

Follow-up to Homelessness in Scotland inquiry

Scottish Parliament Infrastructure and Capital Investment Committee



Written evidence from Citizens Advice Scotland

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Citizens Advice Scotland (CAS), our 61 member bureaux and the Citizen Advice Consumer Service helpline form Scotland's largest independent advice network. Advice provided by the Scottish CAB Service is free, independent, confidential, impartial and available to everyone. Our website, Adviceguide, also provides the public with up-to-date information on a range of topics. We are champions for both citizens and consumers and in 2012/13 we helped over 314,000 people deal with over a million issues.

Context of evidence

In 2013/14, citizens advice bureaux in Scotland advised on a total of 6,676 new issues relating to homelessness, representing 1.19% of cases in bureaux. Whilst the total number of new homelessness issues has risen slightly compared with 2012/13, the proportion of homelessness issues amongst the total caseload of citizens advice bureaux has steadily declined in the last three years, down from 1.25% in 2011/12 and 1.21% in 2012/13.

Table 1 - Total number of new issues from CAB clients

	2011/12	2012/13	2013/14
Homelessness - Local Authority services	1,655	1,665	2,080
Homelessness - Actual	1,683	1,627	1,645
Homelessness - Threatened	2,963	2,921	2,951
Total homelessness	6,301	6,213	6,676
All new issues	504,206	512,989	559,308
Homelessness issues as % of total	1.25%	1.21%	1.19%

This steady decline in homelessness issues is backed up by wider figures from the Scottish Government which indicate that the number of homelessness applications fell by 8% in 2012/13 compared with the previous year¹, following a fall of 13% in 2012/13², matching the corresponding fall in homelessness-related CAB enquiries.

¹ Operation of the Homeless Persons Legislation in Scotland: 2013-14, p. 3 – Scottish Government <http://www.scotland.gov.uk/Resource/0045/00453960.pdf>

² Operation of the Homeless Persons Legislation in Scotland: 2012-13, p. 2 - Scottish Government <http://www.scotland.gov.uk/Resource/0043/00434119.pdf>

In their statistical release, the Scottish Government note that *“it is very unlikely that the large reduction in homelessness applications over the past two years is a consequence of any changes in the social and economic factors which cause households to approach councils for assistance...all things being equal we might have expected homeless applications to increase in the current economic environment and also as a consequence of Welfare Reforms.”*³ This assessment would seem to concur with evidence from citizens advice bureaux of rising demand in a number of areas that might be expected to indicate a parallel increase in homelessness applications.

For instance in the past year, citizens advice bureaux have advised a rapidly increasing number of clients in crisis who required a referral for a food parcel because they were unable to afford to eat.⁴ There has been a significant increase in the number of benefits sanctions issues in Scottish bureaux, which in some cases has led to hardship and debt.⁵ Payday loans have been one of the fastest growing areas of advice in citizens advice bureaux and to the citizens advice consumer helpline service over the past three years and our evidence shows that they are used predominately for essentials such as food, energy and rent.⁶ The number of clients seeking advice on social housing arrears increased markedly following the introduction of changes to the social sector size criteria – the so-called Bedroom Tax – during 2013/14.⁷ The rise in zero hours contracts have led to workers being forced into debt and hardship due to unpredictable working hours, leaving it difficult for them to budget or get support from the benefits system.⁸

Set against this backdrop, the fall in number of homelessness applications is a particularly positive sign and indicates that policy changes in this area by local authorities and the Scottish Government have had some success.

However, whilst the number and proportion of all new CAB issues related to actual or threatened homelessness have fallen, the number and proportion of new issues related to local authority homelessness services have risen over the past two years, with a notable increase of 25% in the number of local authority service issues in 2013/14 (2,080 new issues, up from 1,665 in 2012/13). This includes advice on complaints, assessments, provision, processes, procedures, quality of administration, advice and support as well as reviews and appeals.

