

## Members' Library Service Request Form

Date of Document	20/06/12
Originator	Catherine Johnson
Originator's Ref (if any)	CJ/ES
Document Title	Scottish Government Consultation Paper on Housing Support for Homeless Households

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Additional information:

Authorised By	Monica Patterson
Designation	Ex Dir - Services for Communities
Date	13/07/12

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**REPORT TO:** Members' Library Service

**MEETING DATE:**

**BY:** Executive Director (Services for Communities)

**SUBJECT:** Scottish Government Consultation Paper on Housing Support for Homeless Households

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## **1 PURPOSE**

- 1.1 To inform Cabinet of the Council's response to the Scottish Government's Consultation Paper on Housing Support for Homeless Households.

## **2 RECOMMENDATIONS**

- 2.1 Cabinet is recommended to note the contents of this Report and the Council's response to the proposals set out in the Consultation Paper, as detailed in the attached Appendix 1.

## **3 BACKGROUND**

- 3.1 When commenced, Section 32B of the Housing (Scotland) Act 1987 (inserted by the Housing (Scotland) Act 2010) will place a statutory duty on Local Authorities to assess the housing support needs of homeless applicants who are unintentionally homeless or threatened with homelessness and are in priority need. The Local Authority must then ensure that housing support services are provided to those assessed as being in need of them.
- 3.2 In addition to this duty, Section 32B allows Scottish Ministers to make regulations relating to the housing support assessment and provision, including:
- The housing support services to be considered;
  - The conduct of the assessment by Local Authorities;
  - The provision of housing support services (which may include specifying the duration of service provision and matters to which a Local Authority must have regard); and

- Making different provision for different purposes and different areas.
- 3.3 The Scottish Government Consultation seeks views and proposals on making regulations on the requirement for Local Authorities to carry out an assessment for housing support for certain homeless applicants, or those who are threatened with homelessness, and to provide any necessary housing support.
- 3.4 The response submitted on behalf of East Lothian Council supports proposals to commence the duty on Local Authorities and establish regulations on the assessment and provision of housing support. It is considered that establishing regulations in relation to housing support would ensure that there is consistency in the delivery of housing support for homeless households.
- 3.5 The response is also supportive of Scottish Ministers prescribing the types of inquiries Local Authorities must carry out in determining the housing support required however it is noted this should provide a minimum baseline.
- 3.6 The response does not support the following proposals:
- Scottish Ministers to prescribe the housing support services for which an applicant is to be assessed;
  - Scottish Ministers to specify the period for which housing support services should be provided;
  - Scottish Ministers specify matters to which a local authority is to have regard to when ensuring provision of housing support services; and
  - Scottish Ministers make different provision for different purposes and different areas.
- 3.7 The response also highlights the following issues for consideration in bringing forward the duty:
- Definition: A statutory definition of housing support is required and is critical in bringing forward the duty.
  - Guidance: In addition to regulations, which provide the statutory framework for assessing housing support, good practice guidance should be provided to enable local authorities to further develop their response to assessing and delivering housing support.
  - Integration: Housing support should be linked to the delivery of other statutory support services and as far as possible assessment and delivery should be integrated and consistent.
  - Inter-agency: Regulations should include a duty to cooperate across statutory agencies.

#### **4 POLICY IMPLICATIONS**

4.1 None.

#### **5 EQUALITIES IMPACT ASSESSMENT**

5.1 This Report is not applicable to the wellbeing of equalities groups and an Equalities Impact Assessment is not required.

#### **6 RESOURCE IMPLICATIONS**

6.1 Financial – None.

6.2 Personnel – None.

#### **7 BACKGROUND PAPERS**

7.1 Consultation Paper on Housing Support for Homeless Households can be accessed at <http://www.scotland.gov.uk/Publications/2012/01/3716>.

7.2 Appendix 1 Attached - East Lothian Council response.

<b>NAME</b>	Richard Jennings
<b>DESIGNATION</b>	Head of Housing & Environment
<b>CONTACT INFO</b>	Catherine Johnson – Ext. 7390 CJ/ES – 20 June 2012

### 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.

East Lothian Council welcomes the opportunity to respond to this consultation on housing support for homeless households. It is noted however that the Scottish Government have not provided a definition (or proposed definition) of housing support. This lack of definition makes it difficult for the Council to respond to the consultation fully. East Lothian Council consider a statutory definition of housing support to be critical in bringing forward the duty.

