

## EQUALITY IMPACT ASSESSMENT RECORD

<b>Title of policy/ practice/ strategy/ legislation etc.</b>	<b>Amendment to The Homeless Persons (Unsuitable Accommodation)(Scotland) Amendment Order 2020</b>	
<b>Minister</b>	<b>Kevin Stewart</b>	
<b>Lead official</b>	<b>Myra Quinn</b>	
<b>Officials involved in the EQIA</b>	<b>name</b>	<b>team</b>
	<b>Graham Thomson</b>	<b>Homelessness team</b>
<b>Directorate: Division: Team</b>	<b>Directorate for Housing and Social Justice: Better Homes Division: Homelessness Team</b>	
<b>Is this new policy or revision to an existing policy?</b>	<b>Amendment to existing legislation</b>	

### Screening

#### *Policy Aim*

The aim of the policy is to extend the seven day restriction on time spent in unsuitable accommodation to all people experiencing homelessness.

The Programme for Government announced by the First Minister on 5 September 2017 set out a new commitment to eradicate rough sleeping, transform the use of temporary accommodation in Scotland and end homelessness. Ministers subsequently established the Homelessness and Rough Sleeping Action Group (HARSAG) to make recommendations on how these transformational changes could be achieved.

In June 2018, HARSAG completed their work, producing a comprehensive set of recommendations aiming to secure strategic changes at both national and local level which would help support delivery on the front-line. In November 2018, the Scottish

Government and COSLA published the Ending Homelessness Together High Level Action Plan which sets out the actions we will take in partnership with others to act on the HARSAG recommendations and realise our shared ambitions to end rough sleeping and homelessness.

On 3 September 2019, the Scottish Government announced that it would legislate to extend the Unsuitable Accommodation Order to all homeless household this parliamentary year and that it will come into force in this parliamentary term. The extension means that the maximum number of days that local authorities can use unsuitable accommodation for any homeless person is 7 days.

### **Unsuitable Accommodation Order legislation**

The Homelessness etc (Scotland) Act 2003 included powers to limit the use of bed and breakfast (B&B) accommodation for families and children. This power was used to introduce the Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2004, which required local authorities to ensure that homeless households with children and pregnant women are not placed in unsuitable temporary accommodation unless exceptional circumstances apply.

In 2014, the Homeless Persons (Unsuitable Accommodation) (Scotland) Order limited the time that local authorities could place homeless applicants that were pregnant or a household which includes dependent children in temporary accommodation that was unsuitable for no longer than 14 days, and only where the local authority had no suitable accommodation immediately available. This order replaced the 2004 Order. Unsuitable accommodation is defined in the order as accommodation which does not meet standards relating to physical properties of the accommodation, its proximity to health and education services and its suitability to be used by children. Consequently the use of B&Bs for such households is deemed unreasonable.

The Homeless Persons (Unsuitable Accommodation) (Scotland) Amendment Order 2017 reduced the maximum time spent in unsuitable accommodation from 14 days to 7 days for the same group i.e. pregnant applicants and households with dependent children, but there is no definition of unsuitable accommodation for

any other groups, and therefore no limit on the time other groups can spend in unsuitable accommodation.

The definition of what constitutes unsuitable for pregnant applicants and households with dependent children refers to the location of the accommodation, the quality of the accommodation and the facilities that are available there.

A property would be deemed as unsuitable if it was located:

- Out with the area of the local authority;
- Away from facilities and services for the purposes of health and education which would be used by the household members;

A property would also be deemed as unsuitable if it:

- Was not wind and watertight;
- Was unsuitable for occupation by children;
- Lacked adequate toilet and personal washing facilities for the exclusive use of the household;
- Lacked adequate bedrooms for the exclusive use of the household;
- Lacked adequate cooking facilities and use of a living room; or
- Was not usable by the household for 24 hours a day.

There are exemptions where the Unsuitable Accommodation Order does not apply:

- Where the household has become homeless as a result of an emergency, such as flood, fire or disaster; or
- Where a household has been offered alternative accommodation but wishes to stay in 'unsuitable' accommodation; or
- Where the accommodation is for a women's refuge or is local authority supported accommodation which provides services to a household for the purposes of health, child care or family welfare.

The exemptions for refuges and local authority supported accommodation exist to ensure that a barrier does not occur that may prevent a household accessing emergency accommodation when fleeing domestic abuse.

