



OFFICIAL REPORT
AITHISG OIFIGEIL

DRAFT

Social Justice and Social Security Committee

Thursday 27 March 2025

Session 6



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SOCIAL JUSTICE AND SOCIAL SECURITY COMMITTEE
10th Meeting 2025, Session 6

CONVENER

*Collette Stevenson (East Kilbride) (SNP)

DEPUTY CONVENER

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

COMMITTEE MEMBERS

- *Jeremy Balfour (Lothian) (Con)
- *Mark Griffin (Central Scotland) (Lab)
- *Gordon MacDonald (Edinburgh Pentlands) (SNP)
- *Marie McNair (Clydebank and Milngavie) (SNP)
- *Paul O'Kane (West Scotland) (Lab)
- *Liz Smith (Mid Scotland and Fife) (Con)

*attended

THE FOLLOWING ALSO PARTICIPATED:

- Sarah Boyack (Lothian) (Lab)
- Maggie Chapman (North East Scotland) (Green)
- Katy Clark (West Scotland) (Lab)
- Meghan Gallacher (Central Scotland) (Con)
- Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con)
- Paul McLennan (Minister for Housing)
- Graham Simpson (Central Scotland) (Con)
- Kevin Stewart (Aberdeen Central) (SNP)

CLERK TO THE COMMITTEE

Diane Barr

LOCATION

The Mary Fairfax Somerville Room (CR2)

Scottish Parliament

Social Justice and Social Security Committee

Thursday 27 March 2025

[The Convener opened the meeting at 08:44]

09:04

Meeting continued in public.

Housing (Scotland) Bill: Stage 2

The Convener (Collette Stevenson): Good morning, and welcome to the 10th meeting in 2025 of the Social Justice and Social Security Committee. We have received no apologies this morning.

Today is the second day of the committee's consideration of the Housing (Scotland) Bill at stage 2. I welcome Paul McLennan, Minister for Housing, and his officials to the meeting. I remind the Scottish Government officials that they are here to assist the minister during the stage 2 debate but that they are not permitted to participate in the debate. For that reason, members should not direct any questions to them.

We will also be joined throughout the meeting by other MSPs who will be speaking to their amendments.

Members should have with them a copy of the bill, the marshalled list and the groupings. Those documents are available on the bill page on the Scottish Parliament's website for anyone who is observing. I will not explain for a second time the procedure that we will follow during our stage 2 consideration, you will be pleased to know. I remind members that interventions should be brief. It is up to the member speaking to an amendment whether to accept an intervention.

Section 41—Duties of relevant bodies in relation to homelessness

The Convener: Amendment 1057, in the name of Mark Griffin, is grouped with amendments 1036, 1092, 1093, 1040, 1094, 1042, 1044, 1018, 1095, 1010 and 1090.

Mark Griffin (Central Scotland) (Lab): I support all the amendments in the group. My amendments 1057 and 1090 would add an overall set of principles for the duties in part 5 to prevent homelessness that relevant bodies would work under, to add clarity. With amendment 1057, I am seeking clarity and reassurance from the Government that there will be a clear end point in

the application of the prevention duties, so that a person is not trapped in a prevention process without getting to the point at which they are declared homeless—so that they are not left in limbo, so to speak. I seek reassurance from the Government on that.

Amendment 1057 would ensure that, when a local authority has taken all the relevant steps to remove a threat of homelessness and the applicant still does not have stable accommodation, the applicant should be considered homeless. It would create a power to limit the time allowed to take those steps without there being a successful outcome, so that the applicant is not trapped in that situation. If, after reasonable attempts, the steps taken by the local authority under section 32 of the Housing (Scotland) Act 1987 fail to secure accommodation, there needs to be a clear point at which it is then decided that homelessness cannot be prevented through the duty. I am looking for clarity and reassurance from the Government that it feels that such a situation should not arise and that there must be a clear point at which someone goes from being dealt with under the prevention duty to being treated as a homeless applicant.

On amendment 1090, I have a concern that the bill lacks detail on how the prevention duty will work in practice. There is strong cross-party and cross-sector support for the duty, but there are still questions about how it will work in practice. I am attempting to introduce a set of principles to the bill to alleviate some of those concerns. Examples of legislation in which a set of principles has been introduced include the National Care Service (Scotland) Bill and the Social Security (Scotland) Act 2018.

