

# Final Business and Regulatory Impact Assessment

## 1. Title of Proposal

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

## 2. Purpose and intended effect

### **Background**

2.1. Scottish local authorities meeting the 2012 homelessness commitment means that all unintentionally homeless households will be entitled to settled accommodation from the end of 2012. This will increase homeless people's rights to housing and aims to remove distinctions between different categories of homeless people, ensuring that all homeless people require access to settled accommodation.

2.2. In assessing the impact of this statutory instrument, it is important to understand that it is one of the final parts of a process of change in meeting the needs of homeless households in Scotland delivered through section 2 (1) and (3) of the Homelessness etc. (Scotland) Act 2003 which enables this SSI. The focus of this part of the homelessness legislation is in widening the groups of homeless applicants who have a right to settled accommodation. Initial consideration of homelessness in Scotland by the Homelessness Task Force (appointed in 1999) viewed extending priority to all homeless households as an important equalities action.

### **Objective**

2.3. This policy contributes to the Scottish Government's work on preventing, alleviating and tackling homelessness.

2.4. The policy objective fits with following National Outcomes:

- We live longer, healthier lives.
- We have tackled the significant inequalities in Scottish Society.
- We have improved life chances for children, young people and families at risk.
- We take pride in a strong, fair and inclusive national identity.

### **Rationale for Government intervention**

2.5. The Scottish Government is committed to removing the "priority need" test from the legislation so that all homeless people have the same entitlement to access settled accommodation.

### **3. Consultation**

#### **Introduction**

3.1. The consultative process involved in the development of the priority need SSI has been comprehensive, with the bulk carried out over a nine year period. It can initially be traced back to the establishment of the Homelessness Task Force by the Scottish Executive in 1999.

3.2. The Homelessness task Force's initial report, which was published in 2000, resulted in Part 1 of the Housing (Scotland) Act 2001 which strengthened legal rights for some homeless households. The Final Task Force Report was published in 2002 and set out a 10 year programme of action for the Scottish Government and its partners.

3.3. The Homelessness etc (Scotland) Act 2003 granted Scottish Ministers powers to bring forward secondary legislation to end the use of the priority need test by local authorities when determining the outcome of homeless applications, if they were content that all local authorities could reasonably be expected to perform the required duties. Progress towards the target has therefore been closely monitored and reported on in subsequent years.

#### **Within Government**

3.4. We have worked closely with colleagues in the Directorate for Legal Services (Solicitors to the Scottish Government) to develop the removal of priority need SSI. We have also consulted with colleagues in relation to housing supply and housing allocation issues in order to develop the SSI. Colleagues have been made aware of progress towards the commitment, have been involved in events and seminars and have provided information in relation to how their policy area has implications for, and will be affected by, the removal of the priority need test.

#### **Public Consultation**

3.5. The following public consultation has been carried out over the policy development period.

- **Consultation carried out in 2005 to support the Ministerial statement as required by the 2003 Act**

3.6. 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 the homelessness situation at that point and future action required to meet the target. A comprehensive consultation process including all those 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 Ministerial statement and future planning activity.

- **Homelessness Monitoring Group**

3.7. This Group was formed in autumn 2007 by the Minister for Communities and Sport. Its remit was to assess progress against the five top level outcomes for homeless people and progress against the Homelessness Task Force recommendations.

The Group reported in March 2008. It also oversaw the publication of the '2012 Homelessness Support Project', an independent study, undertaken by two local authority homelessness strategy officers, sponsored by the Association of Local Authority Chief Housing Officers, (ALACHO), Convention of Scottish Local Authorities, (COSLA) and the Scottish Government, reporting on local authorities' own views about their support needs and readiness to meet the 2012 target.

## **Business**

3.8 As part of the policy development and the consultation process, we gained an understanding of the business impact of commencing the duty from the following consultation activities with local authorities, housing associations, support providers and representative bodies over a nine year period.

- **Consultation carried out as above**
- **Scottish Government/COSLA 2012 Joint Steering Group**

3.9. High level Steering Group formed in 2009 to drive and oversee progress towards the target. Its membership currently consists of the Minister for Housing and Welfare, representatives from COSLA, ALACHO, Society of Local Authority Chief Officers (SOLACE), ALACHO, Scottish Federation of Housing Associations (SFHA) and the Scottish Government. The Group set four objectives:

- Promoting and improving joint working;
  - Preventing homelessness where possible;
  - Working together to maximise access to housing association and private rented sector housing; and
  - Investing in appropriate areas.
- **Statistical modelling seminars**

3.10. These seminars were held in 2009 to coincide with the interim target set by the 2005 Ministerial statement. They were held across the country and involved all local authorities. The seminars discussed Scottish Government modelling in respect of the 2012 commitment and explored prevention activity with local authority partners.

- **National event in 2010 to launch the Housing Options approach and regional seminars with all LA's to develop the Hubs model.**

3.11. A national event was held to launch the Housing Options Hubs funding which involved speakers from Scottish local authorities, English local authorities and RSLs. Subsequent regional seminars were held jointly by Scottish Government officials and local authorities and their partners to facilitate the creation and early action planning activity of the Housing Options Hubs.

- **Housing Options Hubs Evaluation**

3.12. An independent evaluation of the Housing Options approach to homelessness prevention was carried out by Ipsos MORI for the initial period of funding announced in June 2010 and ending March 2012. It involved focus groups with all five Hubs and their member local authorities and interviews with 8 Heads of Housing Services.

- **Housing Options Hubs Practice Sharing seminars**

3.13. A Scottish Government organised forum first held in March 2012 involving all Hub partners to discuss progress towards the 2012 commitment, share practice between Hubs and disseminate information.

- **ICI Committee Inquiry into the 2012 Commitment**

3.14. The final report of the Committee 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 and it made several visits across Scotland to inform its findings. A subsequent positive Parliamentary Chamber debate was held to discuss the report.

- **Ongoing Consultation and Engagement**

3.15. As part of the Scottish Government/COSLA Joint 2012 Steering Group's ongoing work in relation to supporting progress towards the 2012 Commitment, consultation and engagement with LA's and others in relation to meeting the commitment 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. This seminar was attended by delegates from the housing sector in Scotland focused on celebrating progress to date in moving towards 2012 and considering the challenges post 2012.

#### **4. Options**

4.1. The Housing (Scotland) Act 1987 (as amended) sets out categories of homeless people who must be considered as having a priority need for housing.

4.2. The Homelessness etc (Scotland) Act 2003 enables Scottish Ministers to remove the priority need test so that accommodation and services currently available to those in priority need are available to all those assessed as unintentionally homeless.

**Option 1:** Scottish Ministers bring forward an order, made by statutory instrument; to remove the priority need test from 31 December 2012.

**Option 2:** Do nothing. The priority need test remains.

**OPTION 1: Bring forward the SSI to remove the priority need test from 31 December 2012.**

#### **Sectors and groups affected**

4.3. Local authorities, Registered Social Landlords and unintentionally homeless households.

#### **Benefits**

4.4. Households outwith the current priority need categories will be affected positively by the proposed change. At present, only those who are unintentionally homeless and in a priority need are entitled to settled accommodation.

4.5. Homeless households currently outwith these categories, (in 2011/12 75% were single males, 20% were single females, childless couples accounted for 4% and larger childless households 1%) unless they are vulnerable or suffer from a medical condition do not gain access to settled accommodation (the duty on a local authority is to provide temporary accommodation and advice and assistance). When the SSI is commenced, local authorities will no longer be responding to homelessness on the basis of household characteristics.

