance.

#### Action 16: What to include or deliver on in the guidance

- Scottish Government guidance that crosses sectors, and demonstrates the interaction between sectors, will be essential to the success of the Housing Bill.
- Personal Housing Plans must be person-led to succeed. Choice and control are key, but equally managing expectations is fundamental in areas where choice may be limited. Creative solutions and partnership working will be required by those

supporting the implementation of plans. Guidance should convey the wider parameters they can operate in to make plans realised.

- Our understanding is that the intention is to predominantly use primary legislation and guidance, with little use of secondary legislation. This approach could impact on the ability to enforce and regulate the duties. Primary legislation on prevention needs to go beyond a framework bill, with secondary legislation being a more appropriate vehicle than guidance for the details of the framework.
- The guidance relating to Community Justice (Scotland) Act 2016 should be amended to reflect the new role that local Community Justice Partnerships have in identifying and responding to homelessness, specifying the actions the partnership will take in relation to homelessness prevention in Local Community Justice Outcome Improvement Plans. Community Justice Partners should ensure that the housing needs of individuals in prison are addressed consistently and at an early stage by fully implementing and embedding the Sustainable Housing on Release for Everyone (SHORE) standards.
- Joint working between housing and health is essential. The guidance associated with the Public Bodies (Joint Working) (Scotland) Act 2014 should be revised to reflect the new role of health and social care services in identifying and responding to risk of homelessness, in particular the Housing Advice Note<sup>12</sup>, The Strategic Commissioning Guidance<sup>13</sup> and the Finance Guidance. In light of the new duties, local authorities also may wish to revisit the housing-related functions it delegates to Integration Authorities, under the Public Bodies (Joint Working) (Scotland) Act 2014, and/or joint commissioning of advice and support services for homelessness.
- Local Outcomes Improvement Plans (LOIPs) should be used to ensure prevention of homelessness is built into strategic planning effectively and in a way that the Chief Executive of each Local Authority would have to make prevention of homelessness a priority.

#### **Priority 4: Continuous cross-sector reflective practice**

To understand how best to approach the upcoming changes, there is a need to determine where wider public bodies are just now. So, some further consultation and ongoing discussions will be required. In addition to these, we recognise that the changes will not sit solely on the shoulders of the public sector. We need to look at and address how sectors interact with one another, what the practice is at present, and some initial agreed ambition; moving to approaches that meet the needs of those they are there to serve,

<sup>12</sup> [Scottish Government \(2015\), Housing Advice Note](#)

<sup>13</sup> [Scottish Government \(2015\), Strategic Commissioning Plans Guidance](#)

whilst building in reflection, to allow for review, and changing as learning progresses. This is not about sectors reaching a goal and maintaining that, but about reflection and improvement as needed over time.

### **Action 17: Carry out work outlined, in preparation for the bill**

- The Scottish Government should carry out in-depth consultation with frontline workers, managers and strategic leads in the 'wider public bodies' to ensure the 'Ask' and 'Act' duties are designed in a way that is appropriate for those sectors, so that the duty is clear about what 'act' means in different contexts, and effective in achieving its intended outcome. There should be dedicated posts within Scottish Government and/or COSLA to work with those sectors to ensure that the design and implementation of these duties is as effective as it can be.
- Once there is clarity on the new homelessness prevention duties, the Scottish Housing Regulator (SHR) should update its regulatory framework, clearly setting out how it will assess local authority and landlord compliance with the new duties through its assessment of local authorities' Annual Assurance Statements, and any new regulatory activities. This should also specify any responsibilities for regulating the duties that sit outside the remit of the SHR, with other regulators.

The Scottish Housing Regulator must ensure local authority homelessness prevention provision is compliant with the new law and have the ability to act upon this.

