



OFFICIAL REPORT  
AITHISG OIFIGEIL

# Social Justice and Social Security Committee

Thursday 13 June 2024

Session 6



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**SOCIAL JUSTICE AND SOCIAL SECURITY COMMITTEE**

**19<sup>th</sup> Meeting 2024, Session 6**

**CONVENER**

\*Collette Stevenson (East Kilbride) (SNP)

**DEPUTY CONVENER**

\*Bob Doris (Glasgow Maryhill and Springburn) (SNP)

**COMMITTEE MEMBERS**

\*Jeremy Balfour (Lothian) (Con)

\*Katy Clark (West Scotland) (Lab)

\*John Mason (Glasgow Shettleston) (SNP)

\*Roz McCall (Mid Scotland and Fife) (Con)

\*Marie McNair (Clydebank and Milngavie) (SNP)

\*Paul O’Kane (West Scotland) (Lab)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Maggie Brunjes (Homeless Network Scotland)

Professor Suzanne Fitzpatrick (Heriot-Watt University)

Annika Joy (Simon Community Scotland)

Gordon MacRae (Shelter Scotland)

Maeve McGoldrick (Crisis)

John Mills (Association of Local Authority Chief Housing Officers)

Jules Oldham (Scottish Women’s Aid)

**CLERK TO THE COMMITTEE**

Claire Menzies

**LOCATION**

The Mary Fairfax Somerville Room (CR2)



## Scottish Parliament

### Social Justice and Social Security Committee

Thursday 13 June 2024

*[The Convener opened the meeting at 09:00]*

#### Decision on Taking Business in Private

**The Convener (Collette Stevenson):** Good morning, and welcome to the 19th meeting in 2024 of the Social Justice and Social Security Committee. We have received no apologies today.

Our first item of business is to decide whether to take items 4 and 5 in private. Do members agree to do so?

**Members** *indicated agreement.*

## Housing (Scotland) Bill: Stage 1

09:00

**The Convener:** Our next item is our first evidence session on the Housing (Scotland) Bill at stage 1. The bill was introduced in Parliament on 26 March 2024 by the Cabinet Secretary for Social Justice. The Local Government, Housing and Planning Committee is the lead committee on the bill, but the Social Justice and Social Security Committee has been designated as a secondary committee and will scrutinise part 5 and an element of part 6 of the bill.

Part 5 makes provision about homelessness prevention, including duties of relevant bodies and assessment of housing support services and tenants who are affected by domestic abuse.

Part 6 makes provision about other housing matters, including mobile homes, fuel poverty and disclosure of information to the New Homes Ombudsman Service. The social justice issues that are related to fuel poverty are within the committee's remit.

Before we begin today's evidence session, I will mention the lived experience engagement event that Jeremy Balfour and I attended on Monday. The event was facilitated by Crisis, and we had the opportunity to speak with people who have experienced homelessness about what they had gone through, as well as to hear their thoughts on the bill. I am extremely grateful to the participants for giving their time and to Crisis for helping to make that happen. The discussions that we had will be very useful for the committee's consideration of the bill.

The committee clerks will prepare a note of the key points that came up during the session to place on our website. The note will highlight themes but will not identify anyone. Before that is done, I take this opportunity to put on record some of my thoughts about the session. I will then pass over to Jeremy Balfour to do the same.

We were split into two groups, and the event was facilitated by Crisis and the Parliament's participation and communities team. The key themes that came out were the circumstances that lead to people becoming homeless, the processes after they became homeless and their contact with organisations such as Shelter, Crisis and local authorities. We touched on the support—or lack of support—that was provided to them, and the difficulties in accessing that. That was a key challenge.

We also touched on how to prevent homelessness and about how organisations can work better together to assist people who are

going through that. There were also general comments on the bill. In the group that I was involved in, a particular theme came out about the lack of support for young people, particularly in education, and about who they engage with through that process. People in the group felt that it is key that the bill ensures that stakeholders, such as education services, know more about the homelessness process, and that young people are made more aware of and educated about the process and how they can better get help for themselves. A concern about the lack of provision in the bill for young people came across very strongly. There was also concern about the availability of resources to implement the ask and act duty properly, and about any unintended consequences of the six-month notice period.

One of the bigger issues that came across from all organisations dealing with people who have experience of trauma was the need for increased training. There was uncertainty about how the bill's provisions would fit together, and they wanted more guidance on that. They also thought that the bill potentially contained contradictions—for example, the aims of the domestic abuse provisions when compared with those on homelessness prevention.

People in the group highlighted the stigma that someone experiences going through the welfare benefits system and their difficulty in even getting private landlords to take them on. For example, it was common for them to see advertisements that said, "No benefit claimants". When rent increases were made, they were anxious about being able to afford them, which added to their uncertainty.

I will not go into further detail at the moment. The clerks will provide members with notes from the meeting, which will also be available on the committee's bill web page.

I will now hand over to Jeremy Balfour for his thoughts on the group that he spoke with.

**Jeremy Balfour (Lothian) (Con):** Good morning, everyone. I, too, put on record my thanks to all the people who came to speak to us on Monday. The session was really helpful. The convener has covered a lot of what I was going to say, so I will not repeat that.

I will mention a few points. The first is that it was interesting that, during the pandemic, there was much more joined-up thinking and greater support, which shows that we can do that if we have the appropriate resources. We need to remember the lessons that we learned during that period, particularly about ways of working and about temporary accommodation. We should not forget those lessons as we move forward.

Secondly, people mentioned the importance of organisations working together, particularly at the

interface between the third sector and local authorities. They said that the system was often almost like a conveyor belt. They had to go to one organisation then another, and so on, and they had to keep retelling their story and giving all their information. It would be helpful if there was improved working between the various sectors.

Two points came up on the bill. The first concerns funding. As the convener said, the measures in the bill will work only if the appropriate resources are put behind them. That aspect is not covered in the bill, but it is a concern. Secondly, what happens if the duties are not acted on? How will they be enforced, and by whom?

Although I have been a local councillor, I had never previously thought about a point that one individual whom I spoke to raised, but it is an interesting one. The person really liked their temporary accommodation and was getting on well with their neighbours, but they had to move and start again in another house because the first one had been deemed to be temporary accommodation. She then had to start rebuilding relationships, community and everything else around her. In a situation where someone is settled in a house or a flat, there should be a bit more flexibility on that becoming their permanent accommodation. There might be legal reasons that I do not understand why that cannot be the case, but it seemed to me to be a matter of authorities saying, "We've done it this way and this is how we always do it", rather than looking at an individual's circumstances.

**The Convener:** Thank you very much for your input, Jeremy.

In today's session, we will hear from two panels of witnesses on the Housing (Scotland) Bill. I welcome to the meeting our first panel. Joining us in the committee room are Maeve McGoldrick, who is the head of policy and communications for Scotland at Crisis; John Mills, who is co-chair of the Association of Local Authority Chief Housing Officers—ALACHO—and head of housing at Fife Council; and Annika Joy, who is programme director for ending destitution at the Simon Community Scotland. Professor Suzanne Fitzpatrick, director of I-SPHERE—the institute for social policy, housing, equalities research—at Heriot-Watt University, is joining us remotely. Thank you all for accepting our invitation.

On the format of the meeting, please wait until I or the member who is asking the question says your name before speaking. Professor Fitzpatrick, please allow our broadcasting colleagues a few seconds to turn on your microphone before you start to speak and I ask that you indicate with an R in the Zoom chat box if you wish to come in on a question. I remind everyone to keep questions and answers as concise as possible.

We now move to questions. The first is a general question on the bill. To what extent do you agree with the Scottish Government's overarching policy objective of the homelessness measures in the bill to shift focus away from crisis intervention to prevention activity? I will pose that question to Annika Joy first.

**Annika Joy (Simon Community Scotland):**

The Simon Community works with people across Scotland who are homeless, and we provide a range of support and services, particularly at the emergency and crisis end. For people who do not have a safe place to stay on any night, there are hubs in city centres where people who are rough sleeping and begging can access immediate holistic support across a range of services. Street teams are out 365 days a year, working with people who are rough sleeping or who may rough sleep that night.

All those services work at the crisis end and, last year, we worked with about 9,000 individuals. We are in June, and I already know that we will work with significantly more than 9,000 people this year. Therefore, we really welcome many aspects of the bill, particularly the prevention duties. We hope that if they are resourced and implemented well—with scrutiny and redress when those duties cannot be or are not met—we will be able to imagine a future in which our current method of operation is no longer needed to such an extent and we will see fewer people being affected by the crisis homelessness that we deal with.

Unlike quite a lot of professions, we would be keen to see ourselves become obsolete. The bill is one of the ways in which we can imagine that happening. With the correct resource and many other measures that homelessness still requires, we could see a future in which that might be more of a possibility.

**The Convener:** Thanks very much, Annika. I put that question to Professor Fitzpatrick.

**Professor Suzanne Fitzpatrick (Heriot-Watt University):** I am very much in favour of part 5 of the bill. It represents a historic opportunity to establish world-leading legislation on homelessness prevention in Scotland. We already have the strongest legal safety net in the world for people who are experiencing homelessness but, to date, we have failed to match that with an equally strong legal framework on prevention. That means that we focus almost all our efforts on the point when people are already in crisis, and we funnel people into temporary accommodation, which is hugely damaging—particularly longer stays in temporary accommodation. We know that that is especially damaging for children, and the work that Shelter and others have done has demonstrated that over the years.

The bill represents an opportunity to move much closer to the optimal homelessness system, where it is the tight safety net that it was always intended to be for people whose homelessness we cannot prevent rather than the default and increasingly lengthy route into social housing that it is becoming. I very much support the principles behind the bill, and I very much support part 5. It is a critical ingredient in moving us out of the current housing emergency in which we find ourselves.

**The Convener:** Thank you very much, Professor Fitzpatrick. Would John Mills or Maeve McGoldrick like to come in on that?

**Maeve McGoldrick (Crisis):** I am happy to come in first. It will be no surprise, given Crisis's perspective, that we very much support the bill's homelessness prevention measures. That position stems from the experience of our members—people with lived experience who have come through our services. Time and again, when our front-line staff are working with people, we identify that they did not need to go through the homelessness system—they did not need to become homeless—and that we could have stabilised their housing before that happened in the first place. That is where our focus on that agenda has come from—over many years, in fact. It has taken a long time to get here, so we are pleased to see the bill.

09:15

Homelessness is one of the most acute forms of poverty. The bill will help not only to prevent homelessness but to address poverty. By introducing prevention measures, we are effectively introducing a stronger poverty programme that will result in stable housing, which will mean that people do not end up in homelessness. People often see homelessness as quite distinct and as affecting a small population. However, when we talk about housing instability, we are talking about a much larger population of people in need. The bill will address both those agendas.

