

EQUALITY IMPACT ASSESSMENT - RESULTS

Title of Policy	The Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014
Summary of aims and desired outcomes of Policy	<p>Following comments made during consideration of the Housing (Scotland) Bill, the Minister for Housing & Welfare proposes to replace The Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2004.</p> <p>When commenced, article 4(a) of the Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014 will state expressly that accommodation is unsuitable if it is “not wind and watertight”. The 2014 Order does not otherwise seek to alter provision made by the 2004 Order. However, the Order has been redrafted by Scottish Government Legal Directorate to improve its clarity and readability.</p>
Directorate: Division: team	Homelessness Team, Housing Services & Regeneration Division

Executive summary

1.1 The "wind and watertight" clarification and redraft of the Order will affect local authorities and homeless households where the applicant is (a) pregnant; (b) a person whose household includes a pregnant woman; or (c) a person whose household includes dependent children. Local authorities currently demonstrate good practice in providing suitable accommodation

for homeless applicants. However, this clarification will further strengthen the rights to the provision of suitable accommodation for the above groups.

1.2 Potential impacts on the protected groups were considered as part of consultation engagement with key stakeholders and the equalities impacts framing exercise. The proposal was not considered to give rise to potential negative impacts on any of the protected groups or risk those in the protected groups being treated less favourably due to the protected characteristics. No changes have been made to the policy intention as a result of the consultation or equality impact analysis, however they have assisted in establishing positive impacts for the protected groups.

Background

2.1 The Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014 replaces existing provision setting out what is unsuitable temporary accommodation for persons who may be homeless. It applies to persons who are pregnant or whose household includes children or a pregnant women.

2.2 The Minister for Housing & Welfare met with Jim Eadie MSP and Alex Rowley MSP in June 2014 to discuss whether the existing Order (the Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2004) made clear that accommodation is unsuitable if it is “not wind and watertight” or is otherwise not reasonably fit for human habitation. Following the meeting, the Minister agreed that the 2004 Order should be amended to state clearly that accommodation is always unsuitable if it is “not wind and watertight”.

2.3 The 2004 Order has been redrafted by Scottish Government Legal Directorate and agreed with stakeholders through consultation. Respondents overwhelmingly supported the "not wind and watertight" clarification. The 2014 Order does not otherwise seek to alter the provision made by the 2004 Order.

2.4 Three out of the eleven consultation respondents included an additional comment that the amendment is expanded to “not wind and watertight and in all other respects not reasonably fit for human habitation”. However, similarly to the 2004 Order, the “not reasonably fit for human habitation” provision is covered by article 4(b) of the 2014

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Order, that accommodation is always unsuitable if it is “not suitable for occupation by children”. There is therefore no need to make further provision in this respect.

2.5 This policy contributes to the Scottish Government’s work on alleviating and tackling homelessness. The policy contributes to the following National Outcomes:

- Our children have the best start in life and are ready to succeed
- We have improved the life chances for children, young people and families at risk.

The Scope of the EQIA

3.1 The Scottish Government carried out a consultation exercise with key partners which ran from 25 June until 9 July 2014. As part of the process, stakeholders were invited to consider the impact of the policy on Equalities groups. No negative impacts were identified through this part of the consultation. Some potential positive impacts were identified for some of the protected groups. For these reasons, no changes were made to the policy as a result of the consultation.

3.2 As above, neither the consultation exercise nor the equality framing exercise identified any potential negative impacts on any of the protected groups or risk of those in the protected groups being treated less favourably due to any of the protected characteristics.

Key Findings

4.1 Consultation respondents were overwhelmingly supportive of the "not wind and watertight" clarification.

4.2 Respondents felt that the clarification to the Order would protect pregnant women from being placed in temporary accommodation which is in poor condition. The same positive impact will be felt by homeless families with children. It was also felt that it would improve health outcomes for these groups, and would ensure a level of consistency for the provision of temporary accommodation across equality groups. No negative impacts were identified.

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Recommendations and Conclusion

5.1 No significant equalities impacts were identified within the EQIA and the process did not identify any potential negative impacts on any of the protected groups. Some potential positive impacts on these groups were identified through the consultation and equality framing exercise.

5.2 The Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2004 should be replaced with the 2014 Order which will state expressly that accommodation is unsuitable if it is "not wind and watertight" and other revisions as agreed with stakeholders. Local authorities currently demonstrate good practice in providing suitable accommodation for homeless applicants. However, the 2014 Order will further strengthen the rights to the provision of suitable accommodation for the above groups.