HARSAG recommended that the 7 day restriction of time spent in unsuitable temporary accommodation should be extended to all homeless people.

***Who will it affect?***

The introduction of the extension of the 7 day restriction of time spent in unsuitable temporary accommodation to all homeless people will mean that the maximum number of days that local authorities can use unsuitable accommodation for any homeless person will be reduced.

***What might prevent the desired outcomes being achieved?***

Under the current Homeless Persons (Unsuitable Accommodation) (Scotland) Amendment Order 2017 local authorities have a duty to ensure that homeless pregnant applicants and households with dependent children do not stay in unsuitable temporary accommodation for longer than 7 days and only where they do not have suitable accommodation to offer.

The homeless statistics for the period from 1 April 2018 to 31 March 2019 show that there were 620 placements involving a breach of the Homeless Persons Unsuitable Accommodation Order. This compares to 395 breaches during the previous year, although it is recognised that this increase was partly due to the 2017 Amendment Order which shortened the number of days that local authorities can use unsuitable accommodation.

Each of the 32 local authorities have completed Rapid Rehousing Transition Plans (RRTP) which set out how to redress the local balance of temporary and settled housing options and how local authorities and partners can support people into settled accommodation first and then help them with their longer term needs, initially over a 5-year planning cycle. Scotland's transition to a rapid rehousing approach represents significant culture and systems change in how we respond to homelessness and for the expectations of people affected by it.

Achieving the desired outcomes will be dependent upon the success of the RRTP implementation by local authorities, so that there is a reduction in the need for temporary accommodation in

the first place by reducing demand through effective prevention and re-housing, and improving outflow or move-on.

In relation to move-on SG has transformed access to affordable housing with record investment of more than £3.3 billion to support the delivery of the ambitious target of 50,000 affordable homes, including 35,000 for social rent, by 2021.

## **Stage 1: Framing**

### ***Results of framing exercise***

Engagement with stakeholders through the consultation on improving Temporary Accommodation standards.

The Scottish Government undertook engagement with stakeholders through a 12 week consultation from 22 May until 14 August 2019 on Improving Temporary Accommodation standards. The consultation sought views on the extension of the Unsuitable Accommodation Order, the production of a new set of standards for temporary accommodation and the introduction of a legally enforceable standards framework for temporary accommodation.

A total of 387 responses to the consultation were received, which included 65 direct responses with 24 from individual local authorities, 31 from organisations and 10 from individuals, 3 of whom had lived experience of homelessness. In addition, Crisis prepared and hosted a shortened version of the consultation on their website which generated a total of 322 responses, 26 of whom were from people with lived experience of homelessness.

Formal analysis of the consultation was undertaken and a final report produced. As a result of the consultation the majority of the responses expressed a preference that the use of unsuitable temporary accommodation should be limited to a maximum of 7 days for all homeless households. This means that the current UAO Order should be extended to all households presenting as homeless.

In regard to the date the UAO Order should be extended, respondents were split about whether the Order should be introduced as soon as possible or whether it should happen over a period of time or in line with the individual Rapid Rehousing Transition Plans. Most respondents indicated that they want the UAO to be implemented in the fastest possible way without offering any opinions on how or when this should be achieved.

As part of the Ending Homelessness Together Debate held on 29 November 2018, ministers agreed to support an amendment put forward by Graham Simpson MSP and supported by other parliamentary parties, which urged the Scottish Government to

announce legislation in its next Programme for Government to limit the time that a person has to spend in unsuitable temporary accommodation to no more than seven days. The consultation analysis provides data to support the amendment to extend the UAO.

***Extent/Level of EQIA required***

Based on the Risk and Impact Assessment matrix the level of EQIA required is low. This is after assessment using the criteria reflected below:

	Medium
<b>People</b>	Potential negative impacts identified that require mitigation. Evidence gaps meaning potential impact on certain group(s) not known.
<b>Evidence</b>	Some good evidence, but information gaps identified for some relevant protected characteristics that must be filled to assess impact, including consulting with people in those equality groups.
<b>Legal</b>	Not able to robustly demonstrate “due regard” – complaint possible.
<b>Reputation</b>	Potential negative publicity or negative impact on relations with stakeholders and communities.
<b>Action required to manage risk</b>	Make adjustments to policy to mitigate identified negative impacts, or have robust reasons for proceeding. Fill evidence gaps as far as is possible. Mitigating action and action plan to be completed and monitored

## Stage 2: Data and evidence gathering, involvement and consultation

Include here the results of your evidence gathering (including framing exercise), including qualitative and quantitative data and the source of that information, whether national statistics, surveys or consultations with relevant equality groups.