#### **Costs**

4.6. The implementation of the SSI could lead to an initial increase in public expenditure arising from the need to provide additional temporary accommodation. However this must be balanced with the continuing positive effect on costs to local authorities of increased homelessness prevention activity in Scotland, in particular the ongoing development of the Housing Options approach.

4.7. In an attempt to quantify any potential increase in public expenditure we have looked at what the potential additional costs may be to local authorities in terms of increased usage of temporary accommodation following the introduction of the SSI.

4.8. In 2011-12 there were 3,021 households assessed as non-priority homeless. These households were entitled only to a limited time in temporary accommodation and to advice and assistance.

4.9. Looking at past trends of those non priority households, time spent in temporary accommodation (10.2 weeks) and comparing it to priority households, time spent in temporary accommodation (34.2 weeks) we can estimate that an additional 42,500 weeks could possibly be required to meet the needs of those currently outwith the priority category when the legal change is made. In 2011/12, councils provided in total some 567,700 weeks of temporary accommodation for homeless households; therefore a potential annual additional requirement for temporary accommodation of 42,500 weeks represents a 7.5% potential increase.

4.10. As mentioned before there are important caveats to these hypothetical estimates reflecting the uncertainty in current homelessness trends:-

a) In recent years, following the successful implementation of homelessness prevention through the housing options approach, the number of homeless applications has fallen sharply in a number of local authority areas. The assumption of an additional 3,000 priority homeless households in the year following the introduction of the SSI may, therefore, be too high. In addition, on the evidence of the past two years, the impact of homelessness prevention in reducing the number of priority assessments for existing categories of priority homeless **may well offset or more than offset the increase following the SSI.**

b) There is some statistical evidence that, as councils have progressed towards the implementation of the 2012 commitment, the amount of time which priority homeless households spend in temporary accommodation has increased. For example, the average duration of 34.2 weeks for cases closed in 2011-12 was around 2 weeks higher than the 32.2 weeks duration for cases closed in 2010-11. The explanation for this increase is likely to be that as councils move towards achieving the 2012 commitment, the homelessness share of social lets is increasing, and as a consequence it is taking councils longer to secure a suitable let. However, this must be set against the reduction in applications and assessments as prevention and the housing options approach has had, and is having, significant impacts. There is also the potential benefit of reducing the costs of repeat homelessness (see below).

#### Additional costs

4.11. The costs of providing temporary accommodation for homeless households are met by:

- a) local authorities who meet the cost of providing support to those homeless households who need it; and
- b) The UK Exchequer through the costs of housing benefit for the rent and management costs for homeless households in temporary accommodation.

4.12. The average weekly costs of providing temporary accommodation for the 3,000 or so households who will benefit from the introduction of the SSI are likely to be lower than the average costs of providing temporary accommodation for existing priority homeless households.

4.13. The rent will be lower because 95% of those who will benefit are single people and 5% are two adult households without children. Such households require only 1 bedroom accommodation. In contrast, 34% of current priority homeless households are households with children requiring 2 or more bedroom accommodation.

4.14. We are unable to provide actual costs in relation to usage of temporary accommodation. The costs of temporary accommodation vary considerably by the types of temporary accommodation used and the amount of support needed by the household. For example, bed & breakfast accommodation will typically cost around £340 per week, while the rent in local authority or housing association temporary accommodation would be around £57 per week, excluding any additional costs of support. It is not possible to estimate the extent to which any additional temporary accommodation would be in the more expensive bed and breakfast accommodation. However it is notable that over the past 2 years the use of bed and breakfast to provide temporary accommodation has fallen by 38%.

#### **OPTION 2: Do nothing. Priority need categorisation remains.**

##### **Sectors and groups affected**

4.15. Households in the current non-priority categories would continue to be assessed as non-priority and entitled only to a limited time in temporary accommodation with advice and assistance. In 2011-12, there were a little over 3,000 households in this category.

4.16. In the lead up to implementing the 2012 homelessness commitment, as permitted by the legislation, councils have been widening the groups of homeless households included in the priority category through changes to local policies on assessment. In 2011-12, some 8,800 households were assessed as priority as a consequences of these local policy changes. If the SSI is not introduced it is possible that some of these policies could be reversed or amended, leading to increases in numbers of non-priority assessments.

##### **Benefits**

4.17. This option would not require any further legislative changes. There would be no increase in the need for temporary accommodation for those households who would now be assessed as non-priority.

##### **Costs**

4.18. If the SSI is not introduced, those households receiving a non-priority assessment are very unlikely to access settled accommodation and will continue to lead unsettled lives. Of those assessed as non-priority in 2007-08 over a fifth (22%) subsequently re-applied for homelessness assistance of whom 6% had re-applied two or more times.

4.19. Each re-application is a cost to the local authority in managing the application and adds to the total time the non-priority homeless applicant spends in temporary accommodation. The 22% of non-priority homeless households who re-applied, spent an estimated average additional 27 weeks in temporary accommodation. Failure to secure settled accommodation impacts on individual's health and wellbeing which will have further costs to the public purse. For example, of those assessed as non-priority in 2007-08 who subsequently re-applied as homeless, 14% reported that they has slept rough the night before applying for assistance.

## **5. Scottish Firms Impact Test**

5.1. As part of the consultation and the policy development process, we engaged with a number of firms including local authorities, Registered Social Landlords (RSL's) and voluntary organisations. This was undertaken over a period of nine years allowing local authorities and their partners time to prepare for the change. A detailed consultation was carried out in 2005 informing the Ministerial statement and future activity including an interim target in 2009.

5.2. Local authorities wanted time to prepare for the change and have been generally supportive to the removal of the priority need test. The impact on local authorities is closely monitored through the homelessness statistics, and the Scottish Government and COSLA's 2012 Joint Steering Group.

5.3. Registered Social Landlords (RSL's) are represented by the Scottish Federation of Housing Associations (SFHA) on the Joint Steering Group. They have been involved in events and seminars where they had the opportunity to discuss any concerns about the impact of the policy on their business. They work closely with local authority partners on tenancy sustainment and are supportive of the objectives of the 2012 commitment.

- **Competition Assessment**

5.4. It is anticipated that the removal of the priority distinction will seek to benefit all applicants. It will impact positively on the target audience because local authorities will now be responding to all unintentionally homeless households, rather than on the basis of household characteristics. Given the equalising nature of this SSI when we applied the four OFT competition filter questions we found that the proposal does not limit suppliers either directly or indirectly and does not reduce the ability and/or incentives to compete. Therefore we have found that there will be no impact on competition.

- **Test run of business forms**

5.5. Given that local authorities have the legal duty to find settled accommodation for homeless households it is unlikely that there will be any new business forms introduced as a result of the removal of the priority need test.

## **6. Legal Aid Impact Test**

6.1. The Scottish Government's Legal Aid Team does not foresee any impact of legal aid expenditure associated with the removal of the priority need test.

## **7. Enforcement, sanctions and monitoring**

7.1. The Scottish Government collects information on homelessness applications, assessments, and outcomes and identified housing support needs. This information is published annually and on a quarterly basis in the Operation of the Homeless Persons Legislation in Scotland statistics.

7.2. There has been close consideration of progress towards the 2012 Homelessness Target directed by the Scottish Government/COSLA Joint 2012 Steering Group.

7.3. For the remainder of 2012, the Group will oversee and monitor progress. Discussions about a post 2012 forum will begin with partners and stakeholders.

7.4. Any local authority who did not oversee removal of the priority need test would be subject to individual legal challenge and potential judicial review. Regulation of homelessness services is carried out by the Scottish Housing Regulator.

## **8. Implementation and delivery plan**

8.1. The majority of local authorities have either phased out the priority need test or have plans in place to do so prior to 31 December 2012. In practice local authorities use their discretion when making the change and no transitional period is required. In preparation for the target local authorities across Scotland are currently assessing 93% of homeless assessments in priority need.