The principles that I have set out seek to underpin the prevention duty. Homelessness prevention is a shared responsibility that requires actions to be taken by all relevant bodies. Relevant staff of named bodies would be provided with the necessary training to ensure a person-centred approach to homelessness prevention. Named bodies would work together towards shared outcomes for households that are at risk of homelessness or are homeless. Relevant bodies would be held to account to ensure that all opportunities for homelessness prevention are explored.

I look forward to hearing the Government's response to my two amendments.

I move amendment 1057.

The Convener: I ask the minister to speak to amendment 1036 and other amendments in the group.

The Minister for Housing (Paul McLennan): I begin my remarks by making it clear that the

Scottish Government has listened to stakeholders and members of the committee at stage 1 on the need to bring more clarity to the operation of the new duties and, in particular, the ask and act duty.

We have heard calls for more detail to be included in regulations and about the importance of guidance, and we will work closely with stakeholders and members of the committee to ensure that the content of both is fit for purpose.

I recognise why there is concern that, if prevention interventions are not successful, a person should be considered homeless and action should be taken. Amendment 1057 looks to amend section 32 of the Housing (Scotland) Act 1987 act so that, where steps that have been taken under proposed new subsection 2ZA to secure continuing or alternative accommodation do not provide the individual with accommodation after a prescribed period, the individual is automatically classed as homeless. A fixed timescale would have to be set by Scottish ministers via regulations, after which point every individual who is threatened with homelessness would be automatically classed as homeless.

However, that is already provided for in current legislation. There is no need for further application to be made if an individual becomes homeless having previously been threatened with homelessness. There is no way to provide one set period of time after which every individual who is threatened with homelessness should be treated as homeless; each case turns on its individual circumstances. However, I am happy to engage further with Mr Griffin if he continues to have concerns on that issue.

Local authorities need to act to ensure that accommodation remains available as part of their duty to prevent homelessness; if circumstances change in that regard, a homelessness assessment should be made. There is no need for an individual who is threatened with homelessness and has applied for homelessness assistance to make a further application for homelessness assistance once they become homeless.

Amendment 1036, in my name, is a minor technical change to proposed new section 32(2C) of the Housing (Scotland) Act 1987, to clarify the duties of a legal authority under section 32.

Amendments 1092 and 1093 seek to ensure that a person who is threatened with homelessness is informed about the advice and assistance to be provided under section 32 of the 1987 act. I am sympathetic to Maggie Chapman's intention behind the amendments, but they are unnecessary because, under proposed new section 32(2C) of the 1987 act, which the bill will insert, Scottish ministers will have the power to prescribe the types of advice and assistance that

must be provided by the local authority and, under section 37 of the 1987 act, they have the power to produce guidance for local authorities. The new powers that my amendments 1042 and 1044 will confer may be used to require local authorities and other relevant bodies to take additional action in relation to those matters. Amendments 1092 and 1093 would create a confusing regulatory landscape alongside those powers, so I urge Ms Chapman not to move those amendments.

We have heard from stakeholders of their concerns that the right to review decisions by local authorities in relation to a person who is threatened with homelessness is not clear enough and needs to be extended to cover the new ask and act duties. We have taken action through amendment 1040 to clarify and extend that important right. We will work with the relevant bodies, through the provision of guidance, to ensure that the right to review works as intended.

More broadly, we have listened to stakeholders such as Crisis and have considered the recommendations of the committee's stage 1 report that ask us to provide more detail in legislation about the operation of the ask and act duty.

Amendment 1094, in the name of Maggie Chapman, seeks to expand the right to review, which I have addressed through my amendment 1040. Amendment 1094 would duplicate what amendment 1040 does, so I ask Ms Chapman not to move it.

My amendments 1042 and 1044 will confer regulation-making powers to specify additional action to be taken by relevant bodies in relation to any person who is threatened with homelessness, including any action to be taken in relation to the assessment process and the provision of information. That will be an important and flexible way to achieve the level of detail that we have been asked to provide, through regulations that are developed in consultation with stakeholders.

