

CONSULTATION QUESTIONS

Local authorities will have a statutory duty under section [32B of The Housing \(Scotland\) Act 1987 \(inserted by The Housing \(Scotland\) Act 2010\)](#) to assess the housing support needs of homeless applicants who are unintentionally homeless, or threatened with homelessness, and are in priority need. They must also ensure that housing support services are provided to those assessed as being in need of them.

1. Policy options

In taking forward this policy, we must first establish which is the preferred option:

Option 1 Commence the duty on local authorities and establish regulations on the assessment and provision of housing support

Option 2 Commence the duty on local authorities and **do not** establish regulations on the assessment and provision of housing support

Question 1: Which is your preferred option?

Option 1: establish regulations Option 2: do not establish regulations

Please explain why.

SDF supports Option 2 - *commencing the duty on local authorities and not establishing regulations on the assessment and provision of housing support.*

The legislation on housing support for homeless people gives adequate detail for it to be implemented without the need for the establishment of regulations.

However, to assist Local Authority and other stakeholders, including homeless households and those advocating on their behalf, the detail within the legislation should be made available in an easy-to-follow format.

This does not preclude the future development of regulation should it be viewed as useful but allows for implementation without further delay.

2. Conducting the housing support needs assessment

Under Section 32B (2), local authorities will be required to assess whether the applicant, and any other person residing with the applicant, needs prescribed housing support services.

As stated under Section 32B (3):

“In carrying out such an assessment, the local authority must:
(a) conduct inquiries of such type as may be prescribed; and
(b) have regard to any prescribed matters.”

Question 2a: Should Scottish Ministers prescribe the types of inquiries local authorities must carry out in determining the housing support required?

Yes No

Please explain why.

No. In light of the development of Housing Options approaches, it seems unnecessary to prescribe types of inquiries to determine housing support needs. However, it may be useful to state that adequate inquiries are made and that the local authority should be able to demonstrate that it has made adequate inquiries for all homeless households. This is likely to involve the development of processes and their systematic implementation.

Question 2b: If you have answered 'yes', what inquiries should Scottish Ministers prescribe that local authorities must carry out? Please explain why.

Question 2c: What is the likely business impact of your proposals? Please include an indication of likely costs, where appropriate.

SDF has no means of establishing the cost of this proposal. However, SDF would be concerned if a cost / benefit analysis did not take full account of the cost of not providing a service to people who need it –in terms of economic impact and in terms of social cohesion as well as to the real suffering of homeless households.

Question 2d: Should Scottish Ministers specify matters to which local authorities must have regard in carrying out the assessment?

Yes No

Please explain why.

Question 2e: If you have answered 'yes', what matters should Scottish Ministers prescribe that local authorities must have regard to, when carrying out housing support assessments? Please explain why.

Question 2f: What is the likely business impact of your proposals? Please include an indication of likely costs, where appropriate.

SDF would be concerned if a cost / benefit analysis did not take full account of the cost of not providing a service to people who need it –in terms of economic impact and in terms of social cohesion as well as to the real suffering of homeless households.

3. Prescribing housing support services

Under section 32B (4), local authorities would have to ensure that prescribed housing support services are provided to any person assessed as being in need of them. Scottish Ministers can prescribe what these housing support services are.

Section 32(9) clarifies what “housing support services” covers:

“any service which provides housing support, assistance, advice, or counselling to an individual with particular needs with a view to enabling that individual to occupy, or to continue to occupy, residential accommodation as the individual’s sole or main residence”.

Question 3a: Should Scottish Ministers prescribe the housing support services for which an applicant is to be assessed?

Yes No

Please explain why.

No. The assessment of housing support needs should cover the assessment of all needs which may cause homelessness. However it is not practicable for a housing provider to provide or commission a full range of support services for their tenants. It is however, their responsibility to ensure adequate joint work, including in the development of referral pathways to ensure that the help and support identified as necessary in their own assessment is delivered to households that will prevent their homelessness.

Question 3b: If you have answered 'yes', what housing support services do you think should and/or should not be covered? Please explain why.

Question 3c: What is the likely business impact of your proposals? Please include an indication of likely costs, where appropriate.

SDF would be concerned if a cost / benefit analysis did not take full account of the cost of not providing a service to people who need it –in terms of economic impact and in terms of social cohesion as well as to the real suffering of homeless households.

4. Prescribing the period for which housing support should be provided

Under section 32B (5)(a), Scottish Ministers may make provision on the period for which housing support services are to be provided.

Question 4a: Should Scottish Ministers specify the period for which housing support services should be provided?

Yes No

Please explain why.

No. Housing support services should work towards empowering clients, promoting independence where this cannot be achieved over the longer term, local authorities should recognise that ongoing support is necessary and that referral for appropriate mainstream support is required. This support is not, or not only for homelessness prevention and is inappropriate for it to be funded through funding for housing support for homeless households.

Question 4b: If you have answered yes, what do you think the prescribed period of provision should be? Please explain why.

Question 4c: What is the likely business impact of your proposals? Please include an indication of likely costs, where appropriate.