### **Post-implementation review**

8.2. Homelessness statistics are now published on a quarterly basis and will continue to collect information which will allow close scrutiny of the effects of the removal of the priority need test. Discussions will begin about how a high level working group will scrutinise homelessness in Scotland post implementation of the 2012 commitment. It is expected that partners will agree a model and that this will be in place for 2013. The 2012 Steering Group continues to meet in October and December 2012.

8.3. The legislative changes brought into force by the SSI will be formally reviewed within ten years of the commencement date.

## **9. Summary and recommendation**

9.1. 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.

9.2. 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.

9.3. Progressing with Option 1 is the recommendation of this BRIA. It will result in local authorities responding to all unintentionally homeless households, rather than on the basis of their household characteristics, therefore ensuring that all homeless people have the same entitlement to access settled accommodation.



### Summary costs and benefits table

Option	Benefits	Costs
1	Households outwith the current priority need categories will be affected positively from the proposed change. At present only those who are unintentionally homeless and in a priority need are entitled to settled accommodation.	Potential costs could be in relation to increased usage of temporary accommodation when those remaining outwith the priority need category gain access to settled accommodation after the legislative change is made. We are unable to provide actual costs in relation to usage of temporary accommodation. The costs of temporary accommodation vary considerably by the types of temporary accommodation used and the amount of support needed by the household. For example, bed & breakfast accommodation will typically cost around £340 per week, while the rent in local authority or housing association temporary accommodation would be around £57 per week - excluding any additional costs of support. We have to factor in the effects of increased prevention activity across Scotland and on the evidence of the past two years, the impact of homelessness prevention in reducing the number of priority assessments for existing categories of priority homeless may well offset or more than offset the increase following the SSI.
2	This option would not require any further legislative changes. There would be no increase in the need for temporary accommodation for those households who would now be assessed as non-priority.	If the SSI is not introduced those households receiving a non-priority assessment are very unlikely to access settled accommodation and will continue to lead unsettled lives. Of those assessed as non-priority in 2007-08, over a fifth (22%) subsequently re-applied for homelessness assistance of whom 6% had re-applied two or more times. Each repeat application is a cost to the local authority in managing the application and adds to the total time the non-priority homeless applicant spends in temporary accommodation.

## **10. Declaration and publication**

I have read the impact assessment and I am satisfied that (a) it represents a fair and reasonable view of the expected costs, benefits and impact of the policy, and (b) that the benefits justify the costs I am satisfied that business impact has been assessed with the support of businesses in Scotland.

**Signed:**

**Date:**

**Minister's name, title etc\***

**Scottish Government Contact point:**

Joanna Shedden  
Policy Advisor  
Housing Options & Services Unit  
Highlander House  
58 Waterloo Street  
GLASGOW. G2 7DA  
Tel. 0141 271 3747 ( Mon/Tues/Weds)

**EQUALITY IMPACT ASSESSMENT**  
**THE HOMELESSNESS (ABOLITION OF PRIORITY NEED TEST) (SCOTLAND) ORDER 2012**

Policy title	Removal of the priority need homelessness distinction.
Which national outcome(s) does the policy contribute to?	<p>We live longer, healthier lives.</p> <p>We have tackled the significant inequalities in Scottish Society.</p> <p>We have improved the life chances for children, young people and families at risk.</p> <p>We take pride in a strong, fair and inclusive national identity.</p>
What is the purpose of the policy (or changes which are to be made to the policy)?	The Homelessness 2012 commitment means that all unintentionally homeless applicant households will be entitled to settled accommodation by the end of 2012 and beyond. It involves increasing homeless people's rights to housing and aims to remove the bureaucratic distinctions between different categories of homeless people, acknowledging that all unintentionally homeless people require access to settled accommodation.
Name of Branch or Division	Housing Services and Regeneration Division
Directorate or Agency	Housing, Regeneration, Commonwealth Games and Sport, Scottish Government, DG Governance & Communities
Lead EQIA official	Joanna Shedden

## **Describe the assessment process and its scope**

### **Introduction**

1. In assessing the impact of this statutory instrument it is important to understand that it is one of the final parts of a process of change in meeting the needs of homeless households in Scotland delivered through the homelessness legislation which enables this SSI. The focus of this part of the homelessness legislation is in widening the groups of homeless applicants who have a right to settled accommodation. Initial consideration of homelessness in Scotland by the Homelessness Task Force (appointed in 1999) viewed extending priority to all homeless households as an important equalities action.

2. The homelessness legislation then provided for the progressive widening of the groups entitled to settled accommodation through, amongst other things, the setting of an intermediate target in 2009 for the proportion of homeless households assessed as being in priority need. As a consequence of this progressive approach, large numbers of households have already benefited from the changes. The SSI effectively completes the process by abolishing priority need so those remaining non-priority homeless households currently not entitled to settled accommodation will have an entitlement.

### **Who will be affected by the introduction of the SSI and how will they be affected?**

3. In removing the priority need test, equality of access to settled accommodation will improve for all unintentionally homeless households. The scale of improvement will be greatest for those that were most disadvantaged under the previous legislation: those persons outwith the current priority need categories. They will be affected positively from the proposed change.

4. At present only those who are in priority need and unintentionally homeless are entitled to settled accommodation. Priority need categories are set out in the Housing (Scotland) Act 1987 as amended and local authorities have the discretion to expand priority need as they see fit.

5. Homeless households currently outwith these categories, (in 2011/12 75% were single males, 20% were single females, childless couples accounted for 4% and larger childless households 1%) unless they are vulnerable or suffer from a medical condition do not gain access to settled accommodation (the duty on a local authority is to provide temporary accommodation and advice and assistance). When the SSI is commenced, local authorities will no longer be responding to homelessness on the basis of household characteristics.

6. Between 1 April 2011 and 31 March 2012 there were total of 34,978 households were assessed as homeless or potentially homeless during 2011-12 in the following categories- see Table 1 below:-

Table 1

	Homeless			Threatened with homelessness		
	Priority		Non-priority	Priority		Non-priority
	Unintentionally homeless	Intentionally homeless		Unintentionally homeless	Intentionally homeless	
Number of assessments	27,924	1,400	2,903	2,347	139	265

Note: - This table is calculated using households and if a household was assessed more than once in the period only the most recent assessment is included in this analysis.

7. At present only those households assessed as being in priority need and unintentionally homeless are entitled to settled accommodation. The effect of the introduction of the SSI will be that it will no longer be possible for a non-priority homelessness assessment to be made. We expect that the main impact will be, from the date the SSI takes force, to increase the number who are entitled to settled accommodation. There may also be a small increase in the number who are assessed as intentionally homeless.

8. Table 2 below illustrates progress up to 2011-12 showing overall numbers of households assessed in each assessment category since 2003. As can be seen, the number of non-priority assessments has fallen significantly over the period while the number of unintentionally homeless assessments has increased in absolute terms until 2009-10 and, as a proportion of the total, over the whole period.

Table 2

**Homeless assessments by year of assessment**

	All homeless assessments	Homeless			Threatened with homelessness		
		Priority		Non-priority	Priority		Non-priority
		unintentional	intentional		unintentional	intentional	
<b>2003/2004</b>	<b>42,557</b>	25,923	914	9,797	4,084	233	1,606
<b>2004/2005</b>	<b>41,505</b>	25,322	899	8,735	4,688	201	1,660
<b>2005/2006</b>	<b>43,598</b>	26,959	1,031	9,190	4,746	202	1,470
<b>2006/2007</b>	<b>42,751</b>	27,095	1,232	8,610	4,265	201	1,348
<b>2007/2008</b>	<b>41,134</b>	26,587	1,294	7,254	4,667	177	1,155
<b>2008/2009</b>	<b>42,052</b>	29,551	1,363	6,106	3,994	191	847
<b>2009/2010</b>	<b>43,554</b>	32,279	1,244	5,540	3,548	187	756
<b>2010/2011</b>	<b>41,958</b>	31,871	1,468	4,620	3,314	192	493
<b>2011/2012</b>	<b>35,515</b>	28,283	1,449	3,001	2,369	142	271

Note: - This table is calculated using assessments and includes all assessments in the year.

