

Housing bill briefing

Stage 1 debate

November 2024

Key points

- Part 5 of the Housing Bill contains homelessness prevention measures which will **help end the housing emergency in Scotland**.
- The best way to end homelessness is to prevent it from happening in the first place. The measures in Part 5 of the Housing Bill will make a **significant impact on the ability to prevent homelessness in Scotland**, stemming the flow of people into the system and thereby reducing pressure on homelessness services. Most importantly it will **prevent the trauma, indignity and stigma of homelessness** for individuals affected.
- Part 5 is the result of many years of work and consultation by independent expert groups and was strongly supported by respondents to the Government / COSLA consultation in 2021. It **intersects with approaches to tackling poverty, reducing pressure on acute NHS services, and assistance for individuals with complex support needs**.
- **We strongly urge all MSPs to show support for the prevention principles of the Housing (Scotland) Bill at the Stage 1 debate and show that there is cross party support for the homeless prevention measures contained within it.** It is important to recognise positive work that has led us to this point.
- We recognise that there are sections of Part 5 of the Bill that could be improved, and we will be working with MSPs across all parties, and with Scottish Government, at Stage 2 and beyond to do this, including gaining further clarity on the Government's intentions for implementation.

Context: Expert development and consultation on preventing homelessness

Stable housing is one of the most fundamental of human needs. The Housing Bill contains vital measures to prevent homelessness and stabilise people's housing situations (Part 5). These measures are the result of many years of work and consultation through a number of independent expert working groups, going back to the Homelessness and Rough Sleeping Action Group in 2017-2018, and the Homeless Prevention Review Group between 2019-2021. This group conducted detailed stakeholder engagement with over 100 organisations, and was supported by the Prevention Commission, a group of people with lived and frontline experience of homelessness, to develop the proposals for homelessness prevention duties.

Scottish Government and COSLA [consulted on these proposals](#) in 2021, and they received widespread support for the package of proposals, which were described as comprehensive, transformational and welcome. Supporters recognised the importance of early intervention and enabling a joined-up approach to prevention. Respondents believed the proposals would strengthen existing practice, improve consistency,

positively impact those at greater risk of homelessness, and noted the potential long-term savings or benefits to services which could result from a focus on prevention.” (p3)

Respondents to the consultation were described as “individuals and stakeholders with detailed knowledge”, and on average 90% agreed with the questions posed in the consultation, including 87% supporting an extended homelessness prevention duty, and 93% supporting greater responsibilities on other public bodies to act to prevent homelessness.

Currently the legal homelessness framework focuses on acting when a homelessness crisis takes place. The [SPICE briefing on the Bill](#) highlights the imbalance between the statutory homelessness support and the *non-statutory* homelessness prevention approaches, which sometimes disincentivises an early intervention approach¹. [Other research](#) demonstrates how statutory homelessness services often “carry the can” for failures to intervene by other services, particularly for people experiencing severe and multiple disadvantages.

Work over the past seven years demonstrates that stronger duties on local authorities and other public bodies to prevent homelessness are needed to clarify the law, incentivise an earlier intervention approach and ensure bodies co-operate so that people don’t reach crisis point in their housing.

Moreover, the measures in the Bill echo successful legal provisions in Wales (2014) and England (2018) to prevent homelessness and develop them further by widening the scope beyond homelessness services to advance us towards a world-leading approach to joining up public services to improve people’s housing stability. Action is now being taken in Wales to go further on prevention and legislate for similar duties as outlined in Part 5 of the Housing (Scotland) Bill.

If implemented effectively, we believe these provisions will reduce the number of households who become homeless, as well as the associated costs of trauma and indignity to individuals affected. The measures will also help tackle poverty, reduce housing-related health problems, demand for acute NHS support, and reoffending rates, and they will allow for more effective holistic support for people with multiple needs and victim-survivors of domestic abuse.

Committee scrutiny of the measures in Part 5 of the Bill

The Social Justice and Social Security Committee [scrutinised this part of the legislation](#) and expressed its support for the fundamental aims of Part 5 of the Bill. The Committee highlight “broad support for the Bill’s homelessness prevention provisions amongst the witnesses the Committee took evidence from”, while also noting concerns about how these will be operationalised.

The Committee wrote “if the Bill is implemented, and it works as envisaged, this should help to alleviate some of the pressure currently being experienced in the homelessness system, including the high number of children living in temporary accommodation... the legislation could help embed... best practice” (p9)

¹ This was highlighted in Scottish Housing Regulator (2014) [Housing Options in Scotland: a thematic review](#), where prevention activity can sometimes be perceived as ‘gatekeeping’ access to the full rehousing duty.

We urge MSPs to support the Bill at this stage so that these important provisions can move forward for further scrutiny at Stage 2 of the parliamentary process.

Next steps

Should the Bill pass Stage 1, we will be working with MSPs and the Scottish Government at Stage 2 to ensure that the provisions in the Bill are as ambitious and effective as possible.

Areas we believe may need further attention at Stage 2 include:

- A *clearer definition* of 'threatened with homelessness' relating to the ending of tenancies and leaving institutions (while not restricting the overall definition)
- Ensure prevention support is available to people at risk of homelessness, no matter the reason (*intentionality*)
- Ensure the Local Authority Housing Options offer is *suitable* for the household's needs so that it effectively minimises future risk of homelessness
- Clarify what the duty of 'reasonable steps' that Local Authorities must take to prevent homelessness entails, including when this duty ends - so people do not get trapped in an endless cycle of 'help' that isn't working
- More detail on the needs assessment process and resulting support plan produced – who is responsible for conducting this and how will the information be made available -whether a Personal Support Plan should be included in legislation.
- Clarify what the Act duty on different relevant bodies entails, including co-ordination of support
- Ensure there is a right to review the various stages of support, to ensure accountability and access to meaningful help.
- Extend the definition of relevant bodies to include other bodies such as Social Security Scotland and explore what can be done with reserved bodies.
- Provide clarity and commitments on commencement timescales and implementation plans, including associated costs and expected savings.

Many of the above are in line with the areas identified by the Social Justice and Social Security Committee in their report on Part 5 of the Bill.

Alongside the passage of the Bill, we are working with Scottish Government, local authorities and other partners to begin to develop thinking on what implementation plans should consist of, especially in relation to what a 'phase approach' to delivery could mean. There is much good practice already happening around Scotland, as demonstrated in the [75 ways to prevent homelessness](#) publication. We recommend existing best practice is scaled up, alongside the introduction of a Test-and-Learn Initiative to explore aspects of the proposed legislation that are unknown. Some of the findings could be embedded into regulation at a future date, including details of what Act would mean for different public bodies.

We are calling for a funding commitment in the upcoming Budget, to facilitate the scaling up of prevention best practice across Scotland, and to fund a Test and Learn Initiative for answering unknown aspects of the proposed legislation. Both programmes will help pave the way for the introduction of the legislation, but they will also make a positive impact to the national housing emergency by stemming the flow of people into

the existing system. Furthermore, we recommend the establishment of a Prevention Delivery Unit, tasked with co-ordinating work across government to successfully deliver the prevention legislation, and more broadly transition the existing homeless system to one that is designed around prevention and early action.

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This briefing is supported by the following 25 organisations:

