

## FAIRER SCOTLAND DUTY - ASSESSMENT TEMPLATE

<b>Title of policy/ practice/ strategy/ legislation etc.</b>	<b>The Homeless Persons (Unsuitable Accommodation) (Scotland) Amendment (No. 2) Order 2020.</b>
<b>Lead Minister</b>	<b>Minister for Local Government, Housing and Planning</b>
<b>Lead official</b>	<b>Myra Quinn</b>
<b>Directorate</b>  <b>Division</b>  <b>Team</b>	<b>Directorate for Housing and Social Justice</b>  <b>DHSJ: Better Homes</b>  <b>BET: Housing Support and Homelessness Unit</b>

## **STAGE 1 – PLANNING**

**Please answer the questions below to help with your planning.**

### **1. What is the aim of your policy/strategy/plan?**

The aim of the policy is to amend drafting issues of the 2020/139 Homeless Persons (Unsuitable Accommodation) (Scotland) Amendment Order 2020 which amended the Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014, to ensure that that no homeless household group is disadvantaged as a result.

To ensure that new models of temporary accommodation, shared tenancies, community hosting and rapid access accommodation must meet the relevant suitability criteria of Article 5 of the 2014 Order.

Adding wording that states that the new models of accommodation are not suitable where the household includes:

- 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.

Adding wording to ensure that the physical accessibility and suitability needs of vulnerable people are met.

### **Who will it affect (particular groups/businesses/geographies etc)?**

The amendments will affect all groups as local authorities will need to ensure that temporary accommodation is suitable and accessible for the needs of the homeless household.

### **What main outcomes do you expect the policy/strategy/plan to deliver?**

The amendments aim to ensure that local authorities do not place anyone in unsuitable temporary accommodation for more than seven days.

### **2. What is your timeframe for completing the Fairer Scotland assessment?**

8 December 2020

**3. Who else in the organisation will be involved in the assessment and what roles will they be playing? We'd expect involvement from policy and analytical teams as a minimum. It is rarely appropriate for one person to conduct the assessment alone.**

Homelessness Policy team and analytical team have been involved in the assessment process.

The analytical team has provided statistical information for the period 1 April 2019 until 31 March 2020, including data on the number of homeless people who have spent more than seven days in unsuitable accommodation.

The data includes the average number of days spent in temporary accommodation by type which showed that hostels and bed and breakfast (B&B) accommodation was still being used in Scotland for more than seven days. Homeless households made up of single males accounted for the longest stay in B&B accommodation.

## **STAGE 2 - EVIDENCE**

**Please answer the questions below to help meet the duty's evidence requirements.**

**4. What does the evidence suggest about existing inequalities of outcome, caused by socio-economic disadvantage, in this specific policy area?**

People who experience homelessness are more likely to have a low income so will have very limited access to accommodation in the private rented sector due to the high rent costs and need help from local authorities to access affordable social housing.

**5. What does the evidence suggest about any possible impacts of the policy/programme/decision, as currently planned, on those inequalities of outcome?**

The aim of the UAO extension laid in May was to reduce inequality as legislation only prevented pregnant women or families with dependent children from remaining in unsuitable temporary accommodation for more than seven days and there was no time limit on the number of days for any other homeless household group.

As the UAO was extended to all homeless households, the 2020/139 Order made provision for accommodating the needs of the various homeless groups and included other models of temporary accommodation considered suitable for specific types of homeless households.

After the UAO extension was laid, issues around the drafting of some of the Articles of the 2020/139 Order and the connection between definitions of suitability of accommodation and when exemptions should apply were identified.

The amendment provides more clarity on the new models of temporary accommodation and the relevant suitability criteria they must meet. The amendment also states that this accommodation is not suitable where the household includes a pregnant woman, a family with dependent child, or a person who exercises parental rights in respect of a dependent child who is not part of the household.

The amendment also adds that a household must agree to be placed in the accommodation and that local authorities need to ensure that the physical accessibility and suitability needs of vulnerable people are met.

The long term policy implementation implications will mean that all people who are homeless should not be in unsuitable accommodation for more than seven days and should move to settled accommodation quicker. This means that the policy aims to contribute to the wellbeing of all homeless people in Scotland.

**6. Is there any evidence that suggests alternative approaches to the policy/programme/decision? E.g. Evidence from around the UK? International evidence?**

No

**7. What key evidence gaps are there? Is it possible to collect new evidence quickly in areas where we don't currently have any? For example, through consultation meetings, focus groups or surveys?**

Not required.

**8. How could you involve communities of interest (including those with lived experience of poverty and disadvantage) in this process? The voices of people and communities are likely to be important in identifying any potential improvements to the programme/policy/decision.**

We have already involved those with lived experience via the informal consultation on the draft supporting guidance and legislation and gathered information from the responses received.

## STAGE 3 – ASSESSMENT AND IMPROVEMENT

The key questions to answer at this stage are:

### **9. What options could strengthen this programme/policy/decision in terms of its impacts on inequalities of outcome?**

It is clear that the implementation of the UAO extension was the only option to reduce inequalities that occurred under the previous order. The impact of this policy should level the playing field so that any homeless person should not remain in unsuitable accommodation for longer than seven days.

This amendment clarifies and strengthens the legislation laid in May 2020.

### **10. What are the pros and cons of these options?**

Not applicable

### **11. How could the programme/policy/decision be adjusted to address inequalities associated with particular groups? Particular communities of interest or communities of place who are more at risk of inequalities of outcome?**

Although the policy to extend the UAO was to address the inequalities for those currently not included under the seven day restriction i.e. everyone apart from pregnant women and families with dependent children, this amendment provides more clarity to ensure that the Order is not misinterpreted so that accommodation is suitable and means that no homeless household will stay in temporary accommodation that is of a poor standard.

In addition, this amendment adjusts the legislation to ensure that local authorities do not place a household that includes 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, in accommodation used for community hosting, rapid access and shared tenancy.

This amendment also recognises that local authorities need to ensure that the physical accessibility and suitability needs of vulnerable people are met to contribute to the wellbeing of the household.

## **STAGE 4 - DECISION**

**Key questions to discuss at this summary stage are:**

**12. What changes, if any, will be made to the proposal as a result of the assessment? Why are these changes being made and what are the expected outcomes?**

The purpose of this amendment is to provide clarity and avoid misinterpretation of the legislation laid in May 2020 so that no homeless household is placed in unsuitable temporary accommodation for more than seven days.

**13. If no changes are proposed, please explain why.**

This amendment is being made to remedy the drafting issues of the legislation 2020/139 laid in May 2020.

<b>Sign off of the Fairer Scotland Assessment template</b>	<b>Name: Janine Kellett Unit Head, Homelessness, Better Homes Division</b>  <b>On behalf of Job title: Catriona MacKean, DD Better Homes Division</b>  <b>8 December 2020</b>
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