

Agenda Item	<b>5.</b>
Report No	<b>HP/03/20</b>

## HIGHLAND COUNCIL

**Committee:** Housing & Property Committee

**Date:** 29 January 2020

**Report Title:** Homelessness: Rapid Rehousing Transition Plan Update

**Report By:** Executive Chief Officer Customer and Communities

### 1 Purpose/Executive Summary

1.1 This report provides an update on progress against the Highland Council Rapid Rehousing Transition Plan (RRTP) which was submitted to the Scottish Government on 5 April 2019 following approval by Care, Learning & Housing Committee on 6 December 2018 and 29 May 2019.

1.2 This report also provides an update on:-

- national policy objectives and legislative changes regarding homelessness;
- the Scottish Government Interim Code of Guidance on Homelessness; and
- a review of the Homelessness Intentionality test and Homeless Appeals process.

### 2 Recommendations

2.1 Members are invited to:-

- note** Scottish Government funding awards and progress against key RRTP Action Plan outcomes;
- note** implications for the Council in respect of the extended Unsuitable Accommodation Order due to come into force in March 2021;
- note** the revisions to legislation in relation to Homelessness Intentionality and Local Connection and the proposed duty on prevention;
- agree** the introduction of a discretionary power to investigate in respect of the Homelessness Intentionality test and the revised Homeless Appeals Process set out in **Appendix 2**; and
- agree** an internal review of the homelessness service to ensure compliance with the extended Unsuitable Accommodation Order and homelessness legislative changes.

### **3 Implications**

- 3.1 Resource - Delivering a Rapid Rehousing approach to homelessness will require significant resources in relation to: increasing housing supply; developing alternative models for accommodation services; increasing the input of specialist services; increasing in-house preventative and rapid rehousing staff resources. Delivering the Plan will be partly determined by Scottish Government Funding, and the distribution formula agreed with COSLA on that funding.
- 3.2 Legal – A review of homelessness policy is required to ensure Highland can fully comply with the legislative changes as outlined in the Interim Code of Guidance on Homelessness, ahead of this Code being updated and re-issued in 2021.
- 3.3 Community (Equality, Poverty and Rural) - Preventing and responding to homelessness has a significant impact on individuals and communities. Our overall strategy for homelessness aims to tackle current health and other inequalities. Although case numbers are concentrated in Inverness we recognise that there are different challenges in rural communities. As set out in the plan if rapid rehousing of homeless applicants is prioritised and a higher proportion of housing allocations are made to homeless applicants a lower proportion will be made to other housing needs groups, including people with medical issues. A full Equality Impact Assessment was submitted to the Scottish Government in June 2019.
- 3.4 Climate Change / Carbon Clever - There are no implications arising from this report.
- 3.5 Risk - There are financial and regulatory risks associated with delivering the Rapid Rehousing Plan and in Housing First approaches, which require to be managed during implementation.
- 3.6 Gaelic - There are no implications arising from the report.

### **4 Policy Background and national policy objectives**

- 4.1 Reports on homelessness and Rapid Rehousing were presented to the Care, Learning & Housing Committee on 6 December 2018 and 29 May 2019. The second iteration of our Rapid Rehousing Transition Plan was submitted to the Scottish Government on 5 April 2019. A link to these reports is provided at [Rapid Rehousing](#)
- 4.2 The Scottish Government consulted during 2019 on proposals to change legislation in relation to the Homelessness Intentionality test, Local Connection and the Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2004. Following these consultations, the following legislative changes have been made by the Government.

### **5 Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2004**

- 5.1 The current Unsuitable Accommodation Order means that Councils must not use 'bed and breakfast-type' accommodation for any homeless households which contain children or pregnant women for more than 7 days. Any such homeless households left in that accommodation type for longer than 7 days constitute a breach of the Order. There have been no breaches of the current Order in 2019/20.