East Lothian Council considers that establishing regulations in relation to housing support would ensure that there is consistency in the delivery of housing support for homeless households. Regulations should provide the baseline for delivery and should not be overly prescriptive or constrain delivery.

It is recognised that guidance exists in relation to the eligibility criteria and waiting times for community care services. Regulations in relation to housing support could enable local authorities to deliver housing support services that are more comparable to other statutory support services and remove barriers for clients in accessing services.

## 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.

East Lothian Council considers that regulations should provide the minimum baseline in relation to inquiries that must be carried out.

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

East Lothian Council considers that prescribed inquiries should be based on accepted good practice, such as those detailed in answer to 2a. Any prescription must take cognisance of any agreed definition of housing support.

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

East Lothian Council have identified the staffing and resourcing of inquiries as having a potential business impact. It should be noted that East Lothian Council considers its current practice to be robust and therefore the impact of any prescribed inquiries is likely to be minimal.

Should the definition of housing support contain any elements not currently considered good practice this would be likely to increase the potential impact of making any inquiries.

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

Yes  No

Please explain why.

No comment

**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.

### 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.

The requirements for housing support, the type of support and the method of delivery are individual to each case. East Lothian Council considers that prescribing a set of services for applicants to be assessed against would unnecessarily constrain local authorities.

**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.

**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

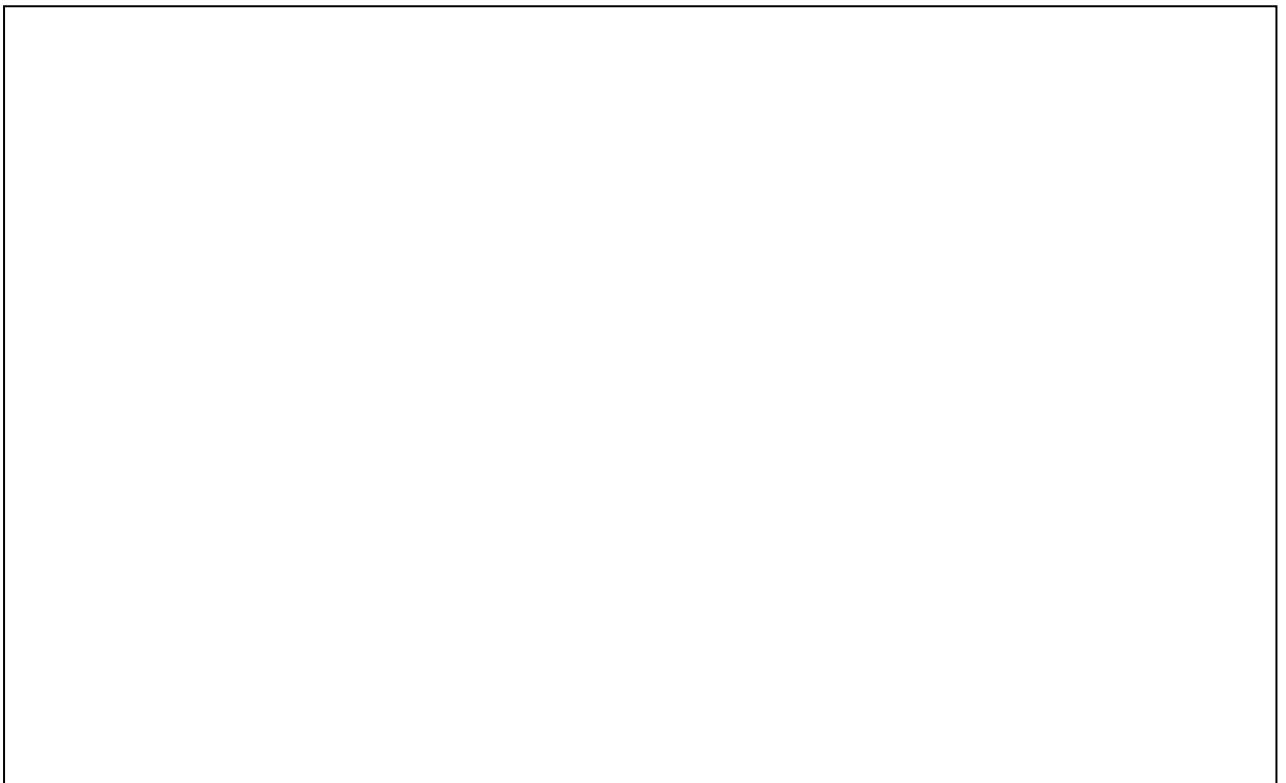
Please explain why.

