

REPORT TO: HOUSING COMMITTEE – 21 NOVEMBER 2005

REPORT ON: SCOTTISH EXECUTIVE, 2012 CONSULTATION RESPONSE
ON ABOLITION OF PRIORITY NEED

REPORT BY: DIRECTOR OF HOUSING

REPORT NO.: 661-2005

1. PURPOSE OF REPORT

- 1.1. To inform Housing Committee of the '2012 Consultation of the Ministerial Statement' document.

2. RECOMMENDATIONS

It is recommended that Housing Committee:

- 2.1. Note the contents of this report and the consultation response attached at Appendix 1.

3. FINANCIAL IMPLICATIONS

- 3.1. As this is currently a consultation document, there are no implications for the Housing Revenue Account on Council Tax.

4. LOCAL AGENDA 21 IMPLICATIONS

- 4.1. Implementation of the new homeless duties fulfils the Council's commitment to assist those in need by ensuring that needs are assessed and a range of accommodation is available for local people. Utilisation of the available funding in this way compliments the activities of the Anti-Poverty Strategy and improves the housing outcomes for vulnerable people in Dundee.

5. BACKGROUND

- 5.1. A consultation document was issued by the Scottish Executive in August 2005. The Homelessness Etc. (Scotland) Act 2003 requires a Ministerial Statement on the abolition of 'Priority Need' by 2012. The Abolition of Priority Need is one of the key provisions of the Act.
- 5.2. Presently, all people applying as homeless have the right to temporary accommodation and advice and assistance, but only those being assessed as in 'Priority Need' are entitled to permanent accommodation if they are unintentionally homeless.

By abolishing 'Priority Need' all people who are unintentionally homeless will be entitled to

a permanent home by 2012.

- 5.3. This Ministerial Statement will detail the measures required by local authorities and the Scottish Executive to ensure that all people are entitled to a permanent home by 2012.

6. **TIMESCALES**

- 6.1. This consultation seeks views on the content of a Ministerial Statement due to be published by December 2005.
- 6.2. The deadline for responses to this consultation document was **14 October 2005**. All responses were due to be sent by e-mail on or before this date.
- 6.3. Following the closing date, all responses will be analysed and considered along with any other available evidence to inform the Ministerial Statement on the abolition of 'Priority Need'.

7. **CONSULTATION**

- 7.1. Comments have been sought from relevant departments, stakeholders and other partner agencies. All feedback has been incorporated into this response.
- 7.2. A copy of this response has been made available in the members' lounge.

8. **BACKGROUND PAPERS**

- 8.1. Housing (Scotland) Act 2001.
- 8.2. Homelessness Etc. (Scotland) Act 2003.
- 8.3. Dundee's Homeless Strategy 2003-2006, approved by Housing Committee of 9 June 2003.
- 8.4. Consultation on Ministerial Statement required by Section 3 of the Homelessness Etc. (Scotland) Act 2003.
- 8.5. Tayside Health and Homelessness Plan 2005-2006.

APPENDIX 1

Dundee City Council Response - October 2005

2012 CONSULTATION ON THE MINISTERIAL STATEMENT

CONSULTATION QUESTIONS:

Views are sought on the issues covered by this section of the paper; in particular:

1. What other sources of information should be considered in assessing capacity to meet need?

Over the past few years the profile of homelessness is changing with more presentations being applicants with complex and often multiple needs. More emphasis needs to be placed on setting up a local authority wide shared database of information. This is an extension of the 'Single Shared Assessment' principle which is an opportunity to glean a wide range of information about needs, in this instance specifically about homeless needs. This information database needs to contain more information relative to health, socio-economic and demographic issues.

All existing services across the provider spectrum requires to be evaluated. Overall there should be a shared policy/procedural/practice statement between Health, Social Work and Housing, in identifying scope of need, that identifies clear areas of responsibility for funding and provision, scopes present situation, commits to meeting unmet need and, if necessary, repositioning, redesigning and initiating services.

Currently a significant number of persons are residing in voluntary sector homeless hostels. These people are often not accounted for in current figures or projections of future demand as they have not presented to local authorities seeking permanent rehousing and are therefore not included in local authority HL1 returns. Long term hostel residents are increasingly likely to come within the overall population seeking permanent accommodation as priority need is phased out and hostel workers seek to use the legislation to resettle residents. A proportion of hostel residents have high support needs and will present a resource challenge to local authorities where services are required to enable independent living. Accounts needs to be taken of the hostel population and included in projections of future demand. A scoping exercise to determine numbers and support requirements should be undertaken on an area basis.