We strongly believe that one of the best ways to end homelessness is to prevent it from happening in the first place. We recognise that the bill has been introduced at a time when a national housing emergency has been declared, and that needs to be acknowledged. Homelessness prevention is essential to help to tackle that agenda by reducing the flow into the system, but it is not the be-all and end-all. We also need to increase the supply of social housing, as that is one of the most effective measures to prevent homelessness.

To align the increased supply of social housing alongside the introduction of homelessness prevention measures is an extremely effective

agenda to stem the flow of people using our crisis response system. That will enable us to transition to a system—which is effectively about public service reform—in which we are able to act early and prevent homelessness where possible.

**The Convener:** I do not know whether John Mills would like to add anything.

**John Mills (Association of Local Authority Chief Housing Officers):** A lot has been said already. ALACHO's submission on the bill was strongly supportive of its principles. Indeed, I am one of the original members of the prevention review group—I think that you would want me to mention that—and I support Professor Fitzpatrick's comments.

For ALACHO, it is about the implementation, the resourcing and the time of landing the bill, in the context of a housing emergency. Our focus, as local authorities and partners locally, is very much on crisis response. The system is broken; it is not working as it should. Prevention has to be an important element, but, as Maeve McGoldrick said, we need to really boost social housing supply. We need that aspect to come forward as part of the bill.

A lot of prevention activity is already happening across local authorities; the bill is about boosting it, and ensuring that other public bodies are legally obliged to join local authorities and others to effectively implement its provisions. We very much support the provisions in part 5.

**The Convener:** That is helpful—thank you.

To follow on from that, what benefits might a greater focus on homelessness prevention measures bring to those who are at risk of homelessness, and to public bodies that deal with people who may be at risk of homelessness or who are homeless?

I put that question to John Mills.

**John Mills:** A colleague mentioned education and the importance of recognising the risk of homelessness in children. The research on that is robust. A key partner for us in a local authority context is the education director, or education services, so we need them to be fully trained and to become much more knowledgeable about how to spot youngsters who are at risk of poverty, and certainly at risk of homelessness down the line.

I promote West Lothian Council as a really good example of mainstream education working in the prevention of homelessness. That was showcased at the recent rapid rehousing transition plans coordinators event in Dunfermline, which I chaired. There is a lot of good practice out there, but the bill is about consistency and raising the bar with regard to prevention.

We can perhaps come to public bodies as they are defined in the bill. Engagement has already started, because public bodies know that the legislation is coming. I think that—as the PRG recognised—a nudge was required, and it needed to be a legislative nudge to get other public bodies to join in. We are very pleased that the bill could offer a route by which to avoid homelessness in the first place and, if someone is made homeless, much earlier intervention. We can look at a much wider range of housing options to help people to choose where they wish to live rather than their being forced to live in temporary accommodation.

**The Convener:** Thank you—that is helpful. It is heartening to hear that there is a good case study in West Lothian. I will speak on behalf of all other committee members and say that we would be keen to know more about it.

Would anyone else like to come in on that issue?

**Maeve McGoldrick:** The benefits of the bill are threefold. Primarily, there is a benefit to the individual, which is to avoid the trauma of having to go through the homelessness system and—as some committee members heard in the lived experience session—the trauma of being stuck in a life of limbo, living in temporary accommodation. The measures in the bill will allow people greater choice and control in their lives, by helping them to stabilise their housing situation or to have a managed move into more secure accommodation more quickly.

As I said, the primary benefit, ultimately, will be to the individual. No one ever wants to become homeless, or ever believes that they will. Once someone is in the system, however, their support needs quite often escalate significantly, and they find themselves with much more severe mental health needs and so on. For the individual, the benefit is, without doubt, reduced trauma.

For public services, the benefit is that things can get done more efficiently and effectively, further upstream. Ideally, support needs will be fewer and people will be easier to support because their needs will not have snowballed over a period of two or three years. With the bill, the ideal is that we have collective partnership working, so that it is not just local authorities carrying the can on homelessness. That is an essential outcome that we will, I hope, achieve as a result of the bill: homelessness becomes everybody's business, and all other public services will work effectively together to help to address housing needs and to stabilise housing and, where possible, other support needs that have a knock-on effect.

The third benefit of the bill is to the public purse. We will need to spend initially on prevention, of course, because we will see an increased flow into

the system overall. That always happens when we try to tackle people's issues earlier on. We know, however, that whenever prevention is working effectively, it will very quickly become much more cost effective. It is more cost effective to support somebody with low-level support needs while they are in housing than to support someone with high-level needs when they are in the homelessness system.

**The Convener:** I believe that Professor Fitzpatrick would like to come in.

**Professor Fitzpatrick:** I will make a couple of research-based points to support what we have just heard from our colleagues. Some years ago, I did some United Kingdom-wide research that looked at the routes that people take into homelessness, particularly those with more complex support needs. In that research, in which we did some quite detailed sequencing, we found that people in that situation had come into contact with a whole range of public services well before they were anywhere near housing and homelessness services. Education has already been mentioned, but I also highlight social work services, police and other criminal justice services and so on.

If we want to try to prevent homelessness upstream, which we absolutely need to do to ease the pressure on the system and to stop the harmful and detrimental consequences that we have talked about, we need to lock those other public services into the homelessness prevention framework.

At present, as John Mills said, we know from evidence in other research that we have done, published in the "Hard Edges Scotland" report, that not enough is happening in those other public services to prevent homelessness. As Maeve McGoldrick said, homelessness services are very often left to carry the can, but they do not have the leverage to command the mental health resources, the substance misuse resources and so on that are needed to properly support people who are in that situation.

Those services are left carrying the can because they have a clear statutory duty once someone is homeless. We need to ensure that the legal framework provides proper incentives and responsibilities for those other parts of the public sector to support local authority housing and homelessness departments, and—crucially—to act within their own powers and remit to prevent homelessness from happening in the first place.

**The Convener:** That was helpful. We have a note of the research paper, so it would be useful for us to have a good look at that—I thank you for that.

We move to theme 2, on the ask and act duty. I invite Bob Doris in.

**Bob Doris (Glasgow Maryhill and Springburn) (SNP):** Good morning, and thank you for coming along. To work out how effective the ask and act duty might be, it is reasonable to work out what the public bodies that are listed in the bill are currently doing. It is not about what they might do under that duty, but what they are currently doing. John Mills might be best placed to talk about that. What are those bodies currently doing, and what is their current relationship with local authorities?

**John Mills:** In most parts of Scotland, we have a network of public service working. It is not as integrated as it should be, and there is quite a lot of design work across local authorities, with partners, on the "no wrong door" approach, to ensure that it is seamless for the client or the customer coming in at the front end.

Not all public sector colleagues are asking the question, "What are your housing circumstances?" whenever someone with a housing problem—it might be homelessness, overcrowding or something else—touches a part of the public sector. However, that is a very important starting point. Similarly, the question, "Do you have somewhere to go to if you leave accident and emergency today?" is not always asked. From that perspective, the ask and act duty is positive, because it says that a representative of a public body, regardless of what that public body is, must ask about that if they are doing an assessment of the person in front of them.

As Mr Balfour said, the customer should not be telling their story many times; it should be told only once. It should not matter where they touch the public sector, that should be the approach. It should be a common assessment, and the public body that receives that inquiry should try its best to find out the options for getting that person more stable housing.

The danger comes when there is very limited service or very limited scope for that public body. That has to be improved for it to be able to do anything positive to intervene to prevent an inevitable homelessness path emerging.

ALACHO and local authorities are concerned about the possibility that, rather than ask and act, the duty will simply default to ask and refer to the local authority. That is what we have to avoid. The point must be to design services across the public sector so that they have the scope that will enable them to help people at the relevant point in their journey, so that they do not have to claim homelessness.

**Bob Doris:** A lot of the points that you raised there will be asked about in later questions, so you

should not think that I am ignoring the very relevant points that you made. I am trying to find out whether there are some individuals in the public bodies that are listed who already ask and act where they can. Is this about spreading good practice in a consistent way across all public bodies and across the country, or is this a departure from what currently happens with best practice?

**John Mills:** There is practice where health visitors and community health workers will join up with their local housing worker on a more informal basis on behalf of the customer. However, it is not happening consistently enough or in depth. The bill is trying to make it a consistent practice across all public bodies. There is practice, but it is not consistent or sufficient, and that is what we need to improve.

**Bob Doris:** That is helpful. I was going to ask whether witnesses think that the proposed statutory areas will lead to improvements, but I suspect that might be a case of stating the obvious, so I will leave that hanging. Does anyone disagree with the view that, if properly resourced, with appropriate pathways and so on, the statutory areas have significant potential to dramatically improve matters?

Annika Joy might want to comment on that.

**Annika Joy:** There is significant potential for the proposal to improve matters if, as we said earlier, the public bodies are resourced.

The people we work with will have touched many different public bodies on their journey to the point at which there is a need for a crisis intervention. We want to make sure that all those public bodies are acting to prevent that crisis before people even reach us.

**Bob Doris:** I have a follow-up question for you, Annika. I will then bring in Maeve McGoldrick, in a second, to add to that. I apologise for not bringing everyone in, but I understand that there are time constraints.

Annika, do you think that the list of bodies in the bill needs to be added to?

**Annika Joy:** The list includes a good measure of public bodies. I understand why general practitioners cannot be included, because they are not public bodies. However, when I have spent time with colleagues and with the people we support, at each point, I could really see how a general practitioner could have played an important role. It would be good for us to think together about how general practice can be supported to play its role, either by working alongside designated public bodies or, indeed, having some responsibility itself.

I would also like to take the opportunity to ask the committee to consider whether public bodies that are not designated in Scotland, such as the Home Office, could also be compelled to consider whether they have a duty of prevention, so that we do not see public bodies creating serious homelessness in Scotland, as the Home Office does when it makes rapid asylum decisions.

09:30

**Bob Doris:** On that point, I note that this committee has taken evidence in relation to that. In a meeting that I had before Christmas with the Mears Group—the housing agents for the Home Office—I was told that it is not allowed to do any kind of scoping work with individuals and families who are in Mears accommodation and who, to all intents and purposes, are likely to get a positive decision. The first time Mears can talk to those people about potential homelessness is at the point where it has to say, “You have had a positive decision, you now have a notice to quit.” That has surely got to change.

**Annika Joy:** I can well believe that that is the case for the contractor, but the contractor is subcontracted by a public agency, and it is that body that is failing people in relation to preventing homelessness, leaving us—local authorities and other public bodies that are listed—to pick up the issue at the crisis point.

**Bob Doris:** That is really helpful.

Maeve McGoldrick, you have been very patient. Do you want to make some comments?

**Maeve McGoldrick:** I agree with everything that has been said.

You have asked a couple of different questions. In summary, to a degree good practice is happening. However, the bill is not about formalising that good practice; rather, it is about a significant culture change across all public services, building on the good practice that is already there. It is about significantly stepping up prevention activity and moving it much further upstream, creating a collective approach to stabilising people’s housing, and making that collective approach proactive across multiple public agencies.

