



OFFICIAL REPORT  
AITHISG OIFIGEIL

DRAFT

# Social Justice and Social Security Committee

Thursday 27 June 2024

Session 6



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**Thursday 27 June 2024**

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**SOCIAL JUSTICE AND SOCIAL SECURITY COMMITTEE**  
**21<sup>st</sup> Meeting 2024, Session 6**

**CONVENER**

\*Collette Stevenson (East Kilbride) (SNP)

**DEPUTY CONVENER**

\*Bob Doris (Glasgow Maryhill and Springburn) (SNP)

**COMMITTEE MEMBERS**

- \*Jeremy Balfour (Lothian) (Con)
- \*Katy Clark (West Scotland) (Lab)
- \*Roz McCall (Mid Scotland and Fife) (Con)
- \*Marie McNair (Clydebank and Milngavie) (SNP)
- \*Paul O’Kane (West Scotland) (Lab)
- \*Kevin Stewart (Aberdeen Central) (SNP)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

- Catriona MacKean (Scottish Government)
- Pamela McBride (Scottish Government)
- Craig McGuffie (Scottish Government)
- Paul McLennan (Minister for Housing)

**CLERK TO THE COMMITTEE**

Claire Menzies

**LOCATION**

The Mary Fairfax Somerville Room (CR2)



## Scottish Parliament

### Social Justice and Social Security Committee

Thursday 27 June 2024

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

#### Decision on Taking Business in Private

**The Convener (Collette Stevenson):** Good morning, and welcome to the 21st meeting in 2024 of the Social Justice and Social Security Committee. We have received no apologies this morning.

Our first item of business is a decision on taking agenda item 4 in private. Do we agree to take that item in private?

**Members indicated agreement.**

## Housing (Scotland) Bill: Stage 1

09:00

**The Convener:** Our next item is our final evidence session on the Housing (Scotland) Bill at stage 1. Today, we will hear from Paul McLennan, the Minister for Housing. I welcome him and his officials from the Scottish Government. Catriona MacKean is head of the better homes division, Pamela McBride is the homelessness prevention team leader, Naeem Bhatti is head of the fuel poverty and housing standards unit, and Craig McGuffie is from legal services.

Thank you all for joining us. Minister, I believe that you would like to make a short opening statement.

**The Minister for Housing (Paul McLennan):** Yes. Thank you, convener. It is good to be back. I was previously a member of the committee and I always enjoyed my time here. I think that Mr Balfour is the only member who is left from when we were both here—it is good to see him again.

Good morning, and thank you for the opportunity to speak on the important topic of the Housing (Scotland) Bill. I understand that the committee has agreed with the Local Government, Housing and Planning Committee that you will lead on part 5, on the measures for homelessness prevention, and on part 6, but only in so far as it relates to fuel poverty. I will therefore focus only on those measures. I will be happy to pick up the remaining provisions with the LGHP Committee.

As I highlight the key measures of parts 5 and 6 of the bill, I am mindful that the committee has heard from witnesses who, although supportive of the measures in principle, have raised some concerns about their practical implementation. They include concerns about what further engagement there will be with stakeholders, particularly as we look towards the timing of implementation and at resourcing. I will take the opportunity to reassure you by addressing those issues.

On the homelessness prevention duties, although Scotland has some of the strongest rights in the world for people who become homeless, the same cannot be said for people who are at risk of homelessness. The measures in the bill aim to put a renewed focus on homelessness prevention so that individuals and families do not have to experience the trauma and disruption to lives that it causes. We want to help to keep people in their homes where that is possible and appropriate, and, in the longer term, to ensure that there is less pressure on housing supply and public resources.

The measures in the bill have been guided by the principles of the prevention review group, which brought together a wide range of stakeholders including the prevention commission, which is a group of people who have lived or front-line experience of homelessness. The new ask and act measures for relevant bodies are bold and they reach further than similar duties that have been introduced elsewhere in the UK.

The next stage is to work closely with our stakeholders on the details of how the ask and act measures and the changes to existing homelessness legislation for local authorities will work in practice. We will work collaboratively with stakeholders to develop guidance that builds on existing good practice that is already happening; to identify the training that is required to ensure that our workforce has the necessary skills to make the duties a success; and, crucially, to identify the most appropriate timing for implementation of the changes against the landscape of other challenges in housing and elsewhere.

The principles of shared public responsibility, earlier intervention across systems, and more choice and control over housing options through avoiding crises are also at the forefront of our minds with the measures.

We took an evidence-based approach to deliver our best estimates of the costings and resource implications, which are set out in the financial memorandum. In December 2023, working with the Convention of Scottish Local Authorities, we conducted a survey of local authorities on the potential resource implications of any new duties. The approach built on the ask in the jointly-run Scottish Government and COSLA consultation that ran to April 2022. Although the feedback was limited in the amount of detail that was provided, I recognise that investing resources in early intervention can be effective for people who are at risk of homelessness, as it means that they avoid reaching crisis point and entering the homelessness system, which in turn decreases the demand for temporary accommodation and puts less pressure on resources over the longer term.

Stakeholder feedback and analysis and further work to identify the content of secondary legislation, guidance and training that is required to support the duties will also help to inform the detail of what might be required in future budget-setting processes.

In updating the definition of domestic abuse as it applies in housing legislation, we have taken account of the evidence on the need for a gendered approach. The equality impact assessment, which was published on 21 June, demonstrates that approach. We know that men's

and women's experiences of homelessness are very different, and our focus on domestic abuse is therefore key, as it is one of the main reasons for women making a homelessness application but might not be the main reason for men doing so. I want to reassure you that the statutory guidance that will be developed to accompany the provisions will also take a gendered approach, and we will highlight the importance of applying a gendered lens to services and policies.

On fuel poverty, we are implementing a minor technical change to the Fuel Poverty (Targets, Definition and Strategy) (Scotland) Act 2019 to deliver a strengthened governance process. Our continuous improvement approach will give officials a more suitable lead-in time for preparing reports; engaging with an extensive range of stakeholders, including our Scottish fuel poverty advisory panel; and undertaking analysis.

The bill is designed to focus our action on supporting the most vulnerable, especially during these challenging times, in order to achieve our shared goal of delivering safe, affordable and quality homes, and the measures will help to deliver on that ambition. I view the measures in the bill as an important next step in delivering on our ambition to end homelessness in Scotland. I and my officials look forward to answering any questions that members might have on those parts of the bill.

**The Convener:** Thank you for those opening remarks, minister. I will kick off the questioning. Given that there is a housing emergency, why is the Scottish Government pursuing legislation on homelessness prevention at this stage when it might not be implemented for another few years? Should there be a greater focus on making the existing system work and increasing housing supply to respond to the current housing emergency?

**Paul McLennan:** That is the most obvious question to ask, I think. For me, though, this is not a case of either/or. Obviously, we have to increase housing supply. Indeed, I made a statement last week on the housing emergency, and I will continue to meet stakeholders to discuss that point.

As I said, I do not think that it is a case of either/or. We need to look at the prevention duties to ensure that we prevent people from getting into the homelessness system in the first place. A key point for me is that prevention duties are already in place in each local authority and in other institutions. Again, the main thing is that this is not a case of either/or. We will probably get into a discussion about the phasing of the implementation of the measures but, over the summer, I will be engaging extensively with stakeholders on and talking to them about

implementation; the financial memorandum, which we have discussed previously; and the phasing of these things.

Again, this is not an either/or thing. We need to prevent people from coming into the homelessness system. I can say from my 15 years' experience as a councillor—other ex-councillors will know this, too—that this was always the biggest issue that we had to deal with. Sometimes we look back and think, “Okay—that, that and that could have been prevented.” As I have said, this is not an either/or, but the timing, the phasing and the resourcing have to be right and we have to stop people coming into the system.

That said, we also have to focus on increasing supply as a means of reducing homelessness and the use of temporary accommodation. The key message to get across, though, is that this is not an either/or.

**The Convener:** Thank you. That was reassuring.

In its response to the call for evidence, Crisis said that it would be helpful for the Scottish Government to set out a

“vision statement to outline the ... outcomes”

from the prevention

“agenda, and how it envisages”

the duties working

“in practice”,

as it would lead to a shared understanding and enable better scrutiny. Do you agree that there is a need for such a statement? Is that something that you anticipate doing?

**Paul McLennan:** Crisis has been one of the most important stakeholders all the way through the process. I have regularly engaged with and talked to the organisation and I will continue to do so. We have the bill, but there are also things that we can do now to prepare for implementation of the provisions, so we have been speaking to Crisis about that.

