

Housing, Homelessness & Fair Work Committee

10:00am, Thursday, 14 January 2021

Homelessness & Rough Sleeping Action Group (HARSAG) – Updated Recommendations and Council Response

Executive/routine
Wards
Council Commitments

1. Recommendations

- 1.1 Committee is asked to agree the Council's response to the latest HARSAG recommendations.

Andrew Kerr

Chief Executive

Contact: Nicky Brown, Homelessness & Housing Support Senior Manager

E-mail: nicky.brown@edinburgh.gov.uk | Tel: 0131 529 7589

Report

Homelessness & Rough Sleeping Action Group (HARSAG) – Updated Recommendations and Council Response

2. Executive Summary

- 2.1 HARSAG was reconvened in summer 2020 to provide updated recommendations to the Scottish Government, in light of the COVID-19 pandemic. A total of 104 recommendations were made, which the Scottish Government accepted in principle. Following these, the Scottish Government updated the Ending Homelessness Together Action Plan to reflect the new HARSAG recommendations. This report sets out the Councils response to the HARSAG recommendations.

3. Background

- 3.1 HARSAG was set up by the Scottish Government in October 2017. The group made an initial 70 recommendations regarding the solutions and actions required to eradicate rough sleeping, transform temporary accommodation and bring an end to homelessness in Scotland. All of the recommendations were accepted by the Scottish Government, this included the action for all local authorities in Scotland to develop Rapid Rehousing Transition Plans (RRTPs).
- 3.2 As noted above, HARSAG was reconvened in the summer of 2020 and provided updated recommendations to the Scottish Government.

4. Main report

- 4.1 HARSAG was reconvened in light of the COVID-19 pandemic, therefore the recommendations were focussed on responding to four questions:
- 4.1.1 What should we already be doing because we are in an emergency situation?
 - 4.1.2 What do we need to do quickly to ensure that nobody returns to the streets?
 - 4.1.3 What should we be doing now to prevent homelessness from happening in the first place?

4.1.4 What needs to change in the national Action Plan to end homelessness to recognise the changing circumstances caused by coronavirus?

Question 1 – What should we already be doing because we are in an emergency situation?

HARSAG recommendation A - Ongoing access to suitable emergency self-contained accommodation to ensure people are not exposed to coronavirus by rough sleeping or staying in congregate settings. (Recommendations 1 - 5)

- 4.2 These recommendations highlight the need to continue to provide support and self-contained emergency accommodation for those who require it to enable people to keep safe during the pandemic. HARSAG recommends that clear public health advice and support is available to people who need it to ensure those who need to self-isolate can do so. HARSAG also make a number of recommendations which build on current commitments to support people with no recourse to public funds.
- 4.3 **Council response to actions** - During the crisis we have worked alongside partners and Scottish Government to ensure that people have safe places to stay where they can self-isolate as needed and access the support, food and treatment they need. This includes additional accommodation taken on in partnership with Streetwork specifically for rough sleepers, an alternative to the Care Shelter in partnership with Bethany Christian Trust (last season and this season) and an isolation unit at Randolph Crescent. The latter allows residents in congregate models of temporary accommodation to self-isolate if required.
- 4.4 **Scottish Government related actions** - The Council continues to provide accommodation for people who are ineligible for service or have no recourse to public funds. At present this represents approximately 100 households. The HARSAG recommendations make clear in their request to Scottish Government to provide clear messaging to local authorities on what is expected in relation to their response to people with no statutory entitlement and future service delivery for these people. COSLA have recently published guidance for local authorities with regards to safeguarding duties during the public health crisis. Officers have provided Committee with update reports on the current position with regards to no recourse to public funds and will continue to do so. Additionally, HARSAG call on the Scottish Government to provide national guidance relating to infection control and social distancing within temporary accommodation. However, officers have worked closely with colleagues from local public health teams to develop guidance for temporary accommodation providers at the start of the pandemic.
- 4.5 **Key challenges** – access to self-contained emergency accommodation in the city is challenging given the unique Edinburgh housing market. The table below provides a breakdown of the additional temporary accommodation taken on since the start of the pandemic. The recommendations suggest taking on unused student accommodation, this was investigated thoroughly and repeatedly, but no student accommodation available for use as temporary accommodation. Recently, ex student accommodation was offered, however this did not meet the extended UAO

requirements. The supplier also wanted the Council to fully staff and carry out maintenance and repairs which made it financially unviable even as a short term alternative.

