



OFFICIAL REPORT
AITHISG OIFIGEIL

Social Justice and Social Security Committee

Thursday 3 November 2022

Session 6



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SOCIAL JUSTICE AND SOCIAL SECURITY COMMITTEE

28th Meeting 2022, Session 6

CONVENER

Elena Whitham (Carrick, Cumnock and Doon Valley) (SNP)

DEPUTY CONVENER

*Natalie Don (Renfrewshire North and West) (SNP)

COMMITTEE MEMBERS

*Jeremy Balfour (Lothian) (Con)
*Miles Briggs (Lothian) (Con)
*Foyso Choudhury (Lothian) (Lab)
*Pam Duncan-Glancy (Glasgow) (Lab)
*Paul McLennan (East Lothian) (SNP)
*Emma Roddick (Highlands and Islands) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Shona Robison (Cabinet Secretary for Social Justice, Housing and Local Government)
Louise Thompson (Scottish Government)
Evelyn Tweed (Stirling) (SNP)
Micheila West (Scottish Government)

CLERK TO THE COMMITTEE

Claire Menzies

LOCATION

The Mary Fairfax Somerville Room (CR2)

Scottish Parliament

Social Justice and Social Security Committee

Thursday 3 November 2022

[The Deputy Convener opened the meeting at 09:00]

Decision on Taking Business in Private

The Deputy Convener (Natalie Don): Good morning, and welcome to the 28th meeting of the Social Justice and Social Security Committee in 2022. We have received apologies from Elena Whitham. I congratulate Elena on her appointment as Minister for Community Safety and thank her for her work on the committee. I welcome Evelyn Tweed, who attends as a substitute today.

Our first item of business is a decision on whether to take agenda item 4 in private. Are we all agreed?

Members *indicated agreement.*

Subordinate Legislation

Homeless Persons (Suspension of Referrals between Local Authorities) (Scotland) Order 2022 [Draft]

The Deputy Convener: Our main item of business is consideration of a statutory instrument, the draft Homeless Persons (Suspension of Referrals between Local Authorities) (Scotland) Order 2022. The Scottish Government advises that the order would suspend the discretionary power of local authorities to refer a homelessness applicant without a local connection to another local authority on the basis of the applicant's local connection to that other area.

I welcome Shona Robison MSP, the Cabinet Secretary for Social Justice, Housing and Local Government, and thank her for attending today. I also welcome the officials from the Scottish Government who join us today: Karen Grieve, legislation and programme strategy team leader; Louise Thompson, homelessness policy manager; and Micheila West, solicitor from the housing branch.

The instrument is laid under the affirmative procedure, which means that Parliament must approve it before it comes into force. Following the evidence session, the committee will be invited under the next agenda item to consider a motion to approve the instrument. I remind everyone that Scottish Government officials can speak under this agenda item but not in the debate that follows.

I invite the cabinet secretary to make a short opening statement.

The Cabinet Secretary for Social Justice, Housing and Local Government (Shona Robison): Thank you for the invitation to today's meeting.

The proposed change to local connection referrals between local authorities in Scotland was recommended in 2002 by the homelessness task force and was picked up again in 2018 by the homelessness and rough sleeping action group.

In brief, local connection has been recognised for two decades as a barrier to accessing homelessness services in Scotland, and we are now removing it. We made changes in late 2019 so that investigating local connection became a discretionary power, rather than a legal duty, for local authorities. That means that, at the moment, households can still be asked to demonstrate their local connection to the area when they present as homeless to a local authority.

Most homeless households want to live in an area where they are already settled within a community. However, for some households,

application of the local connection test is a barrier to securing a settled home. Choice is important, and homeless households should be as freely able to move to a new area as anyone else is. They might do so in order to access support, take advantage of employment opportunities or simply make a fresh start.

The number of households presenting as homeless with no local connection to the local authority is low—it is currently around 5 per cent of all households assessed as being homeless or threatened with homelessness. When no local connection is established, local authorities have the power to refer the homeless household back to an area where they do have a local connection. However, local authorities seldom use that referral power, which suggests that they are already operating in a person-centred way, following the legislative change in 2019.

Our 2019 consultation showed that there is broad support for the change in local connection among homelessness stakeholders, local authorities and our lived experience group, the change team. However, we know that some local authorities have raised concerns about the timing of this legislation, as they are already under pressure to deliver their homelessness duties. Big cities such as Glasgow and Edinburgh are seen as being attractive places to live, with a wide range of support services and employment opportunities. Our island communities are also concerned that even a small increase in homeless households could have a significant impact on support services such as health and social care services.