We will publish a piece of research in the summer, which I can give you a heads-up on just now. It involves 15 case studies of people who, collectively, had 80 different interactions with different public services, none of which engaged in their homelessness in any way whatsoever. A third of them had contact with the justice system, half of them were in touch with social work or the education system, and two thirds were in touch

with the jobcentre, but housing and the risk of homelessness were never addressed.

When the Homelessness Reduction Act 2017 was introduced in England, I did a lot of work with the jobcentre, because the duty to refer applies to jobcentres there. However, when I spoke to a regional office, not one of the jobcentre managers recognised the level of their interactions. They said that a very small population interacted with the homelessness system and that it was not really among the needs of the majority of their claimants. However, when I asked about housing, rent arrears and stable housing in particular, they all put their hands up.

That shows that how the questions are framed is as important as the duties that we put on people. When we talk about people's housing needs and their rent arrears, other public bodies start to think, "Oh, I have some control in that area; there is something within my gift that I could do on that." From the research that we have done so far, we are finding that those interactions are happening, but that there is no recognition from people that it could be their job to intervene and do something effective to try to stabilise that person's housing.

Public bodies are not looking at the root causes of homelessness or understanding the levers that could be pulled much earlier on. What we want to see in the bill is a much clearer articulation of what is meant by the duty to act. We want to ensure that the legislation does not just list and namecheck those other public bodies so that they are in the system, but actively identifies and prescribes the minimum that they should do in order to help stabilise a person's housing and support needs that could be related to a housing outcome.

**Bob Doris:** That is very helpful.

Professor Fitzpatrick, you have also been very patient. I will move on to the next question, but feel free to give us your thoughts on points that have not yet been covered in previous responses.

We should put on the record that some people have said in evidence that they believe that we should not be doing any of this at the moment, but that we should resource the current system better and make it work adequately before we move on to the next thing. I will give you a little health warning in relation to how you answer that, which is that my final question will be specifically about resourcing the new system. However, for now, do you have any thoughts on the view that, instead of taking forward the proposals, we should make the current system work?

**Professor Fitzpatrick:** Yes, I certainly do. The points about resourcing and implementation challenges have been made, and I know that we

will come back to those. As Maeve McGoldrick and others have already flagged, it is a challenging time at the moment.

The key thing that I want the committee to reflect on, however, is that we are trying to put enduring social infrastructure in place. The original homelessness legislation was passed in 1977 and came into force in 1978, just before the Thatcher Government came to power. That legislation has endured for almost 50 years. It has had its challenges on the way, for sure, but you will find very few people who would say that we should abolish it.

Likewise, Scotland took a very bold step in gradually abolishing priority need between 2003 and 2012. That was challenging, and it meant that we brought into the statutory system a lot of single homeless people who had been excluded before. That brought all sorts of resource challenges and other challenges, but very few people, if any, would now say that we should exclude single homeless people from statutory homelessness entitlements. We have to be ambitious and to think about such legislation with a long-term perspective.

That was a sort of zoomed-out point. The more focused point that I would make—picking up on a theme that Maeve McGoldrick raised—is that we really have to do something radical to reduce the flow of people into the system. It is not an either/or question. It is not a choice between either fixing the problems and pressures that we all acknowledge to be in the current system or doing prevention work; we have to do both, and we have to do something very significant, both in order to protect the system itself and the public purse, and in order to reduce the damage and the detriment to people experiencing homelessness and temporary accommodation. It is not a case of fixing the current system and then thinking about prevention at some point down the line; we have to act on prevention now in order to protect the current system and to think about what sort of Scotland we want to live in in the long term. I think we want to live in a Scotland where as few people as possible become homeless, and where those people who become homeless—because we cannot prevent it—are offered robust support and rapid rehousing, so that the use of temporary accommodation is absolutely minimal.

**Maeve McGoldrick:** I will pick up on the point that Suzanne Fitzpatrick is making. There is an issue about the crisis that we are in, about whether or not the system is functioning effectively, and about the housing supply that sits behind that, which can either undermine the system or make it effective. In reality, the bill before us is just a legislative framework. What we need alongside it is a clear vision of what success

looks like in homelessness prevention being delivered, and we would ask the committee to strongly push the Government to present that vision. That goes beyond a legislative framework; it is about public service reform to transition away from a crisis system towards an early-action prevention system.

It will take time to get that right, as that is a significant transformation. If you introduce it tomorrow it will not happen immediately; it will take years to embed and to be truly successful. We still need to address the need to ensure that the current system is functioning, and we need to get that right as soon as possible, with a Government that is competent in taking a multipronged approach to tackling homelessness. We need to address the current housing emergency, we need to increase the supply of social housing and we need to put in place a system designed around prevention and early action. Those can all happen simultaneously; it is not a matter of waiting for one thing to be fixed before the other begins.

**Bob Doris:** My next question is on resourcing, and it would be reasonable to come to John Mills here, given that, although there is supposed to be a statutory duty on other public bodies, we all know that local authorities will be at the centre or the hub of that. One of my colleagues will look into pathways and referrals later, so my question is about resourcing more generally.

Do you have confidence that the proposed measures will be sufficiently resourced, or that the financial memorandum accurately reflects the resources that will be required? I would caveat the question a bit by saying that, if we were going to cost everything to get the ideal system, we would never start it, as that would be overwhelming.

I am conscious that Professor Fitzpatrick spoke about the gradual implementation of what we put in place for priority need. Do we have to be realistic, gradually implementing a better system under the new statutory duties in an incremental way, given what I suppose might be a significant financial burden on a range of public authorities?

I did not mean to take such a length of time to ask that question—I am sorry, Mr Mills—but your thoughts on that would be really helpful.

**John Mills:** As the submissions from ALACHO and the Society of Local Authority Chief Executives say, the issue is about the timing of implementation. I do not think that anyone is at all against the provisions in part 5 of the bill, which are a necessary step forward, but we need to twin-track the approach, because we need to deal with the housing emergency—we have a broken housing system that needs to be fixed, and I think that that will take one to three years at least. The starting gun for prevention needs to be fired

relatively soon, but the implementation of the duty has to come when there are enough resources across the public sector, not just in local authorities but in health and social care and other areas. We do not believe that the current financial memorandum even touches the sides of what will be required, and we believe that there needs to be further examination of that.

From a local authority housing and homelessness service point of view, we need more housing options officers and housing advisers, because we do not have enough to cope just now, and they are trying to tackle crises. If we are going to develop an effective prevention workstream for people to tap into, we need to have another cohort ready to start that and ramp it up.

That is where we are sitting at the moment. We have nothing against the provisions in part 5; the issue is more about the staged implementation of the act and the statutory guidance that is clearly to come. An awful lot of the detail of that needs to be worked through.

**Bob Doris:** Do you expect a lot of that to be spelled out in the financial memorandum? I am conscious that local authorities and a range of partner public bodies will get annual budgets from the Parliament, and Government might say, “That is on a year-to-year basis. The financial memorandum concerns the transition, but the annual budgets for how we resource the work adequately are just that: annual budgets.” What are your views on that?

**John Mills:** I absolutely take that point. The budget cycle is the budget cycle, so we accept that the Convention of Scottish Local Authorities has to make a case on behalf of local government to adequately resource the work that needs to be done, and a case needs to be made by integration joint boards for similar treatment. However, at the moment, the financial memorandum says, “We think that it will cost £X million to implement the bill,” and we think that that represents a great degree of underresourcing. If that is the starting point, it does not build confidence and certainty in terms of people’s ability to develop and design services. If we are going to increase capacity in the whole public sector, there needs to be some confidence that adequate resources will come from Government, local authorities and health boards.

**Bob Doris:** I hope that other witnesses do not mind that I am focusing on Mr Mills in relation to this point.

**The Convener:** I am conscious of the time. It is good that we are getting this evidence on the record, but we do have quite a bit to get through, so I remind everybody to keep their questions and answers as clear and concise as possible.

**Bob Doris:** This will be my final question, Mr Mills, and I apologise to other witnesses whom I have not been able to bring in on this point.

Should money that comes into the system to deliver on the statutory duties go to each public body to allow them to create their own strategies, or should there be a central resource at, say, local authority level for co-producing what a new service might look like? Do you have any thoughts on that? You could write to us on that, given our time constraints.

**John Mills:** I am happy to do so. Under the mechanics of the budget for local authorities and for, say, health and social care partnerships, the money comes into the general fund account and then a contribution is made to health and social care. NHS Fife is one of the bodies that we are working with on capacity and staff training, and resource has already been deployed for that purpose. What we would like is an overall prevention of homelessness budget or fund like, for example, the rapid rehousing transition plan fund, under which money would be distributed through local authorities to other partners in the voluntary sector and other public sector bodies.

**Bob Doris:** As that question was at the convener's discretion, my business is done. I have taken too much of your time.

**The Convener:** If we have time later, I will bring you in again. I am just conscious of time; we probably have until about quarter past 10, and we still have a lot of themes to get through.

I now invite Marie McNair, who joins us online, to continue with this theme.

**Marie McNair (Clydebank and Milngavie) (SNP):** The Scottish Government states that the intention is that referral to a local authority from a relevant body should not be the default position. How can that be achieved in practice so that people do not continue just to be referred to local authorities? What else would need to happen—for example, with culture change and training—to ensure successful implementation of the need duties?

I will go back to Mr Mills from ALACHO. I know that you touched on that earlier, Mr Mills, but it would be very helpful if you could expand on your comments.

09:45

**John Mills:** I think that this comes back to the definition of the ask and act duty. We are interested in seeing the detail. Most local authorities and partners are already talking to and briefing one another, and local authorities have started initial training and are educating their partners on the current provisions in

homelessness legislation and what might be required under the Housing (Scotland) Bill. As I have said, those sorts of resources have already been deployed.

We in the local authority homelessness services fear that the duty to act will be very limited in practice. The situation might improve over time as people get more confidence and competence in trying to intervene to prevent homelessness; at the point of implementation, though, the duty might just become an additional referral route to local authorities, which, as I was trying to say earlier, would have to be resourced to cope with that.

As Professor Fitzpatrick has said, when we abolished the priority need test in Scotland, there was not a lot of confidence initially that we would cope with the workflow, and it is the same with this. If you land these kinds of duties on an already pressured system, the ability to switch resources from crisis to prevention will become much more limited.

What we need to do is build capacity to give other public bodies the ability to perform meaningful interventions that will prevent this from becoming just an ask and refer process. We really need to do that detailed work with the Government and other partners to try to ensure that we have a robust approach to housing options and housing advice. I would not be averse to, say, a general practitioner giving housing advice to someone; indeed, some enlightened GPs do that already.

An awful lot of preparation and work needs to be done. The process has started, but we need to be careful about what will initially happen with the legislative duty when it is implemented at whatever point in time.

**Marie McNair:** I know that a lot of good practice is already happening in local authorities, particularly in my area.

Does anyone else want to come in on that question? If not, I will, in the interests of time, move on to my next question.