Accommodation type	Number of additional rooms / flats taken on during pandemic
B & B / SH / Hotels	396 rooms
TFF / PRTA	442 flats
Total	838

HARSAG recommendation B- Support, advice and advocacy for all people rough sleeping or in emergency accommodation during the coronavirus crisis period (Recommendations 6 – 11)

- 4.6 These recommendations focus on the importance of having an assertive outreach service for people rough sleeping and ensuring that there are appropriate communication models in place to reach all homeless households. They also set out the importance of assessing the households needs such as access to basic amenities and any support needs requirements as well as ensuring all those accommodated during COVID have a Personal Housing Plan in place. They also make recommendations regarding harm reduction and call for plans to be in place for people experiencing domestic abuse, including those with no recourse to public funds.
- 4.7 **Council response to actions** – The Council commissions a dedicated street based outreach service which has continued to operate throughout the pandemic. There is also a dedicated outreach pharmacy project and the integrated homeless service for people with complex needs have recently been awarded Corra funding for an assertive outreach nurse and peer navigator to support people rough sleeping into rapid access accommodation. During the pandemic the Edinburgh Access Practise remained open providing primary care services and outreach clinics were established by the service in two of the additional accommodation services taken on with partners, including a CPN providing outreach across homeless accommodation and on the street. A Single Point of Contact (SPOC) was established to support the delivery of co-ordinated responses across homeless services, supporting service users to access basic amenities. All service users who were accommodated in the additional hotel accommodation, taken on in conjunction with partners, had a plan in place to secure move on accommodation which met their needs and were able to access on site supports, such as GPs and harm reduction teams.
- 4.8 Domestic Abuse services have remained open throughout the pandemic providing support and refuge accommodation for women experiencing domestic abuse,

including those with no recourse to public funds. A Domestic Abuse Housing Policy was also recently agreed at Committee.

- 4.9 In addition to the SPOC set up during the pandemic the Council are involved in a project led by Edinburgh University to develop a Street Support App in Edinburgh which will provide information regarding services available to people who are homeless or at risk of homelessness. This is due to be launched early next year. The Council are also updating the webpages related to homeless services.
- 4.10 **Scottish Government related actions** – HARSAG recommend that a national communications strategy is put in place to ensure that homeless households know where and how to access support, advice and advocacy and accommodation during the pandemic.
- 4.11 **Key challenges** – Whilst the Council is working on developing new ways to provide information to homeless households, this is still under development.

HARSAG recommendation C - Full and frequent audit of current situation (recommendations 12 – 15)

- 4.12 HARSAG proposes regular audits of the numbers in emergency accommodation and available housing options (frequency to be determined) ensuring an understanding of people's needs in order to provide the support they need now and also to help them move on quickly.
- 4.13 **Council response to actions** – Officers provide regular updates on the number of households in temporary accommodation to Scottish Government colleagues. Officers make use of all available information provided by colleagues to identify areas of homeless risk.
- 4.14 **Scottish Government related actions** – Scottish Government are to define the nature of audits and agree in conjunction with the council how often these should take place.
- 4.15 **Key challenges** – The number of households in temporary accommodation changes on a day to day basis. It should therefore be recognised that an audit will only provide a snapshot at a particular time.

Question 2 -What do we need to do quickly to ensure that nobody returns to the streets?

HARSAG recommendation D- Ensure there is an immediate flexible supply of affordable housing for all in emergency accommodation or rough sleeping (recommendations 16 – 22)

- 4.16 HARSAG supports a national roll out of Housing First, ensuring suitable stock is made available as a priority, developing a specific Housing First Pathway for women with complex needs and ensuring that people in public institutions are supported to access Housing First as needed. HARSAG also emphasises the importance of ensuring that sufficient suitable housing exists and recommends stable funding for existing Housing First Consortia across the pathfinder areas. HARSAG has strengthened its focus on supply, including how to make better use of

the private rented sector, the priority that should be placed on building and accessing social (and affordable) housing, maximising housing options, the creation of a National Challenge Fund to increase immediate supply and working with social investors to increase large scale investment in the housing sector.

