

Local Connection & Intentionality Consultation Response

1. **Commencing the local connection provisions in the Homelessness etc. (Scotland) Act allows Scottish Ministers to modify referrals relating to local connection. The HARSAG has recommended that referrals should be suspended between all local authorities for all groups. Do you think we should:**

- **Suspend all local connection referrals**
- **Modify local connection referrals in another way (please give details)**
- **Not commence these provisions i.e. do nothing**

Angus Council believes local connection referrals should be modified in another way, not suspended all together, to allow referrals to continue to be made for applicants, led by their request, to return to an area or move to another area. Maximising choice is likely to lead to better outcomes and avoid repeat homelessness. This will also help to avoid situations where someone is rehoused within the area they present as homeless to but have no support network and will also avoid people being forced to close their application and present elsewhere, with no planning or notice.

2. **Please tell us about any potential impacts of suspending referrals relating to local connection for people who are homeless or at risk of homelessness. Please include any positive or negative impacts.**

We are particularly interested in your views on the potential impacts for the following:

- (i) People with multiple and complex needs....**
- (ii) Families with children....**
- (iii) Other disadvantaged households/groups, including those experiencing poverty and/or material deprivation....**
- (iv) Local authorities and partner organisations....**
- (v) Business or third sector organisations...**
- (vi) People experiencing domestic abuse...**
- (vii) Others....**

For people with multiple and complex needs, suspending referrals may lead to issues accessing adequate support which may, in turn, impact on tenancy sustainment – Health & Social Care Partnerships apply local connection criteria meaning people might have difficulties accessing assessment and support services if they do not have a local connection. There may also be difficulties caused by the lack of available specialist support services, particularly in rural authorities.

If local connection is no longer applied, this could potentially result in an increase in homeless presentations to Angus. An increase in demand will have an impact on waiting times for homeless and other waiting list applicants.

Suspending referrals may also impact negatively on people fleeing abuse if they are unable to be referred to another local authority. This may lead to people presenting in crisis to another local authority. Allowing referrals to be made in these circumstances ensure these can be managed by the housing service in a planned way, and ensures suitable housing and support can be identified.

There could be a potential impact on schools, particularly if families with children with additional support needs move to a local authority where specialist educational provision resources are not available or at capacity.

3. **We propose monitoring the impact of any changes to the local connection legislation through continued collection and analysis of HL1 data. Please give us your views on this.**

We agree that this is required so the impact of any changes can be adequately monitored. However, the requirement to continue to assess, investigate and record local connection as part of the homeless assessment would need to be made clear in any guidance published.

4. **Commencing the intentionality provisions in the Homelessness etc. (Scotland) Act 2003 leads to giving authorities a discretion, rather than a duty, as to whether to investigate whether or not a household is intentionally homeless. Do you think we should:**

- **Remove the duty on local authorities to assess households for intentionality**
- **Not remove the duty on local authorities to assess households for intentionality**

Please explain your answer.

There are arguments for and against each. Removing the duty on local authorities to assess for intentionality will free up the staff resource required to investigate intentionality and will enable resources to be redirected into prevention work and helping households to source suitable housing options. Removing the duty to assess for intentionality will also ensure that everyone who is homeless can access secure accommodation.

However there is a risk that by removing the duty, there will be inconsistencies between local authorities. There is also an argument that in areas where availability of social housing is under pressure, priority should be given to those who are unintentionally homeless.

Scottish Government support to remove barriers accessing the private rented sector (e.g. refusal from certain landlords / agents to consider people in receipt of benefits) will help to improve access to the private sector accommodation and this, in turn, would help to ensure everyone who was homeless could be offered housing.