³ Operation of the Homeless Persons Legislation in Scotland: 2013-14, p. 5

⁴ Voices from the Frontline: Food parcels and the benefits system – Citizens Advice Scotland, April 2014 <http://www.cas.org.uk/publications/voices-frontline-food-parcels-and-benefits-system>

⁵ Sanctioned: what benefit? – Citizens Advice Scotland, July 2014 <http://www.cas.org.uk/publications/sanctioned-what-benefit>

⁶ Payday lenders: business as usual – Citizens Advice Scotland, April 2014 <http://www.cas.org.uk/publications/payday-lenders-business-usual>

⁷ Voices from the Frontline: The Bedroom Tax and Disabled People – Citizens Advice Scotland, November 2013 <http://www.cas.org.uk/publications/voices-frontline-bedroom-tax-and-disabled-people>

⁸ Working at the Edge: Zero Hours Contracts – Citizens Advice Scotland, July 2014 <http://www.cas.org.uk/publications/working-edge-zero-hours-contracts>

Table 2 - Year-on-year change in new issues from CAB clients

	2011/12 - 2012/13		2012/13 - 2013/14	
	Number	%	Number	%
Homelessness - Local Authority services	+10	+0.6%	+415	+24.9%
Homelessness - Actual	-56	-3.3%	+18	+1.1%
Homelessness - Threatened	-42	-1.4%	+30	+1.0%
Total homelessness	-88	-1.4%	+463	+7.5%
All new issues	+8,783	+1.7%	+46,865	+9.1%

This would suggest that whilst the removal of priority need, the introduction of Housing Options and the housing support regulations have had success in reducing homelessness applications, there are emerging issues surrounding the delivery of these multiple roles by local authorities.

This evidence is based on the experiences of citizens advice bureau clients across Scotland in 2013/14 who sought advice on a homelessness issue. It aims to take a national overview of some of the issues arising as a result of changes in homelessness policy, rather than making any attempt to assess the performance of any individual local authority.

What impact has the abolition of priority need had on people seeking assistance with homelessness?

What have been the main challenges and opportunities provided by the abolition of priority need and how have local authorities and other stakeholders responded to these?

Since the removal of the Priority Need Test for homelessness applications at the end of 2012, disputes over this classification have vanished and those who become homeless have strengthened and significant guaranteed rights. However, in a number of cases, such as those highlighted below, CAB clients have sought advice because they disagreed with a local authority's decision to class them as 'intentionally homeless', and therefore not entitled to be provided with settled accommodation.

- *A West of Scotland CAB reports of a client who is severely disabled and suffers from depression and has difficulty coping. The client has a four bed private let but her children are emigrating and the property is now far too big for her to manage and she is unable to cope with the stairs. She decided to give notice to her landlord and then proceeded to declare herself homeless, but received a letter from the local authority declaring her homelessness is intentional. Her landlord will not renew her lease and is expecting her to move out. Eventually, following an appeal, the decision of 'intentional homeless' was overturned.*
- *A West of Scotland CAB reports of a client who had been staying with friends and family since her home was repossessed two years ago following a*

relationship breakup. The client, together with her four children had managed to find a private let, but it only has one bedroom and no heating. All the children have to sleep in one bed, which is particularly problematic as one of her children has a medical condition which results in him regularly wetting the bed. The landlord refuses to repair the heating and the client has found out they are unregistered. The client made a homeless application with the local authority a few months ago, who advised they were unable to accept her application until she proved she was threatened with homelessness and was told to get notice from the landlord. The landlord refused to do this and has threatened to send people round to evict her and dump her possessions.

In the Scottish Government's statistical review of the operation of the Homeless Persons legislation, they found that the number of people assessed as intentionally homeless was at the highest level in 11 years, despite the numbers of homeless applications and assessments both reducing.⁹ The review suggests this may be caused by the abolition of priority need and the resulting increase in assessments. However, further investigation of the reasons for this trend would be welcome to ensure that no-one is incorrectly classified as 'intentionally homeless', including whether there has been any change in local authority policies or practice towards intentionality decisions since the abolition of the Priority Need Test.

With local authorities having a duty to provide temporary accommodation to anyone who makes a homeless application to them, the pressures on the available temporary accommodation are clearly increased, with citizens advice bureaux often reporting of clients who have occupied temporary accommodation for 12 months or more, which whilst not ideal, is understandable given the available stock. With 184,887 people on waiting lists for local authority housing¹⁰, it will be difficult to reduce the length of time spent waiting for a social rent without a substantial number of new properties being built.

In 2012, the Equal Opportunities Committee heard 'troubling' evidence that young homeless people were being offered temporary accommodation of the very poorest quality. Citizens advice bureaux have reported cases where clients, including those with young children, have been allocated temporary homeless accommodation that is of substandard quality. As part of written evidence on the Housing (Scotland) Bill, CAS supported a call from Shelter Scotland to ensure that the 'right of repair' should be extended to people in households with children and pregnant women placed in temporary accommodation¹¹, which would strengthen their rights to get these issues addressed quickly.