9. To date legislative changes and preparatory work leading up to the SSI have:

- Increased the proportion of younger homeless households assessed as priority;
- Increased the proportion of homeless men assessed as priority;
- Increased the proportion of minority ethnic households assessed as priority.

These households might have, without the implementation of the SSI, been classified as non-priority and therefore not entitled to settled accommodation. The impact on them of the priority need SSI is positive.

10. At the same time as there has been an increase in those being in priority need in preparation for the target, there has also been a reduction in applications and assessments overall (19% and 15% reductions respectively in 2011/12). Government statistics point to this being in part the result of increased prevention activity in Scotland, particularly the development of the Housing Options approach, led by the creation of the local authority-led Housing Options Hubs. The ability to resolve problems and prevent homelessness prior to the point of crisis will mitigate against some people having to apply as homeless.

## **The process followed in order to gather relevant evidence for the EQIA.**

### **Introduction**

1. The following consultation and information gathering has been carried out over the policy development period.

- **Consultation carried out in 2005 to support the Ministerial statement as required by the Homelessness etc (Scotland) Act 2003**

Scottish Ministers were required by section 3 of this Act to provide a statement by the end of 2005 to cover the homelessness situation at that point and future action required to meet the target. A comprehensive consultation process including all those 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 Ministerial statement and future planning activity.

- **Homelessness Monitoring Group**

The Group was formed in autumn 2007 by the Minister for Communities and Sport. Its remit was to assess progress against the five top level outcomes for homeless people and progress against the Homelessness Task Force recommendations. The Group reported in March 2008. It also oversaw the publication of the 2012 Homelessness Support Project, an independent study, undertaken by two local authority homelessness strategy officers, sponsored by ALACHO, COSLA and the Scottish Government reporting on local authorities' own views about their support needs and readiness to meet the 2012 target.

- **Homelessness Prevention Guidance**

Following recommendations from the consultation carried out for the 2012 Homelessness Support Project, the Scottish Government and COSLA published Homelessness Prevention Guidance in June 2009.

- **Scottish Government/COSLA Joint 2012 Steering Group**

A high level Steering Group was formed in 2009 to drive and oversee progress towards the target. Its membership currently consists of the Minister for Housing and Welfare, representatives from SOLACE, COSLA, ALACHO, SFHA and the Scottish Government.

The Group set four objectives:

- Promoting and improving joint working;
- Preventing homelessness where possible;
- Working together to maximise access to housing association and private rented sector housing; and
- Investing in appropriate areas.

- **Statistical modelling seminars**

These seminars were held in 2009 to coincide with the interim target set by the 2005 Ministerial statement. They were held across the country and involved all local authorities. The seminars discussed Scottish Government modelling in respect of the 2012 commitment and explored prevention activity with local authority partners.

- **National event in 2010 to launch the Housing Options approach and regional seminars with all LA's to develop the Hubs model.**

A national event to launch the Housing Options Hubs funding which involved speakers from Scottish local authorities, English local authorities and RSLs. Subsequent regional seminars were held jointly by Scottish Government officials and local authorities and their partners to facilitate the creation and early action planning activity of the Housing Options Hubs.

- **Housing Options Hubs Evaluation**

An independent evaluation of the Housing Options approach to homelessness prevention was carried out by Ipsos MORI for the initial period of funding announced in June 2010 and ending in March 2012. It involved focus groups with all five Hubs and their member local authorities and interviews with 8 Heads of Housing Services.



- **Housing Options Hubs Practice Sharing seminars**

A Scottish Government organised forum first held in March 2012 involving all Hub partners to discuss progress towards the 2012 commitment, share practice between Hubs and disseminate information.

- **The Scottish Parliament's Infrastructure and Capital Investment Committee Inquiry into the 2012 Homelessness Commitment**

The final report was published in April which was broadly supportive of the 2012 homelessness commitment. The Committee heard evidence from the Minister for Housing and Transport, the Housing Options Hubs, local authority representative bodies, voluntary organisations and Committee members made several visits across Scotland to inform its findings. A subsequent positive Chamber debate was held to discuss the report.

- **Ongoing Consultation and engagement**

As part of the Scottish Government/COSLA Joint 2012 Steering Group's ongoing work in relation to supporting progress towards the 2012 Commitment consultation and engagement with LA's and others in relation to meeting the commitment 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. This seminar was attended by delegates from the housing sector in Scotland focused on celebrating progress to date in moving towards 2012 and considering the challenges post 2012.

## **STEP TWO – Gathering and Analysing the Evidence (with help from the Analytical Services Division)**

You have now identified those affected by the proposal and the characteristics of this wider pool of people, identifying those people affected positively and negatively by the proposal. At Step 2 you will now gather relevant evidence of these impacts on persons who share relevant characteristics. Look at how these impacts differ to the wider pool of people for whom the policy is targeted.

The Specific Duties means that we **MUST** consider relevant evidence relating to people with the protected characteristics, including evidence and information received from people with those protected characteristics. This means that we must be able to demonstrate how we have gathered and considered relevant equality evidence in relation to our policy development and how it might impact – both positively and negatively on equality groups.

### **AGE**

#### **1) Evidence**

In relation to your policy, what does the evidence tell you about the needs and experiences of people in different age groups? Include:

- a) evidence from research & statistics
- b) evidence from consultation & engagement

#### **a) Statistics**

The majority of those who will benefit from the change will be in younger age groups. Of the 3,179 households assessed as non-priority homeless or threatened with homelessness in 2011-12 a quarter were aged 20-24 and nearly 60% were aged between 20 and 34. The table below gives details.

Households assessed as non-priority homeless in 2011-12 by age band

	Homeless	Threatened with homelessness	Total
18 - 19	242	19	261
20 - 24	718	64	782
25 - 29	588	61	649
30 - 34	424	32	456
35 - 39	274	20	294
40 - 44	251	19	270
45 - 49	197	24	221
50 - 54	142	14	156
55 - 59	71	12	83
60 and over	7	0	7

## **Research**

The research suggests that people in younger age categories are more affected by homelessness and endorses the statistics already presented in the EQIA. However, there is some research which shows that over 50s, and those of retirement age, may have a greater need when age is considered alongside health and disability, as factors in determining the suitability of a home.

## **Context**

Citizens Advice Scotland research suggests that children and young people are worst affected by homelessness, with 38% of adults applying for homelessness provision being under 25.

<http://www.cas.org.uk/news/homelessness-children-and-young-adults-are-worst-affected>

EHRC research adds that the need for support does increase with age. “As people age, they are more likely to have a long-term illness or disability. The data on those with a long-term illness or disability show that the proportion of people finding difficulties with climbing stairs, doing housework, preparing main meals, dressing and washing increases with age. This has implications for the support that people may need as they age, particularly if there is a desire among older people to remain in their own homes (Scottish Executive, 2007a).”

<http://www.equalityhumanrights.com/publications/our-research/research-reports/research-reports-21-30/>

b) The Scottish Government/COSLA Joint 2012 Steering Group identified young people as a major group of homeless people. The first meetings focused on analysing the available statistics. The Group also focused on homelessness prevention and launched the Scottish Housing Options approach. This involved work specifically designed to assist young people to avoid homelessness either through education projects, family mediation, or access to relevant additional support.