2. What are the main gaps in the evidence base in relation to assessing the capacity to meet need?

It is very difficult to find and measure actual evidence of the needs for Tenancy Support. Some of the following however may assist.

Local Authority

There is a need to have greater sharing of information amongst and within local authority departments. The Data Protection legislation is often seen as a barrier to accessing the information required.

Perhaps the Scottish Executive could consider producing guidance/good practice to local authorities to ensure a clear understanding and a consistent approach across all local authority boundaries.

Voluntary Sector

There is need for more integrated Information Technology database for the voluntary sector. Currently information is piecemeal and labour intensive therefore a co-ordinated IT database is required, this database would require to be compatible with local authority databases.

Private Sector

There is a lack of detailed information from the private sector. It is difficult to produce any robust data under the current climate. The private sector is under no obligation to provide information. As the consultation document states it is highly likely that the private sector could have an enhanced role in assisting the local authority to meet capacity. As such it is essential that up to date, accurate information is available from the private sector.

3. Would it be useful to re-run the pro-forma exercise at a later date and if so when? If not then what process would be helpful to inform local authority planning for 2012?

It would be useful to re-run this exercise, however, much of the information is already collected by the Scottish Executive in their returns from the HL1. This information should be utilised to provide current and projected trends, which would of course then be checked against local knowledge from each individual area. This would help to ensure consistency of approach in methodology and measurement. A re-run of this pro-forma should provide more accurate information to assist the targeting of resources.

4. Are there other policy areas which are relevant to the 2012 target which should be considered? What are the priorities?

Housing Benefit Regulations

Access to the Private Rented Sector may be difficult for those on Housing Benefit:

- landlords may be unwilling to take tenants on benefits, possibly due to the potential problems associated with the administration of benefit.
- Rents may be unaffordable especially for the under 25's and for others there is the issue of local reference rent.

The formal system and verification framework of the national Housing Benefit system causes access problems for homeless people who may lead chaotic lifestyles. A system more empathetic with the needs of homeless persons would assist in accessing accommodation.

Housing Benefit is not payable on two homes to allow homeless people moving from temporary or hostel accommodation to arrange furnishings and often they end up in rent arrears before the tenancy has begun.

Letting Regulations

The careful formulation of our Allocation Policy will be necessary to ensure that the needs of homeless households as well as others in housing need are met in the most effective way in light of local housing supply issues. Local authorities and RSL's have a number of competing priorities and removal of Priority Need will potentially cause imbalance and some careful consideration is required from the Scottish Executive.

Future Accommodation Needs

More emphasis is required on diverse housing solutions to meet needs not covered by mainstream housing. It should be recognised that mainstream accommodation will not be appropriate or sustainable for certain client groups, e.g. young people, long term hostel residents, recovering substance or alcohol users. It should be acknowledged long term as well as short term shared accommodation, communal living and/or semi supported accommodation will increasingly be required, as will outreach and enhanced housing support services. The ministerial statement should recognise the necessity for a diverse range of accommodation solutions to be put in place in the lead up to abolition and needs to be acknowledged in the funding regime. The voluntary sector can play a role in this by setting up good quality accommodation if they were permitted access to Private Sector Housing Grant and Social Housing Grant. Additional revenue funding for supporting need will also be required to match capital funding whether this will or will not be available.

Supporting People

The Statistical returns at the moment for the Supporting People Programme are based on existing services developed under transitional housing benefit. It will take some time for local authorities to refocus these projects on their strategic needs and without extra funding it may not be possible to increase services to homeless people unless services for other vulnerable clients are cut.

Private Sector Tenancies

The size and availability of the private rented sector is not quantified effectively in Dundee at present. Access to this information is essential.

Only an Assured Tenancy in the Private Sector discharges the council's duty to provide permanent accommodation. In the main Private Landlords issue Short Assured Tenancies which do not discharge the council's statutory duty. The legislative ability to discharge homelessness duties in a manner which is most effective for the service user should be considered. Greater use of staged and interim accommodation solutions will be required as priority need is phased out.

Social Work/Health

Homeless clients offer challenges to the various agencies involved in providing support and care as many clients have continuing multiple and demanding needs. The community care and health priorities of this client group require diverse outcomes e.g. Service provision for complex needs including persons still abusing substances.

