

POLICY NOTE

THE HOMELESSNESS (ABOLITION OF PRIORITY NEED TEST) (SCOTLAND) ORDER 2012

SSI 2012/330

The above draft Order will, if approved, be made by the Scottish Ministers in exercise of the powers conferred by section 2(1) and (3) of the Homelessness etc. Scotland Act 2003. The instrument is subject to affirmative procedure.

Policy Objectives

The Homelessness etc (Scotland) Act 2003 prepared the way for legislative change which will mean that unintentionally homeless applicants (and their households) who seek assistance from a Scottish local authority will be entitled to settled accommodation. This entitlement will no longer depend on a person falling into a priority need group. Section 3 of that Act required the Scottish Ministers to set a target date for the change to be achieved no later than 31 December 2012, and section 2 allows the priority need test to be abolished by subordinate legislation.

This target has become commonly known as the 2012 homelessness commitment. At present, unintentionally homeless applicants only have an entitlement to settled accommodation if they have a defined priority need for such accommodation. Section 25 of the Housing (Scotland) Act 1987 sets out categories of persons who have a priority need.

This SSI, if approved, will increase unintentionally homeless people's rights to housing by removing distinctions between different categories of homeless people, acknowledging that all homeless people require access to settled accommodation. Where an applicant has no local connection with the local authority they apply to, but has a local connection with another authority, the first authority will remain able to refer the application to the second authority. As now, such referral will be discretionary and not a requirement.

Consultation

The consultative process involved in the development of the priority need SSI has been comprehensive, and carried out over a nine year period. Scottish Ministers were required by section 3 of the Homelessness etc (Scotland) Act 2003 to provide a statement by the end of 2005 to cover progress made at that point and future action required to meet the target. A comprehensive consultation process including all stakeholders with responsibility for strategic planning, delivery and input to homelessness strategies in each local authority area, and local partners working with them, was carried out. The results of this consultation informed the 2005 Ministerial statement and subsequent planning activity.

After 2005, local authorities were given time to first meet an interim target by 2009. A high level group, the Scottish Government/COSLA 2012 Joint Steering Group, was formed after the 2009 interim target milestone to drive and oversee progress towards the eventual final target.

Its membership included the Minister for Housing and Transport, representatives from Convention of Scottish Local Authorities (COSLA), Society of Local Authority Chief Executives, (SOLACE), Association of Local Authority Chief Housing Officers, (ALACHO), and Scottish Federation of Housing Associations (SFHA).

Modelling seminars were also held in 2009, involving all local authorities, to discuss how Scottish Government modelling might help progress towards the 2012 commitment. These seminars also explored the potential impact of activity to assist people through the prevention of homelessness.

A national seminar was held in June 2010 where the Minister launched the Housing Options Hubs approach. This involved local authorities and their partners working together to share practice and learning in order to develop prevention activity. The Housing Options approach to prevention involves looking at all options available for individual households.

The Housing Options Hubs started meeting autumn/winter 2010. There are five hubs which involve 31 local authorities and their partners. Funding was made available to them to commission research, fund joint training, work shadowing, sharing practice and learning. An independent evaluation was commissioned which was published in May 2012. The evaluation found that the Hubs work and their development has had a positive impact.

The Scottish Parliament's Infrastructure and Capital Investment Committee held an Inquiry into the 2012 homelessness commitment. The final report was published in April 2012 which was broadly supportive of the homelessness commitment. The Inquiry heard evidence from the Minister for Housing and Transport, the Housing Options Hubs, local authority representative bodies, voluntary organisations. Committee members made several visits across Scotland to inform its findings. A subsequent positive Chamber debate was held to discuss progress towards the 2012 homelessness target.

As part of the Scottish Government/COSLA Joint 2012 Steering Group's ongoing work in relation to supporting progress towards the commitment, consultation and engagement with local authorities and others is carried out on an ongoing basis. Notably, a further two annual national homelessness seminars have been held jointly with COSLA, the most recent of these on 18 September 2012. Quarterly practice sharing seminars are also held where Hub members and partners meet on an informal basis to progress activity, update each other and share ideas.

Impact Assessments

An equality impact assessment has been completed on the policy and is attached. In removing the priority need test, equality of access to settled accommodation will improve for unintentionally homeless households. The scale of improvement will be greatest for those that were most disadvantaged under the legislation being revoked - those persons outwith the priority need categories. They will be affected positively by the proposed change.

The policy does not discriminate on the basis of age, gender, gender reassignment, sexual orientation, race, religion or belief. Through our public consultation and engagement with key stakeholders, there is no evidence that removal of the priority need test will have a negative impact in respect of equality groups.

Financial Effects

A Business and Regulatory Impact Assessment (BRIA) has been completed and is attached. The impact of this policy on business is that there could be a potential increase in local authorities' usage of temporary accommodation. An estimated 3000 homeless households outwith the priority need category will become entitled to settled accommodation, which may lead to increased periods of time in temporary accommodation.

The BRIA considers the impact of prevention activity as being a factor in recent reductions in homelessness applications and assessments. This may well offset, or more than offset, any potential increase in temporary accommodation use following the SSI being commenced.