**Maeve McGoldrick:** I am happy to respond.

We would recommend a couple of things, given the risk of a significant number of referrals being made and not enough acting happening under the duty. We think that the legislation can be strengthened in that respect. For example, we would like greater detail on what the duty to act means. Thinking of the reasonable steps that it has been suggested local authorities could take with regard to the six-month period for prevention duties, we would like to see similar reasonable steps being suggested for other public bodies under the duty to act.

It is important that that is not a glass ceiling, but a bare minimum of what should be done in

prescribing what other public bodies can do and, therefore, in being able to hold them to account if they are not carrying out their duties. A real concern for us is the lack of accountability in how the current ask and act duty is defined. How is someone meant to have a right to review, if it is not clear what is being expected from other public bodies?

The second important point is that, if the legislation is mapped out, the process becomes quite linear. Activity would take place under the ask and act duty, with a referral being made to the local authority under the six-month prevention duty; if that failed, there would be a referral into the homelessness system. However, we had envisaged a more holistic model of support between other public bodies and the local authority prevention teams. We really want to see more of a holistic case-management model of support for activities under both the ask and act duty and the six-month prevention duty. That will be partly about how the system is designed and partly about how the legislation is laid out, but we need to ensure that there is a two-way referral process. We need the housing prevention support services to be part and parcel of a wider package of holistic support that is provided by other public bodies.

In the PRG report, we recommended the introduction of the kind of personalised housing plan that can be found in the homelessness prevention legislation in Wales and England. That plan is a really effective tool; because it acts in a similar way to other models in the benefit system—there is a claimant commitment, for example—the document itself is similar and is owned by the individual, the local authority and those public bodies. It sets out really clearly the support needs that have been identified for the individual, the actions that will be taken by multiple bodies and what has been done as a consequence. It is a document that you can come back to, and it means that, if an appeal needs to be made, there is something documented that can act as the basis for that. Therefore, we would like to see the introduction of a personalised housing plan to bring together the ask and act duty with the prevention duties and to prescribe the reasonable steps that would come under the duty to act for those different public bodies.

**Marie McNair:** Thank you for that further clarity. Convener, my next question was on that very issue, but as it has been covered, I will hand back to you.

**The Convener:** I believe that Professor Fitzpatrick would like to come in on that.

**Professor Fitzpatrick:** I very much agree with what John Mills and Maeve McGoldrick have just articulated, but I want to add another point.

Recently, I chaired a panel in Wales that was very similar to the PRG and which looked to further strengthen homelessness prevention and other aspects of the legal framework in Wales. In thinking about the ask and act duty as part of the Welsh deliberations, we decided that it would be helpful to unpack that a little further. Therefore, the recommendation in the white paper on ending homelessness in Wales is that the Welsh model should have duties to ask, to act, to refer and to co-ordinate. That four-part structure separates out the duty to act from the duty to refer, and the reason for that—this picks up on the point that John Mills, in particular, was making—is to make it very clear to other relevant public bodies that the duty to act does not simply mean a referral.

The actions taken under their own remits and powers mean that the relevant bodies are expected to refer, where appropriate, but—and this picks up on Maeve McGoldrick's point about the need for the process to be seen not as linear but as more holistic—that referral should not be the end of their responsibilities. Those bodies then have to co-ordinate and co-operate with the local authority to deliver the support package that the person needs. I wonder whether it might be worth reflecting on that kind of Welsh thinking as the bill proceeds through its parliamentary process.

**The Convener:** Thank you very much.

We move on to theme 3, which is on preventing homelessness sooner by taking reasonable steps in housing support services. I invite Jeremy Balfour to ask his questions.

**Jeremy Balfour:** Good morning, again, panel. What are some of the problems with a legal framework that considers people to be threatened with homelessness if it is likely that they will become homeless within two months? What would be the benefits of extending that to six months?

**John Mills:** There was a big debate in the prevention review group on the timing of that and on pushing the envelope from two months to something else. As prevention of homelessness can start years in advance of a homelessness crisis, we must not think about the risk only in terms of its starting at six months. That is what ALACHO meant to say in its comments in that respect.

I think that it was agreed that the six months would be a realistic period in which we could really ramp up prevention activity and try to prevent the crisis for a household that is at risk of homelessness. That said, if we get an opportunity to help, say, an offender two years before their release or someone who comes out of the armed forces two years before their demob day, that is what we should do. The six-month period is a kind of guide for when the statutory duty should kick in

for a local authority and the other public bodies, but we would encourage much earlier intervention and prevention as really good practice.

**Maeve McGoldrick:** We would echo that. We would say that we need such a period to be six-plus months—that is how we would describe it. It certainly needs to be six months because, if it is two months, you cannot prevent homelessness and you are too close to crisis. Even if you recognise that somebody is in need and about to be made homeless, you cannot meaningfully intervene at that point. Logically, then, we need to put something into legislation to reflect that.

We have recommended that there be a clearer definition in legislation of what that six-month period could mean to ensure that people are not turned away when they go to their council for help, but we would say that it is very much a minimum. We have talked to local authorities, and they are talking about using data to predict cohorts of people who are likely to become homeless and to really reach people upstream in more effective ways. Again, this provision should by no means be a glass ceiling, but it needs to be in legislation to ensure consistency of approach, and we need to clearly define what those six months mean.

**Annika Joy:** We, too, support the extension to six months, but there needs to be a holistic approach to embedding homelessness prevention in every aspect of society, much as we are trying to embed a trauma-informed response and a poverty-prevention response in every aspect of society. Such an approach can start at zero and continue through someone's lifetime. Rather than an intervention that only reduces the impact of trauma, a holistic approach across the whole of society that starts much earlier will be much more likely to have impact.

**Jeremy Balfour:** Professor Fitzpatrick, did you want to jump in here?

**Professor Fitzpatrick:** Again, I very much agree with what my colleagues have said. However, one of the consistent themes that has come through in the research on this in Scotland and elsewhere in the UK is that, historically, when people have tried to approach them earlier than the two months—or the one month, as it was until the legislation changed—local authorities, under pressure, have basically said, “Go away and come back when you're closer to crisis.” That approach is one of the key things that this change in the legislation should help to obviate.

The role of legislation and statutory frameworks in shaping incentives, leading culture change and raising expectations—and indeed the bar, as my colleagues have said—is critically important. The period should be six-plus months, as John Mills, Maeve McGoldrick and Annika Joy have said, but

this should also be used to send out a signal that we should not be waiting until the crisis point to intervene.

**Jeremy Balfour:** Picking up on that point, the legislation says six months, not six-plus months. We are looking at a bill—that is, something that would become law. Maeve, you have said in your submission that you would want how this is defined to be set out in a bit more detail, probably in regulations. Do you want that period of six-plus months to be better defined in the bill itself?

**Maeve McGoldrick:** We would recommend that it be in legislation. I think that the plus bit might be quite complicated to put into legislation, so it would probably be set out in guidance. However, we would recommend that a six-month period be in legislation as a bare minimum to ensure basic best practice.

**Jeremy Balfour:** We do not want to end up with local authorities turning away people who are eight rather than six months away from homelessness. I appreciate John Mills's comment about wanting to do this work as early as we can, but when you have limited resources and are working within a legal structure, this might become the default position. That is the danger, I suppose.

**Maeve McGoldrick:** Yes.

**Jeremy Balfour:** If I may move on to crisis—

**The Convener:** Before you do so, I believe that Roz McCall would like to come in with a supplementary question.

**Jeremy Balfour:** My apologies, convener.

**The Convener:** That is okay.

**Roz McCall (Mid Scotland and Fife) (Con):** My apologies—I will be very brief. My question has come off the back of what Professor Fitzpatrick said and relates to The First-tier Tribunal for Scotland process, which I know is slightly off-piste. I have with a few cases in which I believe that councils are requesting that tenants move into that process and are really pushing that. Is that a breakdown in the system that you are currently highlighting—that we are so stretched that we are having to move into a different process and ask residents to go through a tribunal process rather than addressing the issue at hand? Professor Fitzpatrick might want to come back on that, and perhaps Mr Mills could also give a quick answer.

**Professor Fitzpatrick:** I do not think that I have a response to that question. I am sorry, Roz, but I am not familiar with what is going on in that context.

**Roz McCall:** Maybe it is a council matter, then.

**John Mills:** In the context of a housing crisis or a housing emergency, we want to ensure that, if

people are in accommodation and they have legal rights, they exercise them to the full extent of the law. What we would like to move to—this is about fixing the system—is a system in which we have adequate temporary accommodation, which we do not have at the moment. We do not have enough permanent housing options in housing associations or councils that people can move into.

Good practice in an allocations policy for housing is to try to pick someone off the list before they move into a much more difficult situation. That practice has pretty much come to an end in Scotland. It is about reversing the pressure that we have at the moment and getting out of the housing emergency. Then, we will not be in a position where people have to stay where they are, despite the fact that they do not want to and, instead, they will be adequately housed in most cases. We are asking them to exercise their legal rights to prevent their homelessness for as long as possible, so that we have time to prepare a housing option for them. In essence, that is what most local authorities are doing just now.

**Roz McCall:** Okay. Thank you.

**The Convener:** I will let Jeremy back in.

10:00

**Jeremy Balfour:** You have picked up this issue to some extent already, but you might want to expand on it slightly. The submission from Crisis states:

“More clarity will be needed to ensure people can access support when a problem is identified, and are not turned away and told to come back when the crisis is imminent”.

You have said a bit about that, but could you unpack that more so that we can understand what we should be looking at?

**Maeve McGoldrick:** Certainly. We gave examples of that in the PRG report. For example, there can be formal notices such as a notice to quit or a notice of possession, but there can be more informal things, such as a loss of employment or rent arrears building up. It is about having some forms of definition of what that means and examples of what people can take to their local authority to illustrate that they are six months away from experiencing homelessness. As I have said, we suggest that some of those should sit in the legislation, and the less formal things, such as loss of employment or falling into rent arrears, should sit in guidance.

The system cannot be a linear process. We need join-up with other public bodies that might be able to flag up a debt advice agency or social services, for example, and registered social landlords identifying that people are falling into

rent arrears. We need to be able to work with the local authority prevention team, which can help to justify things when somebody has unstable housing and say what type of support they need from the local authority. Other public bodies can provide wider support services.

**The Convener:** I remind everybody that we are really short of time and that people should keep their questions and answers as succinct and concise as possible, please.

**John Mason (Glasgow Shettleston) (SNP):** I will build on what Mr Balfour said. Mr Mills, ALACHO's submission talks about

“when the household themselves feel or understand themselves to be at risk of homelessness.”

Obviously, some people are worriers and come to me and others worried about homelessness. Other people are the opposite. They might realise that they have debt problems, but they do not really believe that they will be made homeless until the very last minute. Is that a problem?

**John Mills:** Everyone is different. My colleague talked about a personal housing plan. A lot of that has already been implemented. At the moment, the approach is probably one dimensional rather than broader in terms of housing.