- *An East of Scotland CAB reports of a 21 year old client who is living with her 23 year old partner and their 3 year old son. They had been declared homeless a year ago, and have been placed in a private let as temporary accommodation by the council. However, the property was in a state of disrepair. The roof was leaking and windows and doors to the outside would*

⁹ Operation of the Homeless Persons Legislation in Scotland: 2013-14, p. 18 - Scottish Government

¹⁰ Housing Statistics for Scotland 2013: Key Trends Summary - Scottish Government

<http://www.scotland.gov.uk/Publications/2013/08/2641/14>

¹¹ Housing (Scotland) Bill – Written Evidence from Citizens Advice Scotland

http://www.cas.org.uk/system/files/publications/Housing%20Bill_CAS%20Written%20Evidence.pdf

not shut properly resulting in drafts and dampness. As a result, the client was having trouble heating the house and has large fuel bills which she is struggling to pay from her Jobseeker's Allowance (JSA). The client has asked for the repairs to be carried out for over a year and they have still not been carried out, due to the roof being shared between three different properties. The client fears raising an issue for fear of losing her tenancy.

Citizens advice bureaux have also advised clients who have been allocated temporary accommodation which is of a reasonable standard of repair, but which is inappropriate due to being either far too large for their needs or too expensive which exacerbates financial problems they face.

- *A South of Scotland CAB reports of a client who was struggling with financial problems. The client was evicted for rent arrears when he lived in an "affordable" private rent. He went through the homelessness assessment and was given emergency accommodation, charged at £175 per week. This is more than any average private rent in the area, and higher than his previous property. As the client earns more than £25,000 per year he cannot claim support from Housing Benefit.*
- *A West of Scotland CAB reports of a client who had been allocated a four bedroom house as temporary homeless accommodation for her son, herself and her alcoholic uncle who she looks after. Due to the size of the temporary accommodation the client is paying a very high rent and is subject to the underoccupancy charge.*

Alongside issues of the quality of temporary accommodation, attention should also be paid to ensuring homeless people who do not qualify for full Housing Benefit are not placed in accommodation that is prohibitively expensive for an extended period.

What impact is the housing options approach having on homelessness services and service users?

How are the housing options developing across Scotland, what has been their impact and how could they be developed in the future?

From the significant fall in the number of homelessness applications made since the introduction of the housing options approach by local authorities in 2010, it is clear that this preventative approach towards homelessness has had success. Engaging with tenants at risk before they actually become homeless is a positive step, and is crucial given the pressures on temporary and permanent social housing and if applied well can ensure that people are not left without a place to live or faced with a long stay in temporary accommodation.

However, in some situations it appears that people who are actually homeless have been deterred or prevented from making a homeless application. This does not comply with local authorities' legal duties towards homeless people and must be avoided.

In some cases homeless clients appear to have been poorly advised about their right to make a homeless application.

- *A North of Scotland CAB reports of a couple who had been repeatedly denied the right to make a homeless application despite repeated requests over a three month period. Together with their two-month old baby, they had been living in a caravan with no water or proper heating in temperatures of -5 degrees centigrade. It was not until a health visitor saw the condition they were living in last week that an offer of permanent accommodation was made, without a homeless application being taken.*
- *An East of Scotland CAB reports of a client who is going through divorce proceedings and is fleeing domestic violence along with her six children. The client is very distressed as she feels that she is likely to be evicted by her landlord. She went to the council who say they are unable to assist her as her housing application has been suspended. This is due to the allegations of unpaid rent from two landlords and the accusation of £6,500 damage, all of which the client disputes, with documentary evidence to prove some of the payments were made. The council also told her that she could not apply for homeless accommodation and that other advice agencies would not help either because of the debt allegations.*

In other situations, it appears that the local authority has deterred clients from making a homeless application due to a lack of available temporary accommodation. Whilst this may be the reality of the situation, this breaches the individual's legal rights.

- *An East of Scotland CAB reports of a client who had been homeless for the past month and sleeping rough in a graveyard. The client had presented herself as homeless to the Council but was told that they had no emergency accommodation available at that time and sent her to the Housing Options department who helped her to fill out the form for a deposit for a private flat that they found for her, together with a Discretionary Housing Payment (DHP) form. However, she would be unable to move into the flat until the end of the week, and had only been awarded some of the DHP she applied for.*
- *A North of Scotland CAB reports of a homeless client who had been given conflicting advice by the local authority. The client felt they had been intimidating and pushed towards finding a private rental property rather than being offered temporary accommodation. There appeared to be very little temporary accommodation available in the client's local area.*

In their inquiry into the housing options approach, the Scottish Housing Regulator found that some councils use the reduction of homelessness applications as a performance target for housing options.¹² This, combined with pressures on housing stock, appears to have led to homeless clients being stopped from making a homeless application, and in some cases sleeping rough or 'sofa-surfing' without

¹² Housing Options in Scotland, p. 5 – Scottish Housing Regulator
<http://www.scottishhousingregulator.gov.uk/publications/housing-options-scotland-thematic-inquiry>

receiving their statutory entitlement to support. No national guidance currently exists to set out the implementation of the housing options approach by local authorities.