An additional challenge is co-ordinating the entry criteria for the services provided by different agencies. Including access to accommodation whether it be short, long, respite or emergency accommodation.

Additional support requirements will require to be met in both temporary and permanent housing situations, along with a range of more specialist accommodation. The qualitative aspects of support and care also required careful monitoring to ensure effective service delivery.

The Ministerial Statement should incorporate social work strategies which deal with vulnerable adults, looked after children and children at risk. It should also incorporate the responsibilities of other organisations i.e. Health Board, in tackling homelessness, so making explicit the responsibilities of these organisations to work with housing in tackling homelessness. Consideration should be given to legislation clearly defining Social Work and Health responsibilities to homeless service users.

Anti-social

Anti-social behaviour legislation places a duty on landlords to take action against anti-social behaviour committed by their tenants or risk sanctions themselves. Landlords may be unwilling to house people who they perceive may be more likely to commit acts of anti-social behaviour. There is also conflict between the aims of anti-social behaviour legislation and homelessness legislation. Abolition of priority need and changes to the intentionality rules will create a dilemma for local authorities in attempting to balance the twin duties. Specialist support and services such as Dundee Families Project will be required to enable housing providers to meet rehousing duties and ensure communities are protected. Specialist support and services are resource intensive and consideration should be given to how they will be funded.

5. Are there specific actions which would contribute to the 2012 target which the statement should contain? In particular are additional actions required to ensure homelessness is prevented, and sustainable solutions achieved for homeless people and local communities?

For the 2012 target to be achievable the roles and responsibilities of all the stakeholders must be clearly detailed.

Too often homelessness is seen as a local authority Housing Department responsibility and whilst this is undoubtedly the case it is equally true that the 2012 target cannot be achieved without other agencies e.g. social work, health, finance etc. having a greater input. The Ministerial Statement should place greater responsibility and accountability on other agencies and internal departments. By clearly setting out the various stakeholders responsibilities this will assist in ensuring that sustainable solutions are achieved for homeless people and local communities.

Specific actions which would contribute could incorporate what services and agencies must do to support their clients who are homeless e.g. drug and alcohol services, mental health and learning disability services.

If their explicit responsibilities are stated, they will be more likely to engage with homeless services to prevent and/or deal with homelessness among their clients.

The statement should contain specific detail of how ancillary services and diverse housing solutions will be funded.

6. What are the barriers to diverse housing outcomes for homeless people and how can these be overcome?

The number of homeless applicants presenting with multiple needs is increasing at an alarming rate. A comprehensive review of both the temporary and permanent supported/specialist accommodation is ongoing.

Operationally, the duties to provide temporary accommodation will continue to have a large impact on the Council's ability to deliver this service. Demand for temporary accommodation has already reached unprecedented levels and projections show that it will continue to rise.

The main increase is in single applicants who present with a range of difficulties such as challenging behaviour, substance and/or alcohol dependency, mental health issues, sex offending history. Many of these applicants have already been excluded from tenancies and hostels within the city.

With the increase in the projected numbers will come additional support requirements. Support from a range of services is therefore required as is the provision of more specialist accommodation both temporary and permanent. We are currently carrying out Supporting People contract evaluations to re-examine all support networks but we also require qualitative measures to ensure the effectiveness of the support measures. The limitations on the Supporting People budget make it very difficult to set up and manage any additional specialist accommodation.

7. Could existing funding streams be used more effectively to prevent and tackle homelessness? How could this be done?

In Dundee the homelessness Co-ordinating Group is an effective vehicle for assessing and prioritising homeless need within the city. It is felt that this group works well and it is difficult to see how existing funding streams could be used more effectively. However, the group has identified a number of initiatives which could be used to prevent and tackle homelessness if there was additional funding made available by the Scottish Executive to the local authority. Examples of these are:

- **Building effective Social Networks**
- **Employability Issues**
- **Mentoring and Advocacy Schemes**

Homeless research will be an essential element in the detailed provision of information to determine whether all resources are being targeted effectively and efficiently. An in depth analysis of homeless provision in Dundee will be carried out to ensure a full understanding of the nature and extent of the problem.

Specifically the transfer of funding for support from Housing Benefit to Supporting People has caused difficulties for revenue funding of some forms of accommodation and has prevented new projects from being set up.

