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Government

Housing, Regeneration and Planning

Housing Support for Homeless Households

Analysis Of Consultation Findings



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research

**HOUSING SUPPORT FOR HOMELESS
HOUSEHOLDS**

ANALYSIS OF CONSULTATION FINDINGS

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EXECUTIVE SUMMARY

This report presents the findings of a consultation carried out by the Scottish Government on “Housing Support for Homeless Households” between January and April 2012.

The Housing (Scotland) Act 2010 establishes a new Statutory Duty which requires local authorities to carry out an assessment of the housing support needs of homeless applicants who are currently assessed as being unintentionally homeless, or threatened with homelessness, and in priority need and therefore entitled to settled accommodation, and where there is reason to believe that the applicant may be in need of prescribed housing support services. The Duty (at Section 32B of the Housing [Scotland] Act 1987) also requires local authorities to make sure that housing support services are provided to those assessed as being in need of them.

Scottish Ministers are also able, under the new Duty to make regulations about housing support assessment and provision. The Scottish Government undertook a consultation on whether, when the new Duty is commenced, such regulations should be established and what any such regulations should cover, as the first stage in developing policy in this area.

A total of 66 written responses were received. The most common category of respondent was “local authorities or those representing local authorities” (45%). The other main categories of respondents were “voluntary sector” (29%), and “housing associations or associated” (14%). The remaining respondents were drawn from a wide variety of sectors. One response was received from an individual. The main findings are summarised below.

Overall views of regulations and the content and scope of assessment

At Question 1, respondents were asked to choose between Option 1 (commence the Duty on local authorities and establish regulations on the assessment and provision of housing support) and Option 2 (commence the Duty on local authorities and do not establish regulations). It was found that overall views were evenly split, with 29 (48%) of those who addressed the question supporting each of Option 1 and Option 2. There were some variations in views of the preferred option by type of respondent. Around two thirds of local authorities who addressed this question supported Option 2, while virtually all of the housing associations supported Option 1. All of those who addressed Question 1 made additional comments, most of which focused on the reasons for the choice made.

In relation to reasons for the choice of Option 1, or perceived benefits, the most common theme was consistency in housing support assessment and provision. Other themes included: a perceived positive impact on aspects of provision or outcomes; addressing gaps/problems; providing clarity/definition of housing support; improving accountability; resource issues; and a small number of other reasons or benefits. Several respondents qualified their choice of Option 1 or made additional comments.

In relation to reasons for the choice of Option 2, or perceived benefits, the two themes identified most frequently were: the view that guidance or a broad framework would suffice or would be preferable to regulations; and the view that current legislation and processes made regulations unnecessary. Other issues raised as reasons for a preference for Option 2 included: a perceived need for flexibility, and variation in local circumstances/individual needs; a perceived impact on the nature of services/decision making; the implications for costs/use of resources; and the implications for the timescale for implementation.

Question 2 was in several parts and focused on: whether Scottish Ministers should prescribe the types of inquiries local authorities must carry out in determining the housing support required; and whether Scottish Ministers should specify matters to which local authorities must have regard in carrying out the assessment.

It was found that around half (52%) of those who addressed Question 2(a) were against prescribing the types of inquiries local authorities must carry out in determining the housing support required, while 41% were in favour of such prescription and 7% did not express a clear preference. There were variations between sectors in their views, with 70% of local authority respondents who addressed the question expressing disagreement with prescribing the types of inquiries, while a similar proportion of housing association respondents expressed agreement. Respondents from other sectors were mixed in their views. All of those who addressed this question made additional comments.

In terms of reasons in favour of prescribing the types of inquiries that should be carried out, the main theme was the promotion of consistency, while other themes included: a perceived positive impact on the assessment process, means of working or outcomes; and addressing issues with the current arrangements. In terms of the reasons against the types of inquiries being prescribed, the most common focused on: the view that guidance would suffice or be preferable to regulations; and the view that existing practice was appropriate. Other issues raised included: the importance of flexibility; variation in needs; the potential implications of action for decision making processes or outcomes; and the resource implications.

Where comments were made at Question 2(b) on what inquiries should be carried out, the most common themes related to aspects of the assessment process generally and the nature of the inquiries overall. Some specific issues for inquiry were also suggested.

A majority of those who addressed Question 2(d) were against specifying matters to which local authorities must have regard in carrying out the assessment, with 50% of those who addressed the question expressing disagreement, while 44% expressed agreement and 6% did not express a clear preference. While a majority of housing associations and most respondents from the voluntary sector were found to support this, more than 72% of local authorities did not. Of those who addressed this question, 49 (94%) made additional comments.

Where respondents provided reasons for support, or perceived benefits of the specification of such matters, the most common themes were the promotion of consistency and a perceived positive impact on aspects of the assessment process

or means of working. Where respondents provided reasons against the specification of such matters, the commonest theme was the view that guidance would suffice or be preferable to regulation. The other main issues raised against specification were: the importance of flexibility; and the view that existing practice was appropriate. A few comments were also made about variation in needs or the potential negative impact of regulation on outcomes.

Where comments were made at Question 2(d) about what matters should be prescribed, these were very similar to the issues identified at question 2(b), with the most common themes relating to the need to prescribe aspects of the assessment process generally and the nature of the inquiries overall. Again, some specific issues were also identified which respondents believed that local authorities should have regard to.

In relation to Question 3, a majority of those who addressed this (66%) were against the prescription of those housing support services for which an applicant should be assessed, while 30% expressed agreement and 4% did not express a clear preference. Again, there was evidence of a significant difference of view across sectors, with two thirds of housing associations supporting this, but more than 83% of local authorities opposed to this. Among voluntary organisations who expressed a view, there was also a clear majority against these matters being prescribed. Of those who addressed this question, all but one (98%) made additional comments.

Where specific reasons were given to support the view that Scottish Ministers should prescribe the housing support services for which an applicant is to be assessed, respondents identified reasons relating to: consistency; a perceived positive impact on aspects of the process, provision or outcomes; addressing issues in the current situation; and providing clarity/definition of services. Where specific reasons were given to support the view that Scottish Ministers should not prescribe the housing support services for which an applicant is to be assessed, the most common themes were: the view that guidance (and not prescription) was the preferred approach; issues relating to the implications for the decision making process; and variation in needs and provision (with a related need for flexibility). Other issues raised were: the general lack of need for prescription; and issues relating to costs/use of resources.

Where comments were made about which support services should be covered, a number of respondents identified issues relating to the nature and general approach of support services overall. Others suggested specific types of services (e.g. support relating to: financial issues; health, mental health and well being; relationships, personal and social issues; tenancy/accommodation issues; substance misuse issues; living skills; education, training and employment; safety; and offending/legal issues).

The content and scope of provision of support services

Question 4 asked respondents whether Scottish Ministers should specify the period for which housing support services should be provided, and a majority of those who addressed the question (82%) were against this, while 14% expressed agreement and 4% did not express a clear preference. There was a majority against the

specification of these matters in all sectors. All of those who addressed this question provided additional comments.

In the small number of cases where specific reasons were given to support the view that Scottish Ministers should specify the period for which housing support services should be provided, these comments focused on: the needs of the client; outcomes; and the provision of clarity. Most of the respondents who offered additional comments, however, provided reasons for their view that the period should not be specified. The two most common themes were: the nature and basis of provision; and the variation among service users and their needs. Other themes identified by smaller numbers included: a preference for guidance; the perceived impact on service provision or outcomes; cost/resource issues; and general views that it would be difficult to specify the period of provision.

Only a few respondents made any comments on the prescribed period of provision. Of these, a few specified a period or a point at which input should be made, while a few expressed a view of the way in which such a decision should be made.

Question 5 asked whether Scottish Ministers should specify matters to which a local authority is to have regard to when ensuring provision of housing support services, and a majority (63%) disagreed with this, while under a third (29%) expressed agreement, and 8% did not express a clear preference. Among all sectors, there was a majority against this proposition. Most (94%) provided additional comments.

Where reasons were given to support the view that Scottish Ministers should specify matters to which a local authority is to have regard to when ensuring provision of housing support services, the most common issue identified (although still by only a few respondents) was the promotion of consistency. Other reasons included comments relating to: ensuring that clients' needs are met; providing definition of services; and the implications for cost/resources. Where reasons were given to support the view that Scottish Ministers should not specify these matters, the most common themes were: the implications for the nature of services and decision making processes; and a preference for guidance rather than prescription. Other reasons included: the view that current legislation and practice are sufficient; the need for flexibility; and issues relating to costs/resources.

In terms of views of matters to be specified, the most common theme related to overarching issues in the provision of services and the nature of the process. Additionally, small numbers of respondents in each case identified some specific types of support needs to which local authorities should have regard.

Question 6 asked whether Scottish Ministers should make different provision for different purposes and different areas. Two thirds (67%) of those who addressed this question did not support the view that Ministers should make different provision for different purposes and different areas, while 20% supported this, and 14% did not express a clear preference. All but two of those respondents who addressed the question provided additional comments (96%).

Where reasons were given to support the view that Scottish Ministers should make different provision for different purposes and different areas, these related to the

perceived existence of: different individual and local needs/circumstances; different geography/demography; and different provision in different areas. In relation to the view that Scottish Ministers should not make different provision for different purposes and different areas, themes included: the impact on the nature of processes or provision; the perceived need for consistent access to support; a preference for guidance; and a perceived need for flexibility.

Comments on views of what these provisions, purposes and/or areas should be were made by only a few respondents. Suggestions focused on the means of decision making and the identification of elements of provision considered important/essential.

Other issues, business impact and equality impact

Respondents were asked at Question 7 to raise any other matters relating to the provision of housing support services by local authorities they believed Scottish Ministers should consider. Almost all of the respondents provided comments, and a large amount of additional qualitative information was provided in these comments relating to matters which respondents believed Scottish Ministers should consider.

The most common themes relating to Question 7 about which comments were made were: aspects of the process of assessment and provision; and aspects of the nature of service provision. A number of respondents also made comments on housing support overall. A further common theme was the identification of particular issues for clarification in relation to implementation of the Duty, and another was the provision of guidance. Comments were also made about issues for specific groups of service users. Other themes included: comments on resources, staffing issues and other aspects of implementation. As well as highlighting these issues for consideration, a number of respondents made comments on the consultation itself.

Question 8 asked respondents to provide any comments on the Business Regulatory Impact of their proposals and the partial BRIA, and more than three quarters of respondents made comments. The themes which emerged most frequently in relation to respondents' comments about the business impact were: the identification of additional costs; the impact upon service provision; and costing issues. Further themes were: the provision of resources; and the identification of cost savings or benefits. A small number of other issues were raised (e.g. examples of local practice; the view that the business impact would be neutral; and issues in the wider context).

Question 9 asked respondents to provide any comments on the equalities impact of their proposals and the draft Equalities Impact Assessment (EQIA), and over a third of respondents provided comments. A number of themes emerged on which several respondents made comments and these included: specific comments on the draft EQIA; perceived benefits of the Duty or proposals for equality; perceived risks to equality; and specific equalities issues to consider. A few respondents expressed the view that they could identify no impact on equality; and a few highlighted the importance of equality or gave examples of practice.

SECTION 1: THE CONSULTATION

1.1 This report presents the findings of a consultation carried out by the Scottish Government on “Housing Support for Homeless Households”. The consultation document was issued in January 2012, and the consultation closed on 11th April 2012.

1.2 This report is in four sections. This section outlines the nature of the consultation, the responses received and the means of presentation of the findings. Section 2 covers the findings relating to views of the content and scope of assessment. Section 3 covers the findings relating to views of the content and scope of provision of support services. Section 4 covers the findings relating to any other issues raised in the consultation, as well as the perceived business and equality impact.

Background to the consultation

1.3 The Scottish Government has identified tackling and preventing homelessness as a key priority, and has set a target that, by the end of 2012, all unintentionally homeless households will be entitled to settled accommodation.

1.4 The provision of housing support to homeless households in Scotland forms part of the overall commitment to tackling and preventing homelessness. It has been found that a significant number of homeless applicants have support needs (identified in the most recent Scottish Government statistics as being just over a third¹). It is also recognised that the provision of support to deal with these needs can assist people to sustain tenancies, and provide better outcomes for them and their families. Although the scope and level of such needs can vary, requirements can include assistance in dealing with issues such as, for example: basic housing management; independent living; mental and physical health problems; substance misuse etc.

1.5 In order to improve the way support needs among homeless applicants are identified and addressed, the Housing (Scotland) Act 2010 establishes a new Statutory Duty which requires local authorities to carry out an assessment of the prescribed housing support needs of homeless applicants who are currently assessed as being unintentionally homeless, or threatened with homelessness, and in priority need and therefore entitled to settled accommodation, and where there is reason to believe that the applicant may be in need of prescribed housing support services. The Duty (at Section 32B of the Housing [Scotland] Act 1987) also requires local authorities to make sure that prescribed housing support services are provided to those assessed as being in need of them.

1.6 Scottish Ministers are also able, under the new Duty to make regulations about housing support assessment and provision, including:

- The housing services to be considered.
- The conduct of the assessment by local authorities.

¹ Scottish Government (2011) Operation of the Homeless Persons Legislation in Scotland 2010-11
Edinburgh: The Scottish Government

- The provision of housing support services.
- Making different provision for different purposes and different areas.

1.7 The Scottish Government has recognised that it is important to ensure that any Regulations meet the needs of service providers and service users. A three stage approach is being taken to developing policy in this area:

- A consultation on whether regulations should be established on the assessment and provision of housing support for homeless households or those threatened with homeless (and what any regulations should cover).
- Drafting regulations in the light of responses to this consultation and issuing these for consultation.
- Submitting the regulations for debate and approval by the Scottish Parliament.

1.8 This report presents the findings of the first stage – the preliminary consultation.

The consultation process

1.9 The consultation asked nine questions in total, seven of which were directly about the provision of housing support services. There were also additional questions requesting comments on the Business Regulatory Impact Assessment (BRIA) and the Equality Impact Assessment (EQIA). Written responses to the consultation were invited, along with the completion of a Respondent Information Form (RIF).