Characteristic <sup>1</sup>	Evidence gathered and Strength/quality of evidence	Source	Data gaps identified and action taken
<b>AGE</b>	<p>In 2018/2019 there were 6048 placements where B&amp;B was used for more than 7 days. Of this number –</p> <ul style="list-style-type: none"> <li>26% - aged under 26;</li> <li>73% - aged between 27 and 65; and</li> <li>1% - aged 66 and over.</li> </ul> <p>In 2018/2019 there were 21,551 households in temporary accommodation. The average number of days spent in temporary accommodation was -</p> <ul style="list-style-type: none"> <li>168 - aged 26 or younger;</li> <li>186 - aged between 27 and 65; and</li> <li>146 - aged 66 and over;</li> </ul> <p>In 2018/19 the Unsuitable Accommodation Order limiting the amount of time households with pregnant women or children can be placed in unsuitable accommodation to 7 days was breached 617 times. People experiencing breaches were -</p>	Scottish Government HL1 statistics.	Data availability around age is strong.

<sup>1</sup> Refer to Definitions of Protected Characteristics document for information on the characteristics



<b>DISABILITY</b>	24% - 26 or younger; 76% - 27-65.	Scottish Government does not collect data regarding disabilities from people placed in B&B for more than 7 days.	No evidence gathered.	<p>No comprehensive and accurate data is available.</p> <p>Since we do not gather data we are not yet sure of the direct/indirect impact of this policy on this characteristic.</p> <p>However, we aim to keep it under review and work with analysts to change the information captured by the housing/homelessness returns by local authorities to look to include data on the characteristics that are absent at the moment but when included will provide a clearer picture on how they are affected and represented in the homelessness sector and ensure we have considered disabled people needs fully.</p> <p>We will seek to engage with organisations representing</p>
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			<p>disabled people to establish what their concerns are, and will then use that information to review and revise as necessary our policy, with this stakeholder intelligence sitting alongside information developed by analysts.</p>
<p><b>SEX</b></p>	<p>In 2018/2019 out of the 6048 placements where B&amp;B was used for more than 7 days there were:  63% = single males;  16% = single females;  2% = single male parent;  7% = single female parent;  The remaining 12% relates to couples and couples with children.</p> <p>Statistics indicate that the highest % of placements in B&amp;B were single males.</p> <p>In 2018/2019 there were 21,551 households in temporary accommodation. The average number of days spent in temporary accommodation was -  167 – single male;  192 – single male parent;  162 – single female;</p>	<p>Scottish Government HL1 statistics.</p>	<p>Data availability around sex is strong.</p>

<p><b>PREGNANCY AND MATERNITY</b></p>	<p>208 – single female parent;</p> <p>In 2018/19 the Unsuited Accommodation Order limiting the amount of time households with pregnant women or children can be placed in unsuitable accommodation to 7 days was breached 617 times. Of those experiencing breaches -</p> <ul style="list-style-type: none"> <li>4% - single pregnant woman;</li> <li>2% - couple with pregnant woman;</li> <li>5% - single male parent;</li> <li>56% - single female parent;</li> <li>26% - couple with children;</li> <li>7% - other with children.</li> </ul> <p>Other is likely to include formal or informal kinship care arrangements, such as children living with older siblings or grandparents.</p>	<p>Scottish Government HL1 statistics.</p>	<p>Data availability is strong for this characteristic.</p>
<p><b>GENDER REASSIGNMENT</b></p>	<p>Scottish Government does not collect data regarding the gender reassignment status of people placed in B&amp;B for more than 7 days.</p> <p>The Registrar General for Scotland maintains a Gender Recognition Register in which the birth of a transgender person whose acquired gender has been legally recognised is registered showing any new name(s) and the acquired gender. This enables the transgender person to apply to</p>	<p>No evidence gathered.</p>	<p>No comprehensive and accurate data is available.</p> <p>At the moment we do not gather data on this characteristic and so we are not yet sure of the direct/indirect impact of this policy on this characteristic.</p> <p>We do aim to keep it under</p>