Different people approach local authorities for advice. People do not claim that they are homeless, but they look for general housing advice, and it becomes apparent to the housing adviser that they are at significant risk of homelessness. What can be done to help? Others will put things off to the last minute. They will not open letters or respond to inquiries about rent arrears or whatever until the issue is absolutely in their face. Everyone is different.

As part of the overall design of a robust prevention system, we have to get much more information and early help out there through a variety of agencies, not just local authorities, so that people do not have to think that they have to wait until the 11th hour before they seek help.

Six months out from a homelessness crisis is a period when we can provide a lot more information, speak to people, and give them housing advice, money advice and so on. We can try to intervene. At least people will be much more aware of what their rights are, how they can access housing, and the range of housing options that they can access. At the moment, the approach is too narrow. We need to broaden that out as part of the prevention approach.

**John Mason:** To be a little cynical, if families get a lot of advice about debt and other things, and they manage to keep their homes, does that not just mean that another family will be sitting longer on the waiting list?

**John Mills:** Inevitably, at the moment, as we respond to the homelessness and housing emergency, people are sitting on waiting lists—or housing lists, as I like to call them—much longer than we would like them to. That increases insecurity, because people are living in insecure accommodation with friends, relatives and so on.

Since the pandemic, the dynamic that has changed is that people are not able to make their own arrangements as readily as they used to before it. When people go to a local authority as potentially homeless households, they inevitably need temporary accommodation whereas, in the past, they could have made their own arrangements.

I think that there is an overall shortage of housing options, and certainly of social rented housing options. We are still in the domain where people have to come to the council to seek housing as a last resort, but it should be a first choice. Unless we get the shortage of housing supply equation resolved, people will spend longer on housing lists.

Our duty at the moment is to make sure that we try, two months out, to prevent as much homelessness as we can, but inevitably, 90-odd per cent of our activity is crisis intervention.

**John Mason:** Ms McGoldrick, are we just moving people around the system, as in we have the same number of people homeless but just different people?

**Maeve McGoldrick:** You are trying to get at the supply and demand point. As I said at the start of the meeting, you need a three-pronged approach to go above and beyond, as we did in the pandemic, with something different to deal with the housing emergency backlog. We need to build enough homes to meet demand and introduce homelessness prevention measures. For that to be successful, we need enough housing options for people to be able to move into.

**John Mason:** I am sorry, but if we do not have the money, we cannot build more houses, can we?

**Maeve McGoldrick:** Social housing is not the only option for housing outcomes. We need to make more use of the private rented sector. One thing that we suggest could sit under the prevention activity is ensuring that what we call help-to-rent schemes—PRS access schemes—are available across all local authority areas to help to incentivise landlords to let to low-income tenants. They work well. We have provided help-to-rent schemes and they open up the private rented sector market to people who are at risk of homelessness and on low incomes, and it helps to stabilise that tenancy for both the tenant and the landlord. It ensures that people do not fall into rent

arrears and that they understand how to pay their bills and so on.

We need to think creatively about other housing options, but not lose sight of our social housing target, because if that goes in the wrong direction, prevention will not be successful.

**John Mason:** I realise that we are short of time.

**The Convener:** I will intervene here, because I am conscious of the time, and other members still want to come in on other themes of the bill. I am sorry about that, John.

**John Mason:** Mr Doris got 20 minutes.

**The Convener:** Yes, I know, and I asked him to be as clear and concise as possible. If you have any further questions for any of the panel members, I would be happy to write to them and ask for a written submission. I am sorry about that.

Moving on to the domestic abuse theme, I invite Katy Clark in.

**Katy Clark (West Scotland) (Lab):** The policy aim of the legislation in relation to domestic abuse is to help protect the rights of women and children who are experiencing domestic abuse and financial control and living in social housing to remain in their own home, or be rehoused if that is their wish, and to ensure that arrears accrued because of domestic abuse are not a barrier to accessing social housing in the future. To what extent do the bill's provisions relating to domestic abuse achieve the stated policy aim?

**Maeve McGoldrick:** We welcome the proposals in this area. Domestic abuse is one of the lead causes of women experiencing homelessness, so all that we can say is that we welcome the proposals in the bill.

**Annika Joy:** We also welcome the proposals.

**John Mills:** From a local authority perspective, we absolutely support the provisions in the bill. Requiring social landlords to have a dedicated domestic abuse policy is overdue, and we would like that to be implemented as soon as possible.

**Katy Clark:** Professor Fitzpatrick, do you have any concern that these provisions need to be strengthened or that they are not quite right? There seems to be positive feedback.

**Professor Fitzpatrick:** Like my colleagues, I am very much in favour of the recommendations, which are completely in line with the recommendations of the PRG. I have no concerns.

**The Convener:** We move on to theme 5, which is equalities issues and impact on rural areas.

**Roz McCall:** What equalities issues arise from the bill? Does the bill sufficiently account for

impacts on different equality groups, or is other action needed to make improvements?

**Annika Joy:** Homelessness affects different equalities groups differently. Some groups are more likely to find themselves homeless—people who are racialised are more likely to find themselves homeless. They are also less likely to have had positive interactions with other public bodies, which could perhaps have intervened or asked and acted at an earlier point. Therefore, it is really important that, in the implementation of the measures in the bill, we consider discrimination and the potential risk of exclusion of, for example, people who are racialised, women and people from LGBTQ+ communities, whose interactions with public bodies might not have been the most positive.

**John Mills:** It would be really positive if a full equalities impact assessment was carried out. ALACHO supports that in relation to Gypsy Travellers. At the moment, through local authority action, we are trying to move Gypsy Traveller sites from the general fund account to the housing revenue account. There is a need to push forward with that so that Gypsy Traveller tenants are treated the same as social rented tenants. That is very welcome, and we are keen to collaborate on that.

I will mention one or two other issues. When it comes to fuel poverty, we believe that the bill represents a general tidy-up of existing legislation, which is very welcome. I do not think that we had a lot to say on that in our submission. In general, we welcome the measures.

**Roz McCall:** Are there any differences in the solutions that are used to tackle homelessness in rural areas of Scotland? If so, to what extent do the provisions in the bill seek to address any specific issues in rural areas? I will come back to John Mills on that one, to get a perspective on the situation in councils across the board.

**John Mills:** In looking at rapid rehousing transition plans across Scotland, we recognise that there are particular difficulties in rural areas from the point of view of the costs of building housing and the availability of workforce and contractors. That is an issue that needs to be tackled through housing supply.

Good progress is being made in rural parts of Scotland, such as Aberdeenshire, where councils are trying to reduce the reliance on temporary accommodation. Rural councils have not faced the same level of increase in homelessness applications as the big city and urban authorities in the central belt have faced. At the moment, there is a geographical difference when it comes to the housing emergency. We can

see that in the number of authorities that have declared housing emergencies.

We need to be very particular and specific about what we do to support housing options in rural areas. The Government has already proposed such an approach, through various workstreams as part of the housing supply programme.

**Roz McCall:** Do you think that the provisions in the bill are adequate?

**John Mills:** You could always go further.

**Roz McCall:** Of course we could.

**John Mills:** I think that they are welcome—there is a recognition there—but maybe they could be improved through further discussion, through statutory guidance and through the housing supply programme.

**The Convener:** We now move on to theme 6—implementation and other issues—on which Paul O’Kane, who joins us remotely, has questions.

**Paul O’Kane (West Scotland) (Lab):** Good morning. I am keen to understand how clear you think the bill is on enforcement of the new homelessness duties. Who will be responsible for monitoring relevant bodies’ compliance with those duties? I think that that will be crucial.

**Maeve McGoldrick:** In relation to the big-picture stuff, as we mentioned earlier, we would really like the Scottish Government to set out a clear vision of what success looks like. How will we know that we have got there? What does success look like? What is good for everyone involved?

In relation to that, what is missing, as we set out in our own vision, are defined outcomes for each of the public bodies. How will we record that? How will we know when a public body has achieved an outcome, for example? Where will that information be sent? What will the fact that an outcome has been achieved mean? Will the system stop or will people still need other types of support? There will be multiple strands of activity. Some support might stop, but other support might need to carry on with a different public body. It is not the case that if one element gets addressed, people come out of the system. It is a holistic service.

Therefore, it is quite a complex picture, so we need to have a vision of what the reform looks like, how we can identify the outcomes, where those outcomes will be measured and, ultimately, what accountability is in the system. As I said earlier, there is a right to review under the local authority prevention activity, but there is no right to review under the ask and act duty on the other public bodies. There is an absence there that we need to address in the bill.

10:15

**John Mills:** I assume that the Scottish Housing Regulator would have a role. It looks at whether local authorities are meeting statutory duties under the current homelessness legislation, so I assume that it would look at the prevention of homelessness duties. The courts test compliance with statutory duties under the homelessness legislation, and we anticipate that happening for the prevention duties.

The homelessness prevention and strategy group, which is responsible for monitoring and implementing the ending homelessness together plan, has set up a number of task and finish groups over the past couple of years. A task and finish group on monitoring and measuring the outcomes in the ending homelessness together plan, which includes prevention of homelessness, has reported to the Government, and we are waiting for a response.

**The Convener:** Paul, do you want to come back in?

**Paul O’Kane:** In the interests of time, I think that we can follow up on those points in writing.

**The Convener:** Thanks very much. The last question is from Jeremy Balfour.

**Jeremy Balfour:** It is almost the biggest question of all. Is there anything else that the bill could include to improve homelessness prevention services and support for victims of domestic abuse? If you had a chance to rewrite any of it, what would you put in?

**Maeve McGoldrick:** Is that in relation to domestic abuse specifically?

**Jeremy Balfour:** Yes, and any other matters.

**Maeve McGoldrick:** Oh—big blue sky thinking!

The main thing is money—I come back to that. We need to cost up what the act duty entails. That is not part of the design of the legislation, but it is essential to effective delivery. To get the funding right, we need to clarify what “act” means so that we can cost it accordingly. That is the biggest area. If we want to shift prevention further upstream, we need to add more substance to what “act” means in practice, and we need to have the design and infrastructure to allow for a holistic support model.

On implementation, as has been alluded to, we recommend that there should be a test and learn period before the legislation comes in. It may come in during 2027-28, but we can start now to pilot and test what is needed.

Alongside the legal framework and the costings for delivery, we need to look at a national communication strategy on the importance of a

home—and a stable home—and the fact that people can go to a range of public bodies, and not just those that are listed in the legislation. We need to think about using the third sector and public bodies such as jobcentres, which play a critical role, and the Home Office, which we need to bring into the ecosystem. We need to work with those other public bodies. Crisis has already started to work with jobcentres in Scotland to make them aware of the bill and identify what they could do to identify housing needs in their benefits claim assessment, for example.