1.10 The consultation sought respondents' views on:

- Whether regulations should be established (Question 1).
- Prescribing the inquiries local authorities must carry out in determining the housing support required by homeless households (Question 2).
- Specifying matters to which local authorities must have regard when carrying out housing support assessments (Question 2).
- Prescribing the housing support services for which a homeless applicant is to be assessed (Question 3).
- Prescribing the period for which housing support services should be provided (Question 4).
- Prescribing matters to which local authorities must have regard when ensuring provision of housing support services (Question 5).
- Establishing how Regulations may make different provision for different purposes and different areas (Question 6).
- Any other matters relating to the provision of housing support services (Question 7).
- The business regulatory impact of proposals (Question 8).
- The equalities impact of proposals (Question 9).

1.11 Some of these questions contained a number of parts, with a mix of closed questions (e.g. asking respondents to choose between options, or asking respondents to state “yes” or “no”) and open questions asking respondents to

comment on issues such as: the reasons for their views; further details of their proposals; or the likely costs of their proposals. A full list of the questions is provided at Annex 1.

Submissions and respondents

1.12 A total of 66 submissions were received. Table 1 (below) summarises the numbers and proportions of respondents by category.

Table 1. Respondents by category

Type of respondent	Number	% total ²
Local authorities or those representing local authorities	30	45
Voluntary sector	19	29
Housing association or associated	9	14
Justice	3	5
Health	2	3
Individual	1	2
Professional bodies and trade unions	1	2
National Statutory Organisations	1	2
Total	66	

1.13 As can be seen from the table, the most common category of respondents was “local authorities or those representing local authorities”³, accounting for nearly half of all responses. The other main categories of respondents were “voluntary sector”, and “housing association or associated”. The remaining respondents were drawn from a wide variety of sectors. Only one response was received from an individual.

1.14 Most of the respondents addressed some or all of the specific questions, or provided information directly relating to specific questions. Some provided a general response, and some provided additional material in another document (e.g. a covering letter). Most of the responses were submitted electronically.

1.15 The responses which have been included in the quantitative analysis as favouring one option or another are those who either ticked a box on the form, or who expressed a sufficiently unequivocal view of their preference by other means to allow their intention to be ascertained. At all questions, a cautious approach has been taken to assessing whether or not the views indicated unequivocal support for an option.

Analysis of the data

1.16 The analysis of the data involved a number of stages, as follows:

- An Access database was designed to include the data relating to each of the main and supplementary questions.
- The information was input verbatim to the database.

² Table does not sum to 100 due to rounding

³ For simplicity, these will be referred to as “local authorities”

- Responses to the closed questions were analysed and the quantitative findings prepared.
- A series of Word documents were generated, containing all of the qualitative material in the responses to each of the questions.
- Key themes and sub-themes were identified for each question and supplementary question, and the detailed comments were organised into a series of issue-based “books”.
- The findings were summarised and the report prepared.

The report

1.17 A full analysis of the material submitted in the responses was carried out, and generated a wealth of information. In terms of quantitative information, the proportions of respondents who addressed each question, and their responses to closed questions have been provided. Where a respondent did not tick one of the boxes, but made comments on the issue, these comments have been included in the quantitative material only where they were unequivocal. Where this was not the case, respondents have not been counted in the quantitative findings, but their views have been reflected in the qualitative analysis.

1.18 In terms of qualitative material, the analysis identified the themes and issues which emerged in response to each question. The presentation of the qualitative material focuses on these themes and issues, and on highlighting the range and depth of views expressed. It would be inappropriate to attempt to quantify responses expressing particular views, other than at the broadest level, for several reasons, including that: respondents provided the information in different ways; some points were made at a number of different questions or overlapped more than one theme; some responses were submitted on behalf of organisations and/or represented the views of a number of respondents; and there was a need for judgement about where to include particular material in the report. The focus is therefore on the qualitative presentation of this information, giving only broad indications of respondents identifying overall themes, and using qualitative terms such as “many”; “a number”; “several”; “a few” etc.

1.19 In responding to some of the qualitative questions, similar views were sometimes expressed by different types of respondents. It would clearly be inappropriate to list these for each issue, but the report identifies overall variations by type of respondent where there appeared to be a clear difference of view related to this.

1.20 In presenting the qualitative data, the wording used in the report sometimes follows the wording used in a response, to preserve the sense of the point (even though it is not presented as a “quote”) and to reflect respondents’ intended messages. It is considered an appropriate approach, as it is generally clear to consultation respondents that their comments will form the basis of a report. Only one respondent requested that their material should remain confidential and their views have been included, but the source has not been identified at any point in the text. It should be noted that where the term “respondent” is used, this refers to one response, even where that response may represent the views of more than one contributor.

1.21 The report cannot present all of the individual points made by every respondent, nor can it provide a compendium of material. The responses can be viewed on the Scottish Government website⁴. The remainder of this report presents the findings of the consultation.

Summary of issues: The consultation

1.22 In summary, the main points relating to the consultation are as follows:

- A Scottish Government consultation on “Housing Support for Homeless Households” was carried out between January 2012 and 11th April 2012.
- 66 written responses were received. The most common category of respondent was “local authorities or those representing local authorities” (45%). The other main categories of respondent were “voluntary sector” (29%), and “housing associations or associated” (14%). The remaining respondents were drawn from a wide variety of sectors. One response was received from an individual.
- The analysis of the data involved: design of an Access database; input of the responses; analysis of the closed questions; identification of key themes and sub-themes for each qualitative question; and preparation of a report.
- The report presents the quantitative findings and the detailed qualitative material, including the themes which emerged and the range and depth of views expressed.
- The full responses are available for inspection on the Scottish Government website.

⁴ <http://www.scotland.gov.uk/Publications/2012/06/1191>

SECTION 2: OVERALL VIEWS OF REGULATIONS AND THE CONTENT AND SCOPE OF ASSESSMENT

2.1 This section presents the findings relating to overall views of whether regulations should be established when the new Duty is commenced, and views of the content and scope of assessment (Questions 1-3).

Policy options

2.2 At the start, respondents were asked to choose between two options: to commence the Duty on local authorities and establish regulations on the assessment and provision of housing support; or to commence the Duty on local authorities but not to establish such regulations.

2.3 Question 1 asked:

Which is your preferred option?

Option 1: establish regulations Option 2: do not establish regulations

Please explain why.

2.4 A total of 61 respondents (92%) addressed Question 1 in some way. Respondents who expressed a preference for one or other option were evenly split, with 29 (48%) of those who addressed the question supporting each of Option 1 and Option 2. In 3 cases (5%), it was not possible to determine a clear view in favour of Option 1 or Option 2.

2.5 There were some variations in views by type of organisation. Among local authorities, around two thirds of those who addressed this question supported Option 2, with a third supporting Option 1. Among housing associations, however, virtually all supported Option 1. Among voluntary organisations, as well as those from other sectors, views were more or less evenly divided.

2.6 All of those who addressed Question 1 made additional comments. Most of the additional comments focused on the reasons for the choice of one or other of the options, and the perceived benefits of that option.

Option 1 – Reasons for choice/perceived benefits

2.7 Around half of the respondents who made additional comments provided reasons for the choice of Option 1, or identified perceived benefits. The most common theme was to enable consistency in housing support assessment and provision. Other themes included: a perceived positive impact on aspects of provision or outcomes; addressing gaps/problems; providing clarity/definition of housing support; improving accountability; resource issues; and a small number of other reasons or benefits. Several respondents qualified their choice of Option 1 or made additional comments.

2.8 Most of the respondents who favoured Option 1 (and one of those who favoured Option 2 overall) highlighted the need for, or benefits of consistency as a reason for choice of Option 1. Among the issues raised were that the option would enable:

- Parity and consistency of policy interpretation and implementation across authority areas and no “postcode lottery”.
- A uniform/consistent framework and approach for the assessment and provision of housing support.
- Consistent standards of service (against which local authorities can be measured).
- Consistent reporting (allowing more effective benchmarking, measurement and comparability, as well as increasing quality).

2.9 A small number of issues relating to consistency for specific groups were also raised. For example, one respondent identified the benefits of consistency for provision to prisoners. Another (although they did not express an overall preference), identified a specific concern that, without regulations, deaf people in homeless households could be subject to a postcode lottery in relation to accessible assessment and support.

2.10 A further reason cited by several respondents for establishing regulations was a perceived positive impact on the nature of provision or outcomes. It was suggested, for example, that this would enable: an efficient approach; good practice; continuity across areas; promotion of a culture recognising the needs of marginalised groups; and integration of equality considerations in the functions and policies of Scottish Government Directorates and Agencies and in the provision of housing support. It was also suggested that it would enable the endorsement of the professional status of housing support, as well as the development of a minimum standard of assessment and support provision which homeless people and those threatened with homelessness should expect, and against which local authorities could be held accountable. In terms of outcomes, it was suggested that regulations could better enable tenancy sustainment and prevention of homelessness; as well as enabling the duty to be implemented effectively.

2.11 Several respondents also suggested that their choice of Option 1 was based upon previous perceived gaps or problems in housing support. Examples given included: the lack of provision of services, or limited provision (e.g. limited to a local authority’s own stock or limited in some geographical areas) where this was not mandatory; problems with interpretation of current legislation; barriers to accessing services; variation in services between authorities; and constraints for Registered Social Landlords (RSLs).

2.12 A further theme identified in relation to the choice of Option 1 was the view that regulations would provide clarity (e.g. for local authorities and all parties) about the nature of housing support assessments and services, and/or that establishing Regulations would help to define housing support. Additionally, one respondent, who did not express a strong preference, stated that if regulations made it clearer to those providing support what their obligations were, then they would be encouraged. Another respondent suggested that clarity would, in turn, ensure that service users’ support needs would be met effectively and that they would be aware of the services to which they are entitled.

2.13 A few respondents expressed the view that regulations would improve accountability and transparency. Related to this, one respondent stated that this

would enable scoping potential sanctions for non-compliance. It was also suggested that it might limit legal challenges (although one respondent, who disagreed with the establishment of regulations, stated that this had to be balanced against a possible adverse impact on flexibility, discussed later). A further suggestion was that regulations would provide a baseline against which to assess compliance and quality of services.

2.14 Comments on resource issues made by those in support of Option 1 included the view that, without statutory responsibilities or ring-fencing, the housing support budget would be a “soft target” when council budgets are under pressure. One respondent suggested that regulations would enable prioritising allocation of local authority resources, and another that their establishment would provide a framework that could be used for links into funding and forthcoming budgets.

2.15 Among a very small number of other reasons given for the choice of Option 1 were that: it was “common sense” or that it was essential for social inclusion and strategic planning that the needs of vulnerable homeless households were adequately assessed, and appropriate resources identified and ring-fenced by local authorities.

2.16 Several respondents, however, qualified their choice of Option 1 or made additional comments. Suggestions included that:

- There should be scope for local interpretation, some discretion and flexibility in the provisions.
- The regulations should be limited to: providing a framework; providing minimum standards; or defining housing support services in the context of the Duty.
- They should not be overly prescriptive, nor should they constrain delivery, and the use of prescriptive “check lists” should be avoided.
- There are a range of complex issues that would be difficult to cover in regulations, and which could best be addressed through explanatory guidance.
- Housing services may need to operate some kind of emergency service.
- The process must be person-centred.
- Duplication and conflicting requirements (e.g. with those of the Care Inspectorate and Scottish Social Services Council) should be avoided.
- The implementation of the Duty should not be delayed by the development of regulations.

Option 2 – Reasons for choice/perceived benefits

2.17 Around half of the respondents who made additional comments identified reasons for the choice of Option 2, or highlighted perceived benefits of this. The two themes identified most frequently were: the view that guidance or a broad framework would suffice or would be preferable to regulations; and the view that current legislation and processes made regulations unnecessary. Other issues raised as reasons for a preference for Option 2 included: a perceived need for flexibility, and variation in local circumstances/individual needs; a perceived impact on the nature of

services/decision making; the implications for costs/use of resources; and the implications for the timescale for implementation. A few respondents qualified their support for this option or made additional comments.

2.18 Many of the respondents who preferred Option 2 expressed the view that national guidance would be sufficient or would be preferable to regulations. Related to this, some also expressed the view that the introduction of formal regulations would be too prescriptive and would not be required. It was also suggested that guidance could enable: a framework; consistency of implementation; clarity; a common understanding; benchmarking; and monitoring/compliance. It was also suggested that it would help local authorities to implement the Duty successfully and highlight and share good practice examples. A few respondents suggested that the guidance could be incorporated into the Code of Guidance on Homelessness, or could be an adjunct to this.

2.19 A number of respondents also identified current legislation and processes as the reason for their choice of Option 2. It was suggested, for example, that the primary legislation is sufficiently strong and clear without the need for the establishment of regulations. One respondent also stated that the local authority is bound by a number of acts that support individuals to live independently (e.g. the Social Work Scotland Act 1968 and the Community Care Act 1990), and that services are regulated by the Social Work Inspection Agency (SWIA), the Scottish Housing Regulator (SHR) and Social Care and Social Work Improvement Scotland (SCSWIS), making further regulation unnecessary. It was also noted that housing support services are subject to the Care Inspectorate's standards and inspection. A few local authorities also expressed the view that existing local documentation, protocols, systems and mechanisms were appropriate and/or working well and one voluntary sector respondent stated that the case for extensive regulations has not been made.

2.20 A number of respondents also highlighted a perceived need for flexibility, or identified variation in local circumstances or individual needs as the reasons for their choice of Option 2. Several stated that needs and priorities vary from area to area and it was argued that the range of housing support needs is complex and diverse. It was suggested that Option 2 would enable flexible support services to be provided, to respond to local circumstances and to meet the needs of individuals, while regulations would make such flexibility difficult. It was also argued that significant progress has been made towards the 2012 target and reducing homelessness through the adoption of a flexible, outcome-based approach, being able to react to local circumstances and concentrating on effective prevention.

