

Item: 14

Education, Leisure and Housing Committee: 12 September 2018.

Homelessness and Rough Sleepers Action Group.

Report by Executive Director of Education Leisure and Housing.

1. Purpose of Report

To advise of a Scottish Government initiative and proposed development of a rapid housing plan.

2. Recommendations

The Committee is invited to note:

2.1.

That, in October 2017, the Scottish Government set up the Homelessness and Rough Sleeping Action Group with the intention of producing short and long-term solutions to end homelessness and rough sleeping in Scotland.

2.2.

That, in March 2018, the Homelessness and Rough Sleeping Action Group published 20 recommendations, as detailed in section 3.3 of this report.

2.3.

The requirement for all councils to lead development of a Rapid Rehousing Transition Plan by December 2018.

2.4.

That the Rapid Rehousing Transition Plan is a significant document with wide ranging implications for housing.

2.5.

That it is anticipated that costs attached to the Rapid Rehousing Transition Plan which may be as diverse as that for additional social housing and for housing support services and which cannot be determined ahead of the production of the document.

2.6.

That there is no clarity in respect of the level of funding, if any, which may be awarded to Orkney in support of the Scottish Government initiative relating to homelessness and rough sleeping.

It is recommended:

2.7.

That the Executive Director of Education, Leisure and Housing should lead preparation of a Rapid Rehousing Transition Plan for presentation to the Education, Leisure and Housing Committee in due course.

3. Background

3.1.

The Homelessness and Rough Sleeping Action Group was set up by the Scottish Government in October 2017 with the intention of producing short and long-term solutions to end homelessness and rough sleeping in Scotland.

3.2.

In March 2018, the Group set out a range of proposals on how rough sleeping can be ended in Scotland with the principal message being that rough sleeping is not inevitable and should not happen.

3.3.

Twenty recommendations were made and published in a report entitled “Ending Rough Sleeping in Scotland: An Interim Report on the Activity of the Homelessness and Rough Action Sleeping Group”. These were:

- Ensure local authorities and public bodies work together to prevent rough sleeping at every opportunity.
- Support staff with high quality and training and support to respond as effectively as possible to prevent rough sleeping.
- Ensure plans are always agreed – or agreed as quickly as possible – to prevent homelessness for the groups who are predictably at highest risk of rough sleeping.
- Learn from what worked well this winter and ensure the benefits are harnessed for more effective interventions all year round.
- Ensure an effective based approach to front line support which secures a successful, sustainable transition off the street as quickly as possible.
- Recognise that, while not necessarily rough sleeping, people who are engaged in street begging are also likely to need support with housing and will be, almost without exception, extremely vulnerable.
- Set a clear national direction of travel to transition to a model of rehousing by default across Scotland, ensuring that the plans are developed and led locally to achieve this vision.
- Ensure that people sleeping rough and experiencing multiple forms of exclusion are supported to secure permanent accommodation as quickly as possible.
- Provide resource and oversight to ensure a successful transition to the rapid rehousing approach.

- Ensure people have a range of different options at point of crisis to support them to avoid resorting to rough sleeping.
- Continue to ensure an adequate and affordable social housing supply.
- Remove barriers to exercising choice in settled accommodation to break the cycle of recurrent rough sleeping.
- Put in place measures to provide protection to those without recourse to public funds.
- Ensure legislation provides sufficient support for shift to significantly greater levels of prevention.
- Revise legislative arrangements that can result in difficulties with people being to access their rights.
- Clarify the protection to be afforded to those without recourse to public funds.
- Update the Code of Guidance.
- Improve the approach to data collection for people rough sleeping.
- Ensure data collections reflect increased priority now being given to homelessness reduction.
- Facilitate scrutiny of progress towards ending rough sleeping in Scotland.”

3.4.

There is a significant drive for all relevant organisations to have a “no wrong door” approach to people who need homelessness assistance. As well as an emphasis on closer joint working this also includes aims such as all frontline staff being trained in trauma and psychologically informed environments.

3.5.

One of the key recommendations suggested moving towards “rapid rehousing” so that becomes the standard approach for homeless households. There is a recognition that this will be very challenging to achieve as each Local Authority has unique housing access and allocations systems. It is important to highlight that while the original focus was on rough sleeping, it has become much wider to include all homeless households. A report has been produced by the Scottish Government accordingly. The intention is that homeless households will be permanently rehoused in a short timescale, ideally without the use of temporary accommodation. This will impact on all processes covering homeless applications and will also impact on the means by which councils house others in housing need. This will place additional pressure on the current stock of social housing.

4. Rapid Rehousing Transition Plans

4.1.

A report has been produced by the Scottish Government and is available from <http://www.ghn.org.uk/rapid-rehousing-transition-plan/>.

4.2.

The Rapid Rehousing Transition Plan is a new planning framework for local authorities and their partners to transition to a rapid rehousing approach and is detailed and prescriptive in the information which must be included such as market area analysis and detailed statistical requirements.