A robust monitoring and evaluation framework has been developed with stakeholders, and, through regular engagement with local authorities and services, we can capture trends as they emerge. That will provide the evidence base for mitigations, should any disproportionate adverse effect on local authorities be identified.

As members know from my previous correspondence with the committee, we have delayed this Scottish statutory instrument a number of times in order to support local authorities. However, we are determined to improve access to housing and support for homeless households, so we are moving forward with the changes now.

Finally, safety, stability and support are all affected by where people live, and I see the ending of local connection referrals in Scotland as an important step in removing the barriers experienced by homeless households, ensuring that those households receive a consistent service and offering them opportunities that are available to other Scottish households.

The Deputy Convener: Thank you, cabinet secretary. We will now move to questions. Those will be directed to you, but you are, of course, welcome to invite any official to respond. I will open with quite a general question. Please expand on why the Scottish Government believes that this is the right approach.

Shona Robison: Scotland has some of the strongest rights in the world for people who are experiencing homelessness. However, because local connection powers are discretionary at the moment, there is a risk of inconsistent practice across the country, which can result in households in one area receiving a different service from that which households in another would receive. Ending the referral powers will result in a more consistent service for homeless households across Scotland.

When people make a homelessness application to another local authority, they have good reasons for doing that. As I said in my opening statement, they might want to be closer to family or to a job opportunity, or they might want to use services that are not available in their current area. They might want to make a fresh start because they do not feel safe in their present home. We have listened to people's experiences and have built on what we have heard.

Changing the rules on local connection has been a long-standing commitment—it is not something that has come to light recently—and the change has been informed by experts in the homelessness sector. As I said in my opening statement, the bones of this go back as far as 2002, when the issue was first raised. We have delayed, but we feel that now is the right time to move forward.

The Deputy Convener: We will move to questions from members.

Emma Roddick (Highlands and Islands) (SNP): Cabinet secretary, in your opening statement, you touched on the fact that some local authorities with very specific housing issues have raised concerns about how they might cope with aspirational applications and homelessness presentations. For example, the Highlands and Islands are a great place to live, but people who present there might not know the geography and might not realise, for example, that, if they are allocated a house in Caithness, they might be a good few hours away from support services that they thought they would be closer to. You touched on monitoring. Please expand on how situations like that will be recorded and monitored, so that the committee can scrutinise those in the future.

Shona Robison: I am happy to do so. In my opening statement, I said that about 5 per cent of households do not have a connection to the local

authority that they present to. There were fewer than 200 referrals last year, and 11 councils made no referrals and 13 councils made five or fewer, so we are not talking about huge numbers of people or huge increases.

However, we recognise that we must monitor, observe and keep an eye on any trends. We completed an island communities impact assessment with engagement from each of the six island and rural local authorities to ensure that we were hearing about the issues that Emma Roddick has articulated. The monitoring and reporting framework has been developed in collaboration with them and with front-line services and people with lived experience, to capture relevant information to support the data that had already been gathered through the HL1 homelessness statistics. Monitoring those statistics will be an important way of understanding the impact of the legislation. We have said that, if there should be any indications of difficulty, we will engage directly with the relevant local authority to consider how we can support it.

The backstop would be if an emergency situation were to be created in an area. There would then be the potential to come forward with an exemption, which would require me to come back to Parliament, though I would want to do so only in extremis. I do not anticipate that that will need to be done, because I think that local authorities will manage the situation and that, with our support, they will be able to address any additional applications that come in.

I will be happy to come back to the committee with an update report after a period of implementation, if it would be helpful to give you further information at that point.

Emma Roddick: I thank the cabinet secretary for her detailed answer. I am glad to hear that there has been engagement with folk who have lived experience, particularly in the islands. Could she expand a little on the wider engagement with those groups?

Shona Robison: The change team that sits around the table at the homelessness strategic group that I attend has been absolutely fantastic at ensuring that all measures and developments in homelessness policies, services and legislation are checked against the views of people with lived experience. The team has drawn together a huge number of people with varied experience of accessing homelessness services, and their input is absolutely critical to ensuring that changes that are made or issues that we need to address further are identified and highlighted. If the committee has not done so already, I encourage it to engage with the change team, which is an amazing group of people.

Evelyn Tweed (Stirling) (SNP): Good morning, cabinet secretary. Shelter Scotland warmly welcomes the change and states that it will

“embed the ‘no wrong door’ approach”.

It also welcomes the use of a person-centred approach. Will the cabinet secretary comment further on the submission that Shelter has provided to the committee?