Therefore, amendment 1095, in the name of Maggie Chapman, is not necessary. My amendments 1042 and 1044 will create a power for ministers to specify additional action that relevant bodies may take. That power is clarified in amendment 1044. All the issues that amendment 1095 attempts to address can be addressed by the powers that will be created by amendments 1042 and 1044.

09:15

Amendment 1018, in the name of Mr Balfour, seeks to do something similar to my amendments 1042 and 1044 but creates the risk of narrowing the duties that a relevant body must fulfil. The regulation-making power to be created by my

amendments will enable Scottish ministers to specify additional action that a relevant body must take, over and above their general duty to take such action as they consider to be appropriate. Amendment 1018 also refers to a potential appeal to the First-tier Tribunal for Scotland, but no such appeal rights exist at present. The right to review is considered sufficient in that regard, and I add that the right to review was a key issue for Crisis during our engagement on potential amendments.

Amendment 1010, in the name of Mr Stewart, seeks to create a right to review the actions of every relevant body under the ask and act duties. My amendment 1040 simply seeks to extend an existing right to review the decisions of a local authority. Mr Stewart's amendment would require new review processes to be created by the relevant bodies, which would require further consultation with them. Were such a right to be considered necessary, the power to prescribe additional actions that a relevant body must take would enable that to be introduced via regulations.

Meghan Gallacher (Central Scotland) (Con): Are you willing to work directly with my colleague Alexander Stewart on amendment 1010? You said that your amendment 1040 stretches to local authorities, but, if we want the ask and act duty to work efficiently, that will surely have to be extended to other public bodies, too.

Paul McLennan: I briefly discussed that with Mr Stewart and said that I was happy to continue to engage with him on that point.

Amendment 1090, in the name of Mark Griffin, proposes to create a duty on the Scottish ministers to set out a statement of principles that would apply to the ask and act duties. I appreciate the intention behind the amendment, but there are very clear principles in the bill in relation to homelessness prevention. First, relevant bodies must take appropriate action to remove and minimise the threat of homelessness, and, secondly, that action must be taken when a body is informed or has reason to believe that a person might be homeless or threatened with homelessness. That makes it clear that the prevention of homelessness is everybody's business and that those who are threatened with homelessness should get help earlier.

I am concerned that amendment 1090 would place a duty on the Scottish ministers that they cannot guarantee compliance with. Regulations that are subject to the affirmative procedure are not within the gift of the Scottish ministers—they are at the discretion of the Parliament. I note that some of the principles that are listed in the amendment paraphrase duties that are already placed on relevant bodies, such as those that state that relevant bodies must work together. A statement of principles could be set out in

guidance under proposed new section 36D of the 1987 act, and guiding principles are clearly more suited to guidance than subordinate legislation.

I ask members to support my amendments 1036, 1040, 1042 and 1044, and I urge Mr Griffin not to press amendment 1057 or to move his other amendments in the group, and Ms Chapman, Mr Balfour and Mr Stewart not to move their amendments. If those amendments are moved, I ask members not to support them.

The Convener: I invite Maggie Chapman to speak to amendments 1092 and the other amendments in the group.

Maggie Chapman (North East Scotland) (Green): Thank you for the opportunity to speak. Like Mark Griffin, I support all the amendments in this group. I have worked with Crisis on my amendments to improve the bill's homelessness prevention provisions. Amendment 1092 and the consequential amendment 1093 would create a requirement for the local authority to provide an applicant with information on the advice and assistance that it is providing to assist them and on the outcome that is being sought. That is so that the applicant and anyone who is supporting them know what should be done. That is absolutely central to ensuring that the process is person centred and to ensuring transparency.

It has been clear from both the stage 1 evidence gathering and the general working of the system that applicants are not always aware of what actions are being taken or that they think that things are happening when they are not. Amendment 1092 would create an explicit duty to ensure that applicants are aware of what is going on.

The Scottish Government's own homelessness prevention review group was clear that it envisaged a transparent, person-centred process, with the applicant's voice at the heart of discussions around support. My amendments 1092 and 1093, along with other amendments in the group in the name of other MSPs, would move us towards that. I note that the Welsh Government is moving towards a similar system.