- There are some public bodies operating in Scotland, such as the Home Office and DWP which have frequent contact with groups at high risk of homelessness. As public authorities, they are bound by the Public Sector Equality Duty (PSED) in the Equality Act 2010, as well as having responsibilities under the Human Rights Act 1998 to act as compatibly as possible with that Act's incorporated European Convention on Human Rights (ECHR) rights.

The point of the PSED is to ensure public responsibilities and services, including housing planning and the prevention of homelessness, are discharged in a fair and inclusive manner. Whereas the prevention of homelessness duty may not itself apply to such UK public bodies as they are outside of the legislative competence of the Scottish Parliament, we strongly recommend that an express link is made in statutory guidance on the prevention of homelessness in Scotland in respect of UK public authorities which is consistent with expectations of Scottish public bodies bound by that prevention duty. And, furthermore that those UK public bodies - such as the Home Office and DWP - also explicitly embed prevention of homelessness work in Scotland with fulfilment of their PSED. This will require the Scottish Government to work with those UK public authorities, setting their expectations on prevention of homelessness consistent with the above.

- Our understanding is that the duties on wider public bodies will need to be regulated by the relevant regulators that oversee each. Coordinated strategic scrutiny will be a critical driver in ensuring the system is working as intended. Work should take place now to start to prepare for the changes, and how best to include these bodies.

### **Action 18: Include these indicators and monitoring tools for ongoing measuring**

The Task and Finish Group on Measurement is also producing recommendations on how to measure and monitor success on homelessness prevention. The following recommendations should be considered alongside the recommendations of that group:

- A set of indicators should be developed to measure the efficacy of homelessness prevention activity. Indicators may include positive housing outcomes, numbers in temporary accommodation, length of time in temporary accommodation, and patterns and levels of repeat homelessness. It is important that indicators are not used as targets.
- A new monitoring framework will be required to complement existing statistics. Statistics should capture: which (if any) services the applicant had been referred by; types of support people receive at the prevention stage; causes of being threatened with homelessness (including gender and sexuality); outcomes of assessments for those threatened with homelessness; circumstances in which the ‘reasonable steps’ is discharged; housing outcomes.
- Too often, certain groups fail to receive the support they need because we do not collect adequate data about their experiences of homelessness. As part of its review of data collections, Scottish Government should consult with equalities groups on what data could better represent the diverse experiences of homelessness especially amongst those with protected characteristics under the Equalities Act 2010, as part of a wider Equalities Data Strategy.

### **Action 19: Include ongoing implementation support**

The changes in approach will take several years to bed in. The timeframe needs to reflect the scale of the task and whilst we are not starting from the beginning, we are setting up a radically extended network of provision. The implementation timetable needs to reflect this.

- Scottish Ministers should request that the Strategic Scrutiny Group – which is chaired by Audit Scotland and has representation of all the regulators relevant for oversight of these new duties – should consider and produce a framework regarding what scrutiny of these duties will look like. In developing that plan, the Strategic Scrutiny Group should draw lessons from other approaches where multiple regulators are involved in working together to scrutinise activity across multiple public bodies (such as Child Protection).

- As has been done with other major policy change,<sup>14</sup> the Scottish Government and COSLA should establish an oversight project board with various workstreams to oversee implementation (legislation, service restructure and transition to the new model, development of statutory guidance etc.). This should be comprised of Scottish Government, Local Authority representatives, other public bodies and regulators.
- In line with the recommendation of the Temporary Accommodation Task and Finish Group: Health and Social Care Integration Authorities should ensure that Housing Contribution Statements (HCSs) detail what care and support provisions are the responsibility of Health and Social Care Partnerships and what are the responsibility of local authority housing teams. HCSs should ascertain and confirm the mechanisms that exist to facilitate how health and housing will work together.
- Similar to the Homelessness Advice and Support Team (HAST) which was put in place in England to support with the introduction of the Homelessness Reduction Act, during the 'bedding-in' period, the Scottish Government and COSLA should provide implementation support, including ongoing assistance with problem-solving and capacity-building. The Scottish Government should set short, medium and longer-term policy implementation review landmarks when the legislation is passed, including clarity on what should have been achieved by when.
- Both Scottish and local Governments must plan points for reflection, to allow for areas of change to be considered, reviewed and learnings to provide paths for change. When embarking on such a vast array of changes, initial plans may need to adapt and change. Reflective practice should be core to this.

