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Convener
Social Justice and Social Security Committee
The Scottish Parliament
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24 June 2024

Dear Convener,

Thank you for your invitation to give evidence on part 5 of the Housing (Scotland) Bill on 27 June 2024. I look forward to attending and providing further insight into the intention of the Bill. Ahead of that, and following evidence given by my officials on 23 May, I wish to provide further detail on specific points raised during that session, namely working with people in asylum accommodation and the provisions in the Bill relating to domestic abuse.

Asylum accommodation and the move-on period

As the Committee will be aware, asylum and immigration are reserved to the UK Parliament and handled by the Home Office. This includes the provision of asylum accommodation and support to people seeking asylum if they would otherwise be destitute while awaiting a decision on their asylum application. It also includes asylum decision-making processes and associated policies.

A key challenge for newly recognised refugees, and local authorities they are living in, is the short move-on period which follows a positive asylum decision. UK Government policy is for just 28 days to be allowed for newly recognised refugees to leave asylum accommodation and move into mainstream housing and support once they have received a positive decision. The current move-on period is not sufficient for people who have not been permitted to work while awaiting a decision on their asylum application to find a job or apply for Universal Credit, as well as find their own accommodation or access local authority housing.

The Scottish Government has long called for this move-on period to be extended to a minimum of 56 days. Increasing the move-on period would enable better coordination between asylum accommodation providers, local authorities and newly recognised refugees to help manage the process, ensure people understand their rights and how to access accommodation.

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Domestic abuse

Within the Bill, a number of provisions relate to improving housing outcomes for victim-survivors of domestic abuse. These provisions are in line with the recommendations made by both the [Prevention Review Group](#), on whose recommendations the homelessness prevention duties more generally are based, and in the [Improving Housing Outcomes for Women and Children Experiencing Domestic Abuse report](#).

This includes changes to the definition of domestic abuse as it applies within homelessness legislation to bring it in line with the most up to date understanding of domestic abuse; placing a duty on every social landlord to prepare and publish a policy setting out how it will support tenants affected by domestic abuse (a “domestic abuse policy”); and the introduction of a new statutory pre-action requirement for social landlords to ensure that they have fully considered domestic abuse before commencing legal action to recover possession of a property.

Expanding the definition of domestic abuse in housing legislation, within the meaning of the Domestic Abuse (Protection) (Scotland) Act 2021, will ensure the full range of domestic abuse behaviours are considered when Local Authorities act to meet their statutory duties in relation to households which are homeless or threatened with homelessness. This is to ensure recognition of the widest possible range of activities which constitute domestic abuse, including coercive control and economic abuse, and to ensure that anyone who is a victim-survivor, including children, can rely on a legal definition which is fit for purpose and recognises the range of potential perpetrators.

Further to this, by setting a statutory duty on all registered social landlords to develop and effectively implement and maintain a robust domestic abuse policy we want to ensure that they address and respond to gender based violence in accordance with Equally Safe and also advance equality and Human Rights. Stakeholders tell us that despite good work to date from some social landlords in responding to domestic abuse there are still a large number that have not developed or delivered policies that take into account the needs of women and children experiencing domestic abuse and victim-survivors are continuing to remain in unsafe housing situations. You heard this in more detail from Jules Oldham, Policy Director Scottish Women’s Aid, in her evidence on 13 June, including the findings within the [Policies not Promises](#) report she highlighted.

Building on the work undertaken as part of the [Make a Stand Campaign](#), we intend that the domestic abuse policy will outline how a social landlord will support their tenants experiencing domestic abuse. We will work closely with the Housing sector and the Violence Against Women and Girls sector to develop statutory guidance to accompany this requirement. This will include giving consideration to a range of issues such as rehousing the perpetrator; support for other victim-survivors with the home including children; how domestic abuse also impacts men and signposting for other support services such as legal assistance.

The Bill also introduces changes in relation to Pre-action requirements. These are specified steps social landlords are required to take to ensure they have exhausted all attempts to resolve rent arrears with a tenant before taking action to evict. Social landlords must also satisfy the court that all of the pre-action requirements have been complied with before court action for eviction can begin. Pre-action requirements do not currently require specific

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consideration of, or action to address the effect of domestic abuse on the accrual of rent arrears. If passed by the Scottish Parliament, the provisions within the Bill would change this.

These provisions were developed with a view to protecting the rights of women and children experiencing domestic abuse causing financial arrears living in social housing to remain in their home, or be re-housed if that is their wish, and ensure arrears accrued because of domestic abuse are not a barrier to accessing social housing in the future. In practical terms, the changes would: ensure social landlords consider domestic abuse in all rent arrears cases before commencing legal action for eviction; require social landlords to support individuals experiencing domestic abuse causing financial arrears in a specialised manner; and require social landlords to confirm to the court that all the pre-action requirements have been complied with if a court action for eviction on rent arrears grounds, or grounds including rent arrears is raised.

While the basis for these changes is the recognition domestic abuse is one of the leading causes of women's homelessness, and, consequently, affects significant numbers of children and their long-term outcomes, the provisions apply to anyone who has accrued rent arrears as a result of domestic abuse.

The provisions in the Housing Bill are part of wider work in the Better Homes Division to respond to housing related issues as a result of domestic abuse and other forms of gender-based violence. An element of this work includes developing a gendered response to domestic abuse and homelessness. Women's and men's experiences of homelessness are very different, therefore, the response to their needs will be different. We are cognisant of the fact that women and girls are disproportionately impacted by violence simply because of their gender. We intend that the guidance supporting the introduction of the changes set out above will apply a gendered lens when setting out how the requirements should be met.

Our focus on the social housing sector reflects that local authorities have the legal duty for homelessness services. Our focus on social landlords is also in response to the aforementioned [Improving Housing Outcomes for Women and Children Experiencing Domestic Abuse report](#). We want to ensure that social landlords apply a gendered lens to their policies, recognising the inequality that women face and provide the support they need to have a safe, affordable home.

I hope you find this additional information helpful.

Yours sincerely

PAUL MCLENNAN
Minister for Housing

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