4.3.

Local Authorities are being asked to lead the development of 5-year rapid rehousing plans with their key local partners by December 2018. The framework recognises there is no single way to achieve it, there are a broad range of local factors that will influence how this transition is best planned, costed and achieved.

4.4.

Each Local Authority will develop the plans in collaboration over a planned and costed phase of 5 years (2019 to 2020 to 2023 to 2024) by 31 December 2018. Rapid Rehousing Transition Plans will then become an integral part of the Strategic Housing Investment Plan and be reviewed annually as part of the existing review processes.

4.5.

Rapid Rehousing Transition Plans will sit within the Community Planning Partners wider strategic planning framework of the Local Outcome Improvement Framework and the Local Housing Strategy. They should be developed closely with Health and Social Care Partnerships, Registered Social Landlords and other relevant partners.

4.6.

The template for the Rapid Rehousing Transition Plan includes six sections being:

- The local housing market and homelessness context.
- The baseline position of temporary accommodation supply.
- The Local Authority and partners' 5-year vision for temporary accommodation supply.
- The identification of support needs to enable rapid rehousing.
- A rapid rehousing plan – how the local authority and partners are going to achieve their vision for temporary accommodation supply and settled housing options for homeless households.
- A rapid rehousing resource plan required to deliver the plan and evidence the co-ownership and resourcing of the Plan with wider partners, particularly Health and Social Care Partnerships and Registered Social Landlords.

4.7.

The Rapid Rehousing Transition Plans will be expected to include:

- An increased focus on homelessness prevention.
- A decision on the proportions and numbers for rehousing and the provision of support. This is to ensure that supply requirements meet the current backlog of cases and likely new cases over the 5 year term.
- A locally agreed target for the maximum time that homeless households will be living in temporary accommodation to be achieved within 5 years.
- For all mainstream housing, a locally agreed annual rehousing target to meet both any backlog and new demand over the 5 year term, made up of the social rented sector, private rented sector and other housing options. For the social rented sector this may require increasing the proportion of allocations and nomination agreements with registered social landlords to meet the 5 year rehousing target.
- Setting up dedicated rehousing teams with focused responsibility for getting homeless households through the system quicker by sourcing rehousing options, and where required working with wider teams to ensure support is in place for rehousing.
- Working with social housing providers to optimise the rehousing process – common housing registers, common allocation policies, common matching processes and teams with “just in time” allocations to ensure homeless, or those in greatest housing need are being housed.
- Developing rehousing solutions in the private rented sector, including enhanced use of rent deposit schemes, development of social lettings agencies, use of empty homes grants with conditions for rehousing homeless households, Help to Rent Schemes.
- The rehousing target may include converting temporary furnished flats to settled homes or Scottish Secure tenancies where the balance of inflow and outflow allows.
- The strategy may identify that the existing housing supply is insufficient to meet the current backlog and newly arising need within 5 years, even with an increased focus on prevention, and increased lets to homeless households in the social and private sectors. The strategy should refer to the Local Housing Strategy and Strategic Housing Investment Plan targets to increase supply.
- The mainstreaming of any existing Housing First initiatives (ordinary settled housing as a first response for people with complex needs) and the increasing of this in line with local identified need.

5. The Local Picture

5.1.

Generally rough sleeping is more common in urban areas. Very low levels of rough sleeping are recorded in Orkney. Sometimes someone presenting as homeless in Orkney may have slept rough outwith Orkney during the 3 months prior to presentation.

5.2.

In addition, the Council would expect presentations from a low number of people who experienced relationship breakdown and have chosen to sleep in their car overnight rather than stay in the family home immediately prior to presentation.

5.3.

However, homelessness is much wider than simply people who have slept rough and, therefore, this is where Orkney will experience an impact. The Council has approximately 100 homeless presentations each year. During financial year 2017 to 2018, a total of 117 households presented as homeless.

5.4.

The production of a Rapid Rehousing Transition Plan is a significant piece of work and will require reconsideration of various processes including both the provision of temporary accommodation to homeless households and also the processes used for the allocation of Council housing to other groups in housing need. It will impact on significant strategic documents including the Local Housing Strategy, Temporary Accommodation Strategy, Strategic Housing Investment Plan and Lettings Policy.

5.5.

The requirement to produce a Rapid Rehousing Transition Plan by December 2018 is extremely challenging and it is likely there will be a number of uncertainties within the initial document. The document may require to mature and develop over a number of months.

5.6.

The Scottish Government has announced that there will be funding of £21,000,000 available across Scotland, and that £4,000,000 of this will be available to support five city authorities who are participating in specific projects. As yet, there is no clarity as to how much each Council will receive. Given Orkney's low levels of rough sleeping and other forms of homelessness, it is unlikely that the funding allocation will be significant.

5.7.