2.21 Further issues raised as reasons for the choice of Option 2 were the perceived impact on the nature of services, the nature of decision making or outcomes. In terms of the nature of services, for example, it was suggested that Option 2 could enable a person-centred and family-centred approach, and that regulations could undermine and direct resources away from preventive work. One local authority respondent also expressed concern that regulations would introduce the risk of a "one size fits all" approach, and that there may be pressure to provide only the lowest level of service required to meet the obligations. Another respondent stated that new regulations could introduce unnecessary restrictions on providers. One

local authority stated that regulations could restrict the development of innovative new approaches to service provision.

2.22 In terms of the nature of decision making, it was suggested that local authorities and partners know best what works within their area. It was also suggested that central Government regulation could cut across local strategic documents and approaches and involve a return to centralised direction. It was argued that councils need to be able to direct support in line with their own strategic planning and that Option 2 would be more in keeping with the Concordat. Further suggestions included that requirements could be bureaucratic and that they could limit or remove choice from individual clients.

2.23 In terms of outcomes, it was suggested that Option 2 could allow local authority staff the discretion to tailor support to individual needs and enable households to stay in accommodation and avoid repeat homelessness. It was also stated that councils have made significant improvements in the outcomes achieved in the delivery of housing support and advice by adopting a flexible approach, and that this would be lost if a prescriptive approach were taken. One local authority, for example, stated that establishing regulations could lead to people failing to become independent, as staff may follow prescribed lists rather than dealing with their needs.

2.24 A few respondents identified issues with costs/use of resources as the reasons for their choice of Option 2, particularly with local authorities facing financial pressures. Comments included that progress has been achieved by using resources in a cost-effective way, in response to local circumstances and priorities. It was also suggested that prescription brings a danger that resources go only to prescribed matters, could divert resources from prevention and a strong focus on outcomes, and could put pressure on strained budgets. A few respondents stated that Option 2 would cost less to implement than a more prescriptive system, or expressed concerns about the likely cost of Option 1. One stated that regulation could affect invoicing for housing support services.

2.25 One respondent expressed concern that drafting and consulting on regulations could prolong an already delayed process, and that this would be detrimental to giving housing support to those who need it as soon as possible. They expressed the view that the Scottish Government should aim to commence the legislation no later than 1st January 2013.

2.26 A few respondents qualified their choice of Option 2 or made additional comments, which included that: there was not a definitive view amongst those contributing to the response about the value of establishing regulations; the benefits of a regulatory approach were understood; there should be absolute clarity about what the Duty requires; and regulations could be considered and consulted on at a later stage, if necessary.

Other comments

2.27 In addition to providing the reasons for their choice of option, many respondents made additional comments or observations at Question 1. These often related to other matters which they believed Scottish Ministers should consider, and

there was clear overlap between some of these comments and issues raised later at Question 7.

2.28 For that reason, the material will be presented in more detail together with other related comments later in the report. In summary, however, these included comments on:

- The perceived need for guidance, and issues for clarification or inclusion in such guidance.
- Monitoring and reporting.
- The nature and implications of the legislation and regulations.
- The overall importance of housing support.
- The timescale for implementation of regulations.
- Resource issues.

2.29 These are discussed in more detail at Question 7.

Conducting the housing support needs assessment

2.30 Question 2 was in several parts and focused on: whether Scottish Ministers should prescribe the types of inquiries local authorities must carry out in determining the housing support required; and whether Scottish Ministers should specify matters to which local authorities must have regard in carrying out the assessment.

Prescribing the types of inquiries – overall views and reasons

2.31 Question 2(a) asked:

*(a) Should Scottish Ministers prescribe the types of inquiries local authorities must carry out in determining the housing support required?
Yes/No Please explain why.*

2.32 Question 2(a) was addressed by 56 respondents (85%) in some way. Among those who addressed this question, around half (52%) were against prescribing the types of inquiries, while 41% were in favour of such prescription. A small number of respondents (7%) who addressed the question did not express a clear preference.

2.33 As with Question 1, there were variations between sectors in their views of this issue. While 70% of local authority respondents who addressed the question did not favour prescribing the types of inquiries, a similar proportion of housing association respondents supported this. Respondents from other sectors were mixed in their views, with no overall pattern evident. When responses to Questions 1 and 2(a) were compared, it was found that, among those who supported Regulations, around two thirds also supported prescribing the types of inquiries.

2.34 All of those who addressed this question made additional comments. Most of the additional comments focused on identifying reasons for the respondent's view, or the benefits of the particular approach. A few respondents simply made reference to their response to Question 1, or raised other issues (discussed at Question 7) but most provided reasons for their specific view.

2.35 Under half of the respondents who made additional comments identified reasons in favour of prescribing the types of inquiries that should be carried out. The main theme was the promotion of consistency (as was the case at Question 1). Other themes included: a perceived positive impact on the assessment process, means of working or outcomes; and addressing issues with the current arrangements. Several respondents qualified their response or made additional comments.

2.36 Specific issues raised relating to consistency were: the perceived need for this; the importance of providing clarity to local authorities; the promotion of a consistent minimum level of service provision across Scotland; equitable provision; and benefits of consistency for specific groups (e.g. offenders returning to the community).

2.37 Issues raised in relation to a perceived positive impact on the assessment process, means of working or outcomes of prescribing the types of inquiries included that it would enable: a standardised approach; promotion and benchmarking of good practice; transparency and accountability; development of an evaluation and monitoring framework; data exchange between authorities; and the identification of the level of competency required from staff. It was also suggested that it would enable or ensure: person-centred support; the “right” questions to be asked; and a full assessment. Further perceived benefits were that it would help to ensure that account is taken of equalities issues; ensure that the right support is given, and improve positive outcomes.

2.38 A few respondents identified issues which they believed required to be addressed in the current arrangements, such as: issues with staff roles (e.g. conflicting considerations); some issues being overlooked (e.g. the ability to build neighbour relationships; health conditions or disabilities); variations in practice; and perceived deficiencies in guidance.

2.39 Where respondents qualified their agreement or added comments, suggestions included that inquiries should not be determined too precisely, nor be too restrictive, but should be flexible and allow innovation. One respondent suggested the use of a basic questionnaire for everyone, as a trigger for a full assessment. One respondent who did not state “yes” or “no” suggested that, rather than prescribing the types of inquiries, Scottish Ministers should prescribe the need to take a wide view of housing support and to include consideration of wider support needs.

2.40 Just over half of those who provided additional comments gave reasons to support the view that the types of inquiries should not be prescribed, and these also reflected some of the themes identified at Question 1. The most common focused on: the view that guidance would suffice or be preferable to regulation; and the view that existing practice was appropriate. Other issues raised included: the importance of flexibility; variation in needs; the potential implications of action for decision making processes or outcomes; and the resource implications. A few respondents qualified their response or made additional comments.

2.41 A number of respondents argued that guidance would be sufficient, preferable to prescription, or generally helpful/welcome. It was suggested that this would help to ensure clarity, consistency and equity, and a number of suggestions were made about issues for inclusion in such guidance. These covered issues such as: the

assessment process; issues for specific groups or people in particular circumstances; referral; recording; follow-up; roles of other agencies; integration with existing support; definitional/terminology issues; the time period for provision; and the coverage of the Duty. These issues are discussed further at Question 7.

2.42 A number of respondents also expressed the view that existing legislation and/or practice were sufficient and appropriate. Issues raised included the views that: the Act is clear; tested assessment procedures and frameworks are in place (with a small number of respondents giving examples of practice); and that rigid regulation might undermine progress. One respondent stated that prescription of the type of inquiries was unnecessary in the light of the development of Housing Options approaches.

2.43 Several respondents mentioned a need for flexibility in assessing support needs, to enable a response to the complex needs of individual households and the needs in local areas. Several respondents identified that inquiries would vary according to the diverse needs of individual service users, which could change over time. It was argued that there was a danger that prescription would remove flexibility.

2.44 Where respondents raised issues about the potential implications for decision making processes or outcomes as the reasons not to support prescribing the types of inquiries, issues raised included that: local authorities are in the best position to understand housing support requirements and determine methods; prescription might cut across local strategic work; and there should be a person-centred and holistic appraisal, which prescription would inhibit or limit. One respondent stated that the lack of prescription was consistent with the Christie Commission⁵ recommendations. In terms of the potential impact of prescription on outcomes, it was suggested that it might: compromise preventive work; require outcome measures which may not be consistent with those recognised by other services; and lead to the exclusion of some potential service users from the support they may need. It was also suggested that flexibility rather than prescription would enable the appropriate targeting of resources.

2.45 A few respondents who did not support prescription qualified their response or made additional comments, which included that: it may be useful to state that adequate inquiries are made and the local authority should be able to demonstrate this; and it may be appropriate to have some broad headings for inquiries. One respondent, while disagreeing with regulations on types of inquiries, stated that, if they are brought forward, then they should only refer to areas of assessment within the council's remit. One respondent suggested the development of a system for use prior to formal assessment, to "signpost" people for housing support assessment.

The nature of inquiries

2.46 Question 2(b) asked:

(b): If you have answered 'yes', what inquiries should Scottish Ministers prescribe that local authorities must carry out?

⁵ Public Services Commission (2011) Commission on the Future Delivery of Public Services
Edinburgh: Scottish Government

Please explain why.

2.47 Almost all of the respondents who expressed agreement at Question 2(a), (and a few who did not express a definitive view, or expressed disagreement) made comments on what inquiries should be carried out. The most common themes related to the aspects of the assessment process generally, and to the nature of the inquiries overall. Some specific issues for inquiry were also suggested .

2.48 In relation to aspects of the nature of the assessment process, various specific suggestions were made by respondents about issues which they considered important to prescribe, emphasise or include. Some of these related to roles and responsibilities with suggestions including: the corporate responsibility of the local authority; the role of homeless services as the lead agency; the potential assessment of needs, referral and review by a body independent of the homelessness/strategic housing function of the council; and the use of trained and experienced staff for assessment.

2.49 Some of the suggestions about aspects of the nature of the assessment process related to the importance of a specific type of approach, such as: a joined-up approach (e.g. a single shared assessment type approach); links to the Housing Options agenda; a thematic approach, with “essential” and “desirable” inquiries; Specific, Measureable, Attainable, Relevant, Time-bound (SMART) inquiries; inquiries based upon accepted good practice; and person-centred and holistic assessment.

2.50 Some of the suggestions about aspects of the assessment process related to the method overall, such as: the types of housing support to be considered; the identification of a minimum set of inquiries with scope and flexibility for wider assessment; timescales and the point at which support is provided; the use of existing tools and/or existing assessment information; the use of an agreed definition of housing support; the inclusion of service user choice; the inclusion of likely outcomes; and mechanisms for review.

2.51 In relation to the nature of inquiries overall, suggestions included that they should cover:

- Preventive measures that could be put in place.
- Homelessness risk factors.
- Building standards/quality of housing.
- Reasons for homelessness.
- Level of vulnerability/need and existing support needs..
- Multiple needs.
- Needs of others in the household.
- Previous/existing support provided (and access to advice/information).
- Contact with others (e.g. Social Workers; Community Psychiatric Nurses [CPNs]; family; advocates; the wider community; statutory housing; RSLs; anti-social behaviour teams; health services; voluntary sector).
- Other relevant legislation applying to a family.

2.52 Although reasons were not commonly given for these views, where this was the case, the reasons focused on: addressing perceived issues with the current process; developing an appropriate approach; improving provision; and improving outcomes and measurement.

2.53 Among the specific issues for inquiry suggested (although respondents sometimes grouped these under different headings), the most common types identified were:

- Financial issues (e.g. financial circumstances; income maximisation; money management; debt; benefits).
- Health, mental health and wellbeing (e.g. physical health; mental health issues; physical impairment; learning disability; sexual health).
- Relationships, personal and social issues (e.g. neighbour relations; social interaction and use of time; personal and family circumstances; needs of children).
- Tenancy/accommodation issues (e.g. setting up home; previous tenancy issues; barriers to sustainment).

2.54 A few respondents also suggested a need to prescribe inquiries into:

- Substance misuse issues (e.g. drug and alcohol misuse/addictions).
- Living skills (e.g. house management; independent living; social care).
- Education, training and employment (e.g. literacy and numeracy; communication skills; access to opportunities; education; training; and employment).
- Safety (e.g. general safety; security; domestic abuse; child protection).
- Offending/legal (e.g. offending behaviour; legal issues).

2.55 Where reasons were given for the inclusion of particular issues, these focused on improving the outcomes for service users (e.g. through developing a support plan, addressing potential problems and assisting with tenancy sustainment).

Specifying matters for the assessment – overall views and reasons

2.56 Question 2(d) asked:

*(d): Should Scottish Ministers specify matters to which local authorities must have regard in carrying out the assessment?
Yes/No Please explain why.*

2.57 This question was addressed by 52 respondents (79%). Among those who addressed the question, there was a majority against specifying matters to which local authorities must have regard. Half (50%) of those who addressed the question expressed disagreement, while 44% expressed agreement and 6% did not express a clear preference.

2.58 Again, there were significant variations in the views of respondents from different sectors. While a majority of housing associations, and most respondents from the voluntary sector were found to support this, more than 72% of local authorities did not. There was also a clear relationship between views of the need to

specify the matters to which local authorities must have regard and views of the need for regulations.

2.59 Of those who addressed this question, 49 (94%) made additional comments. The focus of these was again on providing respondents' reasons for their views.

2.60 Under half of those who made additional comments provided reasons to support the specification of such matters, or highlighted benefits of doing so. The reasons reflected some of the issues raised previously, and a few respondents referred back to their response to Question 2(a). Where respondents made specific comments, the most common themes (as at Question 2(a)) were the promotion of consistency and a perceived positive impact on aspects of the assessment process or means of working. A few respondents qualified their support or added comments.

2.61 Comments relating to the promotion of consistency included: the perceived importance of consistency, clarity and equity; and the view that specification would enable this, and enable a standardised approach and minimum expectations across authorities. One respondent suggested that specification would enable authorities to prepare appropriate tender documents for the provision of broadly similar services.