## 2) Effects / Impacts

Describe how your policy may affect people of different ages, and respond to their different needs. Describe any:

- a) positive effects and ways by which your policy helps respond to different needs, promote equality, and helps foster good relations<sup>1</sup>
- b) negative effects<sup>2</sup> including, in relation to the first need, whether anyone is treated less favourably because of age or whether people who share an age group are put at a particular disadvantage compared to people who do not share that age group

a) Removal of the priority need distinction will benefit most homeless single people between 21-34 as they make up 60% of the current non-priority cases. They will have a legal right to access settled accommodation from which they are currently excluded. Research also shows that those over 50 may have a greater need when age is considered alongside health and disability as factors in determining the suitability of a home.

Removal of the priority need distinction should have positive implications for people presenting or being assessed as homeless and it should be particularly helpful in minimising any disadvantage suffered by those with any of the protected characteristics

b) Homeless households of all ages will be put on an equal footing after the removal of the priority need test.

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<sup>1</sup> Refer to the EQIA guidance (Step two) for more information on positive effects and promoting equality (i.e: eliminating discrimination, harassment and victimisation; advancing equality of opportunity; and fostering good relations).

<sup>2</sup> Refer to the EQIA guidance for more information on potential negative effects.

## DISABILITY<sup>3</sup>

### 1) Evidence

In relation to your policy, what does the evidence tell you about the needs and experiences of disabled people? Include:

- a) evidence from research & statistics
- b) evidence from consultation & engagement

#### a. Statistics

Between 1 April 2011 and 31 March 2012, of those applicants that were assessed as being in priority need, 4,605 required mental health support, 680 had a learning disability, 1,047 a physical disability, and 2,120 a medical condition.

**Homelessness assessments in 2011-12 for households where a household member has a support need**

Need for support for:-	All households assessed	Homeless			Threatened with homelessness		
		Priority		Non-priority	Priority		Non-priority
		Unintentional	Intentional		Unintentional	Intentional	
Mental health problem	4,605	4,032	170	36	350	16	1
Learning disability	680	615	19	2	44	0	0
Physical disability	1,047	908	29	4	102	4	0
Medical condition	2,120	110	25	190	11	2	0

#### Research

EHRC research suggests that people who have experienced homelessness are more likely to be disabled or have a long term illness. However, applications to local authorities from disabled people has remained at a constant level for a number of years. The research also notes the relationship between age and disability.

#### Context

It is estimated that around 30 per cent of Scottish households have someone with a limiting long-term illness or disability living in them. Older people make up approximately half of disabled households.

<sup>3</sup> The definition of disability is broad and includes people with physical impairments, sensory impairments and mental impairments.

Data on the number of disabled people making a homeless application to a local authority, and assessed as being priority need as a result of physical or learning disability, show applications increased in the period between 1992-93 and 2001-02, when the number peaked at 1,406. Figures from 2002 onwards show that the number of applications has remained relatively constant since then.

SHS data shows that, of people who have ever experienced homelessness, 6.5 per cent reported having a disability or long-term illness, compared with 3.3 per cent of those who do not report a disability or long-term illness (Scottish Executive, 2006a).”

<http://www.equalityhumanrights.com/publications/our-research/research-reports/research-reports-21-30/>

b. No evidence of negative impact.

## 2) Effects / Impacts

Describe how your policy may affect disabled people, and respond to their different needs. Describe any:

- a) positive effects & ways by which your policy helps respond to different needs, promote equality, and foster good relations<sup>4</sup>
- b) negative effects<sup>5</sup> including whether anyone is treated less favourably because of disability (or unfavourably because of something arising in consequence of that disability) and whether people who share a disability are put at a particular disadvantage compared to people who do not share that disability

a. The removal of the priority need distinction should have positive implications for people presenting or being assessed as homeless and it should be particularly helpful in minimising any disadvantage suffered by those with any of the protected characteristics.

b. We do not consider that removal of the priority need distinction will have a negative impact in respect of this protected characteristic.

<sup>4</sup> Refer to the EQIA guidance (Step two) for more information on positive effects and promoting equality (i.e: eliminating discrimination, harassment and victimisation; advancing equality of opportunity; and fostering good relations).

<sup>5</sup> Refer to the EQIA guidance for more information on potential negative effects.

## GENDER, INCLUDING PREGNANCY AND MATERNITY

### 1) Evidence

In relation to your policy, what does the evidence tell you about the different needs and experiences of women and men? Include:

- a) evidence from research & statistics
- b) evidence from consultation & engagement

#### a. Statistics

Of all members of a household presenting as homeless between 1 April 2011 and 31 March 2012, 53% were male (37,491) and 47% female (34,330).

The table below gives details.

Households assessed as non-priority homeless or threatened with homelessness in 2011-12

	Homeless	Threatened with homelessness	Total
Households headed by a man:	2,280	174	2,454
Of which:-			
Single without dependants	2,211	164	2,375
Couple etc.	69	10	79
Households headed by a woman:	634	91	725
Of which:-			
Single without dependants	550	82	632
Couple etc.	84	9	93

#### Research

The reason for presenting as homeless for women can often be as a result of fleeing domestic abuse at the hands of a male partner. Some studies also suggest that due to domestic abuse, some women either do not disclose this as the reason when seeking homelessness services or seek alternatives to state provision, such as staying with friends. There is research which also draws a links between female prostitution and homelessness.

#### Context

Among homelessness applications by single parents, the majority came from female applicants.

<http://www.scotland.gov.uk/Publications/2012/06/9193/0>

Shelter (2011) suggests that there is often a view that most homeless young people are male; however, if homeless young people who have children are taken into account, then most households are headed by women. Shelter estimates that more than half (57 per cent) of young homeless households are headed by a woman.

[http://scotland.shelter.org.uk/professional\\_resources/policy\\_library/policy\\_library\\_folder/the\\_facts\\_bad\\_housing\\_and\\_homelessness\\_for\\_children\\_and\\_young\\_people\\_in\\_scotland\\_2011](http://scotland.shelter.org.uk/professional_resources/policy_library/policy_library_folder/the_facts_bad_housing_and_homelessness_for_children_and_young_people_in_scotland_2011)

The priority status system has traditionally disadvantaged men. It is expected that the abolition of priority need in 2012, however, will allow men to gain greater rights to access housing (Macpherson and Bond, 2009). <http://www.equalityhumanrights.com/publications/our-research/research-reports/research-reports-21-30/>

### Domestic Abuse

While homelessness for men and women is often the result of a combination of factors, the experiences leading women to homelessness tend to be distinct. A study by Crisis highlighted that the most commonly cited reasons for becoming homeless among UK women were physical or mental health problems and escaping a violent relationship (Smith *et al*, 2008). <http://www.crisis.org.uk/publications-search.php?fullitem=219>

While it is recognised that domestic abuse can be experienced by men, people in same-sex relationships, children and the elderly, the vast majority of domestic abuse is perpetrated by men and experienced by women. Domestic abuse has long been recognised as a major factor in creating homelessness, particularly among women (Scottish Government, 2010).

<http://www.scotland.gov.uk/Publications/2010/07/01135334/4>

However, it is understood that domestic abuse is often hidden and unreported and that these statistics do not fully capture the extent of women experiencing domestic abuse who present as homeless (Ozga, 2005). A number of women will not present as homeless but will become part of the 'hidden homeless' population by staying with family and friends. Moreover, a number of women do not give domestic abuse as the primary cause of their homelessness when presenting as homeless (Ozga, 2005: 4).