- 4.17 **Council response to actions** - Edinburgh has implemented a number of the above recommendations including prioritising homeless households (including Housing First applicants) when commencing letting of social rented homes via EdIndex following lifting of Covid-19 regulations. Prior to Covid-19, the Council and RSLs were already letting more social rented homes to homeless households than any other local authority. In Edinburgh, the Council administers the Affordable Housing Supply Programme on behalf of Scottish Government with 80% of the funding used to support delivery of new social rented homes. We also already use AHSP funding to support off the shelf purchase of new and second hand homes.
- 4.18 The Council continues to make use of the Private Sector and has introduced the Private Rented Sector team to assist homeless households to access the private rented sector. Additionally, the Council commissions Edinburgh Help to Rent, delivered by Crisis who provide rent guarantee bonds to homeless households.
- 4.19 **Scottish Government related actions** – To increase housing supply HARSAG seek a Scottish Government commitment to invest in affordable housing supply beyond 2021, reaching the supply figures as set out in recent research commissioned by the Scottish Federation of Housing Associations (SFHA), Chartered Institute of Housing and Shelter.
- 4.20 **Key challenges** - Accelerating Housing First in Edinburgh will be challenging. Edinburgh is part of the Housing First Pathfinder Programme and to date there are 78 people in Housing First tenancies against a target of 275. Edinburgh has one of the lowest proportions of social housing in Scotland with only 14% of homes in social rent compared to a Scottish average of 23%. with a higher proportion of lets made to homeless households than the national average. In the period from the end of June 2020, when re-letting commenced to the end of November 2020, 71% of Council lets and 56% of Registered Social Landlords (RSL) lets were allocated to homeless households. The national average is 46% of Council homes allocated to homeless households and 30% of RSL lets.

HARSAG recommendation E - Maximise housing options for everyone (recommendations 23 – 30)

- 4.21 HARSAG expects 80% - 90% of social housing voids to be allocated to homeless households for a limited emergency period to enable people to move on from hotels and other emergency accommodation. It also expects a pre-lettings policy to be put in place so that people can move when it is safe to do so and these homes to be prioritised for housing first. Additionally, it recommends maximising options for moves into the private rented sector and making use of shared tenancies. It recognises the role that Health & Social Care Partnerships have in ensuring seamless support in moving people on safely from hotel accommodation. It also recommends a new focus on digital inclusion, ensuring that people have access to

the technology, advice and skills to get connected. HARSAG also recommend bringing forward previously announced new powers for Local Authorities to regulate the density of short term lets, such as Airbnb, so that they are in place ahead of the peak of summer 2021.

4.22 **Council response and actions** – During the period when the advertising of homes was suspended landlords worked with Homelessness services to make some empty homes which were not already pre- allocated, available for emergency use including use as temporary accommodation and a small number of homes for urgent permanent homes. The advertising of homes recommenced at the end of June and EdIndex continue to maximise available homes homeless households are able to bid for. Up until the end of November the Council and partner Housing Associations in Edinburgh advertised just under 1,100 homes and just over 90% of these were available for homeless households to bid on.

4.23 The Council's Private Rented Sector (PRS) Team support households to remain in their PRS tenancy, access properties in the private rented sector and work with landlords and letting agencies to establish the PRS as a housing option for homeless households. During the Covid-19 period the team have supported 94 households to secure new tenancies in the PRS or remain in their current PRS tenancy. Edinburgh Help to Rent provides rent deposit guarantee bonds and has provided 31 households with a bond to access properties in the PRS since February 2020. Health & Social Care Partners from TAP and EAP have supported homeless people with the most complex needs during COVID, both in terms of physical and mental wellbeing.

4.24 **Scottish Government related actions** – HARSAG request that Scottish Government bring forward previously announced new powers for Local Authorities to regulate the density of short term lets, such as Air BNB, so that they are in place ahead of the peak of summer 2021.

4.25 **Key challenges** - Edinburgh has one of the lowest proportions of social housing in Scotland with only 14% of homes in social rent compared to a Scottish average of 23%, and a large private rented sector (25%). As noted in 4.20 above social housing lets to homeless households account for 71% of Council lets and 56% of RSL lets in Edinburgh, well above the national average.

