

## **PREVENTION REVIEW GROUP – 16 DECEMBER 2019**

### **Minute of meeting**

#### **Present:**

**Members:** Matt Downie (Crisis, acting chair), Cllr Elena Whitham (East Ayrshire Council / COSLA), John Mills (Fife Council / ALACHO), Maggie Brunjes (Homeless Network Scotland), Stephen O'Connor (Scottish Government), Kathy Cameron (COSLA), Professor Tom Mullen, (University of Glasgow).

**In attendance:** Jess Husband (Shelter Scotland, for Gordon MacRae), Zhan McIntyre (SFHA, for Sally Thomas, Beth Reid (Crisis), Judith Chisholm (Crisis)

**Apologies:** Professor Suzanne Fitzpatrick (Heriot-Watt University), Susanne Millar (Glasgow City HSCP), Gordon MacRae (Shelter Scotland), Callum Chomczuk (CIH), Sally Thomas (SFHA).

#### **1. Welcome**

Matt Downie conveyed apologies from Professor Suzanne Fitzpatrick, the Chair of the Group and explained that he had been asked to chair the meeting in her absence.

It was noted that the Group now has a web page - <https://www.crisis.org.uk/ending-homelessness/scotland-prevention-review-group/> and dedicated email address – [prg@crisis.org.uk](mailto:prg@crisis.org.uk).

#### **2. Update on the Prevention Commission**

Maggie Brunjes provided an update on the work of the Prevention Commission which has been commissioned to ensure that the Group's recommendations are informed and tested by people with frontline experience and lived experience of homelessness. The Prevention Commission will consist of 10 -12 people and will hold meetings that shadow the work of the Group focussing on the same themes and will be staggered one meeting behind the Group. There will be two meetings held jointly with the Review Group.

ALL in for CHANGE is a collaborative development that brings together people with lived experience of homelessness, frontline staff and people at government level. This Change Team will be represented on a national strategy group on homelessness chaired by housing minister Kevin Stewart MSP. The Change team met for the first time in week of 9 December and it comprised approximately 30 people. The team were invited to express interest in becoming a member of the Prevention Commission. There was significant interest and the next step is to make sure members provides coverage of a wide range of experience of homelessness as much as possible so the Prevention Commission is diverse and representative.

The first meeting of the Prevention Commission will be on 16 January 2020 following which they will prepare an interim report.

#### **3. Update on Homelessness Prevention & Strategy Group meeting on 10 December**

Cllr Whitman provided a brief update on a few of the items that were discussed at the meeting, including an update on the work of the Group, which was well received. Minutes will be published.

#### **4. Stakeholder Meeting Feedback and Report**

The first stakeholder meeting on the theme of housing and homelessness bodies was held on 2 December. 16 of the 32 Local Authorities were represented as well as social housing federations and the Scottish Government. A report of the outcomes of that meeting had been circulated to members

of the Review Group in advance of the meeting. Beth Reid summarised the outcomes from the stakeholder meeting:

- a) Agreement that legislation addressing homelessness in Scotland needs to be much clearer on how prevention of homelessness should be addressed. This should be done by embedding housing options for households at risk of homelessness into legislation.
- b) The stakeholder group were clear that we should incentivise early action and move prevention duties much further upstream than they currently are.
- c) People need to be able to access a full range of housing options to prevent their homelessness.
- d) The stakeholder group were also of the view that reform of the system should be predicated on achieving the best outcomes for individuals and households at risk of homelessness.
- e) The stakeholder group were nervous of introducing a duty to cooperate on individuals threatened with homelessness, similar to those in England and Wales. The concern is that this would impact the most on those individuals who may already be affected by sanctions, mental ill health or other complex needs. Strong views from the stakeholder group that there should not be any provision in the legislation that leaves the most vulnerable people without support.
- f) In terms of practicalities, there needs to be clarity in terms of
  - a. what is meant by 'reasonable steps' to prevent homelessness? Being clear on what that means so that actions are consistent and accountable but also ensuring that there is flexibility so that in complying with the duty there is scope to respond to an individual's circumstances
  - b. When does the duty start? There was consensus this should be prior to the 56 day timescale in current legislation
  - c. How is the duty discharged? For example, when has support been provided, or when has support failed and need to move on to other outcome? And what is the extent of housing options that are appropriate for preventing homelessness? E.g. In what circumstances would lodgings arrangements and returning to the family home be considered to have prevented homelessness?
  - d. How would a strengthened corporate prevention duty on local authorities effectively apply across all relevant parts of the local authority
- g) There was also a recommendation that the existing Housing Support Needs Assessment duty be brought forward in line with the timing of a new prevention duty.

## **5. Discuss and agree initial recommendations on duties on housing and homelessness bodies**

Matt Downie noted that the task for the Group from the Scottish Government is to be specific as possible when developing recommendations in response to the discussion points from the stakeholder preparatory meetings.

The Group then discussed the points arising from the stakeholder meeting in detail. It is clear that a change to the law is required to clarify the place of homelessness prevention in the statutory framework for homelessness, so that prevention is not perceived as gatekeeping and to bring the law into line with good practice.

The discussion covered the following areas:

- Taking a more prevention focused approach requires a shift in culture, which some local authorities have already begun to make. Legal change can facilitate this. The Housing Options Toolkit due next year will also support this
- People need to have access to a wider range of housing options
- Prevention should be the outcome we seek for people at risk of homelessness, as long as this is the best outcome for the individual. Services should not disengage with an individual where it is not the best outcome. The group may give further consideration to how outcomes frameworks can support a legal duty
- Housing Options approaches should be embedded in law, with a topline framework in primary legislation, and more details in regulations and / or guidance. Legislation should set minimum standards rather than restrict practice
- “Reasonable steps” must be defined in legislation
- The system should be clear and accountable for applicants as well as local authorities. There must be a statutory right to a review of what has been done to prevent someone becoming homeless
- Intervention should be as early as possible. This could be facilitated by an open-ended prevention duty. Further consideration will be given to this, including to different timings to ensure effectiveness, accountability and enforcement.
- Specific pathways and groups may need specific duties
- There should not be a duty on individuals to co-operate, as has been developed in England and Wales
- Housing outcomes should be comparable across the prevention and homelessness duties and applicants should have choice. Consideration should to be given to social housing allocations priority for those with threatened with homelessness / homeless status and how these interact
- We shouldn’t dilute people’s rights, but the system should be such that people do not need to exercise their rights. This creates a potential tension in that both applicants and local authorities may not prioritise prevention activity, and raises the question of whether the current homelessness pathways should be amended to ensure prevention measures have the greatest chance of success.
- The group will continue to deliberate on these issues in future meetings, including what is meant by best outcomes for people at risk of homelessness and whether amendments are needed to current statutory framework to maximise prevention

**ACTION: Beth Reid to map out scenarios for how a prevention duty might work together with current statutory homelessness duty.**

## **6. Next theme: duties on health and social care bodies**

Beth Reid presented to the Group on current context of homelessness and health. Matt Downie then invited the Group to consider which stakeholders should be invited to the meeting and the questions or issues that should be discussed.

The Group identified themes and questions for the preparatory consultation group of housing and homelessness bodies and were asked to consider invite list for that meeting. (Themes and questions attached)

## **7. Next meeting**

The next meeting is on 24 January at which the Group, based on the views of the commission of frontline and lived experience, and the stakeholders, will consider and develop recommendations relating to what a legal duty should look like for health and social care bodies.