	<p>the Registrar General for Scotland for a new birth certificate showing the new name(s) and the acquired gender. In 2014, there were 16 entries in the Gender Recognition Register, the same number as in 2013. The Gender Recognition Register is not open to public scrutiny.</p>		<p>review and work with analysts to change the information captured by the housing/homelessness returns by local authorities to look to include data on the characteristics that are absent at the moment but when included will provide a better view on how they are affected and represented in the homelessness sector and ensure we have considered this characteristic fully.</p> <p>We will seek to engage with organisations representing this characteristic to establish what their concerns are, and will then use that information to review and revise as necessary our policy, with this stakeholder intelligence sitting alongside information developed by analysts.</p>
<b>SEXUAL</b>	Scottish Government does not collect data	No evidence	No comprehensive and

<p><b>ORIENTATION</b></p>	<p>regarding the sexual orientation of people placed in B&amp;B for more than 7 days.</p>	<p>gathered.</p>	<p>accurate data is available.</p> <p>At the moment we do not gather data on this characteristic and so we are unable to determine what the direct/indirect impact of this policy may be on this characteristic.</p> <p>We do aim to keep it under review and work with analysts to change the information captured by the housing/homelessness returns by local authorities to look to include data on the characteristics that are absent at the moment but when included will provide a better view on how they are affected and represented in the homelessness sector and ensure we have considered this characteristic fully.</p> <p>We will seek to engage with organisations representing</p>
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			<p>this characteristic to establish what their concerns are, and will then use that information to review and revise as necessary our policy, with this stakeholder intelligence sitting alongside information developed by analysts.</p>
<p><b>RACE</b></p>	<p>In 2018/2019 out of the 6048 placements where B&amp;B was used for more than 7 days there were:        84% = White;        4% = African;        2% = Caribbean or Black;        2% = Asian, Asian Scottish or Asian British;        1% = mixed or multiple ethnic groups;        4% = other ethnic group;        3% = not known or refused;</p> <p>In 2018/19 the Unsuited Accommodation Order limiting the amount of time households with pregnant women or children can be placed in unsuitable accommodation to 7 days was breached 617 times. Of those experiencing breaches -        74% - White;        7% - African;</p>	<p>Scottish Government HL1 statistics</p>	<p>By comparison 95% of the Scottish population are of white ethnicity.</p>

	<p>4% - Caribbean or Black;  9% - Asian, Asian Scottish or Asian British;  1% - mixed or multiple ethnic groups;  4% other ethnic group;  1% not known or refused.</p>		
<p><b>RELIGION OR BELIEF</b></p>	<p>Scottish Government does not collect data regarding the religion or beliefs held by people placed in B&amp;B for more than 7 days.</p>	<p>No evidence gathered.</p>	<p>No comprehensive and accurate data is available.</p> <p>Currently we do not gather data on this characteristic and so we are unable to determine what the direct/indirect impact of this policy may be on this characteristic.</p> <p>We do aim to keep it under review and work with analysts to change the information captured by the housing/homelessness returns by local authorities to look to include data on the characteristics that are absent at the moment but when included will provide a better view on how they are</p>

<p><b>MARRIAGE AND CIVIL PARTNERSHIP</b> (the Scottish Government does not require assessment against this protected characteristic unless the policy or practice relates to work, for example HR policies</p>			<p>affected and represented in the homelessness sector and ensure we have considered this characteristic fully.</p> <p>We will seek to engage with organisations representing this characteristic to establish what their concerns are, and will then use that information to review and revise as necessary our policy, with this stakeholder intelligence sitting alongside information developed by analysts.</p>
<p><b>MARRIAGE AND CIVIL PARTNERSHIP</b> (the Scottish Government does not require assessment against this protected characteristic unless the policy or practice relates to work, for example HR policies</p>	<p>Scottish Government does not collect data regarding the marriage or civil partnership status of people placed in B&amp;B for more than 7 days.</p>	<p>No evidence gathered.</p>	<p>No comprehensive and accurate data is available.</p> <p>At the moment we do not gather data on this characteristic and so we are unable to determine what the direct/indirect impact of this policy may be on this characteristic.</p>



and practices - refer to Definitions of Protected Characteristics document for details)

We aim to keep it under review and work with analysts to change the information captured by the housing/homelessness returns by local authorities to look to include data on the characteristics that are absent at the moment but when included will provide a better view on how they are affected and represented in the homelessness sector and ensure we have considered this characteristic fully.