HARSAG recommendation F - Learning from the Covid19 response and sharing best practice (recommendations 31 – 36)

4.26 This recommendation seeks to learn from the crisis including national learning and sharing and benchmarking. This recommendation also highlights the importance of continuing to improve our understanding of equalities in homelessness, and in particular any differences experienced by women and men, to ensure everyone receives the right support and accommodation for them.

4.27 **Council response to actions** – this series of actions relate to Scottish Government actions in the first instance.

4.28 **Scottish Government related actions** – Scottish Government are asked to produce national benchmarking information and deliver clear national guidance on No Recourse to Public Funds.

4.29 **Key challenges** – N/A

Question 3 - What should we be doing now to prevent homelessness from happening in the first place?

HARSAG recommendation G - Emergency immediate prevention activity for groups facing an increased risk of homelessness during and following the coronavirus crisis (recommendations 37 – 39)

4.30 This recommendation places renewed emphasis on prevention of homelessness, with a significant focus on supporting people to maintain their tenancies by implementing legislative changes and introducing targeted support for tenancy sustainment. This recommendation calls for the testing of new prevention activities and earlier intervention and identification of people who may be at risk of homelessness. It also calls for a domestic abuse pathway to be developed.

4.31 **Council response to actions** – Early intervention is a key focus of the Rapid Rehousing Transition Plan. A Domestic Abuse Housing Pathway was recently approved by Committee as well as a Housing Options Protocol for Care Leavers. Work to develop updated pathways for people leaving prison and hospital are underway and officers are developing plans contained in the RRTP to form a multi-disciplinary response pilot. This will include exploring ways in which we can work across Council services to identify trigger points, or early warning signs, that may put someone at risk of homelessness in the future and offer joined up support.

4.32 **Scottish Government related actions** – HARSAG ask that Scottish Government extend the period of forbearance before a pre-litigation notice can be served from 30 September to 31 March 2021. This relates to measures that were brought in to protect tenants in the social and private rented sector in relation to eviction action during the Covid-19 pandemic. For social rented tenants this protection means notices of proceedings for action being taken on rent arrears do not become valid until 6 months after they are served. Protections were also put in place in relation to private tenants initially for the 6 month period to October, this has also been extended. The details of this depend on the type of tenancy that is in place and the reasons for ending the tenancy/grounds for eviction being used.

4.33 The Scottish Government has announced that they will stop evictions from being carried out between 11 December 2020 and 22 January 2021. Full details of the new law are not yet known, but the government has said there will likely be exceptions to allow evictions in cases of domestic abuse or 'serious' antisocial behaviour. For the Council we would not have been in a position to take eviction action during this period due to the extended notice periods being applied for new actions and decrees having expired for any previous arrears' actions.

4.34 **Key challenges** – Whilst work has commenced in this area, further work is required.

HARSAG recommendation H - Extend emergency protections for renters created for the coronavirus pandemic (recommendations 40 - 44)

4.35 HARSAG recommends that the government work towards eliminating evictions into homelessness both in the social and private sector and fund access to dedicated money advice, welfare advice and housing rights support. This includes consideration of the Private Rented Sector (PRS) in any future prevention duty.

4.36 **Council response to actions** – The council's Advice Shop provides free debt and welfare rights advice. In addition, the Council commissions a number of services delivering advice. The Council also has a dedicated service delivering Homeless Prevention & Housing Options Advice. The Council's PRS teams work is focused on the prevention of homelessness from this sector. In addition, Council tenants are offered every support to avoid them getting into debt they cannot afford and they are encouraged to engage as early as possible with the housing service and a wide range of support including income maximisation advice is available to help them meet their rent payment responsibilities.

4.37 **Scottish Government related actions** – the Scottish Government is asked to extend the emergency protections and to report back on its intentions relating to any prevention duty.

4.38 **Key Challenges** – Any additional duties placed on the Council as a result of a future prevention duty may increase pressure on homeless services.

HARSAG recommendation I - Prevent rough sleeping for people with complex needs and those excluded from services (recommendations 45 -51)

4.39 This recommendation also aims to transform the night shelter provision to transform them out of local homeless systems and proposes adoption of the road map developed by the 'Everyone Home' collective. It also makes recommendations relating to Housing First including extending it to those at risk of repeat homelessness, those currently in public institutions and developing a Housing First pathway for women with complex needs. In addition, it calls for protocols to be put in place with public institutions to ensure people are not discharged into homelessness.