5. **Please tell us about any potential impacts for people who are homeless or at risk of homelessness, of commencing the intentionality provisions in the Homelessness etc. (Scotland) Act 2003. Please include any positive or negative impacts.**

We are particularly interested in your views on the potential impacts for the following:

- (i) **People with multiple and complex needs....**
- (ii) **Families with children....**
- (iii) **Other disadvantaged households/groups, including those experiencing poverty and/or material deprivation....**
- (iv) **Local authorities and partner organisations....**
- (v) **Business or third sector organisations...**
- (vi) **People experiencing domestic abuse...**
- (vii) **Others....**

There will be positive impacts for any intentionally homeless household if, once rehoused, issues leading to their homelessness do not reoccur and the cycle is broken. As stated above, removing the duty on local authorities to assess for intentionality will free up the staff resource required to investigate intentionality and will enable resources to be refocused on the needs of the household.

However there may be negative impacts on unintentional homeless households who may have longer waiting times. Introducing a discretion to assess for intentionality may lead to discrimination or profiling, there is a risk this could be applied to those who are viewed as 'undeserving'. There is also a risk that commencing the intentionality provisions could potentially act as a perverse incentive for people to give up accommodation before sourcing alternative suitable housing. This may have a negative impact on landlords in both the private and social rented sector.

6. Please detail any potential costs that maybe incurred should the local connection and intentionality provisions be commenced.

There will be costs incurred by changing system specifications to meet changes in recording and reporting requirements. There might also be an increase in demand in some areas, particularly urban areas, resulting in an increased need for housing and support which will mean increased resource requirements.

There may also be an increase in rent arrears across the social and private sectors if there is the risk of intentionality is no longer a deterrent to people facing eviction action.

7. HARSAG recommended narrowing the definition of intentionality to focus only on instances of deliberate manipulation. Please provide your initial views on the advantages and disadvantages of amending the definition. As noted in section 2 we intend to carry out further work on this at a later date and your initial thoughts will help inform this.

There is a requirement for a wider definition of 'deliberate manipulation'. It is likely to be resource intensive to evidence this and it is argued there may be a requirement to look back further than the last settled address to consider a person's housing history when evidencing deliberate manipulation of the homeless or housing system. While in principle we would be supportive of this definition if there are changes to the duties on intentionality, we would need to consider further when details are made available.

8. While we are in a position to commence these provisions in 2019 we would welcome your views about the most effective timing, including reasons for your response.

We would request commencement is delayed until 1 April 2020 at the earliest depending on system changes required. Additional question will be required within the HL1 to be able to effectively monitor and ensure consistency in decision making i.e. did you apply discretion to assess for intentionality?

9. Please give us your views on the impact of these proposed changes on people with protected characteristics (see Annexes E and F for currently available national statistics):

- age
- disability
- gender reassignment
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

In relation to local connection provisions – there may be an impact on people with protected characteristics under age and disability if services or support are not available in their chosen authority or there is not the ability to make referrals to another authority to ensure someone receives support.

There may be a positive impact on people with protected characteristics under gender reassignment or sexual orientation as they may choose to migrate towards urban authorities however this may impact on these areas due to increased demand.

10. In relation to local connection and intentionality provisions in homelessness legislation, please outline any other comments you wish to make, including whether you think there may be unintended consequences (you have not mentioned elsewhere) related to commencing these provisions.

The following matters have arisen while considering the commencement of these provisions:

- Public protection issues – need to consider impact on cross border working, any restrictions due to licence conditions and risks re victim access
- Child protection issues – Increased risk of families moving around and children being 'lost' from CP systems.
- Local authorities need to work better together – potential gatekeeping issues may arise in certain authorities
- Concern re rough sleeping increases in larger cities
- Unless fleeing violence, there should be a requirement for people to register as homeless in their original authority so that a transfer to another authority can be managed in a planned way.
- Potential impact on the objectives of rapid rehousing if there is an increase of applications where local authorities have a legal duty to secure housing
- Potential tensions with RSLs re section 5 referrals
- Likely to be strong opposition from tenants and existing waiting list applicants due to pressures on waiting lists for social housing.