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<sup>14</sup> With the development of Community Justice (Scotland) Act in 2016, the Scottish Government and COSLA established an project board to oversee implementation.

## Priority 5: Cross-sector, long-term resourcing

Time and time again, research has shown the value of preventative spend. Over a decade ago, the Christie Commission set out an inspiring agenda that would put people at the heart of public services. This legislation marks a major opportunity to stay true to those principles of prioritising prevention, reducing inequalities and promoting equality.

Whilst there is recognition that these duties may lead to a rise in homelessness caseloads in the short-term, it is important to be clear that changing duties does not change the level of need. Instead it allows people to access services earlier, and changes how we respond to people at risk of homelessness. A similar impact on homeless presentations took place across the 10 years of implementing the 2012 commitment.

### Action 20: Recognise that this is about investing to save

- Similar to Rapid Rehousing Transition Plan funding, Scottish Government should provide an option for councils and wider partners to apply for further funding to tackle specific challenges and promote innovative ideas and solutions. IT upgrades, additional training and upskilling, and in-house changes to policies, templates, etc will also require funding.
- A new monitoring framework will be required to complement existing statistics. Statistics should capture: which (if any) services the applicant had been referred by; types of support people receive at the prevention stage; causes of being threatened with homelessness (including gender and sexuality); outcomes of assessments for those threatened with homelessness; circumstances in which the 'reasonable steps' is discharged; housing outcomes.
- Any funding framework needs to be subject to review through the implementation period, before any subsequent reformulation of funding arrangements is made. Any reformulation should be agreed with COSLA, certain groups fail to receive the support they need because we do not collect adequate data about their experiences of homelessness.
- Scottish Government should carry out a full financial assessment to ensure that all public bodies affected by the new duties have the budget to fulfil their duties, beyond local authorities. Growing and training the workforce will be the main costs, alongside development of guidance and awareness raising for service users. Funding to support the new duties needs to be in addition to existing funding, and with adequate time for the duties to become established (longer than the three years New Burdens funding that was provided for the Homelessness Reduction Act).



- Finally, costings should take into consideration the role of organisations that do not have a new statutory duty, such as advice agencies, independent advocacy, law centres and community-based organisations.

## Conclusion

As we stand on the threshold of the introduction of the Housing Bill to the Scottish Parliament, it is important to be clear about the potentially transformative impact that the homelessness prevention duties could enable. In putting prevention at the heart of how we tackle homelessness, the new duties have the potential to not only live up to the preventative vision set out by the Christie Commission over a decade ago, but to be genuinely world leading. These duties, if implemented successfully, can transform the way we support people experiencing housing crisis, and in turn can transform lives.

But the duties' success is not guaranteed, and this report sets out the key elements that are needed to ensure and maximise their success: cross-sector culture change and leadership, a shared belief that no-one should experience homelessness after leaving the support of any public body, long-term resourced plans and full logistical and financial support for public bodies, and the continuation (and even increase) of house building, acquisition and updating.

If Scotland is able to make these changes, backed with new legislation and national guidance, and the ability to learn as we grow, as a nation, we can expect to make real and lasting differences to the lives of people across our communities.

It isn't that people are experiencing homelessness because they want to, but because we have broken systems, or systems that don't speak with one another. It is because there is an acceptance by some that it is okay, and it is because our housing provisions don't meet the needs of an ever-evolving range of people, household types and ways of living.

Everyone who has been around the tables as this work has progressed looks forward to being a part of the new and exciting chapters ahead, as we move from 2023 into a future where people in Scotland can live free from the injustice of homelessness for good.

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