- 5.2 In November 2019, legislative provision was made to extend the Order to apply to all homeless households and not just those containing children or pregnant women. This will commence from March 2021.
- 5.3 This means the Council will not be able to use private rented sector B&B-type accommodation within larger Houses of Multiple Accommodation (HMO) properties as temporary homeless accommodation. These B&B rooms would constitute a breach of the Order if used as homeless accommodation for longer than 7 days once the new Order comes into force in March 2021. The Council currently has 149 homeless households in this B&B-type accommodation.
- 5.4 The Scottish Government have indicated that Councils considered to be at high risk of breaching the revised Order could be considered 'special cases' and that they would 'seek to agree specific solutions that recognise the challenges faced' by these local authorities.
- 5.5 The Council's shared tenancy model of temporary accommodation model has been recognised as good practice by Scottish Government officials and the Housing Minister. The Scottish Government are finalising details of the Order and have agreed to make provision within the new extended Order to permit the use of shared temporary flats or houses as temporary homeless accommodation provided they do not contain more than 3 persons sharing one property. More details regarding shared tenancies are reported at item 7 of this report.

## **6 Homelessness Local Connection, Intentionality and Duty of Prevention**

- 6.1 Currently local authorities have the power under Section 33 of The Housing (Scotland) Act 1987 to refer homeless households who do not have a local connection to their authority area to another local authority where they do have a connection. This happened on 9 occasions in 2018-19.
- 6.2 Following a consultation period, Scottish Ministers have been granted the legislative power to modify referral arrangements relating to local connection. The Scottish Government is now consulting further on how this new power is to be used and what changes will be made to the local connection test and Section 33 referral arrangements. Subject to consultation, the Scottish Government have indicated that changes to local connection will be introduced in May 2021.
- 6.3 It is anticipated that removal of Local Connection referrals between authorities will result in an increase in homeless presentations to Highland, and particularly to Inverness and Skye, as increased public awareness of the provision will make people more likely to present in areas where they aspire to live, but to which they do not have any connection or community ties.
- 6.4 Regarding intentionality, The Housing (Scotland) Act 1987 states that a person is intentionally homeless if they deliberately did or failed to do anything which led to the loss of accommodation which it was reasonable for them to continue to occupy. 29 applicants were found to be intentionally homeless in Highland in 2017-18 and 38 applicants were found to be intentionally homeless in 2018-19.

- 6.5 From 7 November 2019, changes to homeless legislation mean that local authorities now have a discretionary power, rather than a duty, to investigate whether a household is intentionally homeless. The updated Homelessness Code of Guidance states that authorities must ensure that the individual circumstances of an applicant are considered on a case by case basis before taking a decision to investigate intentionality.
- 6.6 While the definition of the Intentionality test itself remains unchanged, the Scottish Government will consult during 2020 on proposals to narrow the definition of Intentionality to focus on instances of 'deliberate manipulation' of the homelessness system.
- 6.7 It is recommended that Highland continue to use Intentionality assessments but that these are focused on investigation of cases where there is evidence of deliberate manipulation.
- 6.8 The Scottish Government has also established a working group with the purpose of developing a new duty for public bodies and delivery partners for the prevention of homelessness. This new duty is intended to clarify the extent of preventative measures that should be considered by a local authority in fulfilling its statutory duties.
- 6.9 It is also recommended that Highland commences an internal review of the homelessness service to ensure our policies, procedures and operational structure enables compliance with the extended Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2004 and the wider homelessness legislative changes detailed above.