I point out that the Scottish Government and COSLA have the ending homelessness together action plan, which sets out the actions that we will take behind all of this, and the other key thing that I should mention is the prevention review group. Crisis is a main part of that—it has been included in the process from the start—and we will continue to work with it. Plans are already in place. Crisis will inform us as we go through the process, and we will continue discussions with it.

A key point is that we will have the national plan. When it comes down to it, there are 32 different local authorities and almost 32 different solutions.

How we deal with the issue in Glasgow will be different from how we deal with it in the Highlands, for example. There is always an individual local government element, which is really important.

We will continue to work closely with Crisis as we move ahead, as we have done throughout the process. It has been an integral part of the prevention review group, and it will be integral in the months and years ahead as we implement the legislation.

**Kevin Stewart (Aberdeen Central) (SNP):** Good morning to the minister and his team. The bill is an extremely important piece of legislation and I am sure that everyone wants to make it successful. To do so will be a tribute to Marion Gibbs, who worked in the civil service on homelessness for a very long time. A fitting tribute to her would be to get this absolutely right.

Minister, you talked about the prevention review group and about engaging and continuing to talk with stakeholders—listening, of course, being as important as talking. However, one thing that you cannot do is legislate for cultural change. In the short time that I have been back on the committee, we have heard from some folk that a culture change is required. How will you ensure that, as well as making legislative and regulatory change, you change cultures so that we get this right for people?

**Paul McLennan:** That is a very good question, and I will come on to it in a wee second. I did not have the pleasure of meeting Marion Gibbs, but I have heard her name mentioned on numerous occasions, always very supportively, given the work that she did. It is important to mention that.

You are right about the culture, Mr Stewart. At the moment, we are building on what we have, which is the requirement to act within two months. In my experience as a councillor—you will know this, too, given your background—the way in which that was picked up could sometimes depend on which housing officer a person had within the local authority. We need to improve on that. There is a culture within each local authority, and we are working closely with COSLA to ensure that we get that message across to councils.

When it comes to other stakeholders, in talking to people across different parts of Scotland, it was important to talk about interaction with health boards and other organisations and how we make sure that every part of the system flows all the way through. When a person is dealt with, a bottleneck can be reached at a certain point, and it is important to deal with that. The key things with the ask and act duty are to ensure that we have that flow-through and that everybody plays their part in it. As we have touched on before, the ask and act duty should not just end up back with the council

housing department for it to deal with. There is a legislative part to the duty, but it is also about working closely with stakeholders on what is expected of them and the difference that that can make.

I imagine that culture will be the most difficult part. We have had chats about that. It needs to be embedded throughout each local authority and each local stakeholder. I will engage with stakeholders over the summer, and I will touch on the point about how we change the culture. In the past year and a half or two years, we have probably seen more focus on the impact of housing on people's health and welfare. An important element is to make sure that we engage with stakeholders and that this is embedded across all of them.

The difficult part is changing the culture of an organisation, so, when I speak to and engage with stakeholders, I will be trying to understand how they can change their organisation's culture. That will be the most difficult part, but we need the culture change to make sure that we prevent as many people as we can from becoming homeless.

09:15

**Kevin Stewart:** Speaking to people is fine, and listening to people is important, but doing so does not necessarily mean change.

I want to ask about cross-Government working, because the issue is covered by a lot of portfolios. What do you have in place at the moment, beyond the likes of the prevention review group? What do you have at a ministerial, cross-Government level to make sure that all of this works?

**Paul McLennan:** One of the key things that I asked for when I came into post, 15 or 16 months ago, was the setting up of a ministerial group on homelessness. Ten ministers are taking part in that, and it has already met four times. There are ministers with responsibilities on domestic abuse, the Promise, mental health, public health and so on. We have had various discussions with stakeholders on how it could work with one minister having specific responsibilities on domestic abuse and one having specific responsibility for the Promise, for example. The group meets quarterly and it is now reviewing what it needs to do after the first year. It is looking at funding for various projects that might impact on homelessness.

I cannot solve the issue on my own; I need help from ministerial colleagues. The group has met four times. It meets every quarter, and we will continue with that. It has made a real difference. It has had positive feedback from stakeholders who have interacted with us. The group has been in place since I was appointed as housing minister.

We will continue to make sure that opportunities in policy development and budgetary processes are maximised. The group has 10 ministers, including me, and we talk about that specific issue.

**Kevin Stewart:** Convener, I do not want to speak for the committee, but it would be interesting to see what has been on the agenda at those meetings and what actions have been taken.

My final question is about buy-in and the change of culture. Many of the relevant bodies in the bill fall under other ministers' portfolios. With regard to engagement thus far, have other ministers asked those bodies how they intend to make changes to fulfil the duties that will come in if the bill is passed?

**Paul McLennan:** I will bring in Pamela McBride to talk about the discussions that have been held on a daily basis at the official level. At the ministerial level, that point has been discussed in the ministerial oversight group and I have had discussions about it with Crisis, the Cyrenians and other groups. I have also raised preparations for the prevention duties in discussions with local authorities and stakeholders. That is something that I ask about when I meet every local authority and the stakeholders. This summer, we have a designated programme of stakeholder engagement to talk about those issues now that the bill has now been introduced.

**Pamela McBride (Scottish Government):** On our consultation and engagement with stakeholders at an official level, we did a public consultation that ran for four months and it went out widely across various sectors that are involved in the relevant bodies. We have also had a number of bilaterals at the decision-maker level and the front-line level so that we can see the two sides of that coin.

The minister mentioned the summer programme. We are planning to hold a series of events to target the relevant bodies specifically. Within that, we are looking to engage with the decision makers, the people who are responsible for the funding and the people who drive the training in those organisations, as well as the people on the front line who engage with the individuals we are trying to help on a day-to-day basis, in order to understand the practicalities of how they will need to work differently to successfully deliver the duties and how we can get that buy-in. We want to be clear on what the added benefit of bringing in the duties is, what difference it will make to how services are delivered day to day and what the public can expect in their interactions with those services.

**Paul McLennan:** Convener, I note that Kevin Stewart mentioned the minutes of the ministerial



group. I am happy to provide those to the committee if you would like to see them.

**The Convener:** Thank you for confirming that. I meant to say on behalf of the committee that it would be helpful if we could have access to the minutes from those meetings.

Bob Doris is joining us remotely. Over to you, Bob.

**Bob Doris (Glasgow Maryhill and Springburn) (SNP):** I am sorry that I cannot join you in person, but I have had to remain in Glasgow.

Minister, in your opening statement you spoke about working with partners to tease out the details of what the ask and act duty might mean in practice. In evidence, we heard concern about the lack of clarity about what the duty would mean in practice, so it is encouraging that you said that you are working with partners on that. Can you confirm whether you are open minded to some more details appearing in the bill as opposed to in secondary legislation or in statutory guidance? Can you give us a little bit of a feel for what the process of parliamentary scrutiny will be? Would the committee not see the guidance ahead of it being implemented, or would the duty be in secondary legislation, which would mean that the committee could take a view on it?

**Paul McLennan:** Those are good questions. It is a framework bill, but it is key that prevention duties and measures are already in place and we are building on them. For example, through the proposal to extend the period of assistance from two to six months, we are trying to reinforce the assistance that is given. The process of addressing a person's homelessness does not normally involve only one body—it probably involves a number of bodies—so it is about how we ensure that flow-through from one body to another is there, because that is important.

Part of the work that we will undertake this summer is on engaging and talking about the statutory guidance and training that will be required. Pamela McBride touched on what we are planning to do this summer and on what that will look like. That work will feed back when we are at the next level. I am comfortable with continuing to discuss with the committee when it should give guidance and perform scrutiny. It is up to the committee to decide when it does that. I have no problem with coming back after the summer to discuss that.

As to whether I am open minded about looking at what will come from that process after the summer and at what will be in the bill, I am. I will need to speak to colleagues about that, and it depends on what feedback and guidance we get from the statutory bodies and key stakeholders

during the summer. In its evidence, the Association of Local Authority Chief Housing Officers said the same thing about what should be in the framework bill. I am open minded about that, and I am happy to come back to the committee at any stage to confirm or reassure it on when scrutiny will take place.

**Bob Doris:** My apologies, minister, because I should have known the answer to the second part of the question. You are open minded about having more detail in the bill, but you obviously want to keep your powder dry at this stage, because of the engagement that you will have during the summer. However, I also asked you whether any secondary legislation or guidance will come back to the committee for scrutiny and what the process is. Hold on to that thought, though.

You mentioned ALACHO. Its concern is that the default action will be to refer back to the local authority, which defeats the purpose of the legislation. What reassurances can you give ALACHO that that will not become the default option?