A lot can be done to prepare before the legislation comes into force. As well as having a communication strategy in place, we need to ensure that we have the information technology infrastructure. One point that has not been mentioned—I should have mentioned it at the start, as it is essential to holistic integrated services working effectively—is the need to have data-sharing protocols in place. That may be absent from the existing provisions, or perhaps the issue should sit elsewhere. We need to consider whether the data-sharing protocols allow for an effective and holistic service across a range of public bodies.

I am conscious of time, so the last thing that I will suggest is the point that we made in our submission about ramping up the role of health and social care services in particular. That can come through prescribing what the act duty means in practice and/or building that into the planning model. We welcome the housing needs assessment, but we would like to see integration, with the health and social care boards and the community planning boards coming together to provide holistic planning that leads to a holistic service.

**John Mills:** Can I come in very quickly, convener?

**The Convener:** Very quickly, as we are really over time.

**John Mills:** The best way to prevent homelessness is to build more social rented homes. We need to strengthen the link between prevention through the bill and the need to meet targets nationally. It is difficult, but we need to find the means to finance the building of many more social rented homes. More than 80 per cent of people who approach local authorities for help simply need a roof over their heads.

**The Convener:** That concludes our evidence session. I thank you all for your contributions. I am conscious that we were not able to bring in everyone, and there are several questions that members might like to ask. We will write to you to seek a response. Thank you again.

I briefly suspend the meeting to allow for the set-up for our next panel.

10:20

*Meeting suspended.*

10:24

*On resuming—*

**The Convener:** Welcome back. We will now hear from our second panel of witnesses on the Housing (Scotland) Bill. I welcome Jules Oldham, who is the head of policy at Scottish Women's Aid, and Gordon MacRae, who is assistant director for communications and advocacy at Shelter Scotland, both of whom are in the room with us. Maggie Brunjes, who is the chief executive of the Homeless Network Scotland, is attending remotely. I thank you all for joining us today.

We move straight away to questions. I am conscious of the time, so I remind everyone to be as succinct and concise as possible when posing their questions and giving their answers. Our first theme is a general one. I will come to Gordon MacRae first. To what extent do you agree with the Scottish Government's overarching policy objective of the homelessness measures in the bill creating a shift away from crisis intervention to prevention activity?

**Gordon MacRae (Shelter Scotland):** We absolutely share the desire for the outcome that is sought. We want to see a homelessness system that focuses on prevention and supports good prevention work. Our pessimism—I hope that it will not be regarded as cynicism—is about the starting point at which we currently find ourselves, where the housing systems of 10 local authorities have been identified as being either in or at heightened risk of systemic failure. That represents an extraordinary level of intervention by the Scottish Housing Regulator—one that has not really been addressed so far. Eight local authorities have already declared a housing emergency, so they have effectively said that they do not have the capacity to meet the scale of demand.

When we look at the homelessness statistics, we see that existing duties are being breached at an industrial level every day of the week. That raises the question whether we are not imposing new duties with a financial memorandum that I think the Government would acknowledge is incomplete, in that it contains no projections on education or anything other than local government services. For us, that raises concerns about whether we are simply trying to do more of the same, but with the assumption that if we impose duties on the public sector, it will directly lead to an improved outcome.

We find ourselves in a difficult position. We agree with the bill's objective, but we are uncertain whether, in its current form and with the present lack of detail, it can ensure the outcome that we seek.

**The Convener:** Would Maggie Brunjes or Jules Oldham like to come in on that?

**Jules Oldham (Scottish Women's Aid):** One woman in every four in the UK is likely to experience domestic abuse. Recent statistics from Police Scotland show that 62,000 domestic abuse incidents were reported to it across a year, but we think that that figure does not represent the bigger picture. When we compare it with the number of homeless presentations, we are concerned that not all those women are currently making the move to their local authorities to present their experience of homelessness. From the many conversations that we have had with women across the country, we feel that that is down to lack of provision. We know of women who prefer to stay in homes where it is not too extreme to say that they are at risk of being murdered, to going to their local authority, only to end up in bed-and-breakfast or temporary accommodation. That is a dire situation. For us, the approach should be very much about improving provision.

However, it must be understood that the issue is not just the accommodation itself, but the whole approach to the advice that should be part and parcel of provision. Those elements are not there just now, which is of real concern to us.

Up to that point, we are very appreciative of the bill. It contains so much, but we feel that, until those concerns are addressed and the solutions are well resourced, the bill will not achieve all that we would like it to do.

**Maggie Brunjes (Homeless Network Scotland):** The recommendations for prevention duties that are now reflected in the bill were made back in 2018, which was six years ago. As we all know, over that period, homelessness has increased. We are absolutely in favour of taking a preventative approach and creating the legal structure to enable that to happen, which will be critical.

Our sense is that there are some really legitimate concerns about implementation. It is incumbent on all of us to come together and figure out how the opportunity that is created by a legal framework to prevent homelessness can best be implemented.

10:30

Broadly, two things have been driving the increase in homelessness over the past six years. First, as was mentioned in the earlier panel

session—it is absolutely worth asserting this again—it is about the big structural drivers: poverty, inequality, the housing supply, the benefits system and the labour market. Secondly, it is, critically, also about the systemic drivers of homelessness. To us, that is about how adequately the systems react—it is about the housing system and how health and social care services react to homelessness and to people's health and wellbeing needs, and how quickly and adequately the homelessness system can react to prevent homelessness.

Homelessness in Scotland is increasing because of failures in both areas. The prevention duties provide a real laser focus on the systemic drivers. That is the opportunity that is presented in the bill and in the prevention duties that we cannot afford to miss.

The bill will achieve a legal framework to make homelessness the responsibility of sectors that interact with people who are at risk of homelessness much earlier and much closer to home. To be absolutely honest, those are people whom the homelessness sector simply does not have a line of vision on. We are not aware of them early enough to help them. That is why we need a broader list of organisations and public bodies to get involved and to share responsibility.

Finally, Homeless Network Scotland was a member of the prevention review group, which made the recommendations that led to the development of the bill's provisions. Probably more important than that, we supported a group of people with lived experience of homelessness who worked in parallel with the work of the prevention review group. They were part of the change team, and they made up a group called the prevention commission. They were excellent, and they worked incredibly hard throughout the process. One of the things that the commission commented on was the many missed opportunities to help people earlier. When we asked it how we might do that, it said, "Just ask people."

**The Convener:** Thanks very much. That is really helpful.

We will move on to theme 2, which is on the ask and act duty.

**Bob Doris:** Good morning, everyone. I will roll my questions together. There are various questions—I will leave it up to the witnesses how they wish to address them.

On the ask and act duty, what is your view of how the relevant bodies that are listed in the bill currently work to prevent homelessness? How good are the links with local homelessness services? Do you think that the proposed statutory ask and act duty will help to address any areas for improvements?

There is a lot in that. I will leave it up to the witnesses how they want to respond.

**Jules Oldham:** Of course, on the face of it, having everybody involved is a no-brainer. Then we consider domestic abuse: the question why a woman does not simply leave comes up time and again. It is because the point at which a woman leaves is where the risk is the highest. That is where the real risk is. To touch on my previous comment, the risk is as high as the risk that the woman might be murdered.

The Femicide Census recently showed that 38 per cent of women who were killed as a result of domestic abuse were killed within the first month of leaving, and 89 per cent were killed within the first year of leaving. That demonstrates that it is critical to get things right in the first year of leaving. Putting that burden on the shoulders of numerous people in different roles across the country and thinking that a day's training or a bit of support here and there will be enough to ensure a trauma-informed approach with a real understanding of domestic abuse as well as housing and homelessness when that work is not a person's core job—not what they do on a day-to-day basis—and that people will be able to do that without causing harm or risk does not feel possible.

However, we think that the idea has potential, so we are suggesting that, instead of taking that approach, we should take the very basic approach of attaching the ask and act duty to buildings such as prisons, hospitals, mental health facilities or police cells. There could be one expert or a group of experts, depending on the size. The third sector could be pulled in. That would allow the different approach of the ask and act ethos, which is a fabulous idea, to be delivered through the provision of expertise connected to specific areas. It would build on the SHORE—sustainable housing on release for everyone—standards, which we did pretty well on but got only so far with.

Cyrenians' hospital in-reach service is a great thing to build the ask and act ethos on. If we build that approach on such services, people who deal with domestic abuse and homelessness across the board and take it on their shoulders to do that work day in and day out will be able to help people to provide advice and support without the risk that I have mentioned. We do not think that the proposal is a no-go overall, but, as it stands just now, the risk far outweighs what would be seen as the positives.

**Bob Doris:** That was very helpful.

**Gordon MacRae:** As far as the list of bodies is concerned, the obvious glaring omission is general practitioners. I appreciate that they are not public

bodies and that that is a difficult area to connect with.

The bigger point is about implementation. I reiterate that we want prevention services to work. Under the bill, making a referral to local authorities would not be the default setting. Jules Oldham has just mentioned a hospital service. We ran a prevention service in hospitals in Fife, which required putting housing experts in that service. The question is, where is the spare capacity to divert services in those new ways? If there is no spare capacity, where will the additional resourcing come from?

We have seen a significant implementation gap in other areas of public policy. We do not have a philosophical concern about the proposal; our concern is more about how it can be implemented in reality.

**Bob Doris:** I am sure that a colleague will come on to the issue of resourcing, in short order. I do not know whether Maggie Brunjes would like to comment before I move on to my next line of questioning.

**Maggie Brunjes:** Yes, I would, thank you.

Overall, we agree. The legal framework is broadly correct. Some tweaks and improvements could undoubtedly be made, as the previous panel noted, especially in relation to the reasonable steps and the provision of a new framework to underpin the range of prevention activity that already happens. The proposed framework can underpin some of the good things in the current system to do with prevention, and can expand on those.

However, there is absolutely loads to get right on delivery, and collaboration will be key. In the interest of completeness, the financial memorandum does not go far enough and does not properly assess the financial costs to the other public bodies that are listed.

I reassert the point it would be ideal for GPs to be included in the list of other groups. Of course, GPs are not public bodies, but so much rests on them. There is a lot of evidence that informs us about spikes in use of health services and GP services ahead of homelessness. More can be done in relation to the legal framework or in the context of delivery to capture that point. That feels key.

**Bob Doris:** A suggestion that was made in our session with the first panel is that the Home Office could have a role to play. Obviously, we cannot put a statutory duty on the Home Office, but should it have a role to play?

**Gordon MacRae:** Absolutely—as long as it would be within the legislative competence of the Scottish Parliament to provide for that. Would we

like to see the Home Office having such a role? Of course. The release process has been devastating for the provision of homelessness services.

**Bob Doris:** I had better move on before the convener chastises me for going off on tangents with my scrutiny.

I have a question for Jules Oldham. You might have answered it in part but, given that the issue is so important, I will ask the question again. Can you say more about how the ask and act approach might impact those who are at risk of domestic abuse? You alluded to the dangers of people not being trained properly and so on. What needs to happen to ensure that women are not placed at further risk? Can you say more about your alternative proposals, which you hinted at in your earlier answer?

