

CRWIA – Stage 3

CRWIA for legislation

CRWIA title: The Homeless Persons (Unsuitable Accommodation) (Scotland) (No.2) Order 2020	
Executive summary	<p>The aim of the policy is to amend drafting issues of the 2020/139 Homeless Persons (Unsuitable Accommodation) (Scotland) Amendment Order 2020 (laid May 2020) which amended the Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014, to ensure that that no homeless household group is disadvantaged as a result.</p> <p>To ensure that new models of temporary accommodation, shared tenancies, community hosting and rapid access accommodation meet the relevant suitability criteria of Article 5 of the 2014 Order.</p> <p>Adding wording that states that the new models of accommodation are not suitable where the household includes:</p> <ul style="list-style-type: none"> • a pregnant woman; • a dependent child; • or a person who exercises parental rights in respect of a dependent child who is not part of the household; and • where the household has agreed to be placed in the accommodation. <p>Adding wording to ensure that the physical accessibility and suitability needs of vulnerable people are met.</p> <p>The aim of the policy is to extend the seven day restriction on time spent in unsuitable accommodation to all people experiencing homelessness.</p>
Background	<p>The Homeless Persons (Unsuitable Accommodation) (Scotland) Amendment Order 2020/139 was laid on 5 May 2020 and came into immediate effect. It extended the 2014 UAO immediately from pregnant women and children to all homeless households meaning that the maximum number of days local authorities can use accommodation such as B&Bs for any homeless person is seven days.</p> <p>It fulfils a PfG commitment that the order would come into effect this parliamentary term (by May 2021) to ensure people are provided with the highest quality accommodation to support them out of homelessness.</p> <p>The definition of unsuitable was extended and redefined slightly and now also refers to minimum safety standards, the need to be in the locality of employment and that accommodation is suitable for children to visit, where the household has access to non-resident children. It also corrected an anomaly that exempted only local authority owned supported accommodation by extending the</p>

	<p>exemption to accommodation owned and operated by third sector organisations.</p> <p>A series of exemptions were created to take account of accommodation models for different needs, including shared tenancies, community hosting and rapid access accommodation.</p> <p>Once the 2020/139 Order was laid, a local authority working group (WG) was set up to:</p> <ul style="list-style-type: none"> • take forward preparatory work in advance of the commencement of the permanent changes to the UAO; • establish what support can be provided to local authorities over the coming months in order to facilitate alternative accommodation options; and • support the preparation of non-statutory draft guidance to provide clarity around the application of the Order in practice and help to set the parameters that will ensure that in extending the Order to all homeless households that no group is disadvantaged as a result. <p>During the preparation of supporting guidance for the Order the local authority working group identified drafting errors in the 2020/139 Order. Feedback from stakeholders via an informal consultation confirmed the same errors. This legislation will amend those errors and also provide more clarity on the terms used in the Order to support local authorities in their duty to provide temporary accommodation.</p>
<p>Scope of the CRWIA, identifying the children and young people affected by the policy, and summarising the evidence base</p>	<p>This amendment does not change the scope of the extension of the Order 2020/139 which was laid in May 2020 and which changed the maximum number of days that local authorities can use unsuitable accommodation for any homeless person to seven days. This measure removed the priority given to pregnant women and families with children and expands to anyone presenting as homeless.</p> <p>Whilst this policy aims to extend the protection and give equality of opportunity to all people experiencing homeless it may affect children and young people up to 18 as some local authorities may struggle to comply with the proposed new policy in the short term due to factors including the availability of suitable housing. This may result in children remaining in unsuitable accommodation for more than seven days and causing increased breaches of the Order.</p>
<p>Children and young people's views and experiences</p>	<p>A public consultation ran from 22 May until 14 August 2019. This included questions for those with lived experience of homelessness and responses were received from households that included children. Stakeholders' responses to the consultation provided views that are relevant to the policy amendment being introduced.</p> <p>A local authority working group was created to oversee the development of guidance to support the implementation of the 2020/139 Order. During this process the Group identified that changes to the Order were needed to correct drafting issues.</p>