**Paul McLennan:** I have had individual discussions with ALACHO about that. It comes back to the point that Kevin Stewart made. First, there is the legislation and, secondly, there is changing the culture. The important part is changing the culture. That applies not only to this legislation. Any legislation can change how we act legally, but sometimes what is needed is a culture change. The point that Mr Stewart made about culture is very important, and part of that will be guided—

**Bob Doris:** Sorry, minister—I hate cutting across people's answers, especially when I am joining the committee remotely, but I am interested in the specifics more than in a general view. How will that be monitored, audited and reported on? We can say that the culture needs to change, but how do we take the temperature of what is happening in practice? I am sure that ALACHO will tell us quickly enough if it does not think that things have changed. What will the Government do to monitor the situation in order to ensure that we are not just setting expectations but monitoring what public bodies do?

**Paul McLennan:** Monitoring processes are already in place. We have had key discussions with the Scottish Housing Regulator in that regard and will continue to do so as the bill develops. I am happy to come back to the committee with more specifics on that point, because discussions are continuing on that, as the role of the regulator is important.

I am also happy to come back to the committee to speak more specifically about the scrutiny of the

legislation, at a stage that you think would be relevant. That is not a problem.

**Bob Doris:** I am not sure that that answers my point, but what you have said is helpful and I will reflect on it and the committee can follow up on that issue.

It has been suggested that it would be helpful if bodies and people that the Scottish Government cannot place duties and obligations on—such as the Department for Work and Pensions, the Home Office and general practitioners—were subject to something like an act and ask duty, perhaps in the form of a protocol, and there have been calls for such a protocol to be put in place. However, those bodies are missing from the legislation. Are they missing because we do not have the power to compel or for another reason? Would you expect an ask and act duty to be embedded culturally in those organisations? What is the Government's thinking on that?

**Paul McLennan:** There are a number of answers to that. One is that we cannot compel the likes of the DWP and Home Office, but that does not stop us from engaging with them. Anybody who has had the experience of working in the sector and dealing with homelessness knows that the policies of those bodies have an impact on the issue. So, although we cannot compel them, we will continue to work closely with them.

Part of the stakeholder engagement that will take place over the summer will involve discussions about experiences with the DWP and Home Office, for example, and how we can ensure that the relationship between the sector and those bodies is as close as possible. Although we cannot compel the DWP or Home Office to be part of that, we will work closely with them.

That relates to the point that Kevin Stewart made about culture. We need to ensure that those bodies are brought into that culture. Even though we cannot compel them, they are important stakeholders, so we will continue to engage with them regularly as the legislation is developed and then embedded.

**Bob Doris:** Does that mean that you would seek an ask and act protocol, if we can call it that? You could say to the Home Office and the DWP, for example, that this is what we are asking public bodies in Scotland to do, that we think that it is best practice and that we would like to agree a protocol in relation to it. Is that something that you will take forward?

**Paul McLennan:** That is something that we would discuss with each individual stakeholder but, if we could get to that situation, that would be helpful. Each organisation might look at the issue in a different way. The key thing is to embed in the culture of each body that way of working with us to

prevent homelessness. If we were able to establish a protocol such as the one that you describe, all the better. Again, that would very much depend on the individual stakeholder.

**Bob Doris:** Before I ask my final question, I draw your attention to the work that this committee is doing on the housing emergency in Glasgow and the Home Office's fast-tracking of asylum claims. I will not say any more just now, but I am sure that you are familiar with it. Please look into that issue, because there are certain things relating to homelessness and prevention duties that the Home Office is not ensuring take place.

My final question is about what is not in the legislation that could have been. The homelessness prevention review group considered a variety of things and made various recommendations, but not all of them made it into the legislation. One of the recommendations concerns the fact that the many different organisations that have ask and act duties have to talk to each other, and there is going to be overlap and, with regard to particularly complex cases, a need for co-ordination. A mechanism for that co-ordination was recommended, but it is not included in the bill. That is just one example. Perhaps you could say why that was not included and speak more generally about whether you are open to any additions as we go through the parliamentary process.

09:30

**Paul McLennan:** I come back to Mr Doris's point about asylum. I had a meeting last week with Mears and Glasgow City Council about how we can make sure that the process is as effective as possible. I am taking a few points from that forward, and I am happy to discuss those with your colleagues, but it is very high on my agenda.

Health and social care services were one of the main points that other groups raised, and health boards and integration joint boards are part of that. Culture change is one of the most important things that need to be embedded. Sometimes there are blockages in how issues are picked up. That issue was raised in most of the discussions that I have had around the country. It needs discussion, and over the summer I will be discussing how health boards and IJBs make sure that they feed into that process. It could impact on, for example, mental health and substance abuse. There has to be flow-through.

I have seen that, in some parts of the country, the process is not as effective as it could be, which is why we are bringing in the ask and act duty as part of the bill. However, the process also needs culture change, and that is a key piece of work for me over the summer. We will be working with the

health boards and IJBs on what the process looks like and how we make sure that we are getting that flow-through. The legislation is one part, but how we change the culture is incredibly important.

Having the health boards and IJBs involved is probably the best avenue to discuss that. How it flows down will depend—for example, Glasgow's approach of involving the health and social care partnership is different from the approaches in Edinburgh and Dundee. It is about trying to include local experience and knowledge in how we embed that.

**Bob Doris:** That is helpful, minister. I apologise for being discourteous, but you did not mention co-ordination of complex cases. Police Scotland, the national health service and education professionals are all worried about tenancies being sustained. Who is leading on this? Who is co-ordinating particularly complex cases? How will that be taken forward?

**Paul McLennan:** It would depend on each local authority's process. Each local authority will have slightly different ways of dealing with that. Having been a councillor for 15 years, I was involved in such cases and know that there are differences in the approaches that are taken. This is probably more to do with the Local Government, Housing and Planning Committee, but I remember that committee taking some evidence on how community planning worked. There is a mixed process across Scotland in relation to housing and homelessness. For example, sometimes it was not even involved in the council's broader community planning group or even in thematic groups. Part of the experience would be working with COSLA on how that works, because different local authorities have different approaches. That is a key point.

I talked earlier about why we have 10 ministers on the ministerial oversight group. In some of the more complex homelessness cases, four or five specialist areas can be involved. A case could concern somebody who has suffered domestic abuse and mental health issues, which has led on to substance abuse, so there can be a range of measures.

Your point about ensuring that there is flow-through is important. I will pick up with COSLA how it will take that forward, because it is important to ensure that we get that flow from one part of the system right the way through. Blockages prevent people moving where they need to, getting temporary accommodation and moving on to more permanent accommodation.

I will pick up that point with stakeholders over the summer.

**The Convener:** Before I bring in Jeremy Balfour, I have a quick question on the back of Bob Doris's question. It is in relation to the listed

bodies and the protocol that was discussed. Would Social Security Scotland come under the list of relevant bodies as part of the ask and act duty?

**Paul McLennan:** That is one of the bodies that were talked about before. Establishing a protocol was mentioned and that is one of the bodies that we would engage with on that. That is important, because there are different examples of where Social Security Scotland would be involved.

Another key point is that we talked about what duties there will be in the bill. If we are talking about statutory guidance and training, one of the key things is to talk about how we involve Social Security Scotland and other groups. We will be working and focusing on that with stakeholders. Part of the discussions over the summer will be about exactly what is required in the statutory guidance and training for some of those bodies. Again, we will be tightening that up as we go through the process over the summer and continue through the bill process.

**The Convener:** That is really helpful and hugely important, as you pointed out.

**Jeremy Balfour (Lothian) (Con):** Good morning to you and your team, minister. Obviously, everybody here wants to prevent homelessness. Some of the evidence that we took was that we have some of the best legislation anywhere in the world, but Shelter said in its evidence that the system is simply broken—it is not working. How will the changes that you are proposing in the bill fix the system, or is it simply moving the deck chairs on the Titanic?

**Paul McLennan:** Can you clarify whether Shelter was referring to the broader housing system or the homelessness system specifically?

**Jeremy Balfour:** It was about homelessness.

**Paul McLennan:** I have engaged with Shelter on that particular point and there are a number of issues. This goes back to the first question in that this is not an either/or situation—for example with regard to how we look at the situation with temporary accommodation or how we increase housing supply. That is really important. I made a statement last week, and I will be meeting the organisations that made the co-ordinated statement—we have asked for a meeting with them—to pick up those particular issues.

That is one separate issue, but, for me, the prevention duty is as important. We need to prevent people from becoming homeless in the first place. We already have guidance that says that we will deal with people who are at risk of becoming homeless within two months. You will know, given your experience, that two months is not a long time in which to deal with such a case.

