



What you need to know: new Homelessness code of guidance

Background

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

As part of HARSAG's recommendations, and to deliver the [Ending Homelessness Together Action Plan](#), the Scottish Government produced an interim updated [Homelessness: Code of Guidance](#) on 7 November 2019, updating the 2005 iteration. It should be noted that this is an interim update with a full review expected to be published in 2021.

This briefing will cover key changes to the 2005 Guidance. [Annex B](#) in the Guidance covers the key legislative changes, e.g. the abolition of priority need.

Changes to Intentionality

[Chapter 6](#) of the updated Guidance outlines the changes to the intentionality test that were introduced by the [Homelessness etc. \(Scotland\) Act 2003 \(Commencement No. 4\) Order 2019](#).

These changes have already been outlined in our previous [briefing on homelessness](#). In brief, applying the intentionality test is now a power and not a duty for local authorities.

The Guidance also covers potential future measures to narrow the intentionality definition to 'deliberate manipulation', in line with HARSAG's recommendations. The Scottish Government will be working with legal professionals and stakeholders in 2020 to explore this option further.

Advisory standards for temporary accommodation

[Chapter 8](#) of the Guidance includes new advisory standards for temporary accommodation. These were based on [guidance published by CIH Scotland and Shelter Scotland](#) in 2011 taking into account feedback from key stakeholders and people who had experienced living in temporary accommodation.

The advisory standards cover four areas that local authorities should consider: physical; location; service; and management. More details are set out in [Annex A](#) of the Guidance.

Focus on Prevention

[Chapter 2](#) has expanded the prevention guidance. Notably, in contrast to the 2005 Guidance, it now includes supporting those entering hospital and prison, not just those leaving. It has been acknowledged that considering a person's housing needs when they enter an institution and throughout their stay can help to avoid issues when they leave.

Specifically in relation to prisons, local authorities are being asked to refer to the [SHORE Standards](#) that CIH Scotland was involved in developing, to assess the impact incarceration can have on a person's risk of becoming homeless.

Migrants' rights and entitlements

[Chapter 12](#) acknowledges that the 2005 Guidance is now out of date and refers local authorities to COSLA's guide on [migrants' rights and entitlements](#) for the current legal framework and good practice. You may also find CIH's [Housing Rights website](#) a useful source of up to date information.

The CIH View

CIH Scotland has supported and welcomed the updating of the Homelessness: Code of Guidance, giving a much needed update to the 2005 iteration.

It is particularly encouraging to see our report on temporary accommodation standards being used to inform the updated Guidance, the referral to SHORE Standards and the new focus on prevention at point of entry to institutions.

However, we have also raised concerns regarding the resources needed to achieve new obligations. Members have suggested that these changes have the potential to lead to an increase in demand for services in areas already experiencing significant pressure.