Amendment 1094 seeks to ensure that there will be a right to review the effectiveness and appropriateness of the assistance that is provided to someone who is threatened with homelessness and, specifically, whether it has fulfilled the intention of removing or minimising the threat of homelessness. Crisis believes that the existing statutory right to review must be expanded to address the support that people are offered to prevent their homelessness. An expanded right to review is an essential accountability tool for individuals who are at risk of homelessness. As well as being supported by Crisis, the proposal in

amendment 1094 closely mirrors recommendations from the homelessness prevention review group.

Amendment 1095 seeks to provide for further definition of what relevant bodies are required to do in order to ensure that all relevant bodies and local authorities are subject to duties of equal legal strength in addressing the threat of homelessness. It seeks to ensure that act duties do not simply result in referrals to the local authority or to some other body. A duty to act cannot simply become a duty to refer. Such definition may include what the specified actions are and how they assess responsibilities. Regulations should specify actions for each relevant body. Those details, which have not yet been developed, could be tested through piloting and consultation with relevant bodies before being set out in regulations. There have been on-going discussions with stakeholders about what such pilots could look like and what they could achieve.

Amendment 1095 also seeks to create a means for relevant bodies to be held individually accountable, subject to the act duties in proposed new section 36C of the 1987 act, when they do not fulfil their duties or there is a dispute over the facts or decisions made.

I note again that all the amendments that I have spoken about have been worked up in consultation with Crisis, which has been a close partner of the Scottish Government in tackling homelessness and has exceptional knowledge of the extent to which our homelessness system is working. I acknowledge the minister's comments about the fact that some of the powers in question already exist, but given that Crisis has been trying to get more clarity and more definition, it is important for us to have such conversations and to at least consider how we can improve the assessments and reviews that are covered in section 41, because we know that not everything is working as it should.

Jeremy Balfour (Lothian) (Con): Good morning. As we go through the amendments in this group and those in other groups, I suspect that we will see some of the weaknesses that exist in the bill. I am sure that all members want the bill to work, but, as it is constituted at the moment, there are simply too many unanswered questions and too many uncertainties with regard to the duty to act.

In his comments about amendment 1090, Mr Griffin said that there was a lack of clarity on the ask and act duties. I think that he was being kind, because there is a gaping hole with regard to what those duties will mean in practice if the provisions come into play.

I will give the committee an example that I have given to others. If someone comes into the royal infirmary up the road at 2 am on a Saturday night and discloses—or it becomes clear—to a nurse that they are homeless, what should that nurse do? What is her duty in that regard? There is no clarity on that. I think that we will be setting up public bodies to fail unless we give people a clear definition and a clear understanding of what is required.

When Kevin Stewart was on the committee, on one occasion on which we were taking evidence, he forcefully pointed out that there needed to be a change of culture if the ask and act provisions were to work. It is true that there needs to be a change of culture, but there can be a change of culture only if people understand what that culture change is meant to look like in practice. At the moment, the bill simply does not provide such an understanding.

On Mr McLennan's amendment 1040, I note that one of the problems with the bill is that it puts a lot of weight on guidance. As the minister will understand, guidance has no legal authority—there is no way to enforce it. Guidance can be a piece of paper that comes out but gives neither the public body nor the person who might be threatened with homelessness any rights or any possibility of legal challenge in relation to it. We will support amendment 1040, but, in my view, this should be done by amendment and not by guidance.

On amendment 1018, in my name, I suppose that we are hoping and expecting that there will be a cultural change in public bodies and that everyone will simply understand the ask and act duty on them. However, there is no stick in the bill for a public body that does not achieve that change. There is a lack of clarity on what happens if NHS Tayside, NHS Lothian or any other public body that we end up with does not achieve that. There is absolutely no stick to hit them with. That is what amendment 1018 would allow. It would allow somebody who has not been treated correctly by a public body to at least have the option of challenging the decisions made by that body. That seems to me to be a legitimate right.

I appreciate that you can already have a judicial review in regard to the decision of a public body, but my amendment would put it in the bill. It would not create a new right or something that is not there in law already, but it would give a strong indication from the Parliament that we expect public bodies to take the ask and act duty seriously and that, if they do not, they could be open to legal challenge. That seems to me to be where we want to get to. I will leave it there.