4.40 **Council response to actions** – The Council has worked with Scottish Government and Bethany Christian Trust to deliver an alternative to the Care Shelter; the Welcome Centre. The housing first pathfinder programme continues to focus on those who are or have a history of rough sleeping. As noted earlier in this report work is ongoing to improve pathways for people leaving prison and hospital.

4.41 **Scottish Government related actions** – N/A

4.42 **Key challenges** – Officers are currently working with partners to find a longer term solution for an alternative venue for the care shelter.

HARSAG recommendation J - Strengthen and accelerate prevention programmes (recommendations 52 – 58)

- 4.43 These recommendations call for a strengthening of prevention activity across all areas and a local and national advice strategy on what to do if you are at risk of homelessness. They also call for proactive tenancy management and access to housing support on a long term basis if necessary. In addition, they call for all areas to have rent deposit scheme and the development of pathways for those experiencing domestic abuse.
- 4.44 **Council response to actions** – as noted elsewhere in this paper the second iteration of the RRTP has a focus on prevention activity and includes a number of actions relating to prevention which are being developed by officers, including the establishment of a multi-disciplinary response pilot as detailed in 4.30. Officers are developing the information available on the Councils web pages and information leaflets setting out what people should do if they are at risk of homelessness. In addition, a Street Support App for Edinburgh is under development led by Edinburgh University. The Council commissions visiting housing support services, some of which are not time limited which focus on supporting people to keep their home. The Council also has a rent deposit guarantee scheme, delivered by Crisis.
- 4.45 **Scottish Government related actions** – The recommendations call for a national rent deposit guarantee scheme.
- 4.46 **Key challenges** – Whilst work to develop communication methods with people at risk of homelessness is underway, further work is required.

HARSAG recommendation K - Prevent migrant homelessness and destitution (55- 66) and L - Urgent requests of the Westminster Government (recommendations 67 -68)

- 4.47 HARSAG makes a number of recommendations which build on current commitments to support people with no recourse to public funds. These recommendations for Scottish Government, include challenging the UK government to change the rules, ensuring clear guidance is available on how to support people in this situation, providing the advice and advocacy people need, ensuring people can access safe suitable accommodation, regardless of their immigration status, and exploring options to create new social security benefits.
- 4.48 These actions all relate to asks of the Scottish and Westminster Government.

Question 4 - What needs to change in the national Action Plan to end homelessness to recognise the changing circumstances caused by coronavirus?

HARSAG recommendation M - Continue to strengthen national plan for ending homelessness (recommendations 69 -77)

- 4.49 These recommendations call for continued building on the progress of the Scottish Government and COSLA's Ending Homelessness Together Action Plan by implementing changes which strengthen the national plan. They also call for the legal changes recommended by HARSAG to be implemented such as the removal

of local connection and for the Human Rights Bill to include adequate housing. In addition, it calls for continued effort with regards to social housing building and for digital inclusion to be included in Personal Housing Plans and future RRTPs.

4.50 **Council response to actions** – the majority of these actions relate to Scottish Government. With regards to digital inclusion Edinburgh Libraries provide free access to “*hardware, data (internet and WiFi), training and support*” via library membership which is available to all, including homeless households and rough sleepers. This means that individuals can access a pc, internet and/or WiFi free of charge in libraries across Edinburgh. Digital Skills support is available along with access to a device. Edinburgh libraries have also been working with Scottish Council of Voluntary Organisations as the local authority partner for Edinburgh in the Connecting Scotland programme which is a Scottish Government initiative to provide devices and connectivity to Scotland’s most vulnerable citizens.

4.51 **Scottish Government related actions** – The Scottish Government have recently published their ending Homelessness Together Action Plan.

4.52 **Key Challenges** – Officers noted the challenges the removal of local connection will have on Edinburgh in their response to the Scottish Government Consultation. It is likely that this will increase the number of people presenting as homeless in the city and place additional pressure on services.