2.62 Comments relating to the positive impact of specification on aspects of the assessment process or means of working included that this would enable: data exchange; a transparent methodology; identification of staff skills; identification of good practice; identification of priorities; a full assessment; evaluation and monitoring; analysis of needs; benchmarking; and comparison of performance.

2.63 Where respondents qualified their support or made additional comments, these included that: specification should not be too restrictive; there should be flexibility and scope for judgements; account should be taken of additional resources required and the impact on service users; and defining the Duty by inputs rather than outcomes should be avoided.

2.64 Around half of the respondents who made additional comments provided reasons against the specification of such matters, and again there were links to the views expressed at Question 2(a). The commonest theme was the view that guidance would suffice or be preferable to regulation. The other main issues raised were: the importance of flexibility; and the view that existing practice was appropriate. A few comments were also made about variation in needs or a potential negative impact of regulation on outcomes.

2.65 The comments on guidance focused largely on views that guidance would be: less prescriptive; preferable; helpful; welcome; more flexible; easier to apply; and that it would promote a consistent framework for understanding and implementing the Duty. Several respondents again highlighted the importance of flexibility, as well as linking this to delivering person-centred and outcome-focused services, targeting support, making the best use of resources and being able to assess the needs of households and meet local priorities. A few respondents identified aspects of existing practice considered appropriate, such as: assessment tools; procedures; planning frameworks; experience and understanding. A few respondents identified the complexity of needs and the level of variation between different individuals and areas.

The nature of matters for the assessment

2.66 Question 2(e) asked:

(e): If you have answered 'yes', what matters should Scottish Ministers prescribe that local authorities must have regard to, when carrying out housing support assessments? Please explain why.

2.67 Almost all of the respondents who expressed agreement at Question 2(d), (and a few who did not express a definitive view, or expressed disagreement) made comments about what matters they considered should be prescribed.

2.68 These were very similar to the issues identified at Question 2(b), with the most common themes relating to the need to prescribe aspects of the assessment process generally and the nature of the inquiries overall. Again, some specific issues were also identified which respondents believed that local authorities should have regard to, and these reflected those at Question 2(b).

2.69 Issues raised in relation to the nature of the process generally included the need for local authorities to have regard to ensuring that it is: SMART; robust; flexible; consistent; thematic; joined-up; person-centred; and holistic. One respondent suggested a two-stage process. Other issues suggested as essential to have regard to or for prescription included: timescale and duration of assessment/support; involvement of the service user and ability to express themselves; the format of assessment document; use of language and accessibility to the audience; staff training; and the roles and responsibilities of various agencies in tackling multiple and complex needs. One respondent, who did not express a definitive view of prescription, stated that disability equality training and effective communication training should be made available to those conducting assessments, and that advocacy and communication support should be made available to ensure that individuals understand and can fully contribute to the assessment process.

2.70 Issues identified relating to the nature of inquiries overall included the need for local authorities to have regard to: preventive measures; reasons for homelessness; homelessness risk factors; support needs to sustain a tenancy/barriers to sustaining a tenancy; existing support; access to advice and information; unmet need; and the roles and views of other services (including specialist provision). It was also argued that local authorities should have regard to: needs, policies and specific forms of support for people in particular circumstances (e.g. children and young people; young women; looked after and accommodated children and young people; lone or young parents; LGBT people; offenders; ethnic minority groups; migrant and asylum seekers; older people); and household needs. One respondent suggested that local authorities should have regard to the 21 prescribed housing support tasks introduced as part of the Supporting People regime.

2.71 Where respondents suggested specific issues to have regard to, these will not be reiterated in detail here, as there was considerable overlap with Question 2(b). In summary, these included: financial issues; health, mental health and wellbeing; relationships, personal and social issues; and tenancy/accommodation issues. A few respondents also identified the need to prescribe inquiries into: substance misuse issues; living skills; education, training and employment; safety; and offending/legal

issues. One respondent, who did not favour prescription, stated that issues for guidance should not be an exhaustive list, but should be sufficient to enable a thorough assessment. In the small number of cases where reasons were given for the inclusion of particular issues, these tended to focus on promoting an appropriate approach, targeting support, meeting service users' needs in the best way, and improving outcomes.

Prescribing housing support services

2.72 Question 3 asked:

(a): Should Scottish Ministers prescribe the housing support services for which an applicant is to be assessed? Yes/No Please explain why.

2.73 This question was addressed by 56 respondents (85%). Among those whose views were clear, there was a majority (around 2:1) against the prescription of those housing support services for which an applicant should be assessed. Two thirds (66%) of those who addressed the question expressed disagreement, while 30% expressed agreement and 4% did not express a clear preference.

2.74 Again, there was evidence of a significant difference of view across sectors, with two thirds of housing associations supporting this, but more than 83% of local authorities opposed to this. Among voluntary organisations who expressed a view, there was also a clear majority against these matters being prescribed.

2.75 Of those who addressed this question, all bar one (98%) made additional comments. When asked to explain the reasons for their views, a few respondents (both who expressed agreement and disagreement) made reference to their previous answers, but most provided further information.

2.76 Under a third of respondents who made additional comments gave reasons to support the view that Scottish Ministers should prescribe the housing support services for which an applicant is to be assessed, or highlighted perceived benefits of this. Similar themes to those highlighted previously in this section were again identified. Respondents gave reasons relating to: consistency; a perceived positive impact on aspects of the process, provision or outcomes; addressing issues in the current situation; and providing clarity/definition of services. A few respondents qualified their agreement or made additional comments. As the detailed points made were similar to those which have already been raised, these will be summarised briefly below (and were made by only a few respondents in each case).

2.77 In relation to consistency, the points made related to: equity for service users; the establishment of a consistent approach and framework; and reducing the potential for a "postcode lottery".

2.78 Comments on a perceived positive impact on aspects of the process, provision or outcomes related to views that prescription of housing support services would enable: the identification of a minimum service and outcome expectations; full assessment and credibility to the process; benchmarking; evaluation and monitoring; provision of the right level of support; and provision by trained and skilled staff. Other comments included that prescription would: enable the Scottish Government to see

relative demand across local authority areas; lessen the risk of duplication; maximise the effectiveness of provision; and enable people to become successful tenants. Issues to be addressed within the current situation included the views that: some issues may currently be missed; the level of service can vary; there are limitations to Section 32(9) as a basis for assessment; and there can be a lack of holistic support.

2.79 A few respondents expressed the view that prescription would provide clarity and definition of essential/appropriate services for purchasers and providers. It was also suggested that it would provide an opportunity to clarify the nature of support, as well as roles and responsibilities of those involved. One respondent stated that prescription should help determine resource allocation based on prioritisation of assessed need. A few respondents qualified their support, or made additional comments, focusing on the need for: flexibility; local innovation and response to local need; and services tailored to specific client groups.

2.80 Almost two thirds of those who made additional comments gave reasons to support the view that Scottish Ministers should not prescribe the housing support services for which an applicant is to be assessed. The most common themes were: the view that guidance (and not prescription) was the preferred approach; issues relating to the implications for the decision making process; and variation in needs and provision (with a related need for flexibility). Other issues raised (by a few respondents in each case) were: the general lack of need for prescription; and issues relating to costs/use of resources. A few respondents qualified their disagreement or made additional comments. Again, the more detailed points are summarised briefly below.

2.81 A number of respondents, as has been the case in response to previous questions, suggested that guidance would be sufficient, preferable to prescription, helpful or would lead to better outcomes. A small number of comments suggested issues for inclusion in guidance, which are discussed later.

2.82 A number of respondents cited the means of decision making as the reason for a lack of support for prescription of housing support services. The most common issue raised was that assessment should determine individual needs, and the housing support services that should be provided. Several respondents made comments on the level of variation in individual needs and the requirement for different responses. A few also made comments about the variation in needs and service provision from area to area, the involvement of a range of support services, and the variation between service providers.

2.83 Related to these views, the perceived need for flexibility was emphasised by several respondents as a reason for a lack of support for prescription. It was also suggested that a person-centred and holistic approach should be taken and that prescription could limit this, could be inflexible and bureaucratic, and would not allow local solutions. It was also suggested that it could lead to a minimum standard of provision. One respondent (who did not express specific agreement or disagreement) stated that the approach could become a “tick box” exercise. Another respondent expressed the view that the local authority should determine their own approach, in line with their strategic commitments, while a further local authority expressed the view that local authorities know the needs of their clients best.

2.84 Several respondents expressed the view that the current arrangements were appropriate, or that there was no additional benefit in prescription. Comments included the views that: the definition of housing support services is already set out sufficiently; the “21 tasks” as prescribed by Scottish Ministers as part of the Housing Scotland Act 2001 are sufficient (although another respondent considered these to be too prescriptive); and many local authorities have current structures and services which have evolved. One respondent stated that having a list of prescribed tasks would be a “retrograde step”.

2.85 A few respondents who did not support prescription made comments relating to costs/use of resources, with suggestions including that a prescriptive approach may be resource-intensive or require funding. One respondent suggested that not taking such an approach would allow more effective targeting of resources.

2.86 A few respondents qualified their response or made other comments, which included the views that: there is a need for some clarity of definition; and that there is an opportunity through the legislation to re-examine, review and update the current tasks. Another stated that they required further clarification to enable a final response to this question.

Housing support services which should be covered

2.87 Question 3(b) asked:

(b): If you have answered ‘yes’, what housing support services do you think should and/or should not be covered? Please explain why.

2.88 Comments about which support services should be covered were made largely by respondents who expressed agreement with Question 3(a), and almost all of these respondents provided views at Question 3(b). Additionally, a few respondents who expressed disagreement or did not express a clear view also identified services they believed should be covered.

2.89 A number of respondents identified issues relating to the nature and general approach of support services overall. Others suggested various specific types of services.

2.90 In terms of the general approach of support services overall, a number of issues were raised. These included a perceived need for: a holistic approach; joined-up/partnership working; trained staff; the involvement of a number of agencies; and understanding of information exchange. One respondent stated that there should be a dedicated person to support an individual. Another (who did not specify their agreement or disagreement) stated that the definition of housing support services should include accessibility of support services for all, particularly deaf people (providing examples of what this would mean in practice).

2.91 In terms of the overall nature of support services, various suggestions included that they should cover: the 21 prescribed housing support standards; homelessness risk factors relevant to each case; responses to complex needs; and the use of specialist services and pathways for referral.

2.92 Among the specific types of services identified to be covered, there were again overlaps with the issues identified at Questions 2(b) and (e). Suggestions included support relating to: financial issues (e.g. income and benefit maximisation, housing benefit, money management, welfare rights, carer support, budgeting, money advice); health, mental health and wellbeing (e.g. physical, mental and sexual health and wellbeing, and mobility); relationships, personal and social issues (e.g. disputes and mediation, social networks, community engagements, family support and personal support); and tenancy/accommodation issues (e.g. tenancy capacity issues, tenancy/property management, access to furniture, owned accommodation issues, 3rd party issues, and tenancy on admission to and release from prison).

2.93 Other types of support identified as requiring to be covered included support services relating to: substance misuse issues (e.g. drug and alcohol issues); living skills (e.g. maintenance, life skills, independent living, use of technology, time management); education, training and employment (e.g. access to skills and training, literacy); safety (risk management, and domestic abuse); and offending/legal issues (e.g. services for those leaving custody).

2.94 Some respondents made additional comments. For example, one stated that it would be inappropriate to commission services that go beyond low level housing support. Another (who did not support prescription) stated that the Government should restrict the duty to provide services to those that fall within the council's remit. A few respondents suggested specific issues for which specialist agencies should be engaged to deliver support, where there would be a "gate-keeping" role, or where there would be interagency responsibility.

Business impact of proposals

2.95 Questions 2(c and f) and Question 3(c) asked:

What is the likely business impact of your proposals? Please include an indication of likely costs, where appropriate.

2.96 Comments on the business impact of various aspects of the legislation and on proposals made were given at Questions 2 and 3, as well as in response to other questions and specifically at Question 8. There was considerable overlap between the business impact issues raised at these different questions, and some respondents provided the same comments throughout, or referred to previous answers. For that reason, all of the comments relating to the perceived business impact of each of the questions will be presented together at Question 8.

Other comments

2.97 Some other comments were also made at Questions 2 and 3 relating to other issues for consideration. These will be discussed later in the report, but included, in summary, comments on:

- The wider context for housing support.
- The complexity of provision.
- Monitoring.
- Issues for inclusion in guidance/clarification.

- Issues for specific groups.
- Examples of practice.

Summary of findings: Overall views of regulations and the content and scope of assessment

2.98 In summary, the main findings relating to overall views of regulations and the content and scope of assessment are as follows:

- In relation to Question 1, respondents who expressed a preference between Option 1 (establish regulations) and Option 2 (do not establish regulations) were evenly split, with 29 (48%) of those who addressed the question supporting each of Option 1 and Option 2.
- There were some variations in views of the preferred option by type of respondent. Around two thirds of local authorities who addressed this question supported Option 2, while virtually all of the housing associations supported Option 1.
- Among those who addressed Question 2(a), around half (52%) were against prescribing the types of inquiries local authorities must carry out in determining the housing support required, while 41% were in favour of such prescription and 7% did not express a clear preference.
- Among those who addressed Question 2(d), a majority were against specifying matters to which local authorities must have regard in carrying out the assessment. Half (50%) of those who addressed the question expressed disagreement, while 44% expressed agreement and 6% did not express a clear preference.
- In relation to Question 3, a majority of those who addressed this (66%) were against the prescription of those housing support services for which an applicant should be assessed, while 30% expressed agreement and 4% did not express a clear preference.
- Additional comments were made to support the views expressed at each of the questions.

SECTION 3: THE CONTENT AND SCOPE OF PROVISION OF SUPPORT SERVICES

3.1 This section presents the findings on the content and scope of provision of support services (Questions 4-6).

Prescribing the period for which housing support should be provided

3.2 Question 4(a) asked:

(a): Should Scottish Ministers specify the period for which housing support services should be provided? Yes/No Please explain why.