The Convener: I call Meghan Gallacher to speak to amendment 1010 and other amendments in the group, on behalf of Alexander Stewart.

Meghan Gallacher: Amendment 1010 seeks to insert into the Housing (Scotland) Act 1987, alongside new sections 36A to 36D, a new section to ensure that a person who identifies as homeless has the right to request a review of the various stages of support that they receive, if they feel let down or if they have not been recognised as homeless. It relates to comments made by other members this morning about tightening the definition of the ask and act duty to ensure that all the relevant bodies that will undertake those particular duties know exactly what is expected of them and that everyone can receive the level of service that they believe that they should receive, should they present in such a way.

That is where my concerns lie with this particular section of the bill. The minister has lodged amendments that the Conservatives are supportive of, but I think that there is further work to be done on the bill as it stands, particularly to ensure that public bodies have the confidence to ask and act and that, as Jeremy Balfour rightly pointed out, no legal challenges can happen on the back of the legislation. We all need to be incredibly mindful of that in relation to the ask and act duty. I believe that the right of review should be contained in the bill. After all, if someone wants to request a review to see what level of service they should receive and to benchmark that against the service that they did receive, what will happen through that process—and, indeed, what will happen to them should they follow that route—has to be made clear in the bill.

I believe that the bill needs to be tightened. I am happy to work with the minister and my colleague Alexander Stewart on amendment 1010, but, again, with regard to the ask and act duty, I think that Jeremy Balfour hit the nail on the head when he talked about how the bill's weaknesses have been laid bare at this morning's committee meeting.

09:30

The Convener: As no other members wish to comment, I invite Mark Griffin to wind up and indicate whether he wishes to press or withdraw amendment 1057.

Mark Griffin: On amendment 1057, I am reassured by what the minister has said on how it would work and the existing legislation that the Government feels already covers the matter. However, we still need to pay close attention to the operation of the bill if it becomes an act and guard against the potential for someone to be held in limbo between prevention and actual

homelessness, and the different duties that would apply to that person from the local authority. It is worth keeping an eye on that.

I have taken on board what the minister has said about amendment 1090. Although there is, as he will be aware, strong support for the principle of ask and act and prevention, there is also a clear desire for more detail about how it would operate for the individual and the rights that they would be able to pursue, if they felt that the ask and act duty had not been upheld by a particular public body. More crucially, there is also a clear desire for much greater clarity about training, knowledge and expectations with regard to the public bodies that would exercise it.

I do not plan to move amendment 1090 today, but I hope that there will be further discussions involving stakeholders and the Government. I am happy to be involved in any of those discussions to provide greater clarity on what ask and act specifically means.

I will close there, convener, and seek permission to withdraw amendment 1057.

Amendment 1057, by agreement, withdrawn.

Amendment 1035 moved—[Kevin Stewart].

The Convener: The question is, that amendment 1035 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
Griffin, Mark (Central Scotland) (Lab)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
McNair, Marie (Clydebank and Milngavie) (SNP)
O'Kane, Paul (West Scotland) (Lab)
Stevenson, Collette (East Kilbride) (SNP)

Abstentions

Balfour, Jeremy (Lothian) (Con)
Smith, Liz (Mid Scotland and Fife) (Con)

The Convener: The result of the division is: For 6, Against 0, Abstentions 2.

Amendment 1035 agreed to.

Amendment 1036 moved—[Paul McLennan]—and agreed to.

Amendment 1058 not moved.

Amendment 1037 moved—[Kevin Stewart].

The Convener: The question is, that amendment 1037 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Griffin, Mark (Central Scotland) (Lab)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 O’Kane, Paul (West Scotland) (Lab)
 Stevenson, Collette (East Kilbride) (SNP)

Abstentions

Balfour, Jeremy (Lothian) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)

The Convener: The result of the division is: For 6, Against 0, Abstentions 2.

Amendment 1037 agreed to.

Amendment 1092 not moved.

Amendment 1038 moved—[Kevin Stewart].

The Convener: The question is, that amendment 1038 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Griffin, Mark (Central Scotland) (Lab)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 O’Kane, Paul (West Scotland) (Lab)
 Stevenson, Collette (East Kilbride) (SNP)

Abstentions

Balfour, Jeremy (Lothian) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)

The Convener: The result of the division is: For 6, Against 0, Abstentions 2.