**Jules Oldham:** A trauma-informed approach to dealing with domestic abuse is required. It goes back to the point about resources. Will that approach take place and then continue? We do not want the roll-out to involve people attending a one, two or three-day training course and that being it. A trauma-informed service is quite different from services 10 or 15 years ago.

We suggest that we could add to our approach. As I said, we could attach the ask and act duty purely to a building, but we could take things a step further. We could say that, overall, everyone taking a more trauma-informed approach to domestic abuse will help, but that it should not be attached to the duty to act part.

I have not touched on how the equally safe framework provides a possibility. Given that that framework includes such robust thinking in relation to our practice and what we should do to tackle violence against women and girls in Scotland, it is quite strange that the framework does not seem to align with the bill or with how we are working in Scotland. There is a real opportunity to think about how those two areas can work together.

Overall, our suggestion is that, when the ask and act duty applies, there should be a connection to a hospital, a mental health hospital, a prison cell or a police cell so that people can be connected to experts. There should not be an expectation that everybody, en masse, will be resourced well enough on day 1 and, further down the line, on day 865 for people to act appropriately, with the right understanding of what is happening in the community and of the referrals. That almost undermines the expertise of anybody who is an expert in their field.

**Bob Doris:** That is very helpful evidence.

**John Mason:** I will build on what has been said and look at the financial memorandum. Do the

witnesses feel that enough money has been set out for the extra duty that people will be taking on?

**Gordon MacRae:** I do not think that the financial memorandum is credible, given the scale of change that is implied in the bill.

**John Mason:** Would you like there to be double or three times the amount of money that is set out?

**Gordon MacRae:** The financial memorandum does not include any assessment of education or the wider health sector. As I understand it, as it applies to local authorities, the memorandum primarily provides a view of local government homelessness services; it has not been expanded. The request that was made when the memorandum was being produced did not go beyond the initial point of contact. I do not think that you, as legislators, have been provided with enough information for you to be able to take a view on the potential financial burden as a result of the bill.

**John Mason:** The Government has said that it will provide guidance and training on things—

**Gordon MacRae:** I look forward to that.

**John Mason:** Right. Ms Oldham, do you have a figure that you would like to see? Are enough resources being provided?

**Jules Oldham:** We are not economists, but it certainly does not feel as though the figures reflect a sector-wide response. This has all felt as though it is about partnerships, working together and the possibility of all public bodies coming together, but that is not reflected in the figures in the financial memorandum.

**John Mason:** Ms Brunjes, would you like to be more specific and give us the figure that should be provided?

**Maggie Brunjes:** I can definitely support what Gordon MacRae and Jules Oldham have said. There is broad consensus that the financial memorandum does not go far enough, because it was produced looking through the limited lens of homelessness services. It is an incredibly important starting point, but if we need the prevention duties to be broader, the financial assessment has to be as broad. There is absolutely no doubt that you spend to save on prevention, but you need to front load it. The financial memorandum does not address the need for us to do that.

10:45

**John Mason:** Is it fair to say that there is a mixture? The bill will mean that some people have to spend an extra 15 or 20 minutes with somebody, and it might be even longer for others.

For some people, it will take just a few seconds to ask them whether they have a house. Will it vary a lot?

**Maggie Brunjes:** The prevention duties are largely about people requiring capacity. It is absolutely about the need for people to spend more time, ask more questions, have a targeted focus and be released from their day job to be trained and supported to build capacity. You need time to build those collaborations with other sectors so that different services and sectors can wrap around the person and prevent their homelessness. That takes time, and that time needs to be invested in.

**John Mason:** That would apply to GPs as well. It has been mentioned that it would be good to have GPs in there. Presumably, we could pay GPs to do it or employ a link worker or something like that.

**Maggie Brunjes:** I absolutely agree. That would be key and fundamental to the success of the duties.

**John Mason:** The Government says that the intention is to not have everybody being referred to local authorities. The question is whether that can be achieved in practice. What else do we need in order to ensure successful implementation of the duties?

**Jules Oldham:** I do not think that it should align with local authorities. GPs have been mentioned, but I think that health services on the whole have a definite part to play. I do not say that in relation to the ask and act element of the bill, but in homelessness prevention largely we need a better understanding of homelessness as part of someone's health and wellbeing. Were every sector to consider the importance of having a home as the core of what they are working towards, that would go a long way towards making things better, instead of everything sitting on the shoulders of local authorities.

Dr Andrew Waugh did a fabulous bit of research—the whole sector continues to quote it seven years down the line—in relation to how health and homelessness are intrinsically interlinked. Until we recognise that home needs to be a part of every political sphere and agenda, we will fail in that regard. People will continue to only go through local authorities at the last minute. We are failing overall on that.

**John Mason:** Mr MacRae, can we get other bodies involved?

**Gordon MacRae:** We can if we invest in good training and good service provision. There are good examples. Jules Oldham mentioned the SHORE standards in the justice system, and there is a good case study there of what can be done

with a prolonged commitment at leadership level and in services. However, I point out that things such as the new early release slightly wash all of that away. I go back to asking, if this is a legal framework, how robust it is in the face of the sorts of changes and exceptions that have become the norm in recent years. That is where we get worried.

The duties that public bodies already have are not being implemented and there is no consequence to that. How can we ensure that this additional set of responsibilities will be enforced from the individual perspective and the regulatory perspective? Our concern is that, if the approach is implemented badly, it will just be a new referral pathway to homelessness services, because there will be no spare capacity in those public bodies to pick up the responsibilities unless there is clarity about what new resource and what new accountability—I do not mean sanctions in a financial sense—will be built in to require those public bodies to show that they have delivered on their responsibilities.

**John Mason:** That is helpful. We can ask the Government for its response to that.

**The Convener:** We move on to theme 3, which is on preventing homelessness sooner.

**Roz McCall:** What are some of the problems with the current legal framework, which considers people to be threatened with homelessness if it is likely that they will become homeless within two months? Will extending the definition to six months make any difference? Are there any benefits to that?

**Gordon MacRae:** We very much support the extension to six months and we are quite sympathetic to ALACHO's view that it should be six months plus. We recognise that service providers have to exist within a set of thresholds and limits but, as Professor Fitzpatrick mentioned with regard to the "Hard Edges Scotland" report, we have consistently seen missed opportunities. The problem with the current system is that we miss too many opportunities to help people to keep the homes that they have. The question then arises of how we can design a better system. How do we make sure that we are not creating perverse incentives to make homelessness applications the only route to housing?

However, the concern is that we are not sitting here and designing utopia from a blank piece of paper. We are starting from a position of a homelessness system in Scotland that is fundamentally broken in a way that it has never been before—certainly not in the period of devolution. How do we make that transition at a time when the system is not just buckling, but has buckled, and the regulator is, in effect, saying that

the majority of people in Scotland now live in an area where the homelessness system cannot meet its statutory responsibilities? That is not our opinion—it is the Scottish Housing Regulator's engagement plans that have pulled that out. In and of itself, that shows that the system is not working and that we need to improve it.

The extension to six months is a good thing, but is it likely that people will be able to access services when the same local housing officers have a backlog of cases and there is very little prospect of clearing that backlog of demand?

**Jules Oldham:** We absolutely support the extension from two to six months. With regard to domestic abuse, there is not a linear pathway to homelessness. It is well known that women and children may leave and return to the perpetrator repeatedly, so we need as much as possible a system that allows for that unhealthy route into homelessness taking place. The two-month period really does not allow for that.

In such cases, women often—understandably—want legal advice before leaving. At the moment, however, that is a pipe dream. Recently, we had a woman who had made 52 calls and still did not have any legal advice at the end. As Gordon MacRae said, this is part of a much bigger picture, and many different aspects are required to make the system achievable. However, we absolutely welcome the extension from two to six months.

**Maggie Brunjes:** I reiterate that we also welcome the extension from two to six months. The issue with the current system is that the overlapping nature of disadvantage cannot be adequately met by sectors and services that operate in different silos. That is a faultline not only in homelessness services but across health and social care and other systems that people navigate. The minimum that the extension from two to six months will do is give people more time to navigate the complexity of how services and supports are provided, and how they can match more closely the range of supports that might help to prevent homelessness from happening in the first place.

It would be better if the bill had a clearer definition of the term "threatened with homelessness". We think that that would help in the implementation stage.

**Katy Clark:** The policy aim of the domestic abuse provisions is to

"help protect the rights of women and children experiencing domestic abuse financial control living in social housing to remain in their home, or be re-housed if that is their wish, and ensure arrears accrued because of domestic abuse are not a barrier to accessing social housing in the future."

The previous panel was of the view that those aims will be achieved by the bill. I am interested to

know whether the current panel is also of that view.

I also have a specific question for Jules Oldham from Scottish Women's Aid. Jules, would you like social landlord policies to be included in the bill to strengthen those provisions? You have stated that there is no mention of young women. Will you explain your findings relating to young women and domestic abuse? Do the bill or guidance or regulations need to address that in more detail?

**Jules Oldham:** I will take a step back. We are really disappointed that the bill has no gender focus whatsoever. It was said for years that there would be such a focus, but it is nowhere to be seen. There is no evidence of that. That really needs to be addressed, and that would have been a much better starting point.

There is a lot in the domestic abuse part that we welcome. We have concerns that the policy element will become a paper exercise, however, so we really want to see things not stopping at that point and requirements in respect of implementation and maintenance. That goes back to what I said about the ask and act duty. It is not just a matter of saying, "Let's get it right to start with," and ticking a box. We need to ensure that things do not stop at the policy and that we look at the practical elements and means to help registered social landlords to get things right as well. That is not a tough call overall, but it is something to embark on and ensure that it is done well.

We produced "Policies Not Promises: A review of Scottish social landlords' domestic abuse policies", in which we considered the 173 RSLs across the country. We looked to see who had the right information in terms of their website policy and what engagement there had been with the local community and the domestic abuse experts there. From looking at that, we noted that nine RSLs had something of merit in place. When we unpicked that further, however, that number became seven. We are therefore not at the best starting point. That was for the paper element.

That demonstrated to us that we need to push much further than that to get the practice and the understanding right. We should not have landlords saying, "I need a police incident number," and focusing on such elements; instead, they should think, "I need to understand how secure this place needs to be. I need to understand the risk and feel confident about all of that."

**Katy Clark:** Okay. That is helpful. Would any of the other witnesses like to comment?

**Gordon MacRae:** I will be brief. We have observed that Scottish Government policy is to equalise as far as possible renters' rights in the social and private sectors. We have noted that the

provision of a pre-action requirement is not being applied to private renters. We would welcome seeing how that could be incorporated in the legislation.

**Katy Clark:** That is helpful.

**Jules Oldham:** May I come back in briefly on that?

**The Convener:** Yes. Please be brief.

**Jules Oldham:** One of the key issues is that, if there was full commencement of the Domestic Abuse (Protection) (Scotland) Act 2021, that would enable us to have the opportunity to have perpetrators move from the property and the support to do so. That is a burden at the moment.