3.3 A total of 56 respondents addressed this question (85%). There was a majority against the specification of the period for which housing support services should be provided. 82% of those who addressed the question expressed disagreement, while 14% expressed agreement and 4% did not express a clear preference. There was a majority against the specification of these matters in all sectors.

3.4 All of those who addressed this question provided additional comments. In the small number of cases where specific reasons were given to support the view that Scottish Ministers should specify the period for which housing support services should be provided, these comments focused on: the needs of the client; outcomes; and the provision of clarity. A few respondents qualified their agreement or made other comments.

3.5 A small proportion (around an eighth) of those who made additional comments gave reasons in support of specification related to the needs of the client. The comments made were that: this would ensure that the client receives support when required; some problems emerge at a later stage and prescribing a minimum time period can allow other needs to be identified; and the client needs to know how long they are committed to a support plan. Closely linked to these reasons, a few respondents suggested that specifying the time period would have a positive impact on the maintenance and sustainability of a tenancy, or on a client's motivation or likelihood of engaging with support. It was also suggested that there is a need to clarify at what stage a local authority can discharge its housing support duty (an issue raised by other respondents and discussed at Question 7).

3.6 Where respondents qualified their support, or made additional comments, one stated that it would depend upon whether specification was of a minimum or a maximum period. Other comments included that: the time period should not be exact/specific; there must be a means of ensuring that support can continue for as long as required; and there must be a holistic approach with regular reviews and monitoring.

3.7 Most of the additional comments, however, were from respondents giving reasons for the view that the period should not be specified, and more than three quarters of those who made additional comments focused on such issues. While a small number made reference to comments made elsewhere in their response, many provided more detailed reasons for such a view. The two most common themes were: the nature and basis of provision; and the variation among service users and

their needs. Other themes identified by smaller numbers of respondents included: a preference for guidance; the perceived impact on service provision or outcomes; cost/resource issues; and general views that it would be difficult to specify the period of provision.

3.8 Comments on the nature and basis of housing support provision focused largely on the view that the period for which housing support should be provided should depend on the individual needs of the client, which in turn will be determined by the needs assessment, and subsequent involvement of the individual. It was suggested that a specified period would risk moving from a person-centred, user-led, outcome-focused approach. It was also suggested that it would be “unnecessarily Government-led” and would be restrictive. Other issues raised were the views that: support should be made available for as long as required; should not be time-limited; and should allow for changes to individual needs. Two respondents expressed the view that housing support should be for short term interventions, while working to ensure that people can access specialist support.

3.9 Additional issues relating to the nature and basis of housing support as a reason not to specify the time period were the view that support should be: flexible; based on a plan; reviewed regularly; and adjusted accordingly, with the local authority determining the duration in conjunction with the service user. One respondent stated that moving on from support should be a carefully managed process.

3.10 Related to these issues, a number of respondents who disagreed with specifying a time period made specific comments about variation in individual needs. Issues raised included that: individuals have different needs, with considerable variation between them in their nature and complexity; the duration of support needed is longer for some than others; the pattern of support required will vary; and the point at which support is needed will vary. Several respondents also stated that individual needs (and the level of support required) can change over time (sometimes rapidly) and can reflect changing circumstances (e.g. household circumstances; age; seasonal changes; the nature of personal issues; progression of an illness). It was also suggested that there are differences in service provision, including, for example: differences in types of provision and activities; and different geographical issues for providers. One respondent stated that there are also different levels of commitment among service users.

3.11 Several respondents, as at other questions, expressed a preference for guidance, or stated that this would be beneficial.

3.12 Several respondents identified a perceived negative impact on service provision, or on outcomes of specifying a period for which housing support should be provided. One expressed concern that the specified period would become the maximum period. It was also suggested that there could be a negative impact on the effectiveness of provision and that support could be removed from service users when there was still a need for this. Other comments included that individuals may: feel more vulnerable; lack confidence in their service providers; fail to establish a relationship with service providers; and feel pressured to resolve issues within a specific period. It was also suggested that tenancies may fail and service users be exposed to homelessness as a result of a specified period. A few respondents stated

that, as well as the danger that support could be removed when still required, some service users would continue to receive support when they no longer needed it. One respondent also identified a perceived impact on other services, and another on their charging policy.

3.13 A few respondents cited cost/resource issues to support the view that the time period should not be specified, including that: there would be a cost to local authorities; the provision of support to those who no longer needed it would be wasteful; and specification of times must be linked to resource availability. A few respondents expressed a general view that it would be difficult to specify the period of provision or that it would not be beneficial or sensible.

3.14 Where respondents qualified their view, or made additional comments, a number of issues were raised. One, for example, suggested a danger of engendering dependency with non time-limited support (with a perceived need to underpin support with suggested good practice). Another stated that, if Ministers make any prescription of time, it should only be to specify a maximum period. Other views expressed included that: support should not be open-ended or longstanding; there is a need to distinguish between homelessness-related housing support and other types of housing support; services need to be able to discharge their responsibility (e.g. with clients who do not engage); and there is a need for reassessment and review.

The prescribed period

3.15 Question 4(b) asked:

(b): If you have answered yes, what do you think the prescribed period of provision should be? Please explain why.

3.16 Only a few respondents [although most of those who expressed agreement at Question 4(a)] made comments on the prescribed period of provision. Of these, a few specified a period or a point at which they believed input should be made, while a few expressed a view of the way in which such a decision should be made.

3.17 In terms of the prescribed period, one respondent suggested that support should be a minimum of 3 months, and in many instances 6-12 months, as this is the period when the most serious issues appear. Another suggested a 3 month period as an appropriate time to identify issues, but stated that a minimum period should only be enforceable where the service user agrees to accept the support offered. One respondent raised a specific issue for prisoners, stating that support should be provided at any point during incarceration when a change of circumstances requires this, and definitely at least 6 weeks prior to liberation.

3.18 A few respondents made comments on how such a decision should be made. Two suggested that this should be based on the assessor's recommendations (one of whom suggested the use of an independent support assessor). Two stated that this should be determined through a review process (with one stating that there should be exit strategies when support services are coming to an end). One respondent stated that support provision in hours may be a consideration for the Scottish Ministers.

Ensuring provision of housing support services

3.19 Question 5(a) asked:

(a): Should Scottish Ministers specify matters to which a local authority is to have regard to when ensuring provision of housing support services? Yes/No Please explain why.

3.20 A total of 51 respondents addressed this question (77%). There was a majority against Scottish Ministers specifying which matters a local authority is to have regard to when ensuring provision of housing support services. Almost two thirds (63%) of those who addressed the question expressed disagreement, while under a third (29%) expressed agreement, and 8% did not express a clear preference. Among all sectors, there was a majority against this proposition.

3.21 Of those who addressed this question, 48 (94%) provided additional comments. When asked to explain the reasons for their views, a few respondents (both who agreed and disagreed) made reference to their previous answers.

3.22 Just under a third of those who made additional comments gave reasons to support the view that Scottish Ministers should specify matters to which a local authority is to have regard to when ensuring provision of housing support services. The most common issue identified (although still by only a few respondents) was the promotion of consistency (as has been the case at other questions). Other reasons given also reflected issues raised earlier, and included comments relating to: ensuring that clients' needs are met; providing definition of services; and the implications for cost/resources.

3.23 Comments relating to the promotion of consistency focused on the view that specifying matters would enable: a standard framework; consistency of approach/service delivery throughout Scotland; identification of minimum expectations in all authorities; universal provision and equality; a "level playing field" for service users; and reduced potential for a "postcode lottery". One respondent stated that it would prevent authorities being able to "play-off" against each other.

3.24 A few respondents stated that specifying matters would provide the best means of ensuring clients' needs were met (e.g. by specifying that all services are of good quality and sufficiently resourced to meet the needs assessed; by using deprivation indices to identify the level of need; or by specifying the value of a specific form of support).

3.25 A further reason given by a few respondents in support of specification was the view that it would provide clarity and definition of services. It was suggested that it would define essential housing support services for purchasers and providers, as well as clarifying roles and responsibilities and issues relating to prioritisation. One respondent stated that specifying matters should assist in benchmarking for tendering exercises. One stated that specifying matters would assist in determining resource allocation based on prioritisation of assessed need.

3.26 One respondent qualified their response as a “tentative” yes, while another stated that there should be a strong degree of flexibility to encourage development and innovation.

3.27 Over half of the respondents who made additional comments gave reasons to support the view that Scottish Ministers should not specify matters to which a local authority is to have regard to when ensuring provision of housing support services. Again many of the issues highlighted have been raised in response to previous questions. The most common themes were: the implications for the nature of services and decision making processes; and the preference for guidance rather than prescription. Other reasons included: the view that current legislation and practice are sufficient; the need for flexibility; and issues relating to costs/resources.

3.28 Several respondents gave reasons relating to the nature of services and decision making processes. For example, comments included that support should be based on the needs of the individual and should be outcome-focused. Views were also expressed that local authorities: have discretion to determine these needs and draw up plans in consultation with the service user; are best placed to identify local needs; and have to take account of their budget and local circumstances. One respondent expressed a concern that specifying matters would remove choice from each individual and that this would contradict the Care Commission Regulations. It was also suggested that the nature of services is wide ranging, and two respondents stated that there are particular issues in remote/rural communities. Other issues raised were the views that specification would: narrow the options available; curtail the scope of support; affect the structure and provision of services; affect the ability to meet local priorities; and have a negative impact on their effectiveness.

3.29 Several respondents emphasised the need for flexibility to meet diverse needs and respond to local issues, or stated that specification would constrain this or detract from such an approach.

3.30 Again, several respondents expressed the view that guidance and the identification of a best practice framework would be preferable to prescription, or that this would be welcome.

3.31 A few respondents expressed the view that current legislation, regulatory processes and practice are sufficient, and one stated that this provides a clear definition and service standards for housing support. Specific examples of some existing requirements were given, and one respondent expressed the view that Scottish Ministers should specify that local authorities should have regard to the existing statutory duties in their provision of housing support services.

3.32 A few respondents raised issues relating to costs/resources as among the reasons for the view that Scottish Ministers should not specify matters to which a local authority is to have regard when ensuring provision of housing support services. These included concerns relating to: increased costs; wasted resources; and the perceived need to be able to target scarce resources to achieve the best outcomes.

Matters to have regard to when ensuring provision of housing support services

3.33 Question 5(b) asked:

(b): If you have answered yes, what matters do you think should be specified? Please explain why.

3.34 Almost all of the respondents who expressed agreement at Question 5 (and a few others) made comments on matters to be specified. The most common theme related to overarching issues in the provision of services and the nature of the process. Additionally, small numbers of respondents in each case identified some specific types of support needs to which local authorities should have regard.

3.35 In terms of overarching issues relating to the nature of the process or the provision of services, matters identified were:

- Availability of support services.
- Quality of services.
- Budgets and resources.
- Policy frameworks (e.g. relevant to children and young people).
- The local environment (e.g. deprivation; public transport infrastructure).
- Roles and responsibilities (including RSLs).
- Partnership working and the adoption of a holistic approach.
- Reasons for homelessness.
- The views of the household.
- Identification of positive outcomes.

3.36 As noted above, a few respondents in each case identified specific types of support needs. These reflected some of the specific areas highlighted earlier and will not be repeated in detail here. In summary, these included: financial issues; health, mental health and wellbeing; relationships, personal and social issues; accommodation; substance misuse issues; living skills; education, training and employment; and support to offenders.

3.37 Additionally, one respondent expressed the particular view that accommodation with support has been proven to be more effective than outreach services. Another stated that, in relation to provision of support to offenders, there should be a primary period of provision within 72 hours of admission to prison, and a compulsory period of provision a minimum of 6 weeks prior to release.

Different provision for different purposes and different areas

3.38 Question 6(a) asked:

(a): Should Scottish Ministers make different provision for different purposes and different areas? Yes/No Please explain why

3.39 This question was addressed by 51 respondents (77%) and a majority did not support the view that Scottish Ministers should make different provision for different purposes and different areas. Only a fifth (20%) of those who addressed this

question supported making different provision, while around two thirds (67%) disagreed with this, and 14% did not express a clear preference. All but two of those respondents who addressed the question provided additional comments (96%).

3.40 Under a quarter of those who made additional comments gave reasons to support the view that Scottish Ministers should make different provision for different purposes and different areas. These related to the perceived existence of: different individual and local needs/circumstances; different geography/demography; and different service provision in different areas. A few respondents qualified their support or made additional comments.

3.41 In terms of the identification of different individual and local needs, detailed comments included that there are: general variations in service users' needs and problems faced; differences between people in different circumstances; different levels of financial resources available; and different levels of socio-economic deprivation. In terms of differences in geography/demography, it was suggested that there are: differences in the volume and range of homeless populations; differences in cultures; distinctive issues in rural, urban and city areas; differences in demographic make-up, such as age, gender etc.; differences in housing tenures; and differences in population density. One respondent provided a local example of work to address specific local circumstances. In terms of differences in provision, it was suggested that there are: diverse generic and specialist providers across Scotland; different national and local agencies; and differences in access to, and availability of services in different areas (with rural issues highlighted).

3.42 A few respondents qualified their view that there should be different provision, or made additional comments. Two, for example, expressed the view that, while there are different local needs requiring local delivery, there should be a minimum or universal standard of provision. One respondent stated that there needs to be a clearer understanding of what different provision for different purposes and different areas means, expressing the view that everyone should have access to support that meets their needs and there should not be a postcode lottery.

3.43 A few respondents who did not express a definitive view at this question, and a few who expressed disagreement, stated that there was insufficient information in the consultation document to interpret fully what is meant by different provision for different purposes and different areas, or how this would operate in practice.

3.44 Most of the additional comments at Question 6(a), however, focused on reasons to support the view that Scottish Ministers should not make different provision for different purposes and different areas, and just under two thirds of those who made additional comments identified such issues. A few respondents made reference to answers given elsewhere in their response. Where specific reasons were provided, themes included: the impact on the nature of processes or provision; the perceived need for consistent access to support; a preference for guidance; and a perceived need for flexibility.