Amendment 1038 agreed to.

Amendment 1039 moved—[Kevin Stewart].

The Convener: The question is, that amendment 1039 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Griffin, Mark (Central Scotland) (Lab)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 O’Kane, Paul (West Scotland) (Lab)
 Stevenson, Collette (East Kilbride) (SNP)

Abstentions

Balfour, Jeremy (Lothian) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)

The Convener: The result of the division is: For 6, Against 0, Abstentions 2.

Amendment 1039 agreed to.

Amendments 1093, 1059 and 1060 not moved.

Amendment 1040 moved—[Paul McLennan]—and agreed to.

Amendment 1094 not moved.

The Convener: Amendment 1061, in the name of Katy Clark, is grouped with amendments 1062 to 1064, 1088, 1022, 1023, 1089, 1024 to 1030, 1007, 1006, 1068 and 1069. I call Katy Clark to speak to and move amendment 1061, and to speak to all the amendments in the group.

Katy Clark (West Scotland) (Lab): Thank you, convener, for the opportunity to speak to my amendments. Lodged after discussions with Scottish Women’s Aid, they are probing amendments that aim to strengthen the requirement under proposed new section 56A of the Housing (Scotland) Act 2001, as inserted by section 45 of the bill, for social housing providers to take account of a domestic abuse policy; to enable a review of women’s refuge provision; and to enable the public debt of domestic abuse survivors—for example, rent arrears—to be written off.

The minister was kind enough to meet me last week to discuss my amendments, and I understand that his general approach is that the level of detail outlined in my amendments should be in regulation. That brings us back to the wider debate about framework bills, enabling legislation and the scrutiny of regulations and guidance, to which a number of members referred last week.

I would argue that it is important for some of these provisions to be in the bill. My amendments relate to the protection of victims of domestic abuse and the housing instability that so often arises in such situations. We need robust, codified support for people who face homelessness as a result of abuse.

Amendment 1061 requires relevant bodies to ask individuals whom they might have reason to believe might be

“homeless or threatened with homelessness”

whether their situation arose as a consequence of either past or on-going experience of abuse.

Amendment 1062 defines “abuse” within a whole and broad understanding of harm or risk of harm, for the purposes of the duties to ask whether a person is homeless or threatened with homelessness; to act if a person might be homeless; and to act if a person might be threatened with homelessness. Abuse is acknowledged as encompassing cases of abusive behaviour from a partner or ex-partner within the meaning of section 2 of the Domestic Abuse (Protection) (Scotland) Act 2021.

Amendment 1063 requires that,

“If the relevant body is informed that the person is homeless as a consequence of ... having experienced or experiencing abuse”,

it

“must provide the person with details of such support that may be available to the person”.

Amendment 1064 expands that for individuals whom relevant bodies have reason to believe might be “threatened with homelessness” due to the threatening or abusive behaviour of others.

Amendment 1088 calls on

“Scottish Ministers”

to

“carry out a review of temporary housing provided for persons who have left their homes as a result of domestic abuse”

within one year of royal assent. The review

“must consider ... whether”

the temporary housing

“is compliant with international standards in respect of”

a number of matters, including provisions under the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence. The review would consider

“the availability of specialist provision”

and the suitability of funding for such housing.

The amendment also requires Scottish ministers to

“consult ... organisations providing such housing”,

such as

“local authorities”

and

“other persons as they consider appropriate”

as part of that review. It asks Scottish ministers to

“prepare and publish a report of the review”,

which would

“set out any action the Scottish Ministers plan to take”.

Amendment 1089 relates to the issue of public debt and the scope of domestic abuse policies to enable steps to be taken to mitigate such a situation, particularly in relation to rent arrears for tenants for whom an application for housing benefit has not yet been determined but is likely to be paid, at a level that allows the tenant to satisfy outstanding rent or other financial obligations of tenancy. The action would include

“the whole or any part of the rent arrears”

to enable those to be, in effect, written off in certain circumstances.

Jeremy Balfour: Will the member take an intervention?

Katy Clark: I am just coming to an end, but I will.

