



What you need to know about the consultation on local connection and intentionality

Background

The Scottish Government is consulting on changes to local connection and intentionality provision in homelessness legislation. Changes in these areas were recommended by the [Homelessness and Rough Sleeping Action Group](#) and are intended to support a more person centered approach to homelessness.

The consultation is open until 25 April 2019 and the full document is [available online](#).

What is being proposed?

Local connection

Under Section 33 of the [Housing \(Scotland\) Act 1987](#) (the 1987 Act), local authorities have the power to refer a homeless applicant that does not have a local connection to the area to another local authority where they do. Local connection is defined under Section 27 of the 1987 Act as amended by the [Homelessness etc. \(Scotland\) Act 2003](#) (the 2003 Act).

The Scottish Government is proposing to commence Section 8 of the 2003 Act which will allow Ministers to suspend local connection referrals by amending the 1987 Act. The amendments would:

- Allow Ministers to suspend referrals across all local authorities, between specified local authorities or for particular groups of people who are homeless; and
- Require Ministers to publish a statement setting out the criteria under which a suspension would take place within 12 months of commencing Section 8.

Suspending referrals is intended to ensure that those who are homeless or rough sleeping are able to choose where to settle in line with their needs. For example, to be near to family, social networks or employment opportunities. However, it is also acknowledged that some local authorities may need additional support with capacity if these changes are introduced.

Intentionality

The 1987 Act places a duty on local authorities to investigate whether a household that is homeless or threatened with homelessness became so because of deliberate action or inaction.

If a person is found to be intentionally homeless, the local authority does not have a duty to provide settled accommodation but does still have to provide temporary accommodation, advice and assistance. The local authorities may have additional duties of care if there is a child or young person in the household.

More detailed advice on intentionality decisions is available on Chapter 7 of the [Code of Guidance on Homelessness](#).

The Scottish Government is proposing to commence Section 4 of the 2003 Act which would remove the duty to assess for intentionality and replace this with a discretionary power for local authorities to carry out further inquiries if they think it fit to do so.

Responding to the consultation

CIH Scotland will be developing a response to this consultation and we would like to hear your views.

We are particularly interested in:

- Any positive impacts that might arise from suspending local connection referrals or removing the duty to investigate intentionality
- Any potential challenges that might arise for your organisation e.g. managing resources, housing supply, financial cost, increasing or decreasing demand for homelessness assistance etc.

You can send feedback on any aspect of the consultation directly to Policy and Practice Manager Susanne Flynn susanne.flynn@cih.org or fill out our short CIH member survey online by [following this link](#).