

Welcome

Changes to Local Connection Intentionality Legislation: Briefing and Consultation



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GHN is a unique knowledge into action organisation collaborating across Scotland to end homelessness



A (brief) history of homelessness legislation

- UK one of the few countries in the world to take a rights-based approach to homelessness: first legislation passed in 1977
- Legal duty to respond to homelessness placed on Local Authorities
- Original legislation based on 4 tests (or 'hurdles'):
 1. *Is the household Homeless (based on legal definition)?*
 2. *Is the household in Priority Need?*
 3. *Is the household Intentionally Homeless?*
 4. *Does the household have a Local Connection to the area?*

A (brief) history of homelessness legislation

So What About Scotland?

- Scotland has made some of the most significant changes to homelessness legislation following devolution, choosing to **increase** the legal rights people have.
- As of 2012 Scotland's homelessness legislation focused on 3 tests rather than 4:
 1. *Is the household Homeless (based on legal definition)?*
 2. *Is the household Intentionally Homeless?*
 3. *Does the household have a Local Connection to the area?*

Intentionality in Scotland: Current Legislative Arrangements

- ***Intentionality*** is the second (previously third) part of the statutory homelessness assessment and can only be considered once it has been determined that the household is legally homeless.
- Local authorities ***must*** undertake an investigation of ***intentionality*** for each homeless household to establish whether:
 1. *They have deliberately done something (or failed to do something) that means they can no longer stay in the accommodation that was available before;*
 2. *It would have been reasonable for them to continue staying in their previous accommodation; and*
 3. *They knew the deliberate act would make them homeless.*

Intentionality in Scotland: Current Legislative Arrangements

- If you are assessed as *intentionally homeless* then you are **not** legally entitled to permanent accommodation, just temporary accommodation and advice and assistance;
- In 2017-18 **1,551** households were assessed as intentionally homeless in Scotland: typically but not exclusively single men aged 25-49;
- This is **5.4%** of all homelessness assessments in Scotland, but with significant local variation (from 1% to 10+%)

Intentionality in Scotland: Recommended Changes

The Homelessness and Rough Sleeping Action Group, following on from the Homelessness Task Force, recommended that:

- 1. The Scottish Government should commence provisions within the Homelessness etc. (Scotland) Act 2003 for the current **duty** on local authorities to assess intentionality to be changed to a **discretionary power** (you can if you want, but you don't have to)*
- 2. The current definition of intentionality should be narrowed to focus on instances of 'deliberate manipulation' of the homelessness system.*

Intentionality in Scotland: Consultation Questions

1. Do you agree that the duty on local authorities to assess intentionality should be removed?
2. What positive or negative impacts might there be for:
 - *People with multiple and complex needs;*
 - *Families with children;*
 - *People experiencing domestic abuse;*
 - *Other disadvantaged households/groups;*
 - *Local authorities and others delivering homelessness services (including potential costs)?*

Intentionality in Scotland: Consultation Questions

3. Do you agree with the proposal to narrow the definition of intentionality? What advantages & disadvantages do you see?
4. Do you have any thoughts on when in 2019 would be the best time to implement the changes?
5. Do you see any particular impact on people with protected characteristics? (*age, disability, gender reassignment, pregnancy & maternity, race, religion or belief, sex, sexual orientation*)

Local Connection in Scotland: Current Legislative Arrangements

- Sections 33-34 of the Housing (Scotland) Act 1987 give local authorities the power (but not a duty) to refer a homeless household to another local authority if no local connection is established;
- Local connection is normally established by:
 - Living now, or in the past, in the area
 - Being employed in the area
 - Having family associations in the area
 - Other special reasons.

Local Connection in Scotland: Current Legislative Arrangements

- The LA receiving the homelessness application has a duty to provide temporary accommodation until the referral is accepted by the LA with which the local connection has been established and a suitable home is found
- 495 homeless households were assess as having a local connection with another LA in 2017/18 (reduction in 40% since 2014/15)

Local Connection in Scotland: Recommended Changes

The Homelessness and Rough Sleeping Action Group, following on from the Homelessness Task Force, recommended that:

1. Scottish Ministers should use their powers to suspend the local connection test to remove barriers to support for people who are homeless or rough sleeping (or at risk of)
2. The Scottish Government should monitor the impact of these changes on local authorities to respond to any area coming under undue pressure as a result of disproportionate net inflows.

Local Connection in Scotland: Consultation Questions

1. Do you think the Scottish Government should:
 - Suspend local connection referrals?
 - Modify local connection referrals in another way?
 - Not commence these provisions (i.e. do nothing)?
2. What positive or negative impacts might there be for:
 - People with multiple and complex needs
 - Families with children
 - People experiencing domestic abuse
 - Other disadvantaged households/groups
 - Local authorities and others delivering homelessness services (including potential costs)?

Local Connection in Scotland: Consultation Questions

3. Do you have any thoughts on how the potential change is monitored through HL1?
4. Do you have any thoughts on when in 2019 would be the best time to implement the changes?
5. Do you see any particular impact on people with protected characteristics? (*age, disability, gender reassignment, pregnancy & maternity, race, religion or belief, sex, sexual orientation*)