09:45

Jeremy Balfour: With regard to the wording of amendment 1089, what do you understand by the phrase “including consideration”? That could mean someone thinking about it, then simply moving on. What would you expect “including consideration” to actually mean in practice to a local authority housing officer sitting there on a Tuesday afternoon?

Katy Clark: I would expect it to mean in practice that all the circumstances would be taken into account. Obviously, the amendment relates to situations in which someone is a survivor of or is experiencing domestic abuse, and it would enable all the factors to be taken into account and for the council—the housing officer, in particular—to make a decision based on the full facts as presented to them.

This is an enabling piece of legislation, but it requires local authorities to consider all those matters. I am sure that all of us, as representatives, will be aware of circumstances in which we feel that such action would be appropriate, because individuals are in a situation where substantial rent arrears have been accrued in circumstances in which we would believe, as a matter of public policy, that it would be appropriate for those arrears to be effectively written off.

As I have said, it is not my intention to push any of the amendments to a vote today, but I would like to hear the Government’s response before stage 3 and, indeed, to any contributions from other members, if there is a view that there needs to be a tightening of the drafting before stage 3.

Graham Simpson (Central Scotland) (Con): Can you provide some clarity on the phrase “international standards” in amendment 1088? The amendment suggests that there should be a review of women’s refuges that considers international standards, but standards across the world will vary—there will be different standards in every country. I am not sure what you want to achieve with the amendment. I acknowledge that you are not going to move it, but do you see the problem there?

Katy Clark: The international standards are the obligations set out under international treaties, such as the Istanbul convention. Whether or not the United Kingdom has officially signed up to those treaties, reference would be made to the kinds of standards and obligations that are presented at an international level. The review

would look at the extent to which Scotland was complying with the highest standards, rather than the lower standards that might exist in some countries. The work has been done to set out criteria and guidelines for how victims of domestic abuse and violence against women should be treated in such situations. That is very much the thinking behind the amendment.

As I have said, I am happy to consider any representations on making the definition tighter, although I should point out that the amendment was drafted by the clerks in this Parliament. I am happy to reflect on the drafting; the intention is for the standards to be those in the Istanbul convention in particular, but would include any other international standards that have been worked on, debated and agreed as appropriate in terms of the kinds of standards that states should be addressing.

I look forward to the minister's contribution on the amendments.

I move amendment 1061.

The Convener: I call Maggie Chapman to speak to amendments 1022 and other amendments in the group.

Maggie Chapman: I am grateful to Katy Clark for raising the issues that her amendments deal with. There are opportunities for us to make much clearer what is and is not covered in the bill, as well as what should and should not be covered.

Scottish Women's Aid has drawn attention to the importance of widening the definition of domestic violence in the bill, and amendment 1022, which I have worked on with that organisation, seeks to expand the definition to cover coercive control and other aspects of violence. It would ensure that we recognise that domestic violence can cover a very broad range of actions and that abusers can be anyone in the household, not just a partner or ex-partner. For example, young trans people are at a disproportionately high risk of homelessness and can be at risk from controlling or coercive family members, not necessarily a partner. We also know that people might be at risk of homelessness because of honour-based violence, which, again, does not have to be perpetrated by someone's partner or ex-partner.

Neither of those specific examples, or other examples of abuse and violence that are perpetrated by someone who is not a partner or ex-partner, would be covered under the bill's current definition, but they would be covered if my amendment 1022 were to be agreed to. The wider the definition, the more we can identify domestic abuse and other forms of violence in our homelessness systems, and the better we can help victims and survivors.

I urge committee members to recognise that violence happens in a range of ways and is perpetrated by a range of people. People can be at risk of violence not only from their partner but from a parent or a child, too. The bill does not currently cover those examples, and I therefore ask the committee to support amendment 1022.

On amendment 1069, on which I have also worked with Scottish Women's Aid, the working group report that it refers to made a wide range of recommendations, which were accepted by the Scottish Government. I am pleased to see some of them in the bill introduced by my Green colleague Patrick Harvie, and in Scottish Government amendments and those from other colleagues, too.