Shona Robison: I welcome the supporting statement that Shelter has shared with the committee, which recognises that the change is an important step towards improving outcomes for homeless households and giving them the same ability to move as any other household would have. Shelter advocates on behalf of people who are experiencing homelessness. I know that it sees the change as a strong step in the right direction towards supporting a person’s right to choose where they live. It has held that position for quite some time and is content that the Scottish Government has now introduced such a change, having previously delayed—although that was for good reasons, because of Covid and then the situation in Ukraine. We feel that now is the right time to move forward and that to delay any further would not be right.

Miles Briggs (Lothian) (Con): Good morning. I think that we all understand the rationale for the legislation and, by and large, support it. As an Edinburgh MSP, I have concerns about the situation in the capital with regard to the availability of homeless accommodation, and I think that Glasgow members would have the same concerns about Glasgow. Has an impact assessment been carried out? What assessment has been made of the potential additional support services and homeless accommodation that will be needed? What work has been undertaken around that on potential referrals in the capital and in other cities?

09:15

Shona Robison: I will go back to the numbers, which are relatively small. The latest figures that we have, for 2021-22, show that Edinburgh made 10 referrals and that Glasgow made 20. I am not minimising the issue, but we need to see it in the context of the overall number of applications.

I am obviously aware that there are pressures in Glasgow and Edinburgh. I have engaged very directly with the housing conveners of both cities, and we need to see the solutions as part of the wider housing system. Those systems are not the same in Glasgow and Edinburgh—they face different challenges. I have said to both housing conveners—I reiterated it in a letter that I issued yesterday—that I am keen to work with both of them and with those other local authorities that

have, for example, the highest number of people in temporary accommodation to look at the solutions that they can bring forward, because they know their areas better than I do, and at how we can support them with those solutions. They can be ambitious in doing that, and I have offered to look favourably on solutions that can be brought forward with evidence of how they will impact the situation by resolving and reducing the number of people in temporary accommodation and by helping to reduce homelessness in both cities generally.

The monitoring framework will be important in monitoring any impact of the change on Glasgow, Edinburgh or anywhere else, and we will continue to engage with local authorities on that. However, I cannot stress enough how open I have been to their coming forward with solutions that they think can make a difference, and I look forward to engaging with them further on that.

Miles Briggs: Have the councils expressed concern to you on the issue? Several times this year, I have raised with you the issue of integration joint board funding that has meant that the capital has lost out on resources. As a result of that, we are already not in a great place here in that regard. I wonder whether those concerns have been put to you already.

Shona Robison: It is fair to say that there are mixed views in local authorities. Some have raised those concerns but others have not, so there is no consistent view across local authorities. Those who work in the homelessness sector and experts are clear that ending these referrals is the right thing to do. It is not the case that those local authorities that raised concerns said that we should not do it; the concerns were more about the timing. I listened to that when it came to dealing with Covid and Ukraine. That is why we delayed the legislation, perhaps to the frustration of some homelessness stakeholders. These matters are always about achieving a balance. It would not be right if, 20 years on from the issue having first been raised, we did not move forward on it. I have said that we will monitor any impact and that we will work with those individual local authorities to help them to overcome any issues.

As I said at the beginning of my comments, I have said clearly, particularly to Edinburgh and Glasgow councils, that my door is open and that I am keen to hear and receive proposals on how we can help them to move forward on some of the particular challenges that they face. That continues to be the case.

Jeremy Balfour (Lothian) (Con): Good morning to you and your team, cabinet secretary. I will follow up on a couple of my colleague's comments. I do not want to keep this Edinburgh-centric, but most people in Edinburgh who are in

temporary accommodation are there for two years. Will you clarify whether somebody who makes an application goes on to a temporary accommodation list or whether they jump the list and go straight into accommodation, which is obviously very scarce in Edinburgh?

Shona Robison: I will bring in my officials in a moment.

That obviously depends on their circumstances. Their homelessness application will be assessed on the basis their needs, as would any homelessness application.

Louise Thompson (Scottish Government): I echo what the cabinet secretary has said. The application would be treated like that of any other applicant, with the difference being that their local connection status would not be taken into account.

Jeremy Balfour: I appreciate that the numbers are, relatively, very low, but two years is a very long time to be in temporary accommodation while waiting for a permanent house. How many of the people you have looked at previously would go into temporary accommodation and how many would go into a more permanent place?