SDF would be concerned if a cost / benefit analysis did not take full account of the cost of not providing a service to people who need it –in terms of economic impact and in terms of social cohesion as well as to the real suffering of homeless households.

5. Ensuring provision of housing support services

In addition to prescribing the period to which housing support services must be provided, Scottish Ministers may, under section 32B (5)(b) specify matters to which a local authority is to have regard to when ensuring provision of services.

Question 5a: Should Scottish Ministers specify matters to which a local authority is to have regard to when ensuring provision of housing support services?

Yes No

Please explain why.

Question 5b: If you have answered yes, what matters do you think should be specified? Please explain why.

Question 5c: What is the likely business impact of your proposals? Please include an indication of likely costs, where appropriate.

SDF would be concerned if a cost / benefit analysis did not take full account of the cost of not providing a service to people who need it –in terms of economic impact and in terms of social cohesion as well as to the real suffering of homeless households.

6. Different provision for different purposes and different areas

Under section 32B (6), Scottish Ministers may make different provision for different purposes and different areas.

Question 6a: Should Scottish Ministers make different provision for different purposes and different areas?

Yes No

Please explain why:

Question 6b: If you have answered yes, what do you think these provisions, purposes and/or areas should be? Please explain why.

Question 6c: What is the likely business impact of your proposals? Please include an indication of likely costs, where appropriate.

SDF would be concerned if a cost / benefit analysis did not take full account of the cost of not providing a service to people who need it –in terms of economic impact and in terms of social cohesion as well as to the real suffering of homeless households.

7. Other matters relating to the provision of housing support services

Question 7: Are there any other matters relating to the provision of housing support services by local authorities which you think Scottish Ministers should consider? Please explain why.

Homelessness is both a cause and complication of problem drug use and acts as a significant barrier to recovery. Repeat homelessness or the repeated threat of homelessness similarly exacerbates problem drug use. Housing support promotes stability and helps prevent repeat homelessness. By extension, it may also prevent or contribute to addressing problem substance use and promote recovery. No useful differentiation can be made between housing support activities which prevent drug use becoming more problematic and those which promote recovery. Therefore all drug users, no matter the form of their recovery or their progress towards recovery will be assisted by the provision of good housing support services. Delivery of the Scottish Government drug strategy - *The Road To Recovery* – could be assisted through the effective delivery of housing support to homeless households.

Scottish Ministers should be aware of, and bear in mind, the research commissioned by the Advisory Group on Homelessness and Substance Misuse, *Effective Services for Substance Misuse and Homelessness in Scotland: Evidence from an International Review* (Pleace 2008) available at <http://www.scotland.gov.uk/Publications/2008/07/24143449/0>

and the *Recommendations of The Advisory Group on Homelessness and Substance Misuse* (2010) available at <http://www.sdf.org.uk/index.php/resources/reports-and-research/#60>

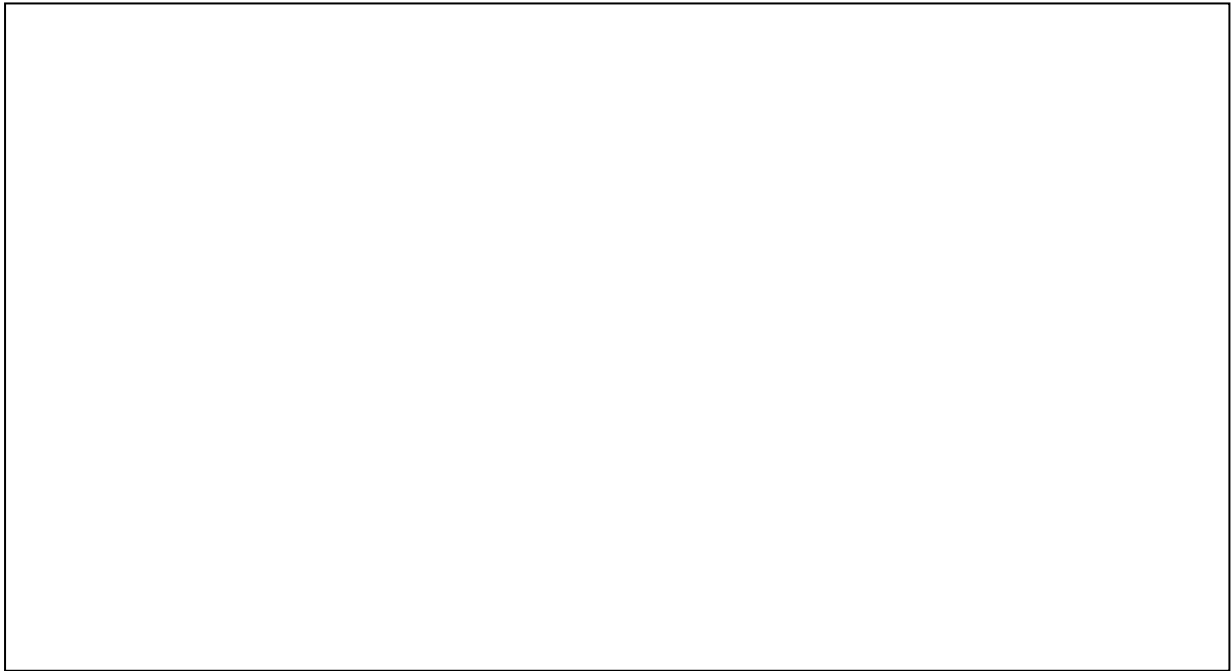
There are possibly useful joint working with drug services -