HARSAG recommendation N - Strategic housing needs (recommendations 78 – 86)

4.53 HARSAG place emphasise on the importance of ensuring that sufficient suitable housing exists and calls for national and local plans to maximise housing supply capacity. They also call for Local Authorities to consider flipping temporary accommodation into permanent tenancies. They also recommend that First Tier Tribunal produce more data, so that we have full transparency on how it is working and if tenants are able to successfully assert their rights. HARSAG also call on rent levels to be affordable.

4.54 **Council response to actions** – As noted earlier, 80% of AHSP funding is used to support delivery of new social rented homes. We also already use AHSP funding to support off the shelf purchase of new and second-hand homes. The Council’s PRS team will work with landlords and tenants, including where a case has been raised at the First Tier Tribunal, with the aim of keeping a tenant in their PRS tenancy. This relies on the tenant or landlord making contact with the PRS team as they are not informed directly about Tribunal cases.

4.55 **Scottish Government related actions** – the Scottish Government are currently consulting on a Fair Rents Bill.

4.56 **Key challenges** – Flipping temporary accommodation into settled homes is identified in the RRTP as an action to explore. However, this is particularly challenging at present given the significant rise in the number of households in temporary accommodation during COVID, with the number of households in temporary accommodation now at 2663, approximately 30% more than prior to

COVID. The Council does not have any role with regards to First Tier Tribunal data collection and are not currently informed when a case in the Local Authority area is raised here. Information on forthcoming hearings (and decisions) is available online.

HARSAG recommendation O - Rapid rehousing and maximum housing options for all (recommendations 87 -95)

- 4.57 HARSAG calls for alternative forms of temporary accommodation along with clearer guidance on the Unsuitable Accommodation Order (UAO) and a requirement to address the UAO in future RRTPs. It also calls for legally enforceable standards for temporary accommodation to be developed. The recommendations also call for a range of housing options for young people, including sharing and for housing options for those in night shelters, lost contacts and youth homelessness to be included in RRTPs.
- 4.58 **Council response to actions** – Officers are part of a national local authority working group tasked with developing clear guidance with regards to the UAO. The plans for addressing the UAO are included in the second iteration of the RRTP.
- 4.59 **Scottish Government related actions** – The Scottish Government are responsible for delivering the UAO guidance and for developing the standards for temporary accommodation.
- 4.60 **Key challenges** - The key challenge in Edinburgh is implementing the requirements of the UAO. Potentially almost 1000 households are currently in forms of temporary accommodation which may be deemed unsuitable and constitute a breach of the recommendation. As noted in 4.5 during the Covid-19 period the Council has taken on an additional 442 flats and 396 rooms in shared houses, bed & breakfast and hotel accommodation to meet demand. The unique Edinburgh housing market makes acquiring self contained properties difficult but officers continue to investigate ways to increase this stock.

HARSAG recommendation P – Prevention (recommendations 96 – 104)

- 4.61 HARSAG call for prevention activity to be prioritised by introducing legal duties on housing and wider public bodies to prevent homelessness, up to 6 months prior to homelessness, following the recommendations of the Prevention Review Group. This calls for a focus on upstream intervention and makes a number of recommendations in relation to improving joined up working across the board before any prevention duty is put in place.
- 4.62 **Council response** – as noted earlier prevention activity is a key strand of the RRTP and officers are progressing the actions relating to prevention contained in the RRTP.
- 4.63 **Scottish Government related actions** – Prevention is a key feature of the Scottish Governments Ending Homelessness Together Action Plan. Scottish Government are due to respond to the recommendations of the expert group looking at options for a prevention duty in Scotland and are due to set out the next steps in 2021.

- 4.64 **Key challenges** – As noted earlier in the paper we are currently developing preventative approaches as part of our revised RRTP. Any additional duties placed on Local Authorities as part of a prevention duty may place additional pressure on homelessness services.

5. Next Steps

- 5.1 Officers will continue to progress actions identified by HARSAG via the RRTP.

6. Financial impact

- 6.1 There are no financial impacts as a direct result of this report. All individual projects associated with this report will be fully costed.

7. Stakeholder/Community Impact

- 7.1 Consultation with stakeholders and people with lived experience informed the development of the HARSAG recommendations.

8. Background reading/external references

- 8.1 [HARSAG Recommendations](#)
- 8.2 [Ending Homelessness Together Action Plan](#)
- 8.3 [Rapid Rehousing Transition Plan - Second Iteration](#)

9. Appendices

- 9.1 None.