We will seek to engage with organisations representing this characteristic to establish what their concerns are, and will then use that information to review and revise as necessary our policy, with this stakeholder intelligence sitting alongside information developed by analysts.

### Stage 3: Assessing the impacts and identifying opportunities to promote equality

Having considered the data and evidence you have gathered, this section requires you to consider the potential impacts – negative and positive – that your policy might have on each of the protected characteristics. It is important to remember the duty is also a positive one – that we must explore whether the policy offers the opportunity to promote equality and/or foster good relations.

#### Do you think that the policy impacts on people because of their age?

Age	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			x	The policy development is primarily to eliminate the current distinction where a 7 day restriction on the time spent in unsuitable accommodation only applies to pregnant women and families with children who are homeless. Opening the restriction from this cohort to all homeless households will mean that the age profile will change from the current UAO focus on younger people who are specifically targeted as a priority group under the 2014 Order.
Advancing equality of opportunity			x	This policy development aims to offer equal opportunity to all people presenting as homeless and opens the 7 day restriction up to all. An exemption to the order has been included for community hosting. This model is used more frequently at the moment for young, single people, however, the Scottish Government wishes to see this model being used, where it is appropriate to do so, for a wider age demographic.

Promoting good relations among and between different age groups				x	The policy is not intended or expected to directly or indirectly impact on the interactions among and between different age groups.
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**Do you think that the policy impacts disabled people?**

<b>Disability</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			x	This policy development aims to eliminate discrimination as it will open the 7 day restriction of time spent in unsuitable accommodation to all persons experiencing homelessness.
Advancing equality of opportunity			x	This policy development aims to offer equal opportunity to all people presenting as homeless and opens the 7 day restriction up to all. An exemption does exist for supported accommodation, some of the users of which are those with physical disabilities and learning difficulties, however the policy aims to ensure that there is equality of access to suitable temporary and supported accommodation for all.
Promoting good relations among and between disabled and non-disabled people			x	The policy is not intended or expected to directly or indirectly impact on the interactions among and between people with and without disabilities.

### Do you think that the policy impacts on men and women in different ways?

Sex	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			x	<p>This policy development aims to eliminate discrimination as it will open the 7 day restriction of time spent in unsuitable accommodation to all persons experiencing homelessness.</p> <p>Men and women do experience homelessness in different ways, including the reasons for becoming homeless in the first place.</p> <p>For female main applicants, the most common reason for making a homelessness application is a violent or abusive dispute within the household, this accounts for 22% of all applications from female main applicants and compares to 5% of applications from male main applicants. This amendment to the Order retains an exemption for refugees, allowing women the ability to flee from domestic violence as a top priority.</p> <p>The statistics show that the current UAO positively discriminates in favour of women, which is expected as the current Order deliberately prioritises pregnant women. Additionally, placements of single mothers with children are common than placements with single fathers.</p> <p>The data also shows us that single males are more likely to be placed in B&amp;Bs or hostels than any other group and men are most likely to be sleeping rough. An exemption is included to the Order for rapid access accommodation where the priority is to get the rough sleeper off the street</p>

					and help provide support.
Advancing equality of opportunity				x	This policy development aims to offer equal opportunity to all people presenting as homeless and opens the 7 day restriction up to all.
Promoting good relations between men and women				x	The policy is not intended or expected to directly or indirectly impact on the interactions among and between different genders.

**Do you think that the policy impacts on women because of pregnancy and maternity?**

<b>Pregnancy and Maternity</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination			x	This policy development aims to offer equal opportunity to all people presenting as homeless and opens the 7 day restriction up to all. This may remove the former positive discrimination that only applied to women who are pregnant and families with children under the current UAO.
Advancing equality of opportunity			x	This policy development aims to offer equal opportunity to all people presenting as homeless and opens the 7 day restriction up to all, which currently already applies to women who are pregnant and families with children.
Promoting good relations			x	The policy is not intended or expected to directly or indirectly impact on the interactions among and between people with different pregnancy or maternity statuses.

**Do you think your policy impacts on transgender people?**

<b>Gender reassignment</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination			x	This policy development aims to eliminate discrimination as it will open the 7 day restriction of time spent in unsuitable accommodation to all persons experiencing homelessness.
Advancing equality of opportunity			x	This policy development aims to offer equal opportunity to all people presenting as homeless and opens the 7 day restriction up to all.
Promoting good relations			x	The policy is not intended or expected to directly or indirectly impact on the interactions among and between cisgender and transgender people.