‘...Services that offer a range of supports, including housing related support, tend to be more successful at retaining service users and keeping them in accommodation. Therefore the more comprehensive a service is the more effective it is likely to be at retaining formerly and potentially homeless people in accommodation or settled housing’

Ministers should also bear in mind Recommendation 6 -

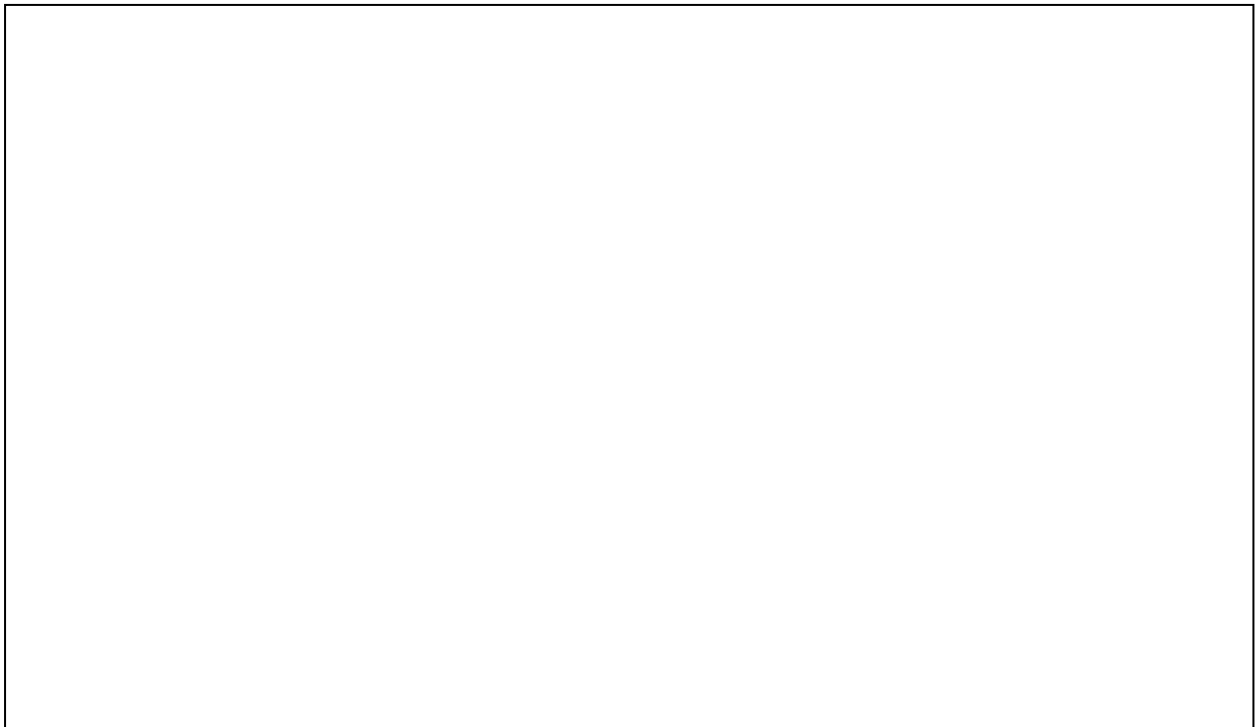
‘Mainstream services supporting people affected by homelessness or substance misuse routinely consider the impact of substance misuse or homelessness on the ways in which they provide services.’

Question 8: Please provide any comments you have on (a) the Business Regulatory Impact of your proposals and (b) the [Partial BRIA](#)



9. Equalities

Question 9: Please provide any comments you have on (a) the equalities impact of your proposals and (b) the draft [Equalities Impact Assessment](#)..



HOUSING SUPPORT REGULATIONS CONSULTATION



RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

1. Name/Organisation

Organisation Name

Scottish Drugs Forum

Title Mr Ms Mrs Miss Dr *Please tick as appropriate*

Surname

Smith

Forename

Austin

2. Postal Address

91 Mitchell Street

Glasgow

Postcode G1 3LN

Phone 01412211175

Email austin@sdf.org.uk

3. Permissions - I am responding as...

Individual

/ Group/Organisation

Please tick as appropriate

- (a)** Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate Yes No

- (b)** Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick ONE of the following boxes

Yes, make my response, name and address all available

or

Yes, make my response available, but not my name and address

or

Yes, make my response and name available, but not my address

- (c)** The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick as appropriate Yes No

- (d)** We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate Yes No