The requirements for housing support, the type of support and the method of delivery are individual to each case. East Lothian Council considers that specifying the period for which services should be provided would unnecessarily constrain local authorities and would reduce the flexibility and responsiveness of services.

**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.



## 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.

The requirements for housing support, the type of support and the method of delivery are individual to each case. East Lothian Council considers that specifying the period for which services should be provided would unnecessarily constrain local authorities and would reduce the flexibility and responsiveness of services.

**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.

## 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.

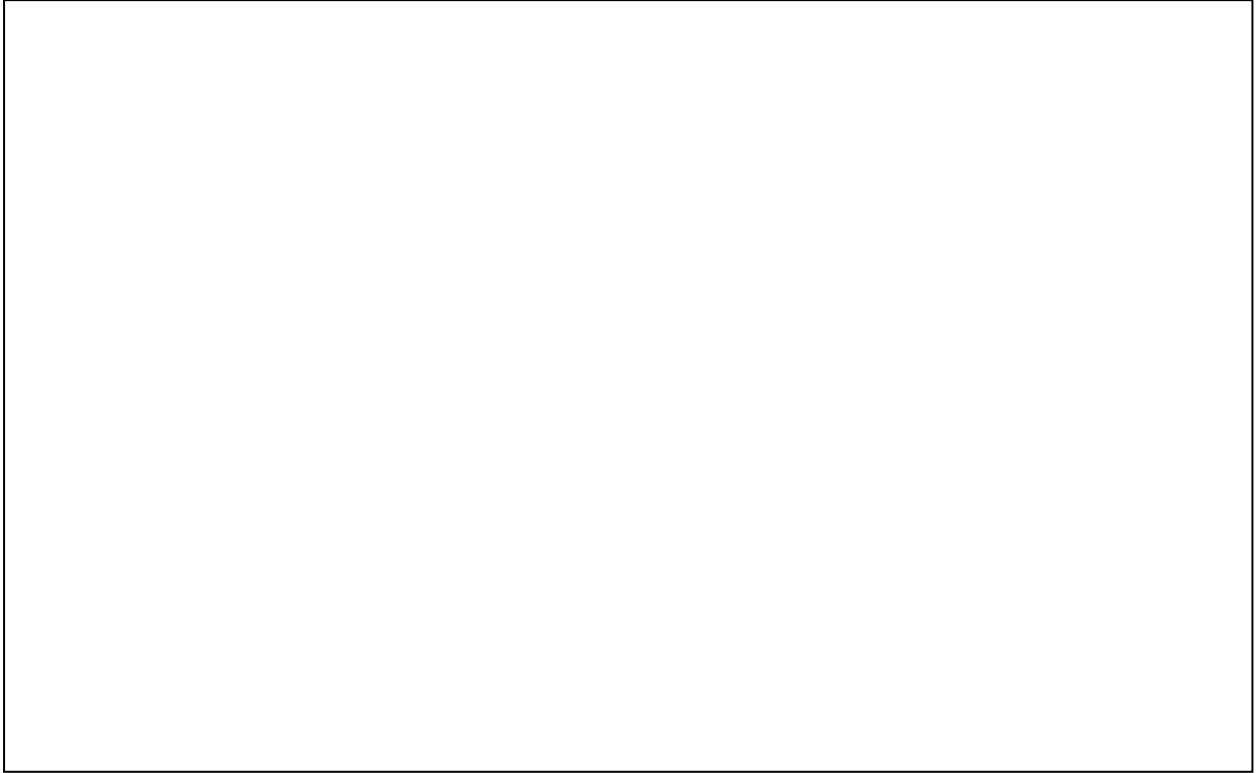
**Question 6a:** Should Scottish Ministers make different provision for different purposes and different areas?