3.45 Where the reasons given related to the impact on the nature of processes or provision, it was suggested that: local authorities are best placed to identify the support needs of local people; these should be identified through local processes; and Scottish Ministers making varying provision may be confusing and bureaucratic.

Comments also included: the perceived value of local responses being locally led and regional variations developing naturally; and the view that the adoption of a person-centred approach would make it unnecessary for Scottish Ministers to make different provision for different purposes and areas, as this would take personal and local circumstances into account. In terms of the perceived impact on the nature of support, it was suggested that different provisions could lead to limiting access, could curtail the scope of support, and may require to be updated depending on changes in local circumstances.

3.46 Comments relating to consistency focused on the need for consistent access to support, and a consistent approach, to ensure that clients' needs are met in each area. It was also suggested that making different provisions for different purposes and areas would defeat the objective of trying to ensure consistency. One respondent stated that regulations should ensure consistency by providing a baseline, making it unnecessary to introduce different provision for different purposes and areas. Other comments included that: Ministers should not differentiate the value of different areas of support (e.g. prevention, crisis, or support in reducing homelessness); different provisions might prove divisive; and inconsistencies can also impact on other relevant organisations.

3.47 A few respondents mentioned a preference for guidance, or stated that this would be sufficient. One respondent suggested that this would complement the existing statutory framework and councils' own experience of effective service delivery within their local context. Another suggested that guidance should be sufficient to accommodate local variations and different service models. It was also suggested that this would allow a flexible response to local circumstances.

3.48 Linked to this, comments relating specifically to flexibility included: the general need for this; the complexity of needs; the view that a formally prescriptive approach would be inappropriate; and the perceived importance of a person-centred approach.

3.49 One respondent commented, however, that if Option 1 were to be selected, then it would be vital to recognise the geography of Scotland and the variegated nature of support needs across the country.

The nature of provisions for different purposes and areas

3.50 Question 6(b) asked:

(b): If you have answered yes, what do you think these provisions, purposes and/or areas should be? Please explain why.

3.51 Only a few respondents made comments on these matters, and these were made largely (although not only) by respondents who expressed agreement at Question 6(a). Suggestions (by a small number of respondents in each case) focused on the means of decision making and the identification of elements of provision considered important/essential.

3.52 Suggestions relating to the means of decision making included: the use of deprivation indices to decide upon the allocation of resources for housing support; the need to reflect the diversity of the community context, service user groupings and

identified needs; and the need for the local authority to have the ability to determine provision in line with the findings of its local housing strategy and other key strategic documents.

3.53 Suggestions relating to elements of provision considered important/essential included support with:

- Health, mental health and wellbeing (e.g. mental health support; assistance with long term conditions; support with learning disabilities; provision of physical adaptations).
- Relationships, personal and social issues (e.g. development of social networks and inclusion services).
- Substance misuse (with the suggestion that there should be increased addictions services and that the delivery of the Scottish Government drug strategy could be assisted through the effective delivery of housing support to homeless households).
- The provision of services to older people.

Business impact of proposals

3.54 Questions 4(c), 5(c) and 6(c) asked:

What is the likely business impact of your proposals? Please include an indication of likely costs, where appropriate.

3.55 As in the previous section, comments on the business impact of various aspects of the legislation and on proposals made were made at Questions 4-6. There was considerable overlap between the issues raised at these different questions, and with issues raised in the previous section and at Question 8. As noted previously, some respondents provided the same comments throughout, or referred to previous answers. All of the comments relating to the perceived business impact of each of the questions will be presented together at Question 8.

Other comments on the content and scope of provision

3.56 Some other comments were made at Questions 4-6, which included:

- The nature of housing support.
- Other considerations in provision.
- The time period of housing support provision.
- Issues for guidance/clarification.
- Regulation of support.

3.57 These issues will be considered in more detail in the following section.

Summary of findings: the content and scope of provision of support services

3.58 In summary, the main findings relating to the content and scope of provision of support services are as follows:

- In relation to Question 4, a majority of those who addressed the question (82%) were against the specification of the period for which housing support services should be provided, while 14% expressed agreement and 4% did not express a clear preference.
- Among those who addressed Question 5, there was a majority (63%) against Scottish Ministers specifying which matters a local authority is to have regard to when ensuring provision of housing support services, while under a third (29%) expressed agreement, and 8% did not express a clear preference.
- At Question 6, two thirds (67%) of those who addressed this question did not support the view that Ministers should make different provision for different purposes and different areas, while 20% supported making different provision, and 14% did not express a clear preference.
- Additional comments were made to support the views expressed at each of the questions.

SECTION 4: OTHER ISSUES, BUSINESS IMPACT AND EQUALITY IMPACT

4.1 This section presents the findings relating to any other issues raised in the consultation, and the perceived business and equality impact (Questions 7-9).

Other matters relating to the provision of housing support services

4.2 Question 7 asked:

Are there any other matters relating to the provision of housing support services by local authorities which you think Scottish Ministers should consider? Please explain why.

4.3 Although there was no quantitative (tick box) element to this question, almost all of the respondents provided comments relevant to the issues explored in Question 7, either at that point in their response or elsewhere.

4.4 A large amount of additional qualitative information was provided in these comments relating to matters which respondents believed Scottish Ministers should consider. While a number of respondents reiterated their overall view of the establishment of regulations or the reasons for their view (and these have been included in the material presented at Question 1), many provided additional comments on other related matters. Additional suggestions and observations were made on a range of issues. In some cases, it was suggested explicitly that these issues should be included in guidance, while in other cases the respondents simply made observations (although it can be assumed to be implicit that they were seen to require consideration or clarification).

4.5 The most common themes about which comments were made were: aspects of the process of assessment and provision; and aspects of the nature of service provision. A number of respondents also made comments on housing support overall. A further common theme was the identification of particular issues for clarification in relation to implementation of the Duty, and another was the provision of guidance. Comments were also made about issues for specific groups of service users. Other themes included: comments on resources; staffing issues; and other aspects of implementation. As well as highlighting these issues for consideration, a number of respondents made comments on the consultation itself. The issues raised within each of these overall themes are discussed in more detail below.

The process of assessment and provision

4.6 Around half of those who made comments relevant to Question 7 raised issues relating to aspects of the process of assessment and provision. These included comments relating to issues such as: assessment; evaluation, monitoring and review; reporting; and appeal.

4.7 In relation to assessment, suggestions, observations and issues for guidance/clarification or consideration included:

- The use of previous housing support assessments.

- Assessment of other household members, including the involvement of children.
- Staff/skills requirements.
- The potential for a two-stage “triage” assessment process.
- Issues for inclusion in the assessment/the use of a standard assessment tool.
- Links to other assessments and services providing support.
- Referral and follow-up processes.

4.8 In relation to evaluation, monitoring and review, suggestions, observations and issues for guidance/clarification or consideration included:

- The need for monitoring and review of: support needs, access to provision and outcomes.
- Development of a national framework and a robust and transparent system.
- Development of a consistent approach to information gathering or a common monitoring system/tool (with suggestions made).
- The use of information gathered to identify needs, monitor implementation and highlight gaps in services.
- Measurement of compliance, and the roles of the Scottish Housing Regulator and Care Inspectorate.
- The development of an evidence base.

4.9 In relation to reporting, suggestions, observations and issues for guidance/clarification or consideration included: the need to publish monitoring information; the development of a consistent approach to reporting and issues for inclusion; the need for an outcome focus; and a reporting timescale (e.g. annual). A few respondents made comments focusing on the perceived need for/nature of the appeal process for those unhappy with the assessment or action.

The nature of service provision

4.10 A further very common theme, identified by around half of those who made comments relevant to Question 7 was the nature of service provision. Comments were made on issues such as: the approach to provision; the nature of the service required; roles and responsibilities; and specific developments. In relation to the approach to provision, suggestions, observations and issues for guidance/clarification or consideration included:

- The need for a person-centred, holistic approach.
- The need for a consistent approach/standard.
- The need for integrated/co-ordinated services, with joint working, co-operation and partnership working between a range of organisations.
- Demonstration of corporate responsibility by local authorities.
- The importance of preventive work and tenancy sustainment.
- The importance of planning.

4.11 In relation to the nature of the service required, suggestions, observations and issues for guidance/clarification or consideration included:

- The use of a range of provision to meet different needs.
- Provision of an individual housing support plan.
- The need for regular and ongoing review.
- Involvement of other agencies (including all council departments and partner agencies).
- Information sharing.
- Provision in co-operation with the client.
- Use of a strategy for ending housing support at the appropriate time.

4.12 In relation to roles and responsibilities, suggestions, observations and issues for guidance/clarification or consideration included:

- The role of housing associations in providing low level support.
- The statutory duty of the local authority.
- The role of the voluntary sector.
- The distinction between housing-related support and support likely to be required by those with complex needs, the role of specialist services and securing input from other services.
- The role of private sector landlords.
- The role of friends and family.
- The role of volunteers, befriending and social networks.

4.13 In relation to specific service developments, suggestions, observations and issues for guidance/clarification or consideration included:

- Reform of the housing support system and the creation of a support and review service independent of homelessness/strategic housing.
- Encouragement of mediation input.
- The use of IT generally, and telehealth and telesupport facilities.
- Maintenance by local authorities of a list of preferred providers and a “menu” of services.
- Provision of the option for local authorities to outsource assessments.

Housing support overall

4.14 Around a third of those who made comments relevant to Question 7 raised issues relating to housing support overall. Comments were made about the importance of this, the perceived need for action and the wider context. Several respondents, for example, stressed the importance of housing support in preventing and addressing homelessness and providing sustainable outcomes. Comments were also made on the nature or complexity of support. Several respondents also welcomed the Duty or highlighted the importance of this.

4.15 In relation to the wider context for housing support, suggestions, observations and issues for guidance/clarification or consideration included:

- The need to recognise differences in homelessness between areas.
- The potential impact on current services.
- The need to recognise links between housing support and other issues.

- Consideration of the wider legislative and regulatory frameworks and compliance with the requirements of other statutory intervention.
- The fit with the Scottish Social Housing Charter and its requirements.
- The impact of UK Government Welfare Reform.
- The fit with Short Scottish Secure Tenancies.
- The relationship to the abolition of priority need and the delivery of outcomes relating to the provision of preventive services.
- The impact of the Self-Directed Support Bill on delivery of services.
- Links to the Housing Options approach.
- Lessons learned from the Supporting People programme.
- Alignment to the Getting It Right for Every Child (GIRFEC) agenda where children or young people are involved.

Other issues for clarification in implementation

4.16 A further common theme, raised by around a third of those who made comments relevant to Question 7, was the identification of particular issues for clarification in relation to implementation of the Duty. This included comments about: the situation relating to clients in particular circumstances; definition and terminology issues; the time period for provision of support; and the coverage of the Duty. In relation to clients in particular circumstances, suggestions, observations and issues for guidance/clarification or consideration included:

- Clients who have support requirements and refuse or otherwise fail to engage with appropriate services (including avoiding clients who fail to engage being “tagged” intentionally homeless; how services can be provided; and the use of a mandatory power to insist on engagement).
- Those who lose their accommodation along with their housing support.
- Those moving from supported accommodation to their own residential accommodation.
- Those already receiving support.
- Those who are assessed as not homeless, or who are intentionally homeless who need housing support.
- Those who need long term and continuing support.
- Those with multiple support needs.

4.17 In relation to definition and terminology issues, suggestions, observations and issues for guidance/clarification or consideration included:

- The definition of housing support (e.g. review/revision).
- The content of housing support activities/services.
- The interaction/distinction between housing support and other issues affecting some homeless households.
- Expected responses to support needs that go beyond the remit of housing support.
- What constitutes satisfactory “reason to believe” that someone might require such support services and how to ascertain this.

4.18 In relation to the time period for provision of support, suggestions, observations and issues for guidance/clarification or consideration included:

- Expectations of the time period for provision.
- The stage at which input should be made.
- The need to achieve independence as quickly as possible.
- Ensuring services are not withdrawn too soon.
- Identifying the criteria/circumstances in which an authority might reasonably be considered to have discharged its obligations.
- Making provision for longer term support.

4.19 In relation to the coverage of the Duty, suggestions, observations and issues for guidance/clarification or consideration included: consideration of relevant people residing with the applicant; whether the duty applies to households or only to the individual; whether it is expected that different assessments should be undertaken for each member; what is the best approach to the very specific support needs of children (and responsibilities/staff training issues relating to this); and the extent of the Duty to ensure the provision of prescribed housing services.

Guidance

4.20 Around a third of those who made comments relevant to Question 7 made general comments about the provision of guidance. These included suggestions relating to the perceived general need for guidance and the nature of this. Several respondents stated, as has been the case previously, that they would welcome guidance (either in preference to, or additional to regulations). Comments included that this would: strengthen the work already being done by support services; enable authorities to develop their response to assessing and delivering housing support; help to promote a consistent approach; and clarify some issues.

4.21 Several respondents made comments on the nature of guidance, with suggestions including that it should be comprehensive, strict and easy to follow. A few respondents suggested that the guidance should be part of a revised Code of Guidance on Homelessness. One respondent suggested that relevant stakeholders should bring together examples from local authorities providing a range of housing support services. Another added a caveat relating to guidance, stating that it should not be used to narrow the definition of housing support need and provision, nor delay the implementation of the Duty.

4.22 Additionally, as noted previously, many of the specific issues identified in the other themes detailed throughout this section are also relevant to the content of guidance, and some respondents suggested that these should be included in this.

