

# Housing, Homelessness and Fair Work Committee

10.00am, Thursday, 2 September 2021

## Prevention Duty: Recommendations from the Prevention Review Group

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### 1. Recommendations

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- 1.1 Housing, Homelessness and Fair Work Committee is asked to note:
  - 1.1.1 The recommendations of the Prevention Review Group; and
  - 1.1.2 That officers will provide Committee with further updates when more information becomes available.

**Paul Lawrence**

Executive Director of Place

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## Prevention Duty: Recommendations from the Prevention Review Group

### 2. Executive Summary

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- 2.1 The findings of the Prevention Review Group were published and submitted to Scottish Government on 18 February 2021. These set out recommendations to identify legal duties on local authorities and other public bodies to prevent homelessness.
- 2.2 This report provides an overview of the recommendations and next steps.

### 3. Background

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- 3.1 The Homelessness and Rough Sleeping Action Group (HARSAG) was set up by the Scottish Government in October 2017. The group made 70 recommendations regarding the solutions and actions needed to eradicate rough sleeping, transform the use of temporary accommodation and bring an end to homelessness in Scotland.
- 3.2 All the recommendations were accepted by Scottish Government, including a request to identify legal duties on local authorities and other public bodies to prevent homelessness, also known as a potential Prevention Duty.
- 3.3 Currently Section 32 (2) of the Housing (Scotland) Act 1987 states that where a Local Authority is:
  - 3.3.1 Satisfied that an applicant is threatened with homelessness (likely to become homeless within 2 months); and
  - 3.3.2 Satisfied that he or she did not become threatened with homelessness intentionally; and
  - 3.3.3 It must take reasonable steps to try to ensure that accommodation does not cease to be available for occupation by the applicant.
- 3.4 The Scottish Government asked Crisis to gather together an independent group of experts to form the Prevention Review Group, to develop legislative proposals to prevent homelessness. The Group was specifically tasked with ensuring that legal duties to prevent homelessness are effective and clear.

## 4. Main Report

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- 4.1 The [Prevention Review Group recommendations](#) are far reaching. A summary of the key recommendations is noted below.
- 4.2 The group recommend that a local authority must assist anyone threatened with homelessness within the next six months, rather than two months at present.
- 4.3 Furthermore, a duty on public bodies to ask and act is suggested. This will mean that services such as Police, GPs, Head Teachers, Social Workers and Health Visitors must identify the risk of homelessness in their interactions with service users and act on this. This duty also extends to social and private landlords.
- 4.4 Where a public body makes a referral to the Local Authority, the Local Authority will be under a duty to act on this referral, treating it as a formal homeless application and making every effort to contact the household.
- 4.5 Anyone leaving an institution within the next six months, such as prison or hospital should be considered as threatened with homelessness.
- 4.6 Related to this the recommendations call for a statutory duty to be placed on Health & Social Care Partnerships to identify the housing circumstances of patients and put in place assistance to ensure that patients are prevented from becoming homeless and assist in finding suitable housing.
- 4.7 For those with multiple or complex needs it is suggested that a named professional will be required to lead contact with the service user and coordinate the service provision.
- 4.8 The recommendations note that services must meet the needs of young people and Local Authorities should provide family mediation as part of their homelessness prevention service.
- 4.9 16 and 17 year olds primary homelessness assistance is recommended to be provided by Children's Social Work.
- 4.10 The group also suggest specific recommendations for people at risk of homelessness as a result of domestic abuse, including a duty to support people to access exclusion orders and provide support to allow people to remain in their home where this is their preference.
- 4.11 For social landlords the recommendations state that they must identify and mitigate the risks of homelessness that arise for their tenants and they should notify the local authority as early as possible where the risk of homelessness is growing.
- 4.12 It is suggested that the emergency coronavirus legislation for pre-action requirements, for private landlords acting on rent arrears, should be made permanent. This legislation requires provision of information and support for tenants.
- 4.13 The group also recommend that the statutory framework for homelessness is amended to ensure that the prevention duty is clarified and strengthened, including calling for a prescribed a range of reasonable steps to be used to prevent or

alleviate homelessness. It also recommends that the criteria for identifying appropriate housing options shifts to focus on the stability and suitability of the accommodation. Stability refers to a recommendation that accommodation must be expected to be available for a minimum of 12 months.

- 4.14 Should the recommendations be accepted as is by the Scottish Government it is likely to put additional pressure on Homelessness & Housing Support Services, with an increase in the number of households seeking assistance.
- 4.15 In preparation for any Prevention Duty coming into force the service has recently employed a Partnership & Prevention Housing Officer. The partnership working officer will seek ways in which to prepare the service for any future duty including training frontline Council staff, wider public service staff and staff working in the third sector to use their existing conversations with service users to identify where there may be a risk of homelessness and how to refer to the Council.

## **5. Next Steps**

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- 5.1 The Scottish Government have not formally responded to the Prevention Review Groups recommendations.
- 5.2 Officers will continue to seek further information from Civil Servants as to the next steps.
- 5.3 Officers will provide Committee with an update when further information becomes available.

## **6. Financial Impact**

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- 6.1 There are no financial implications arising directly from the contents of this report. However, it is anticipated that should a Prevention Duty be implemented this will result in an adverse financial impact.

## **7. Stakeholder/ Community Impact**

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- 7.1 A series of stakeholder events took place to develop the recommendations.
- 7.2 A Prevention Commission was established as the forum for people with lived experience of homelessness to contribute to the development of the recommendations.

## **8. Background reading/external references**

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- 8.1 [preventing-homelessness-in-scotland.pdf \(crisis.org.uk\)](#)

## **9. Appendices**

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None.