Changing that duty to apply to those who are at risk of becoming homeless within six months is incredibly important, because that provides time to deal with cases.

We also talked about the co-ordinated role. Mr Doris talked about the complex cases and what we can do to tighten up that aspect of the system. Therefore, there is the ask and act duty.

My experience as a councillor was that what happened sometimes depended on who the housing officer was and how much that culture was embedded in the local authority. We cannot have that situation, which is why the statutory guidance and training will make sure that the matter is picked up by local authorities. We have worked on that very closely with the likes of COSLA. That must flow through all the organisations involved—the police, health boards and so on. We need to ensure that that flows all the way through so that we are giving people that support at as early an opportunity as possible and ensuring that everybody who is involved in that process is aware of what their duties are.

As I said, some of that will come back to legislation, but I keep coming back to the point that Mr Stewart made, which is that it also involves culture. It is important to ensure that statutory guidance and training are embedded in all organisations.

I would not agree that the homelessness system is broken. Could we be doing better? Of course we could, which is why we are bringing in legislation to prevent homelessness in the first place. We then have to tackle issues that have been mentioned about temporary accommodation, increasing housing supply and so on.

**Jeremy Balfour:** That is helpful. I will come back to some of those points in the next few minutes, but you have led me nicely on to the change from two months to six months. You have touched on this a wee bit, but can you say more about the difference that extending the timescale from two to six months will make to individuals who are at risk of homelessness?

**Paul McLennan:** As you will know from your experience, there are lots of homeless cases and people tend not to arrive with just the one problem; they can have a whole range of issues. If you are talking about a complex case, two months is not long enough to deal with that situation. Six months gives us an opportunity to identify the possibility of preventing homelessness at an earlier stage. Two months is an extremely short period of time in which to deal with that. In speaking to stakeholders across Scotland in the past number of months, I have found that they welcome the change from two months to six months.

Part of it is about having a greater understanding of the role of the police and the health board in trying to prevent someone from arriving in a homelessness situation in the first place, and part of it is about time. Two months is not long enough to deal with a complex case. If you have a range of meetings, two months is not long enough. It just is not long enough, both in my experience and in speaking to colleagues across Scotland about it.

**Jeremy Balfour:** I want to clarify exactly that. Is the six-month period fixed? We have heard some evidence that there should be a bit more flexibility in that. Two months is seen as just two months, but now we are moving to six months. Should there be a bit of flexibility in that, particularly for local authorities, or do you see six months as a hard number?

**Paul McLennan:** The issue of two months versus six months is one of the key things that the prevention review group talked about, based on its members' experience, which was important. These cases are never just going to be about two months or six months, so there will of course always be a degree of flexibility. Some cases are more complex than others. The provision on six months is obviously trying to give guidance, but we know that cases do not just fall into two months or six months. There will always be an element of flexibility.

**Jeremy Balfour:** I want to push you a wee bit on that, minister. You talked about guidance. If I am sitting in the City of Edinburgh Council and see the six-month period in legislation, when someone comes in, I may not see that as guidance; I may see it as saying, for example, that I do not have to do anything because the person is seven months away from homelessness. Do we need to look at the wording, to give people in local authorities and other bodies a bit of flexibility, or am I just being a bit too legalistic?

**Paul McLennan:** I will bring in Pamela McBride on that particular point. For me, with the two months or six months, it could be a day or two on either side, because cases will not involve just the six months—we know that it does not work in that way. I will bring in Pamela McBride on the point about the wording but, within reason, there is always a degree of flexibility when it comes to the two months or six months. Cases do not work in that way, unfortunately.

Pam, do you want to touch on the point about the wording?

**Pamela McBride:** The period of six months was a key recommendation from the prevention review group, which felt that that is an appropriate point away from imminent homelessness to be able to facilitate the ambition of giving choice and control

to people who are at risk of homelessness. Stakeholders at previous committee meetings have asked whether it should be six months plus, or whether there should be a little bit of flexibility in the system to allow for that. As members will know, it is difficult to build flexibility into legislation in that way, but that is where the guidance can add value in relation to the operational elements of how the measure should be applied.

We are more than happy to re-test our assumptions that took us to setting the period at six months and see whether they are delivering against the ambitions of the prevention review group or whether it should be a different figure. Whatever figure we apply, there is always a risk that it becomes arbitrary, and we are keen to avoid that happening.

On the point that Mr Balfour makes about people who are on the margins of that defined legislative figure being told to come back when they have hit that milestone or got to that point, that is certainly not the ethos that we want to promote, it is not the intention of the prevention review group and it is not what we are looking to do in the bill. We can take that away and re-test it.

Craig McGuffie might want to add something from a legislative perspective.

**Craig McGuffie (Scottish Government):** The council's duties will kick in if somebody approaches it or is referred to it with six months to go before they are going to be homeless. The council will be under a duty to act at that point. If somebody comes to a council seven or eight months away from being homeless, the council will not be under a duty at that point and it may have to consider what resources it could deploy for that person.

09:45

**Paul O'Kane (West Scotland) (Lab):** Good morning. Following on from that line of questioning, and thinking about the flexibility that is required in terms of the duty, the committee has heard concerns about how we identify the threat of homelessness, and particularly about where the burden of proof might lie. For example, Aff the Streets spoke to us about the difficulties that young people face, particularly in a situation in which there is a difficult family breakdown, when investigating the reasons behind that and trying to offer support can be more problematic. Can you give us your thoughts on how that duty might work in practice and how it could help to ensure that the process is supportive of and affirming to the young people concerned?

**Paul McLennan:** There are a few things to say in that regard. I will come back to Aff the Streets but, more broadly, you might be aware of the work

that the Rock Trust is doing in West Lothian, where it is working with the West Lothian Council education service to pick up needs at an early stage, dealing with kids aged 15 or 16 who could end up in a situation like the one that you describe.

It is important to deal with those issues at an early stage, but I have seen cases of people leaving school at 16 and then experiencing a family breakdown that leads to their being in a homelessness situation, and then, when they go to a councillor or an MSP surgery and are asked who they have spoken to, they say that they have spoken to nobody. I will come back to the specific point that you mentioned, but the work that is being done in West Lothian is trying to identify the roles of social work, guidance teachers and, importantly, mediation, and when those people should come into the situation.

On the issue of the two-month period versus the six-month period, the earlier that we can get people involved in that process, the better, and it is important to engage with people such as the Rock Trust and Aff the Streets on what that engagement looks like.

On the issue of guidance and training and how we deal with young people in particular, the Minister for Children, Young People and The Promise comes along to meetings of the ministerial oversight group and we talk about, for example, children in care in relation to the Promise. On the impact of that, I have had meetings with The Promise Scotland about situations that might arise. We know that there are issues around what happens when children leave care. If a prevention discussion is not taking place, they could end up in a situation where they are homeless.

Again, it is important to engage with the stakeholders over a period of time—I will be doing that over the summer period. We need to identify issues as early as possible. That relates to the issue of the burden of proof that you mention, because the issue becomes more difficult in relation to kids who are 15 or 16. As I said, we must engage with stakeholders such as Aff the Streets and the Rock Trust on what we can do in that regard. It is important to acknowledge that a lot of good work is going on to build on the good practice that is already in place, and the guidance touches on the importance of working with stakeholders in that area to make sure that issues are picked up at an early stage.

**Paul O'Kane:** We all recognise the importance of the role that stakeholders play, but it is our 32 local authorities that have responsibility for enacting the duties. Kevin Stewart made the point about culture change and the challenges around trying to refocus the work of housing departments

and so on. Are adequate resources available to enable the shift to be made? Often, training and support are key to that, and the situation can develop into a bit of a postcode lottery—I do not like using that expression. What I mean is that there can be different experiences for young people depending on where they are. How do we get more consistency on that front?

**Paul McLennan:** Again, that comes back to local authorities and other groups demonstrating what reasonable steps they have undertaken. As we know, every case will be slightly different but, with regard to guidance, training and resourcing, the issue concerns the reasonable steps that are taken.

On the role of family mediation, some months ago, I was at an event at which people from the Cyrenians were talking about the work that they undertake with families. They do incredible work, and it is clear that their mediation made a real difference—I heard about situations in which, for example, kids aged 15 or 16 were going to leave home until the mediation service came in. That role is important, and it is part of the reasonable steps that groups are taking.