Issues for specific groups

4.23 Around a third of respondents who made comments relevant to Question 7 highlighted issues for specific groups of service users. These included: the perceived needs of specific groups; the impact of homelessness on specific groups; and the links between other issues and homelessness (e.g. health, offending, substance misuse and domestic abuse). Groups with specific needs/requirements and some of the particular issues impacting on them were identified. Suggestions, observations and issues for guidance/clarification or consideration in relation to the needs of specific groups and the impact of homelessness included issues about:

- Children (e.g. the need for a Children’s Rights Impact Assessment; the impact of homelessness on their health, education, safety and life chances; how to assess and meet their needs; and interagency communication).
- Young people (e.g. young women; young lone parents; increased risk of homelessness with changes to housing benefit criteria; first tenancy issues; and issues for looked after and accommodated young people).
- Disabled people (people with physical impairments; people with learning disabilities; people with long term conditions; people with mental health issues; and where people with mental health problems refuse to engage with support).
- People with substance misuse problems.
- Ethnic minority groups including Gypsy/Travellers.
- Refugees, migrants and asylum seekers, and people with no recourse to public funds.
- LGBT people.
- Older people.
- Offenders (e.g. carers who are imprisoned and lose their housing on imprisonment; and delays in provision to prisoners approaching release).
- Single men (e.g. as the dominant homeless population).
- Those moving into a tenancy after being homeless.
- Those recently discharged from an institution.
- Those who have had difficulties managing a tenancy in the past (e.g. through rent arrears; or anti-social behaviour).

4.24 Closely related to issues affecting specific groups, links between homelessness and specific issues were also highlighted, including:

- Health (e.g. link between homelessness and poor physical and mental health; health inequalities for homeless households; difficulties in accessing services; and the identification of a practice model).
- Offending (e.g. the impact of addressing housing needs on successful resettlement, reducing reoffending and enhancing social capital for the community; difficulties in accessing services; the impact on children and other dependents/family members; the need for joint working; and the need for consideration of issues from the start of a sentence).
- Substance misuse (e.g. homelessness as a cause and complication of problem drug use and a significant barrier to recovery; the role of housing support in preventing or contributing to addressing problem substance use and promoting recovery; and the importance of joint working).
- Domestic abuse (e.g. as a major cause of statutory homelessness; the cost and impact of domestic abuse; the importance of support services for women escaping domestic abuse, including good quality housing support; and the cost benefits of support provision).

Resources and staffing

4.25 Two further themes which were identified were resources and staffing. In relation to resources, the issues raised included: a need for provision/concerns about the implications for resources; cost benefits of housing support; the potential impact of the Duty on the service provided and other aspects of provision; and issues relating to identifying the cost implications. These issues are linked to comments which were made on the business impact of the Duty and proposals, and as such will be discussed further in the presentation of the material at Question 8, in order to avoid repetition.

4.26 Similarly, comments on staffing focused particularly on the implications of the Duty/proposals for training and resources, and these issues are discussed further in the presentation of the findings at Question 8.

Other aspects of implementation

4.27 A small number of other aspects of implementation were identified on which small numbers in each case made comments. Some of these related to the timescale, including that: commencement of the legislation should be as soon as possible and by no later than 1st January 2013; and that establishing regulations or seeking full understanding of the cost implications should not delay implementation. A further respondent, however, stated that it should be a clear pre-requisite to the commencement of the secondary legislation that an assessment of resource requirements is in place before the legislation is implemented. Another stated that the Duty should not be rushed through the political process, and that the timescale should take account of local government elections, with a commencement date set that gives local authorities time to prepare relevant processes and procedures. Another respondent suggested that there should be a detailed timetable.

4.28 One respondent commented that success would depend on the detail in the regulations, which they stated would need to be relevant, practical and capable of being implemented. One respondent offered to work along with the Scottish Government and others to assist in formulating guidance. A small number of examples of local practice were also provided.

The consultation

4.29 In terms of comments on the consultation itself, several respondents provided information about the respondent/organisation. This included, for example, details of: the nature of the organisation and its work; who the organisation represents; and how to obtain further information. A number of respondents also welcomed the consultation itself, or the opportunity to respond/comment. Several respondents provided information about their response, such as identifying: the particular focus of their interest in the material; the questions they addressed; or how the response had been generated.

4.30 Several respondents also made comments on the consultation material or the use of findings. These included comments (by a small number of respondents in each case) on:

- The respondent's understanding of the purpose of the consultation.
- The language/terminology used (e.g. that "the type of inquiries" did not suggest a clear understanding of person-centred assessments; and a query about whether the term "priority need" was still relevant).
- Perceived gaps in the material (e.g. a definition of housing support; the level of information at specific questions; non-compliance by individuals; information additional to what was available before the Act went through Parliament; details of the commencement plan and next steps; and the impact of homelessness and inappropriate or precarious housing on the rights and wellbeing of children).
- Issues which were not seen to have been emphasised sufficiently (e.g. the key role housing providers can play in preventing homelessness and sustaining tenancies).
- The use of the material in the findings (e.g. to inform further considerations/guidance).

Partial Business Regulatory Impact Assessment (BRIA)

4.31 Question 8 asked:

Please provide any comments you have on (a) the Business Regulatory Impact of your proposals and (b) the partial BRIA.

4.32 As noted previously, comments were made on the business impact of proposals both at individual questions and at Question 8, and more than three quarters of respondents made comments relevant to this question. It was found that respondents often referred back to previous answers, or made the same comments at all questions, or repeated the same comments at multiple questions. Additionally, comments sometimes appeared to relate to the business impact of the Duty generally, as well as about individual aspects of regulation/proposals, without clear distinctions necessarily being made between them. Similarly, respondents did not always identify where their comments related specifically to the partial BRIA, although some specific comments were made. For these reasons, all of the comments on the business impact are discussed together here.

4.33 The themes which emerged most frequently among respondents' comments about the business impact were: the identification of additional costs; the impact upon service provision; and costing issues. Further themes were: the provision of resources; and the identification of cost savings or benefits. A small number of other issues were raised (e.g. examples of local practice; the view that the business impact would be neutral; and relevant issues in the wider context).

Additional costs

4.34 Almost half of respondents who made comments relevant to Question 8 identified additional cost implications of the Duty or regulations. Comments related to: the general impact upon costs and use of resources; specific issues incurring costs; and overall views of the cost implications.

4.35 Comments about the overall impact on costs and use of resources included a general concern about the resource implications and increased costs of the Duty or

proposals. Concerns were also raised about current financial constraints, and the need to take account of other national and local priorities in resource considerations. One respondent stated that, although there could be a danger in evidencing housing support needs which cannot be met under current budget restrictions, it is better to “face the reality” of housing support costs. It was also suggested that the cost implications are likely to extend to other services such as social work, health, education, enterprise and other housing and support providers.

4.36 A few comments were also made about the particular impact of prescription on costs, including that: it may have a negative impact on local responses and practices which have been developed on the basis of cost-effectiveness and efficiency; it would cut across local flexibility; it would have implications for staff resources; it would stretch resources too thinly; and it would increase costs for the Government and council. A few respondents stated that both Options 1 and 2 (and the introduction of the Duty) would bring significant additional costs, but some (although not all) stated that the costs of prescription would be likely to be higher. It was also suggested that costs may vary between areas.

4.37 A few specific questions were also posed. For example, one respondent raised the question of what the local authority is expected to do if they do not have the resources available to provide all of the support requirements identified, and another raised a question about how to prioritise clients.

4.38 Among specific issues identified as incurring costs were:

- Assessments and the implementation of housing support requirements.
- Employment of additional staff.
- Staff training for staff in the statutory and voluntary sectors (e.g. training needs analysis; design and delivery of training).
- Software and systems (e.g. purchasing/adapting).
- Redesign of tools/protocols.
- Provision of interpreting support.
- Provision of a suitable environment/organisational infrastructure.
- Travel (particularly in rural areas).

4.39 Several respondents provided general views of the cost implications. A few local authorities, for example, stated that the resource implications appeared unsustainable for councils in the current financial climate. One housing association stated that the cost to them of providing support for vulnerable tenants would be prohibitive. A few respondents expressed general concern about the cost implications, and one expressed the specific concern that if the implementation of the new Duty does not specify the exact extent of the local authority’s housing support duty, they may be subject to legal challenge for not meeting a Duty that they cannot reasonably afford to provide.

Impact on service provision

4.40 Almost half of those who made comments relevant to Question 8 made comments on the impact on service provision. These focused on: the nature of provision; the means of providing services; particular types of services; and service

users. Issues raised in relation to the impact on the nature/means of provision included the views that:

- The number of assessments will increase.
- The time taken to carry out assessments will increase, with an increase in the time spent with the client, and increased administrative time.
- Assessment may be less comprehensive/the focus could be diluted.
- The Duty has staff training and workload implications.
- There may be longer waiting times.
- There may be increased time in, and use of temporary accommodation.
- There may be problems with the availability/capacity of services.
- Without further resources, it may be difficult to deliver services.
- There may be an impact on procurement, contracts and charging policy.
- Joint planning/funding arrangements will need to be considered.

4.41 In terms of the implications for particular types of provision, issues raised included the views that:

- Other homelessness services may receive less attention.
- Housing support provision in other areas of the local authority will suffer as resources may need to be re-directed.
- Funding for specialist support services (e.g. drug and alcohol) may stop as part of restructuring of local authority services.
- The Duty could divert resources from homelessness prevention to the point of crisis, or could inhibit preventive work.
- A fixed period of providing housing support might impact on other social work services/third party providers.

4.42 One respondent expressed the view that it may be a business advantage to have a few training flats for homeless people. Another suggested the use of long term hostel living for single men with serious addiction issues who have repeatedly been unable to sustain a tenancy, even with support.

4.43 Several respondents suggested that the Duty or proposals would have an impact on service users, and issues raised included the views that: they may wait longer and spend longer in temporary accommodation; the Duty removes choice from customers; and there may be an adverse impact on households in mainstream tenancies who require support. One housing association suggested that good quality visiting support could double rent levels. One local authority expressed the view that there is the possibility that many may view homelessness as the most expedient route of accessing housing support services, as well as accommodation. In relation specifically to prescription, one respondent suggested that this could cause disruption to service users. Another respondent, however, (from the “justice” category) stated that the benefits to clients would be significant.

4.44 Some of the specific issues relating to the perceived impact of prescription (rather than the Duty overall) on the nature of services and means of provision have been detailed previously and will not be reiterated here. Additional comments included suggestions that prescription could lead to: re-tendering of services if these

could not meet the needs of service users as a result of inflexibility; some restructuring of current activities; changes to job descriptions; and gaps in provision to other needs groups.

Costing issues

4.45 A further theme raised by almost half of respondents who made comments relevant to Question 8 was the actual costing of the Duty or proposals. Comments included: the provision of actual costings for some local areas; the difficulties of costing the proposals; views of the costing in the consultation document; and a small number of other costing issues.

4.46 A few local authority respondents provided costings for their own local areas, but this was only a small number. Some of these covered assessment, some covered provision and some covered both assessment and provision. These costings are available to the Scottish Government and will not be detailed here.

4.47 Several respondents, however, made comments on the difficulties of costing the proposals. These included the views that: it is difficult to quantify the level of support that will be required; the costs are likely to vary and fluctuate; and the actual costs of implementing the Duty would only become clear when the requirements are clear and through implementation/practice. A few respondents stated that the cost implications were primarily for local authorities to answer, and one local authority stated that they could not provide costs on activities delivered by partners.

4.48 Views expressed on the costing in the consultation document included that:

- The costing needs to take account of likely increases in demand due to Welfare Reform, the 2012 target, the economic climate and the entitlement of all members of the household to housing support once the new Duty is commenced.
- The costing needs to take account of the administrative costs of drawing up and promoting guidance and spreading good practice.
- The costing does not appear to acknowledge the different costs that may arise relating to different levels of need in different areas, or variations in support provision.
- The estimation in Table 1 (on page 24 of the consultation document) is lacking in detail or any real knowledge or understanding of the costs of providing housing support.
- The figure of £12 per hour for support costs is too low, and costs can vary (e.g. by type of area/type of assessment).
- The hourly rate, if used as the “whole cost” price for commissioning purposes, will restrict the ability of small/medium voluntary organisations to tender for services.
- The assessment of support needs may take longer than an hour.
- The estimated number of hours of housing support per client (based on the average expectation in the model in the consultation document) appears to be above what one of the respondents would expect to provide.

- The assumption that 32% of households that are assessed as homeless or potentially homeless will need housing support may be an underestimate, or at least unreliable.
- The actual costs of implementation are likely to be higher than estimated.
- The resource assumptions, while unlikely to be completely accurate, provide a measure of the extra resources required.
- There is no information about potential savings that effective tenancy sustainment (and homelessness prevention work) can bring.
- Further clarification from the Scottish Government about the costing was requested.

4.49 Among the small number of other costing issues raised, one respondent stated that there is a need to quantify the impact on the council's revenue resources to meet additional demand, and that further work would be needed following the introduction of the legislation on the impact on existing services. Another stated that it would be useful to know which three local authorities had been used as the basis of the costing provided, to ensure that variations by area were taken into account. A further suggestion was that the Scottish Government needs to undertake a proper assessment of the costs across Scotland associated with the assessment and provision of housing support within the new Duty.

The provision of resources

4.50 Around a third of those who made comments relevant to Question 8 raised issues relating to the provision of resources. The issues raised included: a perceived need for resources to support the Duty generally; some specific resource requirements; and comments on a preferred means of provision of resources. Comments on the need for resources included:

- The perceived need for extra resources to fulfil the legal duties.
- The identification of current resource constraints.
- The perceived need for resources to meet any increase in service requirements or to provide particular types of support.
- The identification of specific resource requirements (e.g. for particular types of areas or to address specific perceived additional costs of the types outlined earlier).

4.51 Suggestions about the means of provision of resources included that:

- Any new duties for local government should be fully financed by the Scottish Government and should carry an obligation for this.
- The budget for housing support should be ring-fenced for a time.
- Funds for spreading good practice could be distributed through the Housing Options Hubs.

