



What you need to know: an update on homelessness October 2019

Background

The [Homelessness and Rough Sleeping Action Group](#) (HARSAG) was established by the Scottish Government to make recommendations on how to eradicate rough sleeping, transform the use of temporary accommodation and ultimately to end homelessness in Scotland.

HARSAG made 70 recommendations, all of which were accepted in principle by the Scottish Government and are now being implemented through the [Ending Homelessness Together Action Plan](#).

Removing the duty to assess for intentionality

Local authorities currently have a duty to assess whether households presenting as homeless have made themselves intentionally homeless through deliberate action or inaction. If found to be intentionally homeless, the local authority will still have a duty to provide temporary accommodation, advice and information but not to provide settled accommodation. Additional duties of care may apply if there is a child or young person in the household.

Further details about current intentionality rules and decision making is set out in Chapter 7 of the [Code of guidance on Homelessness](#).

Following consultation earlier this year, Scottish Government introduced the [Homelessness etc. \(Scotland\) Act 2003 \(Commencement No. 4\) Order 2019](#) on 10 October. It will come into force from 7 November replacing local authorities' duty to assess for intentionality with a discretionary power from this date.

Local connection referrals

As part of the same consultation, Scottish Government also sought views on whether the ability to make a local connection referral should be revised, restricted or removed.

The Commencement Order also relates to local connection but will have no immediate impact. From the commencement date, Ministers will have the power to modify referrals relating to local connections. In order to do so, they are required to consult on how this power will be used and publish recommendations within a

year. A further Scottish Statutory Instrument (affirmative) would have to be laid to implement any changes. Subject to the findings of the Ministerial consultation, any changes could be expected to come into force from May 2021.

Other proposals

Temporary accommodation standards. The Scottish Government has also consulted on proposals to introduce advisory standards for temporary accommodation based on [guidance published by CIH Scotland and Shelter Scotland](#).

It is intended that these advisory standards will be followed by mandatory standards at some point in future.

Extension of the Unsuitable Accommodation Order (UAO). The Scottish Government also intends to extend the UAO to all households (currently only applies to pregnant women and households with children). This would limit the length of stay in unsuitable accommodation (such as B&Bs) to seven days. The [Programme for Government](#) committed to this being in place before the end of this Parliamentary term.

The CIH View

CIH Scotland has supported the Scottish Government's ambitious plans to improve the way that temporary accommodation is used and to reduce homelessness. However, we have also raised concerns with the speed at which these changes are taking place and lack of resources to support local authorities to implement them.

In response to the consultations on intentionality, local referrals and temporary accommodation, some members suggested that these measures could lead to an increase in demand for services in areas that are already under pressure. In particular, the extension of the UAO without ensuring an adequate supply of accommodation could lead to an increase in breaches or an increase in the use of temporary accommodation in contradiction to the aim of RRTPs.

Local authorities will have to closely monitor any impact arising from these changes and may have to revise RRTPs.