That is part of the discussions that will be had during the summer, but we need to look at resourcing as well. We will probably touch on resourcing later, but we have undertaken work with local authorities, during which we asked what resourcing they need, what they need it for and what the impact will be. It relates to a much broader discussion. If we are talking about the resourcing that is required for prevention duties, we need to consider what it is that we are preventing from happening. We need to consider not only the material difference that the bill will make to someone who becomes homeless but what the financial cost would be if we did not get things right. That is an important consideration in the development of the resourcing part of the bill.

We touched on the work that is being undertaken on that, but we are getting into the bill process and resourcing that is required. Other committees have asked about that specific point as well, which is great. Again, we are having discussions about what the reasonable steps are and how we resource and fund those.

**Paul O’Kane:** On the point about reasonable steps, and more broadly, in the context of councils’ duty on homelessness prevention, some concern has been expressed about the lack of detail in the bill as to what would constitute meeting that duty. My concern is that we would want to set a floor, and not a ceiling, for our expectation. What is your view on the detail that is perhaps lacking in the bill? What is your view on setting a floor and not a ceiling in relation to what we expect?

**Paul McLennan:** You are right. It is about a floor rather than a ceiling, and we should look to do the best that we can. The prevention review group informed the shape of the bill. That is important. Stakeholder engagement during the consultation process is also incredibly important. The Government is not coming in and saying, “This is what we should do.” Co-production is an important part of the bill. When we talked about the recommendations of the prevention review group with Crisis, Cyrenians and others, they said that co-production is important to them. It is also important to me. As we develop the guidance, training and the culture—which Kevin Stewart mentioned—it has to be about co-production.

I am happy to come back to the committee at any stage to talk about the bill as it proceeds, or to talk more generally as we develop it and it moves into legislation. However, co-production is important as we develop it. An example of that co-production is that the ending homelessness together group was part of the discussions. The prevention duties are also all about co-production. The feedback that the committee has received is also feeding back to us, so we will make sure that we pick that up as we move forward.

**Paul O’Kane:** You mentioned co-production, but are you concerned that local authorities are saying that they feel that there is a lack of detail in the bill? As you said, we will touch on resourcing, but do you accept that there will need to be a significant shift in resources for local authority housing departments to be able to deliver on our expectations and our desire for additional support and services?

**Paul McLennan:** There is a homelessness prevention and strategy group, which is co-chaired by COSLA and me. We talk to all the major stakeholders regularly, and they have input into the work of that group. The group can feed back and review this. We are working closely with COSLA on the detail and what it will look like.

We have undertaken work already, and we will continue to do so. Local authorities and other groups feed into that process. The further we get into the process, obviously, that will develop further. However, as I said, we work closely with COSLA on what resourcing will look like and about homelessness prevention overall. As we get further into detail—during the summer engagement, for example—we will start discussing what it will look like. We have reached out to local authorities and asked them for their assessments, which is what the financial memorandum was based on. We will continue to engage with COSLA and other stakeholders on that point. You are right that the bill has to be resourced; it is as simple as that. If it is not, it defeats the purpose of the bill. It has to be resourced properly.

We have engaged extensively with COSLA on that, and we will continue to do so. As I said, COSLA and I chair the homelessness prevention and strategy group, which has the major stakeholders involved in it.

**The Convener:** As you have mentioned the Cyrenians a couple of times, I note that Ewan Aitken from the Edinburgh Cyrenians has written to us to invite us to a cook school event. I look forward to hearing about the good work that the Cyrenians are doing on the prevention duties.

**Paul McLennan:** That will be a worthwhile visit. I have been to a cook school event, and I was asked to prepare a bit of a meal, so be prepared for that. The Cyrenians do an absolutely incredible job, as many people know. I whole-heartedly commend the work that they do.

**The Convener:** We look forward to that visit.

**Jeremy Balfour:** Minister, some witnesses have said that there is a lack of detail in the bill on the accountability and monitoring framework. Can you provide us with some detail on how you envisage that working in practice?

**Paul McLennan:** I think that we touched on this earlier. Obviously, there are existing regulatory processes in place, but you are right that one of the key things—as Bob Doris mentioned—is the question of how we monitor them. We are in discussions with the Scottish Housing Regulator on what that might look like, and I am happy to write to the committee in more detail on the issue. It is right that, if we bring in this legislation, the committee or whoever should receive reports on how successful it has been.

Pamela McBride can say more about the discussions with the regulator.

**Pamela McBride:** One of the key things that we want to understand is the regulatory function beyond the housing sector. We are looking at the relevant bodies that, at this point, do not necessarily see themselves as having a role in the prevention of homelessness for individuals. We want to understand the regulatory landscape that applies to them and how that can dovetail with what exists with the Scottish Housing Regulator for social housing across Scotland. That is a live consideration, and the Scottish Housing Regulator has been key in linking us in with various groups that it sits on as part of its regulatory function, so that we can start to map that out and understand the territory.

To go back to the point that was raised about outcomes and measures, that is obviously closely linked to the regulatory function, which is another live consideration. There is an issue not just in terms of the data that is collected by local authorities—a review is being conducted of

whether that is still the right data to be collecting—but also in terms of how we collect data about the prevention activity that is undertaken by those relevant bodies. Where does the responsibility for that lie, and how is that recorded? I know that the committee has heard from witnesses who have spoken about the trauma of having to retell their story every time that they approach a new service. We know that homelessness does not necessarily happen one day to someone, and that there is often a long journey that results in someone arriving at that point.

We are keen to ensure that we have a robust approach, but that is a live piece of work, and we will look at that in more detail over the summer.

**Jeremy Balfour:** I should probably know the answer to this question, so I apologise for my ignorance. Given that there are 32 local authorities and various other people involved in this issue, how is all that information pulled together? Is it reported annually to Parliament? If not, is it worth thinking about ensuring that a holistic approach is taken, with Parliament considering the information annually?

**Paul McLennan:** Do you mean information about the progress that is being made by the legislation?

**Jeremy Balfour:** Yes, and also the various numbers and statistics that come from local authorities, because it would be good if Parliament or some other body had an overview of that.

**Paul McLennan:** I think that the regulator issues reports based on, for example, how each local authority is dealing with fulfilling its homelessness duties. It would be useful if I could write to the committee on where those reports are sent and the timescales around that, because a number of reports are published. The point about how we know whether the prevention approach is working effectively is important, so I am happy to write to the committee on what is reported.

**Jeremy Balfour:** I would be grateful for that.

**Katy Clark (West Scotland) (Lab):** How is the Scottish Government proposing to develop further details on the bill's provisions, particularly on the ask and act duties, and what are your plans for discussing implementation dates with stakeholders?

10:00

**Paul McLennan:** I will answer the second part of your question first. This is a key point, and, in saying that, I acknowledge the earlier point about where we are on temporary accommodation and the broader homelessness figures. A balance needs to be struck between implementation and how we deal with the current temporary

accommodation situation, and it will be one of the most important parts of the discussion about implementation. For example, will there be a phased implementation, and what do we need to do over that period? It is one thing having legislation that gives us the ability to this, but what happens after that?

**Katy Clark:** Do you have an indication of timescales?

**Paul McLennan:** No. I am happy to come back to the committee when I get feedback as part of the discussions that we will have over the summer. We are going to discuss the issue in detail with the likes of Crisis and the Cyrenians, which I think have called for a phased approach.

It all comes back to geographical differences. How we deal with the implementation in Glasgow will be different from how we deal with it in, say, the Highlands or in the Western Isles. Part of the discussion will be about that, because we have to listen to what local authorities and other stakeholders are saying about the implementation. We have already had some comments, but I would like to get more into the detail over the summer, part of which will involve looking at resourcing and talking about statutory guidance and how long training will take.

We need to pass the bill and we need the culture change that Mr Stewart has talked about, but we also need to ensure that the legislation is implemented at the right pace and at the right time. Again, that will be guided by stakeholders, which is an important part of the process.

**Katy Clark:** Would you be happy to write to the committee on that?

**Paul McLennan:** I would be happy to write to the committee after the summer recess and reflect on the process. We have correspondence from stakeholders on that. Most of the consideration that will take place over the summer will be on the statutory guidance, but there will be a lot on implementation, too. Again, we will be guided by what stakeholders say to us about that.

**Katy Clark:** Some of the main concerns that we have heard about include resourcing the proposals to ensure successful implementation and the lack of clarity in the financial memorandum, which you have referred to a number of times. The Association of Local Authority Chief Housing Officers said:

“it does not build confidence and certainty in terms of people’s ability to develop and design services”—[*Official Report, Social Justice and Social Security Committee*, 13 June 2024; c 16.],

while Shelter said that the financial memorandum was “not credible”. How do you respond to those concerns? Can you also indicate when you will

amend the financial memorandum, as I presume you plan to do? Indeed, I know that there has already been a letter about that from the Finance and Public Administration Committee. Are you concerned that implementation will be delayed due to the funding issues? As we know, an issue with many pieces of Scottish Government legislation is that they do not get implemented for a considerable period. Will that be an issue here, too?