**Do you think that the policy impacts on people because of their sexual orientation?**

<b>Sexual orientation</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination			x	This policy development aims to eliminate discrimination as it will open the 7 day restriction of time spent in unsuitable accommodation to all persons experiencing homelessness.
Advancing equality of opportunity			x	This policy development aims to offer equal opportunity to all people presenting as homeless and opens the 7 day restriction up to all.
Promoting good relations			x	The policy is not intended or expected to directly or indirectly impact on the interactions among and between people with different sexual orientations.

**Do you think the policy impacts on people on the grounds of their race?**

<b>Race</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination			x	<p>This policy development aims to eliminate discrimination as it will open the 7 day restriction of time spent in unsuitable accommodation to all persons experiencing homelessness, regardless of race.</p> <p>During 2018/19, 88% of main applicants were of White ethnicity (76% were of White Scottish ethnicity). By comparison 95% of the Scottish population are of white ethnicity (77% White Scottish)</p> <p>Under the current UAO, the data shows that the highest percentage of people staying in unsuitable accommodation identifies as white ethnicity and making up 74% of all those placed in unsuitable accommodation for more than 7 days.</p>
Advancing equality of opportunity			x	<p>This policy development aims to offer equal opportunity to all people presenting as homeless and opens the 7 day restriction up to all.</p>
Promoting good race relations			x	<p>The policy is not intended or expected to directly or indirectly impact on the interactions among and between different ethnicities.</p>

**Do you think the policy impacts on people because of their religion or belief?**

<b>Religion or belief</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination			x	This policy development aims to eliminate discrimination as it will open the 7 day restriction of time spent in unsuitable accommodation to all persons experiencing homelessness.
Advancing equality of opportunity			x	This policy development aims to offer equal opportunity to all people presenting as homeless and opens the 7 day restriction up to all.
Promoting good relations			x	The policy is not intended or expected to directly or indirectly impact on the interactions among and between people with different religions and beliefs.

**Do you think the policy impacts on people because of their marriage or civil partnership?**

<b>Marriage and</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
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<p><b>Civil Partnership<sup>2</sup></b> Eliminating unlawful discrimination</p>			x	<p>This policy development aims to eliminate discrimination as it offer equal opportunity to all people presenting as homeless and opens the 7 day restriction of time spent in unsuitable accommodation to all.</p>
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<sup>2</sup> In respect of this protected characteristic, a body subject to the Public Sector Equality Duty (which includes Scottish Government) only needs to comply with the first need of the duty (to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010) and only in relation to work. This is because the parts of the Act covering services and public functions, premises, education etc. do not apply to that protected characteristic. Equality impact assessment within the Scottish Government does not require assessment against the protected characteristic of Marriage and Civil Partnership unless the policy or practice relates to work, for example HR policies and practices.

## Stage 4: Decision making and monitoring

### *Identifying and establishing any required mitigating action*

<p>Have positive or negative impacts been identified for any of the equality groups?</p>	<p>This policy is intended to give equality of opportunity to all groups by extending the seven day restriction on unsuitable accommodation from pregnant women and families with children to all. This aims to have a positive impact on all groups by limiting the time local authorities can place them in unsuitable accommodation, however for pregnant women and families with children who were given priority for suitable housing prior to this policy, the increased demand on suitable housing this policy may have a negative impact for this group if the policy intentions cannot be realised by local authorities due to funding pressures, housing shortages and other realistic barriers to the policy being fully implemented in all local authorities.</p>
<p>Is the policy directly or indirectly discriminatory under the Equality Act 2010<sup>3</sup>?</p>	<p>The policy aim is not to directly discriminate any group with a protected characteristic.</p> <p>The policy will be applied to everyone in the same way which may potentially disadvantage pregnant women and families with children by removing the priority given to this group however this is not indirect discrimination due to the intentions of the policy which aims to provide better legislative protection for suitable accommodation to all. The group this duty already applies to may only be negatively impacted if the policy is not fully</p>

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<sup>3</sup> See EQIA – Setting the Scene for further information on the legislation.