Shona Robison: The City of Edinburgh Council will have those figures, which will change depending on the availability of accommodation at the time. Not everybody who requires accommodation in Edinburgh goes into temporary accommodation—it depends on their circumstances and the availability of properties to meet their needs. For example, families quite often end up in temporary accommodation because there is no suitable home available to meet their needs. It is about matching the needs of the person with the accommodation that is available.

I stress that Edinburgh made 10 referrals in 2021-22, so the figures are small. Having said that, I am not going to underestimate the challenge that Edinburgh has with temporary accommodation. Looked at through that lens, local connection is not really the issue for Edinburgh; the challenge is the availability of stock and the numbers of people who therefore go into temporary accommodation because they cannot be matched with a home that meets their needs. We need to resolve that problem, and I cannot stress enough that we need to think outside the box.

An opportunity that has come out of the quite imaginative thinking that is going on around the Ukraine programme is looking at whether there are more innovative solutions—such as modular build, which was raised in the chamber during the Ukraine statement—and whether there are sites available for more rapid development of housing that might have a more general application beyond the Ukraine programme.

We need to come up with imaginative solutions. The offer is there to councils in Edinburgh and other areas that have a particular problem with housing availability and temporary accommodation to come forward with ideas, which we will help to make happen. We must look at Edinburgh's whole housing system instead of the local connection aspect, which is not really the issue for anyone here. The issue is more that we need to get the housing system in Edinburgh into balance.

Jeremy Balfour: On a more general point, if I read the regulations right, this is a suspension rather than a removal. Why have you gone down that road, and how long do you intend the suspension to last? Are you doing it because you want to do a further review, or is it a suspension that will go on for 20 years because everyone has forgotten that it was supposed to be a suspension?

Micheila West (Scottish Government): We have used that language because the suspension is specific to Scottish local authorities and referrals between them. In the provision, we have kept in place the ability to refer elsewhere. The language is specific to the local authority.

Shona Robison: It applies within the 32 local authorities.

Jeremy Balfour: If I lived in Blackpool, or wherever, down in England and I had a local connection with Inverness, would this not apply to me? Is it not correct to say that, if I lived outwith a Scottish local authority area, I could not use this even if I had a very strong connection with an area in Scotland?

Micheila West: There is alternative legislation in England and Wales that deals with referrals between local authorities across England, Wales and Scotland. Therefore, if you had a connection with Scotland and were to present to an English local authority, you might, at its discretion, be referred back up here, although I cannot completely talk to the English legislation. Does that answer your question?

Jeremy Balfour: I think so, yes. However, I am not sure why we have gone down the road of suspension rather than removal. I did not quite understand the answer. Will you elaborate slightly on that? Why not just remove the test completely?

Shona Robison: The suspension is within the 32 local authorities in Scotland, so it still leaves the power in relation to someone from a local authority outwith Scotland.

Jeremy Balfour: That is helpful.

I have a final question. The committee has been grappling with the issue of data collection around all areas. I think that the cabinet secretary referred to it in her opening statement, but will she expand

on how the data is collected and monitored and whether it will be published in a public way so that we can see how the change is working over a three-year or five-year period?

Shona Robison: Again, I will bring in officials on the detail. Some of the data is already being collected, and the monitoring and evaluation framework is about adding information to what is already there.

Louise Thompson: Local authorities already give us regular data returns, which are published annually. We already capture the statistical side of things and, as we do not want to duplicate that, we will use that existing data. The part that is being developed with local authorities, the change team and front-line services is much more around the qualitative side of information and is about trying to capture the impact of the legislation. That will be gathered through regular engagement with our stakeholders, local authorities and the lived experience group, and it will also be published.

The Deputy Convener: We will move to questions from Pam Duncan-Glancy, who will finish off our questioning.

Pam Duncan-Glancy (Glasgow) (Lab): Good morning to the cabinet secretary and her officials. I will pick up on a couple of the themes that we have heard about so far.

Since 2019, in Glasgow, the unsuitable accommodation order has been breached 220 times. Will that be monitored as a result of bringing in the suspension?

Shona Robison: Yes. We monitor breaches very closely. I am obviously concerned about any breaches, so we monitor unsuitable accommodation order breaches. That will be part of the package of information that we will look at.

Going back to one of my previous answers, we need to address the housing system as a whole. We can address some of the issues around temporary accommodation and we can tackle the unsuitable accommodation orders.

