

APPENDIX I

Scottish legislative and policy framework for homelessness

Housing (Scotland) Act 1987

The Housing (Scotland) Act 1987 is the primary legislation which governs how Scottish Local Authorities should respond to homelessness and lays out the statutory responsibilities for assessment and provision of both temporary and permanent accommodation provision.

In February 2010, section 32a of this Act was amended to give local authorities the ability to discharge duty to homeless people into private sector housing.

Housing (Scotland) Act 2001

The above legislation prescribes that local authorities are required to:

- Carry out an assessment of homelessness in their area
- Prepare and submit a Homelessness Strategy for preventing and alleviating homelessness (to be included within the Local Housing Strategy 2018 - 23)
- Ensure that advice and information about housing and other services is available free of charge to anyone considered to be at risk of homelessness

Homelessness etc. (Scotland) Act 2003

Section 2 Abolished the Priority Need test in Scotland by 2012.

Section 11 of the Act came into force on 1 April 2009. It gives local authorities early notice of households at risk of homelessness due to eviction. Section 11 places a duty on landlords (except local authority landlords) and creditors to notify the relevant local authority when they raise proceedings for possession or serve certain other notices.

The Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2004

The above Order sets out temporary accommodation standards for homeless households. This aimed to eliminate unsuitable accommodation for families, specifically the use of bed and breakfast accommodation.

The Scottish Social Housing Charter (SSHC)

The Scottish Social Housing Charter (SSHC) was introduced from 1 April 2012 and aims to improve the quality and value of services provided by social landlords and support the Scottish Government's aim to create a safer and stronger Scotland.

The SSHC includes a range of outcomes across key themes:

- The customer/landlord Relationship
- Housing quality and maintenance
- Neighbourhood and community
- Access to housing and support

The Charter sets out the standards and outcomes that homeless people can expect from social landlords in terms of access to help and advice, the quality of temporary accommodation, and continuing support to help homeless people attain and keep a home.

Housing Support Duty 2013

The statutory housing support duty commenced on 1 June 2013 which prescribe that local authorities must assess and provide housing support for homeless or potentially homeless applicants to whom they have a duty to secure settled accommodation.

The Children and Young People (Scotland) Act 2014

The Children and Young People (Scotland) Act 2014 was implemented from 1 April 2015 and expands the corporate parenting role to Housing Services as well as wider agencies. The Act amended the definition of care leaver and extended corporate parenting responsibilities to these young people until they are 26 years old. This means that there are additional factors to be considered when working with young care leavers and will require a multi-agency approach to supporting this vulnerable group.

Scottish Housing Regulator (SHR)

The SHR are an independent regulator of RSLs and local authority housing services in Scotland. Established on 1 April 2011, the SHR have the statutory objective to: "Safeguard and promote the interests of current and future tenants of social landlords, people who are or may become homeless, and people who use housing services provided by registered social landlords (RSLs) and local authorities". The SHR has a role in monitoring the Scottish Government Scottish Housing Charter.

In 2014, the SHR published its report; A Thematic Inquiry into the Delivery of Housing Options in Scotland's Local Authorities. It made a number of key recommendations, one of which was that: "The Scottish Government should provide enhanced guidance for local authorities on the delivery of Housing Options".

Housing Options

The Scottish Housing Options Guidance was published in March 2016 and whilst not issued as statutory guidance, it has been produced as a tool for local authorities when developing their approach to Housing Options.