Yes  No

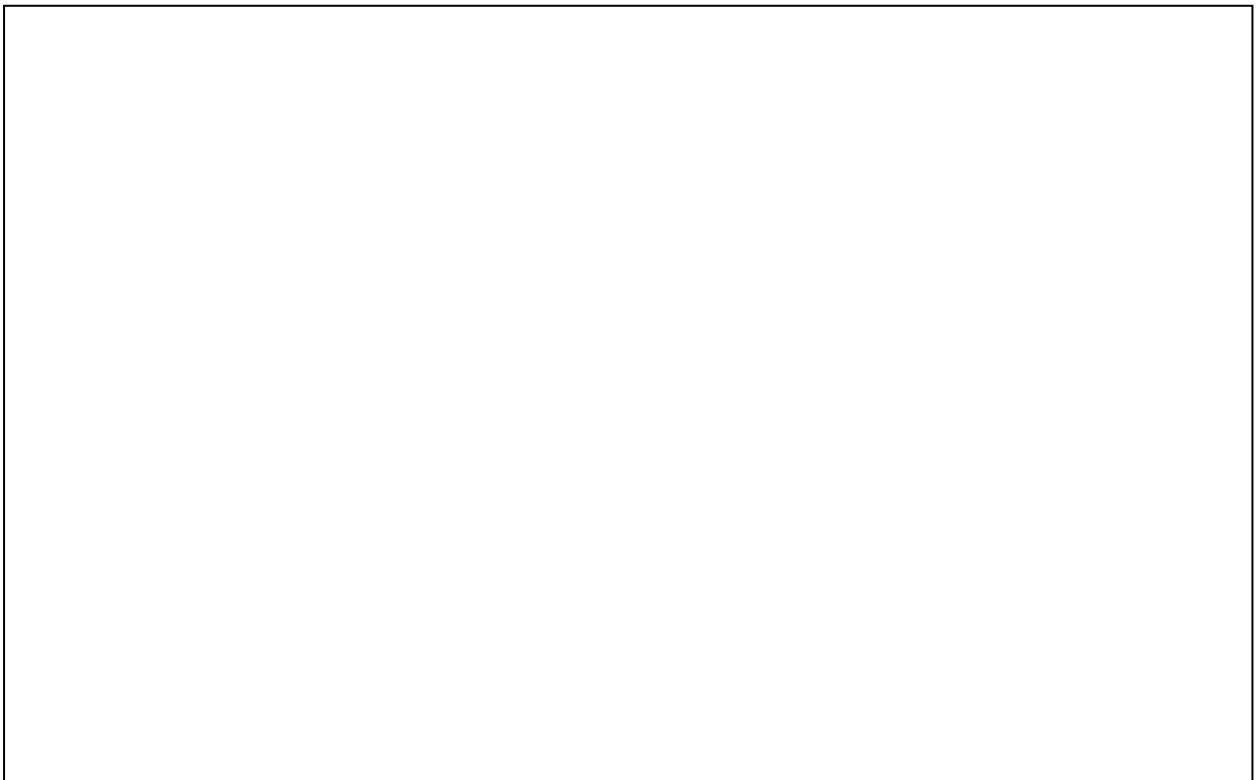
Please explain why:

East Lothian Council considers that regulations should ensure that the assessment of housing support is carried out consistently by providing a baseline for local authorities. By doing this, it would not be necessary to introduce different provisions for different purposes and different areas.

**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.



## 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.

East Lothian Council has identified the following issues which Scottish Ministers may wish to consider.

**Definition:** A statutory definition of housing support is required and is critical in bringing forward the duty.

**Guidance:** In addition to regulations, which provide the statutory framework for assessing housing support, good practice guidance should be provided to enable local authorities to further develop their response to assessing and delivering housing support.

**Integration:** Housing support should be linked to the delivery of other statutory support services and as far as possible assessment and delivery should be integrated and consistent.

**Inter-agency:** Regulations should include a duty to cooperate across statutory agencies.

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

No comment



## 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](#)..

No comment

# 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

East Lothian Council

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

Surname

Johnson

Forename

Catherine

### 2. Postal Address

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Phone 01620 827390

Email

### 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