	<p>In addition the working group liaised with a wider group of homelessness stakeholders and an informal consultation was also undertaken on the draft guidance and SSI.</p> <p>The informal consultation performed in October 2020 saw organisations that have women and children at the centre of their policy provide helpful responses. Their comments contributed to the development of the amended legislation as well as adding clarity on the terms used in the supporting UAO guidance.</p>
<p>Key Findings, including an assessment of the impact on children’s rights, and how the measure will contribute to children’s wellbeing</p>	<p>Out of the 387 responses from the 2019 improving temporary accommodation standards consultation, only two considered that the UAO extension may have an indirect impact on families with children.</p> <p>Whilst this policy aims to extend the protection and give equality of opportunity to all people experiencing homeless it may affect children and young people up to 18 years old as some local authorities may struggle to comply with the Order in the short-term.</p> <p>Long term this will improve as each local authority has developed a rapid rehousing transition plan (RRTP) which seeks to reduce the time people spend in temporary accommodation. They set out how to redress the local balance of temporary and settled housing options to align with Scotland’s transition to a rapid rehousing approach for significant culture and systems change in how we respond to homelessness and for the expectations of people affected by it.</p> <p>As local authorities deliver their RRTPs, local authorities and partners can support people into settled accommodation first and then help them with their longer term needs. Rapid rehousing is about ensuring that people spend the shortest amount of time in temporary accommodation and are rehoused as soon as appropriate. The implementation of RRTPs will mean that unsuitable accommodation will no longer be needed such as B&Bs.</p> <p>The majority of consultation responses felt that the UAO extension would have a positive impact and would help to remove inequality amongst homeless households/groups.</p> <p>A positive impact of the policy is that the extension aims to end the use of expensive bed and breakfast as temporary accommodation, apart from in emergency situations, and this may lead to households being placed in settled accommodation sooner</p>
<p>Monitoring and review</p>	<p>Each local authority provides statistical information through its HL1 and HL3 returns, which includes the number of times that they have breached the current UAO restriction. The extension will continue to be monitored by the same method by the Scottish Housing Regulator.</p>

Bill - Clause	Aims of measure	Likely to impact on . . .	Compliance with UNCRC requirements	Contribution to local duties to safeguard, support and promote child wellbeing
<p>Amendment to the UAO extension 2020/139 to address drafting issues.</p>	<p>Amendment will rectify drafting issues of 2020/139 and provide greater clarity on the terms used in the Order.</p> <p>The amendment will not change the policy aims to extend the protection and give equality of opportunity to all people experiencing homeless</p>	<p>This policy may have both a negative and positive impact on children’s rights.</p> <p>A negative impact could occur through unintended consequences of extending the Unsuitable Accommodation Order (UAO).</p> <p>The UAO extension will mean that the current priority for families with dependent children and pregnant women will no longer be in place as anyone who is homeless will be treated the same.</p> <p>Some local authorities may have pressures due to the local housing market and it may be difficult for the local authority to achieve full compliance to meet the seven day restriction for all homeless households.</p> <p>This could put children at risk of not meeting their right to a standard of living that is good enough to meet their</p>	<p>All UNCRC rights are underpinned by the four general principles: Non-discrimination, best interest of the child, right to life survival and development and right to be heard.</p> <p>The relevant Articles of the UNCRC that link to the policy are 3, 4, 19, 23, 24, 27, 33, 34, 35, 36, and 39.</p>	<p>The long term policy implementation implications will mean that all people who are homeless will not be in unsuitable accommodation for more than seven days and will move to settled accommodation quicker. These aims mean that the policy will contribute to the wellbeing of children and young people in Scotland.</p>

		<p>physical and social needs and support their development. If placed in unsuitable accommodation for more than seven days this may not allow children the right to rest and leisure and to engage in play and recreational activities as access to this would depend on whether the accommodation is safe and has space for children to play.</p> <p>A positive impact of the policy is that the extension will end the use of bed and breakfast as temporary accommodation, apart from in emergency situations, and this may lead to households being placed in settled accommodation sooner.</p>		
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CRWIA Declaration

Authorisation

Policy lead

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Better Homes Division

Date

8 December 2020

Deputy Director or equivalent

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Division

On behalf of
Catriona MacKean
DD Better Homes Division

Date

8 December 2020