**Roz McCall:** You have just touched on my question, which I am really pleased about. Maybe there is not much more to add, but I will ask the question anyway.

Mr MacRae, your evidence suggests that pre-action requirements in rent arrears cases should also apply to the private rented sector. Will you expand a little on your previous comment?

**Gordon MacRae:** Basically, domestic violence is prevalent in all forms of tenure. Jules Oldham will know about that better than I do, but it is not distinct to the social sector. If we are seeking these outcomes for people, we should not simply target the social sector. I think that there is a hint of undue bias in the assumption that the social sector is where all the problems arise. Of course we want to see the protections come in, but we would like to see that equalised across the PRS. The sector could do that, because there are already pre-action requirements, so it is not as if we would be introducing a new set of approaches prior to seeking a position on the property.

**The Convener:** Moving to theme 5, on equalities issues and the impact on rural areas, I call Marie McNair, who joins us remotely.

11:00

**Marie McNair:** Thank you, convener, and good morning, panel members. My question is directed at Scottish Women's Aid—so at Jules Oldham, obviously. In your evidence, you question whether there has been analysis or consideration of how the homelessness prevention duty will apply across equality groups. Will you expand on your comments and say why that is important and how it can be done in practice? You might have already covered that a little bit, but, if you could expand on it, that would be great.

**Jules Oldham:** John Mills mentioned this in the previous session, which I was delighted about. An equality impact assessment approach is really important to start off with; indeed, it is mentioned

in “Housing to 2040”. However, we are now three years on from the publication of that strategy, and we had actually started to mention this about 10 years ago—I figure that I had brown hair at the time. At that point, we really expected to be well under way by now, but we are not, so that is where we need to start.

There are real possibilities with rapid rehousing transition plans, which can enable local authorities to work with and understand communities, but I do not think that this is as straightforward as having a blanket one-size-fits-all approach. RRTPs provide quite a nice solution, but they stem from the starting point of an equality impact assessment.

Overall, as I have said, there is a gendered lens in the Housing (Scotland) Bill, but intersectionality is nowhere to be seen. Pride is, I note, starting next weekend, but I see that cultural diversity is not included in the housing bill, which is pretty disappointing.

**Marie McNair:** We will take that issue back with us.

Do any other panel members have views on whether the bill sufficiently accounts for impacts on different equality groups? Is other action needed to make improvements? I will just pop that out there. We are being mindful of the time, so it would be great if you were quick with your comments.

**Gordon MacRae:** I can see that Maggie Brunjes wants to come in, and I do not want to step on her toes.

The lack of an anti-racist lens is evident to us. Last year, we did some research with Heriot-Watt University on the experiences of minoritised ethnic groups in Scotland in accessing homelessness services, and the majority of minoritised ethnic people who responded to our survey said that they had experienced racial harassment in their homes, across all tenures. However, that element has not come out in the bill; the idea that people are victims of harassment and that that might impact on why they present as homeless, on what support they require and on what alternative home might be allocated does not exist in the analysis in the bill at present.

**Maggie Brunjes:** I support the points that have been made. What we know about housing overall is that almost all groups that have characteristics that are protected under equalities legislation are disadvantaged in the housing system in different ways and at different times. There is an opportunity in the Housing (Scotland) Bill to prioritise an equality impact assessment and to make it much more textured than simply a set of boxes to be ticked and a few lines of contextual narrative.

We need to up our game on this and ensure that we look through an equalities-competent lens at prevention duties into the overall bill. What we need—perhaps in a couple of years—is to set up a housing to 2040 group, with a specialist sub-group or advisory group to work alongside the main group, to ensure that a range of expertise across the different characteristics can be brought together to steer the work. It is really interesting to make that point here today and to get that on the record. We need people with specialism to steer the rest of us on this.

**Marie McNair:** I agree.

**The Convener:** I just want to add that I have done quite a bit of work with Dr Steven Maxwell on intimate-partner violence, and it touches on homelessness and the topic that we are talking about. We held a round-table meeting, and the evidence that we took from it was really interesting. I was conscious of that when looking at the bill.

I call Paul O’Kane, who joins us remotely.

**Paul O’Kane:** This question follows on from Marie McNair’s questioning and is directed at Gordon MacRae. In its submission, Shelter Scotland suggested that consideration be given to including anti-racism responsibilities in the bill. It would be good to get some more context for that. Could you give us an idea of what you think such a provision might look like and why you think that it is needed?

**Gordon MacRae:** Sure. As I have mentioned, the starting point is that the people who will be the contact point—the people who will do the asking and the acting—should be supported to understand what anti-racism means, as distinct from being able to identify discrimination. They should be able to understand the systemic drivers for certain groups being consolidated in certain localities and how that impacts on the choices available to them.

As Maggie Brunjes has said, we need to up our game. I think that it is a fair reflection to say that Scotland has not been at the forefront of embedding an anti-racist understanding of the barriers that people face in engaging with services. There is a difference between an equitable approach and the idea that everyone is equal at the point of access. It is not always understood that people in some communities have different needs and require different provision.

As for what the bill should do, we are keen for an explicit reference to the fact that equalities issues—especially racism—are a driver for homelessness. People who have experienced racial harassment are more likely to present in the homelessness system, but things are not looked at through that lens. That is similar to what happened

with the ending homelessness together strategy, on which a gendered analysis was never carried out. We need to build in such things during the initial policy deliberations, instead of coming back to them after the fact during the implementation process.

**Paul O’Kane:** Thank you—that was very helpful. We will want to reflect on that across all the equalities strands.

On the rural aspect of the bill’s proposals, we have discussed the different solutions to homelessness that are required in our rural communities. I suppose that this is quite a big question, but it would be good to get a sense of how far you think the provisions go in addressing specific issues in rural communities. I do not know who wants to kick off on that.

**Jules Oldham:** I think that I have already touched on the possibilities with regard to local authorities working much more closely and much better with domestic abuse organisations. Do not get me wrong—some local authorities work very well with their local Women’s Aid and domestic abuse groups and experts, but there is definitely room for improvement. That should be a national must.

**The Convener:** I do not know whether Maggie Brunjes would like to come in.

**Maggie Brunjes:** I will just make a general point. Reflecting on the question, I think that the bill and the prevention provisions probably do not go far enough in considering the unique circumstances and geographies of rural areas. It is incumbent on all of us to look at that again and make sure that the bill goes a bit further in that regard. I will leave it there.

**Paul O’Kane:** I have a brief follow-up to that. The Scottish Parliament cross-party group on poverty has done a piece of work on rural poverty and the premiums that exist in rural areas. Do you recognise that to be the case in the housing space, too? Do people in rural areas face a premium in relation to their experience of homelessness?

**Maggie Brunjes:** That is exactly right. People face additional risk, additional cost and other factors as a result of being in rural circumstances.

**The Convener:** We now move on to the last theme, which is on implementation and any other issues. Jeremy Balfour has some questions on that.

**Jeremy Balfour:** I will start with Gordon MacRae, because he has already picked up this issue. How do we ensure that the new homelessness duties are embedded? What authority do we have in that regard? Perhaps you could unpack that a bit more. Would you want

there to be an ability to carry out a review of whether the relevant bodies are failing, or would you want a more legally enforceable process?

**Gordon MacRae:** I would start by reflecting on our model of service provision. Shelter Scotland is predominantly an advice and legal representation organisation. Obviously, we provide other services, but we do not provide the kind of intensive support that some of our colleagues in the sector provide. We staff on the basis that we will often work with those colleagues to pick up cases in which people’s rights have been breached, and we use our legal representation to challenge that, sometimes to the level of judicial review. More often than not, though, we take a case-by-case approach to challenging these things.

Therefore, embedded in our work is the idea that individuals have rights. We have a rights-based homelessness system and, for those rights to be manifested, an individual must be able to seek redress if the duty bearer fails to uphold their duties. A concern for us is that, with the prevention provisions in the bill being described as duties, it is just not clear whether that particular issue will be fleshed out in the secondary legislation. How does an individual seek redress if their homelessness is not prevented by the public body with that duty? I appreciate that that is, on one level, a slightly semantic issue, but it very much reflects our way of thinking. How do we support an individual? It is just not clear.

We would observe that the bill as a whole has massive gaps in detail—it is very much an enabling bill. The meat is yet to come, and it will be in the secondary legislation. Therefore, for us, the test of whether the legislation can be a success must be whether we are clear about the lines of accountability and the right to provision. The right to review for local authorities is welcome, but the vision here is far greater. This is not about how we get producers to produce a little bit better; it is about whether this bill will impact on the lives of people who are, or who are at risk of, experiencing homelessness. Right now, we cannot make a judgment on that, because we do not have the detail.

**Jeremy Balfour:** Perhaps I can push you on that a wee bit, just to guide the committee. What meat—to use your word—would you want to see?

**Gordon MacRae:** Certainly we would want the opportunity to have judicial review and clarity on what the responsibilities actually are. What does it look like to take that action? How would we recognise that a public body was not fulfilling those duties? Local authorities have to report whenever they breach the homelessness duties, whether it be under the unsuitable accommodation order or whether it be a failure to accommodate.

How will public bodies—because it will be not just local authorities—self-report and provide a data trail for how they are upholding those duties, and what interventions will individuals or a regulator make? Will the regulator have the ability to say to, for example, an education authority that it must review its policies and procedures if it has been found to have consistently failed to uphold the ask and act duty? That is the sort of detail that we would expect to be able to say that the legislation has the teeth that it needs to make a difference to people's lives.

**Jeremy Balfour:** Do the other two witnesses wish to come in on that?

**Jules Oldham:** I simply agree with everything that Gordon MacRae has said. He has covered it all and we have nothing more to add.

**The Convener:** I think that Maggie Brunjes would like to come in. Please be brief, Maggie.

**Maggie Brunjes:** Absolutely. The majority of responses to the bill have been in favour of the prevention duties; most of the noted concerns relate to delivery, and that mirrors our own position that the legal framework is broadly correct. There is a lot to get right on delivery. Collaboration will be key, and the financial memorandum just does not go far enough in that respect.

Some of the caveats to our support include the need for a definition of the term “threatened with homelessness”, more to underpin the reasonable steps. We absolutely agree with Gordon's point about redress for people, including judicial review; that is a gap in the legislation, and it needs to go in.

We would also like to see more on the personal housing plan. It has not been mentioned today, but we would like supported housing to be introduced and reclassified as “settled housing” in terms of the current homelessness duties and new prevention duties. That aligns with another piece of work that is going on in the sector at the moment.

**The Convener:** Thank you all for joining us today and for your contributions.

Next week, the committee will hear from two more panels of witnesses on the bill. Our witnesses will include stakeholder organisations as well as relevant bodies that will be subject to the bill's ask and act duty to prevent homelessness.

That concludes our public business for today. The committee will now move into private session to consider the remaining items on the agenda.

11:14

*Meeting continued in private until 11:32.*

This is the final edition of the *Official Report* of this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

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