**Paul McLennan:** When we surveyed local authorities, we asked them to be as open and honest as they could be about that. That survey was conducted and concluded last December, and the information that we have is based on what was sent in. One of the key things with developing the statutory guidance and the training will be the cost, and we have talked about co-ordination and what will be required in that regard.

I suppose that the challenge to local authorities—which have quite rightly challenged me, too—is to say what that will actually look like once we get into the detail of the bill. I should also say that the financial memorandum was based on the information that we got back from local authorities. I will continue to work with COSLA on the homelessness prevention and strategy group, which I chair with Councillor Chalmers. We will continue to develop these matters, and if we need to look at the financial memorandum again and amend it, we will do so. That issue will be covered in our detailed discussions.

I say again that we based the financial memorandum on the survey information that we got back from local authorities, and, if we need to review it as the bill develops, we will do so.

**Katy Clark:** At what stage of the parliamentary proceedings will you amend the financial memorandum? Will it be before stage 1 or stage 2?

**Paul McLennan:** Our decision will be based on the discussions that we will have over the summer. I will discuss the matter with officials. Pamela McBride might want to come in on that point, as she did a lot of work on the survey, but, as I have said, we based the financial memorandum on the information that we got from local authorities. If this is what local authorities need, we will continue to discuss the issue with COSLA.

You are right that it does us no service if we cannot resource this—it will just worsen the situation, to be quite honest with you. We have based the financial memorandum on what we have been told, but, as we move further into the bill process, we will continue to monitor the matter and, if we need to change it, we will do so. We would need to discuss that with officials at the



relevant time, because if we needed to amend it, we would want to do so at the best time to ensure that we were not having to amend it again another three months down the line. That is important.

Pamela McBride might want to touch on the work that we did and the survey.

**Pamela McBride:** As the financial memorandum is a bill-level document, I cannot speak to the intentions with regard to other costings in the bill. However, as far as the homelessness prevention duties are concerned, we are keen to keep consideration of the issue live as we have the discussions over the summer. Ultimately, we are going to learn new things that have perhaps not been brought to the table previously—including the evidence that the committee has heard—and it would be remiss of us not to reflect on what that will mean for the duties in the future.

Consideration of the relevant bodies and what the bill will mean for them is one of the big elements of the summer plans that have been referred to numerous times now. We also need to understand not just the cost of those things but the potential savings further down the line. We know that prevention activity in any policy area is a spend-to-save method of implementation. With such an approach, you hope that, by making that intervention upstream, you will see savings downstream.

With the homelessness prevention duties, you would hope that, by bringing in all the corresponding relevant bodies that are outwith the homelessness services, you would start to see savings across the entire public sector and not find them consolidated in one particular part. That is something that we need to reflect on when we hold events with the relevant bodies, in particular, because those cross-sector savings and costs will be key to how this is taken forward.

**Kevin Stewart:** Given the huge emphasis being placed on the summer engagement in this morning's meeting, it would be useful if the committee could get a flavour of what that engagement will actually involve. By the sound of it, it will be a key element of how you move forward. It would be fair to say that some of the folks from whom the committee has heard feel that there has been a fair degree of engagement already, although more is required, while others feel that the engagement has not been of the right sort. Therefore, it would be a good idea for the committee to have a flavour of what that engagement will involve and how it will be carried out. I wonder whether the minister can agree to that.

**Paul McLennan:** Yes, I am happy to do so and to write to the committee on the matter. We have

touched, broadly, on the kind of things that we will be looking at—for example, sequencing; the training and guidance that will be required; and co-ordination, which I think has been mentioned. I think that Katy Clark asked for this, too, but I am happy to come back to the committee after the summer if you want to have a quick evidence session on what we have learned from our engagement.

As I have said, I am happy to write to the committee on Mr Stewart's point, but sequencing, resourcing, training and co-ordination will be the main things that we will discuss with stakeholders over that time. As, I think, Mr Stewart mentioned, we have already had extensive discussions with COSLA, Crisis, the Cyrenians, Shelter and other organisations, and officials meet those groups on a daily basis.

**The Convener:** Thanks, minister. That was a good point, Kevin. It would be great if committee members could get an outline of the programme of engagement over the summer. As a committee, we will look again at whether we have time in our work programme to get you back in, minister, but I thank you for your offer and we look forward to seeing that document.

**Jeremy Balfour:** Minister, you dealt quite well with the issue of cultural change in your answers to Mr Stewart's questions, and Ms McBride picked up comments about people with lived experience of homelessness, some of whom felt that they had to keep telling their story over and over again to different organisations. Have you had any thoughts on how we can share data better between organisations? Obviously, there are restrictions under the general data protection regulations and other issues in that respect, but is there any way in which we can prevent people from having to tell their story on numerous occasions?

**Paul McLennan:** I have a couple of thoughts on that. An outcome group and a task-and-finish group were set up to look at measurements and how we monitor these things, and the issue has also been discussed by the homelessness prevention and strategy group that we referred to at the start of the meeting.

You are right in saying that one of the key things about sharing data is co-ordination and that we also need to be cognisant of data protection. However, when it came to identifying key issues, there were specific task-and-finish groups, and I think that the matter has already been talked about by the homelessness prevention and strategy group.

As a previous member of the committee, I know that we have talked about sharing information on, for example, social security. Data protection is

there for proper reasons, but it does make it difficult to share information. I suppose that it will come down to having broader co-ordination right through the process. After all, a person tends not to arrive at homelessness for one specific reason—the situation tends to be more complex than that. Recommendations have come out of the groups that I have mentioned, but we are reviewing what any approach might look like and how much information and data can be shared. With specific cases—I come back to Mr Doris's question about the co-ordination of complex cases—one of the most difficult issues is how we ensure that the data is shared without breaking any data protection rules. We are trying to ensure that the process is as co-ordinated as possible.

It is a really relevant point. Sometimes it can be difficult to share data if it is not within the data protection legislation, but this is something that has been and will continue to be looked at. I do not know whether Pamela McBride wants to say any more about that.

**Jeremy Balfour:** Can I just jump in there? You have said that the issue has been looked at and discussed, that it is up your agenda and that you are going to think about it more over the summer, but what I am not hearing is that you are going to do X or Y about it. I suppose that that is my slight concern about this being a framework bill. There are lots of good intentions, but there is also a lack of detail on how it is going to be delivered.

I would like to push you a wee bit on that, minister. Are you bringing anything specific forward that will make the bill different from what it is today?

**Paul McLennan:** There are two ways of looking at this. Again, coming back to my own personal experience of working with a number of cases over a number of years, I think that you can sometimes be too specific. That is something that can be picked up through guidance and training, but it is one of the key points: you can be too specific about how you deal with a specific case, because, as we know, every case is different.

A key thing for me is to make sure that there is co-ordination at local and council level. How do we deal with these cases? How do we deal with, say, health boards? How do we deal with the police? In some circumstances, you can be too specific; indeed, it would be difficult to have something specific on the face of the bill.

Again, we will be guided by what the homelessness prevention and strategy group looks at. There is also a group that measures the effectiveness of that and we will be guided by that, too. Sometimes, we can be too specific. The guidance and culture will be the main aspects, and

we are going to be guided by the outcome of the groups that I have mentioned.

Pamela, do you want to add anything on that particular point?

**Pamela McBride:** Many of the relevant bodies that we are looking at—and, indeed, the ones that might be added in the future through the power to amend the list—have data-sharing arrangements in place. That does not necessarily mean that existing data-sharing arrangements extend to the prevention of homelessness. They are usually set up in a way that allows for specific information to be shared for specific purposes, and if we start by reviewing what that currently enables, it will enable us to identify any gaps or where anything needs to be shored up.

Building on existing processes will be key to that. In addition, it will bring on board other bodies that do not necessarily hold data-sharing agreements with the other relevant bodies at the moment. One of the things in the bill—whether you want to refer to it as a duty to co-operate or something a bit vaguer—is a requirement for the relevant bodies to work together on the prevention of homelessness for the households that present to them. They have that ability to work together, and revisiting that wording to ensure that it enables information to be shared as a way of facilitating that might reassure the committee about our intention behind that provision in the bill.