Some local authorities are doing imaginative things. For example, at a recent housing event that I attended, one local authority representative spoke about how they are getting far more upstream in identifying households that could potentially end up homeless and in temporary accommodation by looking at, for example, people getting into council tax arrears as well as rent arrears. By getting further upstream and helping families with their debts and arrears earlier, the local authority's homelessness figures and the number of people in temporary accommodation came down. It is about tackling the issue of those presenting as homeless and continuing to expand housing provision and look at innovative ways of

tackling temporary accommodation, but it is also about prevention.

I am keen to consider further how we might help families before they end up in the homelessness system. That is about drilling down into the experiences of folk who have ended up in temporary accommodation. What is their story? How did they get there? What happened and what were the opportunities for intervention?

The prevention duties that we are bringing forward will be important in that respect as well. It is about looking at all the opportunities to intervene and seeing it as everybody's business to ask the questions about whether folk are getting into debt or arrears, whether homelessness is a potential consequence of that and how we can prevent it far earlier.

09:30

Pam Duncan-Glancy: I welcome that approach. I can see how that would be more sensible than getting someone into homelessness or finding them when they are homeless and dealing with the issue at that point. That is helpful.

We spoke a little bit about Ukraine. Have you considered the impact of people from Ukraine on the matter?

Shona Robison: Yes, and we monitor that carefully. As you will be aware, the housing system for Ukrainian displaced persons is a bit separate. They have the welcome accommodation and then we try to get them into host accommodation. There are also opportunities for accommodation in the private rented sector and the social rented sector.

A lot of work is going on, and £50 million has been made available to local authorities to provide new accommodation in refurbished and repurposed properties. We have had a good response from a number of local authorities. The latest is 500 units in Aberdeen that needed refurbishment and had been seen as surplus to requirement. We are trying to keep that housing stream a bit separate to create additional capacity, but we need to keep a close eye on it.

It is really important that the opportunity for host accommodation is continued beyond six months. There have been a number of changes in who is in charge of the programme in the United Kingdom Government. My colleague Neil Gray has sought urgent discussions about the importance of ensuring that we are able to keep hosts beyond the six-month point. English local authorities are really concerned about the matter as well. We do not want people to end up coming out of host accommodation and presenting as homeless. It is really important that that does not happen, so it is

crucial that hosts can continue to host while people are supported into more settled accommodation.

All of those things are linked.

Pam Duncan-Glancy: I appreciate what has been said about monitoring. That will be important. I should have said at the start that it is sensible to suspend the requirement for a local connection. People want to be able to live where they want to live, so it is important.

If, in the monitoring, you were to find that particular local authorities had quite an uptick in applications, possibly as a result of the suspension, would you provide funding to them to ensure that they could afford to meet the demand?

Shona Robison: At the time, we will look at what interventions have already been made and what further interventions a local authority believes are necessary. However, I go back to the wider discussion. We have already been up front with Glasgow City Council and the City of Edinburgh Council that they should tell us what they think they need to do to tackle temporary accommodation issues. We can then have a conversation about how that is supported.

We would want local authorities that are in the situation that you describe to make full use of the allocations that they have already received. For example, the City of Edinburgh Council has not yet fully used its allocation for the affordable housing supply programme, and we want it to get on with that. I know that it has a few things in the pipeline, but we need the full allocation to be used before any further resources are used. However, I have said that, if the City of Edinburgh Council—or any other local authority with particular pressures on temporary accommodation—tells us what it thinks are the key things that it needs to do and that it can fund certain of them itself but that it needs a bit of assistance with others, I will look favourably on providing that if there is evidence that it will make a difference. Those are the conversations that we are having.

Pam Duncan-Glancy: I am sure that local authorities will welcome that.

The Deputy Convener: We move to agenda item 3, which is the formal consideration of motion S6M-05955.

Motion moved,

That the Social Justice and Social Security Committee recommends that the Homeless Persons (Suspension of Referrals between Local Authorities) (Scotland) Order 2022 be approved.—[*Shona Robison*]

The Deputy Convener: As there are no comments from members, I invite the cabinet secretary to sum up.

Shona Robison: It has been a constructive discussion, and a lot of important points have been made. I will come back to the committee at some point with an update on how the order is working in practice, if that would be helpful.

The Deputy Convener: Absolutely. That would be very helpful.

Motion agreed to.

The Deputy Convener: The committee will report on the outcome of its consideration of the order in due course. I invite the committee to delegate authority to me, as convener, to approve a draft of the report for publication.

Members *indicated agreement.*

The Deputy Convener: I advise members that, next week, we will take evidence on the Scottish Government's National Care Service (Scotland) Bill.

The committee will now move into private. Members who are attending remotely are invited to join the private meeting via the link provided.

09:37

Meeting continued in private until 10:31.

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