[http://scotland.shelter.org.uk/professional\\_resources/practice\\_solutions/sharing\\_practice/practitioner\\_articles/domestic\\_abuse\\_and\\_homelessness\\_legislation](http://scotland.shelter.org.uk/professional_resources/practice_solutions/sharing_practice/practitioner_articles/domestic_abuse_and_homelessness_legislation)



SWA commissioned research into the use of using the Matrimonial Homes (Family Protection) (Scotland) Act 1981. The focus of the research was to identify why women are not using exclusion orders as a remedy. The report presents recommendations which make exclusion orders more accessible and understandable and encourage their use as an effective means of protecting women, children and young people who experience domestic abuse to remain in their own home.

[Download the full research report \[579 kB PDF\]](#)

Additionally, it is important to note that whilst specific support services are not as widely available, the statutory and legal remedies open to women wishing to escape an abusive relationship apply equally to men. (Shelter, 2012). Yet, at present there are no refuges for abused men in Scotland.

[http://scotland.shelter.org.uk/get\\_advice/advice\\_topics/families\\_and houholds/domestic\\_abuse/men\\_experiencing\\_domestic\\_abuse](http://scotland.shelter.org.uk/get_advice/advice_topics/families_and_houholds/domestic_abuse/men_experiencing_domestic_abuse)

### **Other Issues**

Studies have shown that women's vulnerability to homelessness is likely to be related to their access to housing due to their disadvantaged position in the labour market. These socio-economic factors create barriers for women accessing higher rent levels in the private sector and mortgage finance, causing them to rely disproportionately on the social rented sector (Ozga,2005).

[http://scotland.shelter.org.uk/professional\\_resources/practice\\_solutions/sharing\\_practice/practitioner\\_articles/domestic\\_abuse\\_and\\_homelessne ss legislation](http://scotland.shelter.org.uk/professional_resources/practice_solutions/sharing_practice/practitioner_articles/domestic_abuse_and_homelessne ss_legislation)

Reeve *et al* (2006) discussed a number of women who had engaged in unwanted sexual liaisons (paid and unpaid) in order to secure accommodation and in exchange for basic necessities such as food and clothing. Reeve *et al* (2006) suggest that many of these women would not have engaged in such activity had they not been homeless.

<http://www.crisis.org.uk/publications-search.php?fullitem=182>

Qualitative work based in Edinburgh has explored the links between homelessness and prostitution among prostitutes using the support services of an agency in Leith. From a sample of eight, all had experienced homelessness before gaining temporary or permanent accommodation, and some had slept rough. The majority first left home because of conflict, abuse or violence and the younger girls interviewed regarded entry into prostitution as a survival strategy (McNaughton 2002). <http://www.homelesspages.org.uk/node/21523>

This small study reflects certain specific local issues, and also provides useful insights into the relationship between women's past and continued vulnerability to violence, their limited housing options and prostitution (Scottish Government, 2010).

<http://www.scotland.gov.uk/Publications/2010/07/01135334/4>

b. No evidence of a negative impact.

## 2) Effects / Impacts

Describe how your policy may affect women and men and respond to their different needs. Describe any:

- c) positive effects & ways by which your policy helps respond to different needs, promote equality, and foster good relations<sup>6</sup>
- d) negative effects<sup>7</sup> including whether anyone is treated less favourably because of gender (including pregnancy and maternity) and whether men or women are put at a particular disadvantage compared to the opposite sex

a. The majority of those who will benefit from the change will be men. Of the 3,179 households assessed as non-priority homeless or threatened with homelessness in 2011-12 some 2,454 (77%) were households headed by a man. Research shows that women are particularly vulnerable to homelessness due to a range of complex factors: labour market disadvantage; domestic abuse; and vulnerability to prostitution, particularly in young women who have experienced abuse or family breakdown. However the removal of the priority need distinction should have positive implications for all people presenting or being assessed as homeless and it should be particularly helpful in minimising any disadvantage suffered by those with any of the protected characteristics.

b. We do not consider that removal of the priority need distinction will have a negative impact in respect of this protected characteristic.

<sup>6</sup> Refer to the EQIA guidance (Step two) for more information on positive effects and promoting equality (i.e: eliminating discrimination, harassment and victimisation; advancing equality of opportunity; and fostering good relations).

<sup>7</sup> Refer to the EQIA guidance for more information on potential negative effects.

## GENDER REASSIGNMENT<sup>8</sup>

### 1) Evidence

In relation to your policy, what does the evidence tell you about the needs and experiences of different people in respect of gender identity/transgender people? Include:

- a) evidence from research & statistics
- b) evidence from consultation & engagement

#### a. Statistics

There is not currently a fully tested and recommended question to measure gender identity or transgender identity included in any social survey and there are no official population estimates.

#### Research

The literature transgender homelessness is limited. With no population-based information on LGBT people there is no baseline on which to chart housing information. The research suggests that LGBT people face a number of issues that can lead to homelessness such as domestic abuse and family breakdown. LGBT people may face additional issues such as homophobia which can have an impact on the need to find alternative accommodation. Much of the research on LGBT people and homelessness is focussed on young people.

#### Context

Cull *et al* (2006) identified that some young people become homeless when escaping domestic violence in same-sex relationships.

Furthermore, violence and abuse outwith the home, for example homophobia and transphobia in school and in the neighbourhood, can also contribute to the decision to leave home. In a study by the Scottish Transgender Alliance (STA) of 71 transgender individuals, 25% of respondents stated that they have previously had to move out of their home due to the transphobic reactions of their families, flat-mates or neighbours. A further 4% of the respondents were currently homeless (Morton, 2008). <http://www.scottishtrans.org/>

b. No evidence of negative impact.

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<sup>8</sup> The characteristic of gender reassignment applies to a person who proposes, starts or completes a process to change his or her sex. A transsexual person has the protected characteristic of gender reassignment. (Please refer to the EQIA Guidance for a further definition of these terms).

## 2) Effects / Impacts

Describe how your policy may affect different people in relation to gender identity and respond to their different needs. Describe any:

- a) positive effects & ways by which your policy helps respond to different needs, promote equality, and foster good relations<sup>9</sup>
- b) negative effects<sup>10</sup> including whether anyone is treated less favourably because of gender reassignment and whether transsexual people are put at a particular disadvantage compared to people who are not transsexual

a. The removal of the priority need distinction should have positive implications for people presenting or being assessed as homeless and it should be particularly helpful in minimising any disadvantage suffered by those with any of the protected characteristics.

b. We do not consider that removal of the priority need distinction will have a negative impact in respect of this protected characteristic.

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<sup>9</sup> Refer to the EQIA guidance (Step two) for more information on positive effects and promoting equality (i.e: eliminating discrimination, harassment and victimisation; advancing equality of opportunity; and fostering good relations).

<sup>10</sup> Refer to the EQIA guidance for more information on potential negative effects.

## SEXUAL ORIENTATION

### 1) Evidence

In relation to your policy, what does the evidence tell you about the needs and experiences of people in respect of sexual orientation (lesbian, gay, bisexual)? Include:

- a) evidence from research & statistics
- b) evidence from consultation & engagement

#### a. **Statistics**

The Scottish Government does not collect data on the number of LGB homeless applicants. However, Stonewall Scotland reports that there are 300,000 LGB people in Scotland which represents 6% of the population.

#### **Research**

The literature on lesbian, gay, bisexual and transgender (LGBT) homelessness is limited. With no population-based information on LGBT people there is no baseline on which to chart housing information. The research suggests that LGBT people face a number of issues that can lead to homelessness such as domestic abuse and family breakdown. LGBT people may face additional issues such as homophobia which can have an impact on the need to find alternative accommodation. Much of the research on LGBT people and homelessness is focussed on young people.