Citizens Advice Scotland recommends that guidance is produced by the Scottish Government setting out how local authorities can implement a successful preventative housing options approach whilst at the same time recognising their legal duty to advise about and accept a homeless application, regardless of the amount of temporary accommodation available. This guidance should aim to resolve conflict between a target to prevent homelessness, whilst at the same time ensuring that people who have become homeless are correctly advised of their right to make a homeless application and are not deterred or prevented from doing so.

What has been the impact of the implementation of the housing support regulations?

The housing support regulations introduced in 2013 place a duty on local authorities to assess the support needs of homeless applicants and provide support identified by the assessment. The prescribed services are fairly general in nature¹³ and as many local authorities would have provided these services before the introduction of the regulations, or formalised existing internal processes to meet the duty¹⁴ it is difficult to assess their impact from CAB evidence.

However, accompanying guidance suggests a number of triggers that local authorities might use as 'Reasons to Believe' a homeless person may need additional support, including previous involvement in anti-social behaviour or significant rent arrears, those with health issues such as mental ill health, young homeless people or those leaving prison. Citizens advice bureaux have advised a number of homeless clients in these situations and it is clear in a number of cases that significant additional support is required which is challenging for the local authority to deal with.

- *A West of Scotland CAB reports of a client who had been processed as homeless by the Council, and had been given temporary accommodation, but was evicted from this after being deemed to be 'intentionally homeless'. When the adviser spoke to the Council, they advised that they had asked the client if she had any mental health issues but she had "taken exception to the question" and as far as the Council are concerned they have discharged their duty towards her. However, the client is still homeless and living in different locations on a day-to-day basis.*

- *A North of Scotland CAB reports of a homeless client under the age of 25. His mother put him out after he was assaulted by his father at the weekend and*

¹³ Advising or assisting a person with personal budgeting, debt counselling or in dealing with welfare benefit claims; assisting a person to engage with individuals, professionals or other bodies with an interest in that person's welfare; advising or assisting a person in understanding and managing their tenancy rights and responsibilities, including assisting a person in disputes about those rights and responsibilities; and advising or assisting a person in settling into a new tenancy.

¹⁴ Supporting homeless people: have the new legal duties made a difference? – Shelter Scotland, May 2014

http://scotland.shelter.org.uk/professional_resources/policy_library/policy_library_folder/supporting_homeless_people_have_new_legal_duties_made_a_difference

will not take him back. The council will not house him, temporarily or otherwise. A phone call to his probation officer revealed that he had been evicted more than once, failed to keep up housing payments and had been aggressive towards other tenants. The client was looking for help to get somewhere to sleep that night.

In a number of situations, homeless clients have sought advice because they had not been provided with temporary accommodation close to their support networks by the local authority.

- *A South of Scotland CAB reports of a client who has split up from her partner and is homeless with no money. She has been sleeping in her car with no food for the last two days and was quite distressed. As the client has a number of health problems, she was anxious to stay in her hometown where her GP was based, but when the adviser spoke to the Council's homeless unit on the client's behalf, the only available temporary accommodation was located 40 miles away.*
- *A West of Scotland CAB reports of a 17 year old client who is currently living with her six month old child in the three-bedroom family home, along with her mother, stepfather, two brothers and two sisters. She has made a homelessness application, but needs a property close to the family home for support. However, the only accommodation the council has offered has been in a town seven miles away, and the council have advised that they only restrict the areas offered for a limited time, and will now make an offer anywhere in the local authority area. The client is concerned that she will have to live a long way from her family.*

In supporting homeless people with additional support needs, a challenge for local authorities appears to be providing temporary accommodation located close to the client's existing support networks. Ensuring that local temporary accommodation is sourced can prevent additional support being required in the long term. CAS would recommend that national guidance on the appropriate use of the housing options approach also covers situations where there is a tension between the role of a local authority as a landlord who has dealt with a difficult tenant on one hand, and as a provider of appropriate support and temporary accommodation on the other, as there are parallels with some of the situations identified above where councils are faced with simultaneously implementing a duty to provide support to homeless people and a policy to prevent homelessness.

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