	realised by local authorities.
If the policy is indirectly discriminatory, how is it justified under the relevant legislation?	Not Applicable
If not justified, what mitigating action will be undertaken?	<p>The policy may only have a negative impact for pregnant women and families with children if the policy is not fully implemented for all.</p> <p>It is recognised that this may happen in some local authorities due to funding pressures or shortages of housing that full compliance of the UAO extension within the timescale may be difficult.</p> <p>To mitigate against this the Scottish Government will work with local authorities to help them overcome any barriers they face and ensure they do not breach the Order. Part of this role will be to develop guidance, to consider options and learn of good practices in the sector and share these with local authorities to help bring about this change that will benefit all those at risk of homelessness.</p>

***Describing how Equality Impact analysis has shaped the policy making process***

The Equality Impact analysis has shown that the extension of the UAO is beneficial to all homeless households as the policy to be introduced will affect the maximum number of days that local authorities can use unsuitable accommodation for any homeless person will be reduced to 7 days and therefore there is no need for policy changes to be made.

It is recognised that for some local authorities there will be pressures in the local housing market that will mean they it may be difficult to achieve full compliance to meet the maximum 7 day restriction that homeless households can be placed in unsuitable accommodation. In these special cases, SG will seek to agree specific solutions that recognise the challenges as long as the local authority has set out clear plans to initiate the transformational change required to ensure compliance as quickly as possible. SG will work closely with these authorities to help bring about this change that will benefit all those at risk of homelessness.

It may be the case that local authorities will ask for flexibility in the approach to breaches in the short term and for support and resource to be provided to them to help transition from the current use of B&B in some areas. However, the extension will also end the use of bed and breakfast as temporary accommodation – apart from in emergency situations, which will help to reduce the amount of money all local authorities spend on expensive B&B accommodation.

The EQIA aims to evidence that the UAO extension is beneficial for people and communities as the policy proposal will reduce the time that local authorities can use unsuitable accommodation for any homeless person.

### ***Monitoring and Review***

Statistical information is gathered throughout the year from local authorities and includes data on the number of breaches of the UAO by each local authority. This information is used by the Scottish Housing Regulator who monitors, assesses and reports on social landlords' performance, including how local authorities deliver homelessness services and how local authorities and RSLs work together to provide homes for people who need them.

Additionally, where breaches of the UAO occur the Minister writes to the relevant local authority and requests to meet with senior officials of the

local authorities who have the highest number of breaches to hear and discuss the plans that they have in place to address the issue and ensure that they do not breach the Order.

It is recognised that for some local authorities there are pressures that full compliance in the short term may be difficult. In these special cases, SG will seek to agree specific solutions that recognise the challenges as long as the local authorities clearly set out plans to initiate the transformational change required to ensure compliance as quickly as possible. SG will work closely with these authorities to help bring about this change that will benefit all those at risk of homelessness.

SG will continue to monitor the statistical information closely to identify local authorities that are having issues meeting the UAO legislation and continue to engage with them to address any non-compliance.

In addition we aim to work with analysts to change the information captured by the housing/homelessness returns by local authorities to look to include data on the characteristics that are currently absent. We will also seek to engage with organisations representing those characteristics to establish what their concerns are and then use that information to review and revise as necessary our policy, with this stakeholder intelligence sitting alongside information developed by analysts.

## **Stage 5 - Authorisation of EQIA**

Please confirm that:

- ◆ This Equality Impact Assessment has informed the development of this policy:

Yes  No

- ◆ Opportunities to promote equality in respect of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation have been considered, i.e.:
  - Eliminating unlawful discrimination, harassment, victimisation;
  - Removing or minimising any barriers and/or disadvantages;

- Taking steps which assist with promoting equality and meeting people's different needs;
- Encouraging participation (e.g. in public life)
- Fostering good relations, tackling prejudice and promoting understanding.

Yes  No

- ◆ If the Marriage and Civil Partnership protected characteristic applies to this policy, the Equality Impact Assessment has also assessed against the duty to eliminate unlawful discrimination, harassment and victimisation in respect of this protected characteristic:

Yes  No  Not applicable

## **Declaration**

**I am satisfied with the equality impact assessment that has been undertaken for the Homeless Persons (Unsuitable Accommodation) (Scotland) Amendment Order 2020 and give my authorisation for the results of this assessment to be published on the Scottish Government's website.**

**Name: Janine Kellett**

**Position: Unit Head, Homelessness, Better Homes Division**

**On behalf of DD Better Homes Division**

**Authorisation date: 4 May 2020**