#### **Context**

Evidence suggests that LGBT young people are over-represented and under-estimated among homeless young people and face particular vulnerabilities.

<http://www.communities.gov.uk/youthhomelessness/widerneeds/lgbtmodule/>

According to Homeless Link's 2011 Survey of Needs and Provision (SNAP), approximately 7% of clients in an average project for homeless people identify as being lesbian, gay, bisexual or transgender.  
<http://homeless.org.uk/snap>

Much of the literature linking LGBT individuals and experiences of homelessness has tended to focus on young people. A report by Crisis (2005) on 'Sexuality and Homelessness' suggests that sexuality issues are often overlooked for homeless people, particularly for those who are older. The report reiterates that organisations often assume clients are heterosexual which can have a negative effect on LGBT people's ability to reveal their sexuality or gender identity.

<http://www.crisis.org.uk/publications-search.php?fullitem=167>

A study by National Centre for Social Research, in collaboration with Stonewall highlighted that LGBT individuals may experience a range of more familiar causes of housing crisis such as family breakdown, disruptive parental behaviour, violence, abuse, leaving care, bullying and religious and cultural expectations.

<http://www.homelesspages.org.uk/node/21382>

At the same time, being LGBT can cause additional difficulties due to intolerance and prejudice that can contribute to the loss of a home or exacerbate periods of homelessness.

<http://www.communities.gov.uk/youthhomelessness/widerneeds/lgbtmodule/>

Moreover, LGBT people can also face marginalisation on multiple levels when trying to find appropriate accommodation - for example, if they are disabled or are from black, Asian or other minority ethnic groups, or are travellers, migrants, refugees and asylum seekers (Stonewall, 2008).

[http://www.stonewall.org.uk/at home/housing and homelessness/default.asp](http://www.stonewall.org.uk/at%20home/housing_and_homelessness/default.asp)

Parental intolerance and prejudice based on sexual identity can lead to individuals being evicted from the family home or leaving because of a presumed negative reaction if the family does not know about the person's sexual identity (Cull *et al*, 2006).

<http://www.communities.gov.uk/youthhomelessness/widerneeds/lgbtmodule/>

b. No evidence of negative impact.

## 2) Effects / Impacts

Describe how your policy may affect people on relation to their sexual orientation and respond to their different needs. Describe any:

- a) positive effects & ways by which your policy helps respond to different needs, promote equality, and foster good relations<sup>11</sup>
- b) negative effects<sup>12</sup> including whether anyone is treated less favourably because of sexual orientation and whether people who are either gay or lesbian, heterosexual or bisexual are put at a particular disadvantage compared to people who do not have that particular sexual orientation

a. The removal of the priority need distinction should have positive implications for people presenting or being assessed as homeless and it should be particularly helpful in minimising any disadvantage suffered by those with any of the protected characteristics.

b. We do not consider that removal of the priority need distinction will have a negative impact in respect of this protected characteristic.

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<sup>11</sup> Refer to the EQIA guidance (Step two) for more information on positive effects and promoting equality (i.e: eliminating discrimination, harassment and victimisation; advancing equality of opportunity; and fostering good relations).

<sup>12</sup> Refer to the EQIA guidance for more information on potential negative effects.

## RACE<sup>13</sup>

### 1) Evidence

In relation to your policy, what does the evidence tell you about the needs and experiences of people from different racial and ethnic groups?<sup>14</sup> Include:

- a) evidence from research & statistics
- b) evidence from consultation & engagement

#### a Statistics

The majority of those who will benefit from the change will be in the white ethnic group. This is because white households comprise the majority of all homeless applicants.

Households assessed as non-priority in 2011-12 by broad ethnic group of the main applicant.

	Homeless	Threatened with homelessness	Total
White	2,700	248	2,948
Black	83	7	90
Asian	34	0	34
Other	67	6	73
Not known/ refused	30	4	34

Statistics show that to date legislative and preparatory work leading up to the SSI have increased the proportion of minority ethnic households assessed as priority.

#### Research

The EHRC report on equalities issues in Scotland highlights that no systematic analysis in the annual reports on homelessness is offered on the ethnicity of people who apply for housing as homeless. However, it does mention a number of studies which look at this issue, highlighting that ethnic minorities are over represented among homeless applicants in Scotland and can face specific cultural issues which may lead to homelessness.

<sup>13</sup> The definition of race includes colour, nationality and ethnic or national origin.

<sup>14</sup> This includes Gypsies/Travellers



## **Context**

A study by Netto et al (2004) (noted by EHRC report) on ethnic minority homelessness collected data from local authorities on the ethnicity of people who report as homeless. Of the 36,898 homelessness applications fully recorded by local authorities in 2002/03, 2.4 per cent were from people who were Indian, Pakistani/Bangladeshi, Chinese, Black or 'Other'. Using 2001 Census which show the non-white population standing at 1.4 per cent of resident households in Scotland, Netto et al concluded that ethnic minority households are significantly over-represented among homeless applicants.

<http://www.equalityhumanrights.com/publications/our-research/research-reports/research-reports-21-30/>

The EHRC report adds that the relative incidence of homelessness varies substantially among different ethnic minority groups. Chinese households, for example, are far less likely than the general population to apply as homeless. Those classed as 'Black and Other' are more than three times as likely to be homeless as the average for all ethnic groups.  
EHRC

## **Contributing Issues**

Netto et al's research (2004) found, that a range of factors affected the risks of homelessness for different ethnic minority communities including lack awareness of the services and advice available; accessibility to religious/cultural centres; and neighbourhood harassment. The research also commented that there is limited provision for older ethnic minority people and women wishing to escape domestic violence.

<http://www.equalityhumanrights.com/publications/our-research/research-reports/research-reports-21-30/>

A further issue highlighted by the EHRC research that may contribute to homelessness among ethnic minorities include greater household tensions with larger and extended family housing (Lemos and Crane (2004)).

b. No evidence of negative impact.

## 2) Effects / Impacts

Describe how your policy may affect people of different races and ethnicities and respond to their different needs. Describe any:

- a) positive effects & ways by which your policy helps respond to different needs, promote equality, and foster good relations<sup>15</sup>
- b) negative effects<sup>16</sup> including whether anyone is treated less favourably because of race and whether people who share a particular racial group are put at a particular disadvantage compared to people who are not of the same racial group

a. Our statistics show that the gradual removal of the priority need distinction has increased the proportion of minority ethnic households assessed as priority. The removal of the priority need distinction should have positive implications for people presenting or being assessed as homeless and it should be particularly helpful in minimising any disadvantage suffered by those with any of the protected characteristics.

b. We do not consider that removal of the priority need distinction will have a negative impact in respect of this protected characteristic.

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<sup>15</sup> Refer to the EQIA guidance (Step two) for more information on positive effects and promoting equality (i.e: eliminating discrimination, harassment and victimisation; advancing equality of opportunity; and fostering good relations).

<sup>16</sup> Refer to the EQIA guidance for more information on potential negative effects.

## RELIGION AND BELIEF

### 1) Evidence

In relation to your policy, what does the evidence tell you about the needs and experiences of people in grouping respect of their religion and belief? Include:

- a) evidence from research & statistics
- b) evidence from consultation & engagement

#### a. Statistics

The Scottish Government does not collect data on the religion and beliefs of homeless applicants.

b. No evidence of negative impact.