However, the report was very wide ranging, with some 27 recommendations, and we still have a way to go to ensure that all of them are implemented. For instance, there is more work to be done on housing first strategies for victims and survivors; more on ensuring that homelessness policies are designed and implemented with a gendered lens; and more on improving how homelessness that is due to domestic abuse appears in statistics.

I therefore recommend inserting a simple monitoring process into the bill, whereby we check annually on progress on those recommendations—as has been agreed by the Scottish Government but which is not implemented anywhere in the bill as it currently stands.

The Convener: I call Jeremy Balfour to speak to amendment 1023 and other amendments in the group.

Jeremy Balfour: This is an important part of the bill, and one which, I am sure, all members will want to see work in practice.

I appreciate that Katy Clark will not be pressing amendment 1061 or moving her other amendments in the group, but I should say that we would have supported them, because the intention behind them is right. However, going back to the meaning of the phrase "including consideration", which I raised in my intervention, I do not want to teach my granny to suck eggs, as Katy Clark is a better lawyer than I ever was, but I do think that there needs to be a better legal test. My fear is that this will simply become a box-ticking exercise.

We will support Maggie Chapman's amendments 1022 and 1069, if she decides to move them. We also support the amendments that will be discussed later by Meghan Gallacher and Rachael Hamilton.

Amendment 1023, in my name, creates a duty on social landlords to point those who have

experienced domestic abuse to appropriate legal advice and opportunities. I claim no expertise on what it must be like to experience domestic abuse, but I am sure that people need legal help and advice at an appropriate point. Often, though, it is not clear where to get such advice, nor is it clear which legal firms still do that type of work, wherever you are. There is, particularly in rural areas of Scotland, a lack of criminal or civil lawyers who do legal aid work on domestic abuse. The amendment, therefore, would make the social landlord not do the work themselves but point the individual towards it. That would be really helpful.

Bob Doris (Glasgow Maryhill and Springburn) (SNP): I am listening carefully to you, Mr Balfour, and I am not sure what I feel about your amendment, but my question is about something that is not in it. A lot of survivors of domestic abuse are under threat of losing homes in the private rented sector. There are some landlords who are not working at scale and have just one or two registered properties, but there are many large, almost industrial, landlords and letting agencies out there. Do you feel that this should also be a requirement on private landlords and letting agencies?

Jeremy Balfour: I will come back to that point, because I want to address it in relation to another amendment. It is a fair point, and I will deal with it.

As for amendments 1024 to 1030, I will not be moving them this morning, but I am interested in hearing more about where the Scottish Government is on the matters in question. The first of those amendments would put the duty that will exist for social landlords on to private landlords, too. I have had helpful conversations with the minister about this, and to pick up on Mr Doris's point, I think that such a duty would probably be overly burdensome for someone who owned one or two flats, so it should not be followed.

However, as Mr Doris also pointed out, the duty should perhaps apply to someone who owns multiple flats, and I think that that should perhaps be the case for not just amendment 1023 but amendment 1024. I am interested to know whether the Government would look at those amendments in a different light if they were to set out the number of flats that the duty would apply to, so that they did not pick up landlords with just one or two individual flats.

The rest of my amendments are in some ways similar to Katy Clark's, in that they would put a duty on social landlords to think about whether they should evict someone simply for being in arrears. Arrears are an important issue, because every social landlord has to keep revenue coming in to make their cash flow work, but I would be interested in hearing from the minister whether there could be a longer grace period for social

landlords and whether we could explore that at stage 3.

We all want those who have experienced domestic abuse to be protected from eviction, and it makes little sense for someone to be evicted from a property, become homeless and then have to start the journey all over again. We are aware that such situations often affect children, who have to move school and lose friends and their support network. As a result, we all want greater protection for people to allow them to stay in tenancies if at all possible, while at the same time recognising that social and private landlords need to have rent coming through so that they can continue to exist. I would be interested to hear what the minister has to say about the rest of my amendments.

The Convener: We are going to take a comfort break and will return shortly.

09:58

Meeting suspended.

10:07

On resuming—

One Minute's Silence

The Convener: I would like to conclude the meeting in light of the news that we have received of the passing of our lovely colleague Christina McKelvie. On that note, I would like to announce a minute's silence, as of now.

Thank you. I now close the meeting.

Meeting closed at 10:08.

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