**Jeremy Balfour:** Thank you.

10:15

**Marie McNair (Clydebank and Milngavie) (SNP):** Good morning, minister and officials.

Some respondents to the call for views supported the domestic abuse provisions, but they stated that the existing legislation and strategy—particularly the Domestic Abuse (Protection) Scotland Act 2021 and the “Improving housing outcomes for women and children experiencing domestic abuse” report—must be implemented to make a difference. How are you ensuring that the domestic abuse provisions in the bill can be as effective as possible through a more joined-up approach between the existing legislation and the policy?

I know that you touched on that earlier, but is there anything more that you would like to add?

**Paul McLennan:** That is an important part of the legislation. We have engaged with stakeholders such as Scottish Women's Aid, and we are aware of the legislation that is already in place. There is also the question of what the guidance actually looks like.

I had experience of a case, and I am sure that we have all had such experiences regarding domestic abuse cases. A woman will arrive at a surgery and does not know what the situation is. We are trying to prevent that from arising in the first place. For example, I was down in the Borders about three or four months ago and some housing associations down there had set up a project. I met a woman there who had suffered domestic abuse. It was very much a prevention duty that was being considered, and the housing associations had specific housing officers who had done training on how to deal with such situations. They worked closely with Scottish Women's Aid, and they considered how to deal with the financial situation that women found themselves in. That was an example of really good work, and it was a lesson for us all to learn from.

I was at one particular meeting that has stuck with me. The event was arranged by Scottish Women's Aid, and one woman there had been in a particular situation. We were all asked to stand up. There was a piece of string that started with the woman who, it was found, had been suffering from domestic abuse. It was passed around the various organisations that she would have to work with before she got temporary accommodation. There were 30 people involved in the process for one domestic abuse case. Suffering the domestic abuse was traumatic enough; her having to go through 20 or 30 different organisations highlighted the longer-term issue not just for the woman but for her family.

How we simplify the process is a really important subject for me. That will come through the statutory guidance, and we are working with Scottish Women's Aid on that as part of the training. One key thing that we identified previously and that we have been piloting is the fund to leave, which gives women financial opportunities to get some funding to leave. It is not just about domestic abuse; it is about financial abuse and other things, too. It is a matter of working closely with organisations such as Scottish Women's Aid, incorporating the existing legislation and ensuring that it is embedded. Becoming homeless is a really difficult situation, but there are so many issues behind it and it is important that we get that work right. As I say, we are working closely with Scottish Women's Aid and other organisations on that.

Returning to the point that I made about the Borders housing associations, the work that they did, including on prevention duties right at the start, was really important, as was their method. They had evidence to show how their project had worked and was making a difference. I spoke to a few women who had suffered and who had worked with the housing associations down there, and we were delighted with how that had made a

difference in the women's lives. We have to work really closely in embedding that legislation. As we know, domestic abuse is the biggest cause of homelessness for women. That is a really important part of our work, which we need to get right. I do not know whether Pamela McBride wants to add a wee bit on that. We have been working closely in developing the guidance.

**Pamela McBride:** The key recommendations from the prevention review group on domestic abuse are the same as some of the recommendations in the report "Improving housing outcomes for women and children experiencing domestic abuse". By working on the prevention duties in the way that we are, we are delivering against both sets of recommendations. It is worth highlighting that the statutory guidance that will support the domestic abuse provisions will itself deliver further recommendations from the outcomes report. Although it might look as though the changes in the bill in terms of the outcomes report are relatively small on the surface, other measures are being taken forward within the same timeline.

**Marie McNair:** It is really important that we simplify the process. On average, a woman will leave seven times before she finally leaves, so it is about putting in place the means to enable her to move. It is good to see that there is good practice in local authorities. Police and partnerships that deal with violence against women are already working together, but we need to build on that.

The bill provides that social landlords will have to consider whether domestic abuse is a factor in rent arrears cases as part of the social landlord's pre-action requirement. It has been mentioned that there is a gap in those requirements as, obviously, they do not apply to private landlords. Why is that the case?

**Paul McLennan:** I think that the legal frameworks are different. I had a meeting with the Scottish Association of Landlords this week, and that was one of the issues that came up. The association is doing a lot of work. You are talking about individual owners as well as landlords who own five or 10 properties, so trying to embed that into the system is much more difficult. However, the association is keen to work with us on that particular point, and we will continue to work with it on that. It will provide guidance for its members in relation to that work in conjunction with us, but it becomes more difficult when you are dealing with individual owners. However, as I said, the association is keen to work with us on that and develop it. The private rented sector is a really important sector, but it cannot be exempt from the work that needs to be done, particularly around domestic abuse.

More generally, that work becomes important with regard to joint tenancies. The issues around joint tenancies can be quite difficult—for example, if someone is looking to move away. In the work that we are doing on domestic abuse, we are also talking about the joint tenancies part of things. Again, we are working very closely with the association on that and we discussed that with it during the week. It is developing guidelines and working with us, and it recognises that it needs to address that.

**Marie McNair:** What provisions does the bill contain in relation to the transfer of tenancies from perpetrators to victims? There is good practice in some authorities. Have previous provisions been enacted yet?

**Paul McLennan:** No. Again, it comes back to the point about housing officers and how they deal with domestic abuse. I have had individual cases, as all members probably have, of people who are suffering domestic abuse. They will go to one housing officer, and the housing officer will have had training and guidance and knows how to deal with it. However, I have had other cases in which a woman has gone to a housing officer and, quite frankly, it has felt almost as though they have been dismissed and that the abuse has been seen as being of no relevance. The vast majority of the time, it is the woman who moves out of the home, despite the fact that it is the perpetrator who has caused the situation. Again, I think that that takes us back to the point about statutory guidance and training—and also culture. That demonstrates the need for the training aspect for housing officers, because the picture is very mixed.

We cannot have the situation in which how you are treated literally depends on which housing officer you get, because that can have an influence all the way through the process. I have seen good examples where the response has made a real difference, but I have seen bad examples where the response has further exacerbated the problem and brought mental health issues and so on into the mix. Therefore, we need to ensure that the existing legislation is embedded.

However, there is a lot of work to be done on that particular point with regard to what we are trying to do around the prevention duties. It comes back to the need to legislate for that and ensure that it is picked up. Again, it comes back to the point that you mentioned: a woman might try to leave seven times before she actually leaves. Part of that is the thought of, “If I leave, what next?”. We cannot have women going into that situation and then thinking, “What next?”, because that impacts on her and on her children, and that impact can remain for a long time.

Therefore, we need to make sure that we change that. That comes back to the point about prevention duties and what we can do if we identify the issues at a much earlier stage. I will go back to the example that I gave from the Borders, where they were very clear in the training about what advice was available, so it was all part of the process. It cannot just come down to what happens when a woman turns up to see a housing officer to deal with the issue, because that will not work and that response has a real on-going impact.

**Marie McNair:** Absolutely. As you know, a woman is most vulnerable when she is trying to leave. We know the statistics on that. I do not know whether any of my colleagues want to come in on that specific point; we have had a wee bit of discussion on it.

**Kevin Stewart:** I am going to try to pin you down, minister. At one point, in answer to Marie McNair, you said that we must ensure that legislation and regulation are embedded. What are you doing to ensure that legislation and regulation are embedded and that folk comply with legislation, in order to help those victims?

**Paul McLennan:** As we talked about, domestic abuse falls outwith my remit, but, again, that is one of the key things that we are talking about with colleagues—for example, Scottish Women’s Aid—to make sure that the legislation on that is taken forward into a housing context.

At the moment, the picture is very mixed. We talked about the monitoring of what that looks like. It is important to see what difference is made. At the moment, we all know that the situation is very mixed for women who present themselves as homeless in relation to domestic abuse. We need to—

**Kevin Stewart:** You have heard all this from me before, minister, and I am sorry to cut across you. I recognise that the issue falls into different portfolios. I get all of that. However, you made a very specific statement about making sure that legislation and regulation are embedded in order to get this right. If you cannot answer today, it would be useful for the committee to receive a response on the actions that are being taken in the here and now to get this right for victims.

**Paul McLennan:** I will speak to the relevant minister about the Domestic Abuse (Protection) (Scotland) Act 2021 and come back to the committee on how we take the existing legislation into the new act and how we monitor its effectiveness, which has been talked about. I am happy to speak to the relevant minister about how that has been taken forward in the housing context.

When it comes to what we do as we go forward, we are in discussions with Scottish Women's Aid—for example, on how we make sure that what already exists is embedded into the new housing bill. Part of that will include guidance and training, which, obviously, is required, because, at the moment, as I said, I have mixed experience, as I am sure we all have. A person's experience depends, for example, on the housing officer that they get, which should not be the case. Making sure that domestic abuse is included is part of the reason for introducing the bill. I am happy to speak to the relevant minister with the responsibility for domestic abuse about writing to the committee on the point that you have mentioned.