### 2) Effects / Impacts

Describe how your policy may affect people in relation to their religion and belief, and respond to their different needs. Describe any:

- a) positive effects & ways by which your policy helps respond to different needs, promote equality, and foster good relations<sup>17</sup>
- b) negative effects<sup>18</sup> including whether anyone is treated less favourably because of (or a lack of) religion or belief and whether people who share a particular religion or belief are put at a particular disadvantage compared to people who do not share it

a. The removal of the priority need distinction should have positive implications for people presenting or being assessed as homeless and it should be particularly helpful in minimising any disadvantage suffered by those with any of the protected characteristics.

b. We do not consider that removal of the priority need distinction will have a negative impact in respect of this protected characteristic.

<sup>17</sup> Refer to the EQIA guidance (Step two) for more information on positive effects and promoting equality (i.e: eliminating discrimination, harassment and victimisation; advancing equality of opportunity; and fostering good relations).

<sup>18</sup> Refer to the EQIA guidance for more information on potential negative effects.

## **Shape your policy as required to ensure that it fulfils the needs of the equality duty**

a) Describe any additional action which has been/will be taken in response to the conclusions reached at step two of this EQIA. Here you need to demonstrate how the evidence you have gathered has helped shape and inform your policy. You should demonstrate how, in the development of the policy and in deciding whether to apply the policy, you have appropriately considered (had due regard to) the need to:

- eliminate discrimination, harassment, victimisation and other conduct that is prohibited under the Equality Act 2010,
- advance equality of opportunity between persons who share a relevant protected characteristic and those who don't share it,
- foster good relations between persons who share a relevant protected characteristic and those who don't share it.

In particular, where the conclusions reached at step two indicate that one or more groups of people who share a protected characteristic are put at a particular disadvantage, you must include an assessment of whether this is a proportionate means of achieving a legitimate aim.

It is anticipated that the removal of the priority distinction will seek to benefit all applicants irrespective of their age, disability, gender, gender reassignment, sexual orientation, race, religion or belief. The priority need SSI is one of the final parts of a positive process of change in meeting the needs of homeless households in Scotland delivered through the homelessness legislation.

It will impact positively on the target audience because local authorities will now be responding to all unintentionally homeless households, rather than on the basis of household characteristics.

b) Describe any equality issues that you identified in Step 2, which you haven't addressed or mitigated against, and explain the reasons why.

Not applicable.

c) Explain whether your EQIA analysis had an impact on the size of your resource and/or the way you use resources.

No impact.

d) Explain whether there are implications on costs, and the focus of spend, arising from your EQIA analysis. Do you have the budget to cover your costs, and has the EQIA changed how you use your budget?

Not applicable

## Review and/or Monitoring

Describe how you will review and/or monitor and/or evaluate the effect of your policy and in particular the impact on equality.

The Scottish Government collects information on homelessness applications, assessments, outcomes and identified housing support needs. This information is published annually on a quarterly basis in the Operation of the Homeless Persons Legislation in Scotland statistics.

Progress toward the 2012 Homelessness Target has been directed by the Scottish Government/COSLA 2012 Joint Steering Group. There has been close consideration of progress towards the target and the Group set four objectives to drive forward work:

- Promoting and improving joint working;
- Preventing homelessness where possible;
- Working together to maximise access to housing association and private rented sector housing; and
- Investing in appropriate areas.

For the remainder of 2012, the Group will oversee and monitor progress. Discussions about a post 2012 forum will begin with partners and stakeholders.

## EQUALITY IMPACT ASSESSMENT – SUMMARY

<b>Directorate: Division: team</b>	Housing, Regeneration, Commonwealth Games and Sport, Scottish Government, DG Governance & Communities
<b>Title of Policy</b>	Removal of the priority need homelessness distinction.
<b>Date of completion of EQIA</b>	11 October 2012

### Background

Scottish local authorities meeting the 2012 homelessness commitment means that all unintentionally homeless households will be entitled to settled accommodation from the end of 2012. This will increase homeless people's rights to housing and aims to remove distinctions between different categories of homeless people, acknowledging that all homeless people require access to settled accommodation. Initial consideration of homelessness in Scotland by the Homelessness Task Force (appointed in 1999) viewed extending priority to all homeless households as an important equalities action.

This policy contributes to the Scottish Government's work on preventing, alleviating and tackling homelessness. The objective fits with the Scottish Government's strategic 'Safer and Stronger Scotland' objective. This helps local communities to flourish, becoming stronger, safer places to live, offering improved opportunities and a better quality of life. It also fits with the 'Healthier Scotland' objective which helps people to sustain and improve their health, especially in disadvantaged communities, ensuring better, local and faster access to health care. The equalising nature of this SSI relates directly to the 'fairer' Scotland objective ensuring that in relation to homelessness 'we have tackled the significant inequalities in Scottish society'.

This EQIA was completed by the Homelessness Team with assistance from statisticians and analysts in relation to statistical data and research information. The consultative process involved in the development of the priority need SSI has been comprehensive with the bulk of it carried out over a nine year period. The main consultees were local authorities, and RSLs.

## **Key Findings**

In assessing the impact of this statutory instrument it is important to understand that it is one of the final parts of a process of change in meeting the needs of homeless households in Scotland delivered through the homelessness legislation which enables this SSI. The focus of this part of the homelessness legislation is in widening the groups of homeless applicants who have a right to settled accommodation

We have identified that removing the priority need test and the gradual widening of categories over the past 9 years has benefited the following groups of homeless people:

- Increased the proportion of younger homeless households assessed as priority;
- Increased the proportion of homeless men assessed as priority; and
- Increased the proportion of minority ethnic households assessed as priority.

When considering the evidence available from the homelessness statistics in relation to the protected characteristics and a review of research pertaining to each group has led us to conclude that the removal of the priority distinction will seek to benefit all applicants irrespective of their age, disability, gender, gender reassignment, sexual orientation, race, religion or belief. It will impact positively on the target audience because local authorities will now be responding to unintentionally homeless households generally, rather than on the basis of household characteristics.

## **Action Taken**

The EQIA did not highlight any significant equalities issues where we should consider additional action.

## **Conclusion**

In removing the priority need test, equality of access to settled accommodation will improve for all unintentionally homeless households. The scale of improvement will be greatest for those that were most disadvantaged under the previous legislation: those persons outwith the current priority need categories. They will be affected positively from 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.

Local authorities and other social landlords are currently expected to adhere to equal opportunities legislation. Part 3 of the Housing (Scotland) Act 2010 , Section 39 - 'Performance of Social Landlords: Encouragement of Equal Opportunities' states that "social landlords when performing housing services must act in a manner which encourages equal opportunities and in particular the observance of the requirements of the law for the time being relating to equal opportunities".

## EQUALITY IMPACT ASSESSMENT SIGN OFF

Policy title	Removal of the priority need homelessness distinction.
Which national outcome(s) does the policy contribute to?	<p>We live longer, healthier lives.</p> <p>We have tackled the significant inequalities in Scottish Society.</p> <p>We have improved the life chances for children, young people and families at risk.</p> <p>We take pride in a strong, fair and inclusive national identity.</p>
What is the purpose of the policy (or changes which are to be made to the policy)?	The Homelessness 2012 commitment means that all unintentionally homeless applicant households will be entitled to settled accommodation by the end of 2012 and beyond. It involves increasing homeless people's rights to housing and aims to remove the bureaucratic distinctions between different categories of homeless people, acknowledging that all unintentionally homeless people require access to settled accommodation.
Name of Branch or Division	Housing Services and Regeneration Division
Directorate or Agency	Housing, Regeneration, Commonwealth Games and Sport, Scottish Government, DG Governance & Communities
Lead EQIA official	Joanna Shedden

**I confirm that the impact of applying the policy has been sufficiently assessed against the needs of the equality duty:**

<i>Ann Nelson, Head of Housing Services and Regeneration Division</i>	<i>11 October 2012</i>
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