Equally, from a local perspective, the impact on resources is likely to be problematic and it is likely that this will require some enhancement of the level of housing stock. Some household sizes would be extremely difficult to rehouse inside a short period of time. The likely costs will be for additional social housing and additional housing support. Resources to deliver a significant strategic document in a short timescale are also low.

5.8.

A detailed business plan covering Housing Revenue Account activity is scheduled for completion by April 2019 which will allow some consideration of future levels of development. The business plan will include various scenarios as planning for the next 30 to 40 years is challenging. However, given the financial position of the Council's Housing Revenue Account, it is unlikely that it could support any significant level of house build without significant additional investment. There is also a need to ensure rents remain affordable for tenants.

6. Links to Council Plan

The proposals in this report support and contribute to improved outcomes for communities as outlined in the Council Plan strategic priority of Caring Communities.

7. Links to Local Outcomes Improvement Plan

The proposals in this report support and contribute to improved outcomes for communities as outlined in the Local Outcomes Improvement Plan priority of Strong Communities.

8. Financial Implications

8.1.

The Government has announced that there will be funding of £21 million available across Scotland, and that £4 million of this will be available to support five city authorities who are participating in specific projects. As yet there is no clarity as to how much each Council will receive.

8.2.

A detailed business plan covering Housing Revenue Account activity is scheduled for completion by April 2019 which will allow some consideration of future levels of development.

8.3.

Until the Rapid Rehousing Transition Plan has been developed it is difficult to quantify what the precise costs may be.

8.4.

Homelessness is funded through General Fund Services as is the provision of temporary accommodation but the provision of permanent accommodation is funded from the Housing Revenue Account.

9. Legal Aspects

9.1.

There are no direct legal implications arising from this report. The statutory definition of homelessness is given below.

9.2.

In terms of section 24 of the Housing (Scotland) Act 1987, a person is homeless or threatened with homelessness if there is no accommodation in the UK or elsewhere, which he, together with any other person who normally resides with him as a member of his family or in circumstances in which the local authority consider it reasonable for that person to reside with him:

- Is entitled to occupy by virtue of an interest in it or by virtue of an order of a court.
- Has a right or permission, or an implied right or permission to occupy, or in England and Wales has an express or implied licence to occupy.
- Occupies as a residence by virtue of any enactment or rule of law giving him the right to remain in occupation or restricting the right of any other person to recover possession.

9.3.

Further, a person shall not be treated as having accommodation unless it is accommodation which it would be reasonable for him to continue to occupy.

9.4.

Regard may be had in determining whether it would be reasonable for a person to continue to occupy accommodation, to the general circumstances prevailing in relation to housing in the area of the local authority to whom he has applied for accommodation or for assistance in obtaining accommodation.

9.5.

In terms of Section 24(3), a person is also homeless if he has accommodation but:

- He cannot secure entry to it.
- It is probable that occupation of it will lead to [abuse (within the meaning of the Protection from Abuse (Scotland) Act 2001 (asp 14)), or it is probable that occupation of it will lead to abuse (within the meaning of that Act) from some other person who previously resided with that person, whether in that accommodation or elsewhere.
- It consists of a movable structure, vehicle or vessel designed or adapted for human habitation and there is no place where he is entitled or permitted both to place it and to reside in it.
- It is overcrowded within the meaning of section 135 and may endanger the health of the occupants.
- It is not permanent accommodation, in circumstances where, immediately before the commencement of his occupation of it, a local authority had a duty under section 31(2) in relation to him i.e. a local authority is satisfied that an applicant is homeless.

9.6.

A person is threatened with homelessness if it is likely that he will become homeless within 2 months.

9.7.

For the purposes of subsection (3)(e), “permanent accommodation” includes accommodation:

- Of which the person is the heritable proprietor.
- Secured by a Scottish secure tenancy.
- Secured by an assured tenancy that is not a short assured tenancy.
- Where paragraph 1 or 2 of schedule 6 to the Housing (Scotland) Act 2001 (asp 10) is satisfied in relation to the person, secured by a short Scottish secure tenancy, i.e. has been evicted previously and therefore tenancy has been granted as a short Scottish secure tenancy.

9.8.

As regards the allocation of Council housing, Section 20(1) of the Housing (Scotland) Act 1987 as amended, requires that, in selecting tenants for their houses, all local authorities and Registered Social Landlords must give reasonable preference –

- To persons who:
 - Are occupying houses which do not meet the tolerable standard.
 - Are occupying overcrowded houses.
 - Have large families.
 - Are living under unsatisfactory housing conditions.
- To homeless persons and persons threatened with homelessness (within the meaning of Part II of the Housing (Scotland) Act 1987 (as amended by the Housing (Scotland) Act 2001 and the Homelessness etc (Scotland) Act 2003).

9.9.

The Housing (Scotland) Act 2014 is currently being implemented and this will lead to some adjustments to the reasonable preference groups.

10. Contact Officers

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