8. How should capacity be measured and is it possible to set relevant benchmarks?

A benchmarking forum already exists (Scottish Housing Best Value Network) and it would perhaps be an appropriate use of resources to enter into negotiations for this group to carry out work in this area.

9. Should local authorities be required to report against a broader set of targets?

It is felt that there is already a broad range of targets against which homelessness performance is measured. These targets include:

- **In-house Key Results**
- **Scottish Executive/Accounts Commission returns HL1 etc.**
- **Homelessness Strategy Monitoring and Evaluation Framework**
- **RSI Monitoring**
- **Communities Scotland Regulation and Inspection**

Whilst it would be advantageous to increase the data on a range of topics associated with homelessness it must be recognised that this practice is resource intensive and that certain data/outcomes are often difficult to measure. It is not considered necessary to broaden the range of targets still further. Consideration however should be given to develop a broad range of indicators across all local authorities.

At the present time, apart from the Scottish Executive returns, local authorities will monitor performance against the various targets they themselves adopt. Inevitably this will mean that some local authorities will have a more comprehensive monitoring regime than others.

The Scottish Executive may wish to carry out an audit of all local authorities requiring them to provide information on the range of targets that they currently use.

The Scottish Executive will then have the opportunity to decide if a standard range of targets should be adopted by all local authorities. This also gives an opportunity to identify Best Practice issues which can be recommended to all local authorities. Consideration should also be given to topic specific pieces of research carried out independently to assess effectiveness of services to homeless persons.

10. Would it be useful to resubmit homelessness strategies following the publication of the statement?

This is dependant on the content of the Ministerial Statement. If the Statement requires local authorities to introduce phased changes prior to 2012 then a resubmission of the Homeless Strategy setting out how local authorities will meet this new requirement would be appropriate.

Having said that it needs to be recognised that authorities will be at different stages in the development of their Homeless Strategies and careful consideration needs to be given on the implications of requiring local authority to resubmit their Homeless Strategies. Also, another issue is the resources required by the authority to produce the Homeless Strategy and it would be inappropriate to request a resubmission unless considered absolutely essential.

11. Should the statement contain an interim objective in relation to the abolition of the priority need test or is this precluded by the current position?

Dundee's view is that all people who are unintentionally homeless should be entitled to a permanent home now. However, being realistic the capacity for sustainable housing of a type and quality required is not there, the levels of support are not sufficiently developed and the financial resources required to achieve this are inadequate. Given the above Dundee's position would be that a phased approach is more appropriate. As a result of the phased approach it is felt that the statement should contain an interim objective.

12. If an interim objective on the abolition of the priority need test is incorporated, how should it be framed?

The interim objective has to clearly set out a framework showing the various stages in the phasing out of the Priority Need Test. Detailed timescales and targets also need to be included. The Statement should also refer to the fact that more detailed guidance will be forthcoming for authorities on the issues to be addressed when considering this phased approach.

13. What other interim objectives should be set?

The issue of short term funding needs to be addressed in the Ministerial Statement, there is an expectation on local authorities to plan long-term yet the current funding has only been allocated for 1 year. To allow local authorities to properly plan ahead the funding package must be at least for the lifespan of the Homeless Strategy.

The Scottish Executive needs to revisit the way that the Task Force funding is allocated across all local authorities. The 2012 target will impact differently on individual local authorities. Their ability to resource these changes will therefore be different. The Scottish Executive needs to be aware of the different resource requirements.

Another issue of concern is the pressure on the Supporting People Budget. In order to meet the 2012 target there is no doubt that a significant increase will be required in the support made available to homeless clients. The Supporting People Budget was redistributed in 2004 to reflect the key client groups which were intended to benefit from the Supporting People Programme. With the continuing growth of supported accommodation needs, this places an additional burden on Supporting People funding. Rather than redistribute what is already there additional resources is required otherwise this will be very difficult for Councils to achieve. This increase will need to be financed and it is suggested that the Ministerial Statement makes some reference as to how this issue is to be addressed.

It is of concern that little or no reference has been made to the financial implications of the 2012 target. In Dundee greater emphasis will need to be placed on prevention of homelessness.

There will also be a greater need for increased levels of support for an ever more diverse client group. Additional temporary and permanent accommodation which is sustainable and of the adequate quality with support will also be required.

All of the above will require significant financial resources and the Ministerial Statement needs to clearly indicate how all the measures required to achieve the 2012 target are to be funded.