**The Convener:** Before I bring in Roz McCall, I have a quick question. Will you confirm when part 2 of the 2021 act will come into play? When will that commence?

In addition, when it comes to domestic abuse cases, we have touched more often on women and girls; however, I have worked closely with Dr Stephen Maxwell on domestic abuse in the LGBTIQ community, and the voices that we heard were from young people who felt that, more often than not, they were at risk of homelessness because of the level of domestic abuse. I have also worked closely with other ministers on refreshing the equally safe strategy to include the recognition of domestic abuse in that community. I therefore ask that we be mindful of the language that we use. It is not just about women and girls; we have a minority group that is hugely impacted by homelessness.

**Paul McLennan:** That is a good point. That has been mentioned in my discussions, as well. The question was specifically about women and girls, but I recognise that domestic abuse is not just about women and girls; men are involved, as well. I apologise if that did not come across, but I was answering a specific question. You are right, and I have had similar discussions to yours. You have made a really important point.

**The Convener:** Thank you.

10:30

**Roz McCall (Mid Scotland and Fife) (Con):** Good morning to the minister and officials. I am the last member to speak, so this will not take long now.

It is disappointing that the equality impact assessment did not come out until Friday last week, particularly as that was after we had spoken to stakeholders. Although I accept that the assessment says that the bill is anticipated to have a positive impact on all equality groups, we have not been able to scrutinise that with stakeholders in the past couple of weeks.

First, why was the assessment published only last week? How would you respond to concerns that we have heard while taking evidence that the issues are not really being recognised? I would also appreciate your response to a comment by Homeless Network Scotland, which said:

"We need to up our game on this and ensure that we look through an equalities-competent lens at prevention duties into the overall Bill".

I am interested in what you have to say about that.

**Paul McLennan:** I will bring in Pamela McBride in a second, because I have not done a lot of work on that.

There are probably two ways in which that assessment has been presented and there are two different versions. One is the easy-read one for the public and there is also some more detailed information. It has taken a little bit longer than we thought it would take, so I apologise for that. There is some other information that will come out about that particular point.

One of the key things that Homeless Network Scotland said is that equalities goes all the way through that—we have touched on the issue of equalities in domestic abuse. That will always be the case. As we develop that work over the summer, that must and always will be there.

I will bring Pamela in to talk about the work that has been done on that particular point and what is likely to be done in the next few weeks.

**Pamela McBride:** There is no denying that everyone's experience of homelessness is different. Everyone, regardless of which group they belong to, experiences it in a different way, which means that they need different help and support to work through it.

The point about intersectionality must not be underestimated. We can all agree that no one fits into just one box and that we are all many different things. It is important to apply a gender-competent lens to the whole of the bill, as well as having a specific duty. We are mindful of that and want to carry that forward into the work that we will do over the summer, which, as the minister said, will include engagement with stakeholders, and as we move into the phase where we actually develop and write the guidance and training that will be needed to successfully implement the duties.

**Roz McCall:** I accept that, but we are hearing another, "Bear with us, we'll do it over the summer," so I will repeat the previous comment, which is that we really need to see more detail about what that will actually mean, so that we can carry out proper scrutiny.

**Paul McLennan:** I would be happy to write to the committee about that specific point.

**Roz McCall:** Thank you. Anyone who is on the committee will know that the rural lens is a big issue for me. The committee has heard about the unique characteristics of homelessness and fuel poverty in rural areas. There are concerns that the bill does not recognise that and those were very much highlighted at one meeting. In what ways will the bill's proposals support the prevention of homelessness in rural areas? I am interested in hearing you expand on that.

**Paul McLennan:** There are several things. We are talking about resources, which is incredibly important. I touched on the fact that there are 32 different local authorities with 32 different solutions. The situation in island communities will be different from that in urban Glasgow, for example, and we must recognise that that is the case.

The resourcing for island communities must be right. Part of the work that we did with COSLA identified that. It is really important and is something that we must be cognisant of because it will need a different approach. If you are talking about involving six, seven or eight organisations in one case, that is much easier to do in Glasgow than it would be in parts of rural Scotland. Financial resourcing is important, but physical resourcing and knowing how many people are required is important too. Island communities and the local authorities that deal with that have responded on that particular point and we are cognisant of that. The resourcing and financial implications will be picked up, as will training.

We need to consider how we ensure that training is in place, as we have to be aware that that will be much more difficult in rural communities than in Glasgow. Organisations have shared that view, but we are also talking to people with lived experience.

Parts of the Borders can be quite rural. I have done some work on a project in the region, and the team were cognisant of how people access their services. Advice cannot always be given face to face, so they have considered how to ensure that there is access to the services that people require. We should not only talk about how practitioners deal with those things but look at it from the perspective of someone who has experienced domestic abuse, for example. Lessons have been learned from how four housing associations in the Borders operate, and there are other lessons that can be learned from best practice. It is really important that we look at it from the point of view of a person who could become homeless, which is reflected in the evidence that we received from rural communities and local authorities.

We have to get the resources right so that we can ensure that, anywhere in Scotland, there is

access to the services that are required. We need to ensure that it is not more difficult for someone to access services because of where they live. Someone in a rural area should not face more difficulty than someone who lives in urban Glasgow, who might be half a mile away from a place that they could visit in person. It does not matter whether someone lives in Glasgow or in rural Scotland; it is important that we deal with the challenges they face. How practitioners deal with a situation and how people access services will be different, but people cannot suffer because of where they live. Local authorities have identified that and have given feedback to us on that process.

**Roz McCall:** As much as I accept that there will be 32 variations, which is the way to go, because that gives local democracy a way to work through that, I am reassured by the minister that there will be adequate resource and financing for our rural communities in the way that the legislation is implemented.

**Paul McLennan:** Part of that comes back to community planning, although it is almost outwith the remit of the bill. It is about how local authorities set up their community planning frameworks so that housing and homelessness are included. That could be done through local authorities' community planning partnerships or a thematic group. The Local Government, Housing and Planning Committee has heard mixed views on that. We can enact legislation, but the way that local authorities and, more broadly, community planning partners take part in the process is important. It feeds into the point about how we tackle the issues, because the closer that the partnership between local authorities and communities is, the easier it will be to make sure that these things work.

**The Convener:** I will bring in Katy Clark before we finish up.

**Katy Clark:** I want to come back on the issue of the implementation of the Domestic Abuse (Protection) (Scotland) Act 2021, which is required in order to do many of the things that we have been discussing. I appreciate and fully understand that another minister is involved in that, but it is quite clear that it is a problem. Scottish Women's Aid raised that with us in its evidence. We had understood from a parliamentary question that was lodged in late 2023 that the provisions in the act would be implemented in early 2024, but a Scottish Parliament information centre update in March said that a revised timetable is being developed with the aim of bringing the provisions into force by the end of 2024 or early 2025. Could the minister look into that? In order to do many of the things that we have been speaking about, we

need the provisions in the 2021 act to be in force. Could you take that up?

**Paul McLennan:** I will ask Catriona MacKean to come in on that. I will write to the committee and will speak to the relevant minister about it. You are right in saying that the provisions in the 2021 act need to be in force in order to help us to do what we need to do. Scottish Women's Aid has also raised that point with us.

**Catriona MacKean (Scottish Government):** We absolutely recognise the importance of social landlords being able to apply for a court order for the transfer of a tenancy. It is an important tool for them to be able to access, which is why it was included in the domestic abuse legislation. At the moment, we are working closely with the Scottish Courts and Tribunals Service to develop those processes, agree on the guidance and ensure that all the practical implementation elements are in place so that it can take that forward.

The process has taken longer than we anticipated, which is why there is a further delay in the implementation. We are regrouping with our colleagues across the SCTS and in the Government to ensure that we can get a timetable in place to deliver the provisions in the act, recognising their vital importance. In parallel, we are working on the guidance for landlords, so that they have a clear step-by-step process that matches the processes that are in place in the courts. That has taken longer than we had anticipated and hoped for, but I am happy to keep the committee updated on the process.

**The Convener:** It would be really helpful for the committee to get an update on that.

I thank the minister and his officials for attending the meeting. After the Parliament's summer recess, the committee will report to the Local Government, Housing and Planning Committee on the evidence that we have heard. The minister has quite a list of things to come back to us on, so we look forward to being in receipt of that information after the summer recess, so that we can carry out proper scrutiny of the bill.

That concludes the public part of our meeting. We will consider the remaining items on our agenda in private.

10:41

*Meeting continued in private until 11:08.*





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