Cost savings/benefits

4.52 Around a quarter of those who made comments relevant to Question 8 highlighted issues relating to cost savings and benefits. Comments included a

perceived general impact upon cost/resource savings or benefits, and the identification of specific forms of this. Overall comments related to:

- Expressions of support for a “spend to save”/preventive spend agenda.
- Potential long-term cost benefits of integrating vital housing support with the provision of accommodation for homeless households.
- Social and cost benefits of housing support for homeless households, not only for housing and homelessness services, but also for health, social services and criminal justice.
- The view that better and more efficient use would be made of resources.

4.53 Specific aspects of cost/resource savings or benefits identified included:

- Tenancy sustainment (with the suggestion that the costs of failed tenancies are known, but have not been taken into account).
- Prevention of costly crisis interventions.
- Reduced homelessness presentations.
- Reduced housing management input.
- A contribution to reducing reoffending.
- Savings in expenditure on services such as NHS and care homes.

4.54 It was also suggested that the cost to the economy and services of not addressing homelessness, would far outweigh the cost of intervention, and that there are social/community costs of not providing a service to those needing it. One respondent also highlighted the importance of addressing homelessness and its causes for external support from tourism, international funding and private sector investment.

Other issues

4.55 Among the other issues raised, a small number of respondents made comments that the business impact would be neutral; provided examples of local practice; or commented on other issues.

4.56 A few respondents believed that the business impact would be neutral, or limited (although a few stated that it would be different with the introduction of regulations or substantially different practice requirements).

4.57 A few respondents provided examples of local practice (e.g. the development of new services; preventive work; two tier assessment; review of effectiveness; and strategy development). A small number of other comments were also made, including that: local authorities should be able to identify vulnerable people with support needs and meet those needs as part of the wider prevention of homelessness agenda; the implementation of the housing support Duty should not be limited by cost analyses; and cost should never be taken above health, safety and wellbeing. It was also suggested that it was important to explore/take on board the views of service providers and the third sector on the proposals.

Equalities

4.58 Question 9 asked:

Please provide any comments you have on (a) the equalities impact of your proposals and (b) the draft Equalities Impact Assessment.

4.59 Over a third of respondents addressed Question 9 or made relevant comments. They did not always make a distinction between parts (a) and (b), although some specific comments were made on the draft EQIA.

4.60 As with the perceived business impact, some of these comments related to the Duty overall, and some to specific proposals in the consultation. A number of themes emerged on which several respondents made comments, and these included: the identification of specific comments on the draft EQIA; perceived benefits of the Duty or proposals for equality; perceived risks to equality; and specific equalities issues to consider. A few respondents expressed the view that they could identify no impact on equality; and a few highlighted the importance of equality or gave examples of practice.

The draft EQIA

4.61 Over a third of those who addressed Question 9 made comments on the draft EQIA. These included some general comments expressing an overall view of the EQIA. For example, in a very small number of cases, respondents suggested: broad agreement; the view that it was not comprehensive enough; or made a specific statement that they had no comment to make.

4.62 More specific comments on the nature of the EQIA or suggestions for inclusion were that:

- Reference is made to “priority need”, but priority need assessment will no longer apply from December 2012.
- The draft EQIA assumes that the level of funding outlined in Table 1 (on page 24 of the consultation document) will deliver a sufficient level of service to meet the support needs of all homeless applicants with a support need, and this may not be the case.
- The draft EQIA suggests that there is enough information to help understand the diverse needs and/or experiences of the target audience and this may not be the case, particularly where applicants have very complex and long term support and care needs.
- There is no recognition that the profile and needs of homeless households will vary across the country.
- The draft EQIA has been developed prior to consultation with the groups that may be affected, and will have to be revised following this consultation period.
- The Scottish Government stopped collecting information on housing support in 2008.
- Account should be taken of the cumulative impacts of welfare reform and benefit changes on an already vulnerable population.

- The EQIA does little to identify the impact of policy on those with protected characteristics and more detailed information should have been provided.
- The information should have been easier to read and more transparent.
- There should be a more in-depth equalities assessment before moving forward with the legislation.

Benefits and risks for equality

4.63 A further theme (identified by around a third of those who addressed the question) was the perceived benefits of the Duty or proposals for equality. Within this, it was argued, for example, that the Duty would have a positive impact on homeless people. A few respondents expressed views relating to a specific option, and these included the varying views that:

- Independent local regulations and systems could create a postcode lottery and Option 1 would enable better targeting, consistency, decision making and outcomes.
- Women leaving abusive relationships could benefit from prescribed support, knowing that they would not only be guaranteed accommodation, but provided with this.
- Option 2 would provide the most consistent benefits for equalities groups, enabling an authority to: deal with diversity; identify, assess and meet the needs of anyone with one or more protected characteristics; and recognise that “one size will not fit all”.

4.64 Around a third of those who addressed the question made comments on perceived risks to equality, and these included views that:

- The Duty needs to be financially supported by the Scottish Government to avoid withdrawal of support from non-homeless households and increased risk of homelessness.
- The focus of the new Duty on unintentionally homeless applicants in priority need could result in less support being provided for intentionally homeless, or not homeless, applicants which could adversely affect positive prevention work undertaken for all client groups.
- People in an authority’s “housing options group” and those receiving tenancy sustainment support who have not previously been homeless will be disadvantaged (including some who are vulnerable as a result of protected characteristics).
- There may be gaps in some areas of service provision (e.g. universal support provision for households with low level support needs).
- There is a concern about provision of support for households moving from supported accommodation to their own residential property.
- A mandatory support assessment for homeless households may deter homeless people making a homeless application or conversely, many may view the homeless route as the most expedient way of accessing housing support services.

Specific equalities issues for consideration

4.65 Specific equalities issues to consider which were also highlighted by a third of those who addressed the question. These included the importance of consideration of the needs of specific groups (and a range of groups whose needs were seen to require particular consideration were identified previously and will not be reiterated in detail here). A few respondents also identified additional issues affecting equalities groups, such as their disproportionate representation among homeless people.

4.66 Equalities considerations were suggested in relation to the means of provision included: the importance of ensuring that all groups are covered and included; the need for joined-up thinking, accessible information and communication support; the importance of information about the diverse needs and experiences of homeless households; the need for any inquiry approach to be underpinned by a feminist perspective; and conduct of an EQIA/consultation where there are changes to service delivery.

Other issues

4.67 As noted, a few respondents expressed the view that they could identify no impact on equality, with such comments including that: there was no adverse impact on any group; and there was no negative impact on equalities overall.

4.68 A few respondents highlighted the importance of equality (e.g. the principles of equality as fundamental to the proposals and delivery of housing support; the importance of ensuring that differential services do not develop; the need for inclusion of all relevant groups; and the respondent's commitment to equality). A few gave examples of the use of EQIAs in practice.

Summary: Other issues, business impact and equality impact

4.69 In summary, the main findings relating to other issues, business impact and equality impact are as follows:

- Respondents were asked at Question 7 to raise any other matters relating to the provision of housing support services by local authorities they believed Scottish Ministers should consider. Almost all of the respondents provided comments.
- The themes which emerged at Question 7 were: the process of assessment and provision; the nature of service provision; housing support overall; implementation issues for clarification; the provision of guidance; issues for specific groups; resources and staffing issues; other aspects of implementation; and comments on the consultation itself.
- Question 8 asked respondents to provide any comments on the Business Regulatory Impact of their proposals and the partial BRIA, and more than three quarters of respondents made comments.
- The themes which emerged at Question 8 were: the identification of additional costs; the impact upon service provision; costing issues; the provision of resources; the identification of cost savings or benefits;

examples of local practice; the view that the business impact would be neutral; and issues in the wider context.

- Question 9 asked respondents to provide any comments on the equalities impact of their proposals and the draft Equalities Impact Assessment, and over a third of respondents provided comments.
- The themes which emerged at Question 9 included: the identification of specific comments on the draft EQIA; perceived benefits of the Duty or proposals for equality; perceived risks to equality; specific equalities issues to consider; the identification of no impact on equality; the importance of equality; and examples of practice.

ANNEX 1 THE CONSULTATION QUESTIONS

Local authorities will have a statutory duty under section 32B of The Housing (Scotland) Act 1987 (inserted by The Housing (Scotland) Act 2010) to assess the housing support needs of homeless applicants who are unintentionally homeless, or threatened with homelessness, and are in priority need. They must also ensure that housing support services are provided to those assessed as being in need of them.

1. Policy options

In taking forward this policy, we must first establish which is the preferred option:

Option 1 Commence the duty on local authorities and establish regulations on the assessment and provision of housing support

Option 2 Commence the duty on local authorities and do not establish regulations on the assessment and provision of housing support

Question 1: Which is your preferred option?

Option 1: establish regulations Option 2: do not establish regulations

Please explain why.

2. Conducting the housing support needs assessment

Under Section 32B (2), local authorities will be required to assess whether the applicant, and any other person residing with the applicant, needs prescribed housing support services.

As stated under Section 32B (3):

“In carrying out such an assessment, the local authority must:

- (a) conduct inquiries of such type as may be prescribed; and
- (b) have regard to any prescribed matters.”

Question 2a: Should Scottish Ministers prescribe the types of inquiries local authorities must carry out in determining the housing support required?

Yes/No

Please explain why.

Question 2b: If you have answered ‘yes’, what inquiries should Scottish Ministers prescribe that local authorities must carry out? Please explain why.

Question 2c: What is the likely business impact of your proposals? Please include an indication of likely costs, where appropriate.

Question 2d: Should Scottish Ministers specify matters to which local authorities

must have regard in carrying out the assessment?

Yes/No

Please explain why.

Question 2e: If you have answered 'yes', what matters should Scottish Ministers prescribe that local authorities must have regard to, when carrying out housing support assessments? Please explain why.

Question 2f: What is the likely business impact of your proposals? Please include an indication of likely costs, where appropriate.

3. Prescribing housing support services

Under section 32B (4), local authorities would have to ensure that prescribed housing support services are provided to any person assessed as being in need of them. Scottish Ministers can prescribe what these housing support services are.

Section 32(9) clarifies what "housing support services" covers:

"any service which provides housing support, assistance, advice, or counselling to an individual with particular needs with a view to enabling that individual to occupy, or to continue to occupy, residential accommodation as the individual's sole or main residence".

Question 3a: Should Scottish Ministers prescribe the housing support services for which an applicant is to be assessed?

Yes/No

Please explain why.

Question 3b: If you have answered 'yes', what housing support services do you think should and/or should not be covered? Please explain why.

Question 3c: What is the likely business impact of your proposals? Please include an indication of likely costs, where appropriate.

4. Prescribing the period for which housing support should be provided

Under section 32B (5)(a), Scottish Ministers may make provision on the period for which housing support services are to be provided.

Question 4a: Should Scottish Ministers specify the period for which housing support services should be provided?

Yes/No

Please explain why.

Question 4b: If you have answered yes, what do you think the prescribed period of provision should be? Please explain why.

Question 4c: What is the likely business impact of your proposals? Please include an indication of likely costs, where appropriate.

5. Ensuring provision of housing support services

In addition to prescribing the period to which housing support services must be provided, Scottish Ministers may, under section 32B (5)(b) specify matters to which a local authority is to have regard to when ensuring provision of services.

Question 5a: Should Scottish Ministers specify matters to which a local authority is to have regard to when ensuring provision of housing support services?

Yes/No

Please explain why.

Question 5b: If you have answered yes, what matters do you think should be specified? Please explain why.

Question 5c: What is the likely business impact of your proposals? Please include an indication of likely costs, where appropriate.

6. Different provision for different purposes and different areas

Under section 32B (6), Scottish Ministers may make different provision for different purposes and different areas.

Question 6a: Should Scottish Ministers make different provision for different purposes and different areas?

Yes/No

Please explain why.

Question 6b: If you have answered yes, what do you think these provisions, purposes and/or areas should be? Please explain why.

Question 6c: What is the likely business impact of your proposals? Please include an indication of likely costs, where appropriate.

7. Other matters relating to the provision of housing support services

Question 7: Are there any other matters relating to the provision of housing support services by local authorities which you think Scottish Ministers should consider?

Please explain why.

8. Partial Business Regulatory Impact Assessment (BRIA)

Question 8: Please provide any comments you have on (a) the Business Regulatory Impact of your proposals and (b) the Partial BRIA

9. Equalities

Question 9: Please provide any comments you have on (a) the equalities impact of your proposals and (b) the draft Equalities Impact Assessment.

ANNEX 2 THE RESPONDENTS

The respondents were as follows:

Aberdeen City Council
Aberdeenshire Council
ALACHO
Argyll and Bute Council
Ayrshire and Arran NHS Board
Blue Triangle HA
Capability Scotland
Chartered Institute of Housing
Children in Scotland
City of Edinburgh Council
Clackmannanshire Council
Comhairle nan Eilean Siar
CoSLA
Cyrenians
Dumfries and Galloway Council
Dundee City Council
Dunedin Canmore Housing Association
East Ayrshire Council
East Dunbartonshire Council
East Lothian Council
East Renfrewshire Council
Edinburgh Tenants Federation
Falkirk Council
Families Outside
Fife Council
Four Square
Glasgow and West of Scotland Forum of Housing Associations
Glasgow City Council Social Work
Glasgow Housing Accommodation
Glasgow Homelessness Network
Highland Council
HMP Barlinnie
HSEU
NHS Lothian - Individual response
Kingdom Housing Association
Milnbank Housing Association
Moray Council
North Ayrshire Council
North Lanarkshire Council
Northern Constabulary
Orkney Islands Council

Ownership Options in Scotland
Perth and Kinross Council
Quarriers
Renfrewshire Council
S&A Homes
Scotland's Commissioner for Children and Young People
Scottish Borders Council
Scottish Churches Housing Action
Scottish Community Mediation Network
Scottish Council on Deafness
Scottish Drugs Forum
Scottish Federation of Housing Associations
Scottish Prison Service
Scottish Refugee Council
Scottish Veterans' Housing Association
Scottish Women's Aid
Scottish Women's Convention
SCSH
Shelter
Shetland Islands Council
South Ayrshire Council
South Lanarkshire Council
Turning Point Scotland
West Dunbartonshire Council
West Lothian Council

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