## **7 Key Rapid Rehousing Transition Plan (RRTP) Outcomes & Funding**

- 7.1 An updated Rapid Rehousing Transitions Plan (RRTP) was submitted to The Scottish Government on 5 April 2019. Highland was the first local authority in Scotland to submit its updated RRTP. The Action Plan is attached as **Appendix 1**. Progress in 2019 against specific actions is recorded on the Plan. Further details of progress against specific targets will be incorporated into future performance reporting to this Committee.
- 7.2 It should be noted that a number of the actions identified have been ongoing for some time and that others require support from other public bodies and third sector partners.
- 7.3 As detailed in the RRTP, progress against many of the actions is dependent on funding. A funding bid of £632,582 for 2019-20 was submitted as part of the RRTP following detailed discussion with the Scottish Government. Confirmation of funds was delayed until July 2019 due to COSLA discussion on the funding distribution arrangements.
- 7.4 The agreed funding distribution formula was based on a 3-year average of homeless presentation levels per Council rather than priority actions identified following assessment of all local authority RRTPs. Highland was awarded £280,000 for 2019-20.
- 7.5 Highland are using the funding award for 2019-20 to resource 3 Housing Options Officers (Complex Needs) who will be based within the local Housing teams. These Officers will work with homeless applicants who have been in temporary accommodation the longest or have the most complex needs to identify the barriers preventing them from obtaining a permanent outcome to their homelessness. They will then work with key partners to address any unmet needs that have been identified. The funding is also being used to fund additional staff resource required to increase shared temporary accommodation.

- 7.6 Highland's Plan also included a funding bid of £619,082 for 2020-21. Funding was announced on 2 December, with Highland awarded £297,000. This was again allocated based on an average of homeless presentations over a 3-year period. The Scottish Government has announced that they will work with COSLA to align future distribution of funding based on specific initiatives set out in local authority RRTPs.
- 7.7 As indicated at item 5 of this report, Highland has been trialling shared tenancies as a means of providing better quality temporary accommodation for our clients. This model is currently in operation in 14 properties in Inverness and in 6 properties in Ross-shire. The intention is to develop a shared tenancy stock of around 100 properties by March 2021. The shared tenancy model is resource intensive and it is proposed that the RRTP transitional funding be used to create a team leader post, with 6 temporary accommodation assistants and 3 caretakers.
- 7.8 The shared tenancy model operates on a full cost recovery model from the rental income against the individual tenancies. Currently private sector bed and breakfast type rooms being used as temporary homeless accommodation cost around £165 per week which is recovered from the homeless service user through a rental charge. The total weekly rent for a shared tenancy temporary accommodation property will be around £75 per week. This model also removes financial barriers from homeless service users which currently impacts on personal debt levels and the ability of homeless applicants to gain employment whilst in homeless accommodation.
- 7.9 It should be noted that a number of actions on the RRTP are dependent on reviewing our Highland Housing Register allocation policy and how we allocate housing to those in highest housing need. A review of the Highland Housing Register is underway and recommendations to Members will be presented at a future Committee.

## **8. Housing First**

- 8.1 The Highland Drug & Alcohol Partnership (HADP) have entered into a partnership agreement with Highland Council and NHS Highland to develop and implement a Housing First project in the Inner Moray Firth focused on individuals who:-
- are homeless or homeless with a history of entrenched or repeat homelessness; and
  - have health and social care needs resulting from harmful and significant drug and/ or alcohol use; and
  - have a need and wish to reside in the Inner Moray Firth area.
- 8.2 The project has been awarded £122k per year funding by HADP for each of the initial 2 years of the project and our Housing First approach is being developed based on shared learning from the Housing First Pathfinder projects in place in other parts of Scotland.
- 8.3 A Housing Options Officer and a Senior Nurse Practitioner (Harm Reduction) are in post and are developing processes, procedures and detailed partnership working arrangements for the project. The Housing First support element of the project will be delivered by an external housing support provider.
- 8.4 It is expected that the Housing First team will begin to build up an operational caseload of Housing First tenants during February 2020 with a view to that caseload building up to 10 cases. It is expected that the team will create around 15-20 Housing First tenancies per year.

## 9 Homeless Review process

- 9.1 Highland has a homeless decision review process and Members who have undergone training are invited to be involved in hearing the 2nd stage of the review into decisions on homelessness assessments. Cases are currently heard by a Homelessness Review Panel consisting of:-
- Executive Chief Officer; or Head of Housing & Building Maintenance; or Housing Manager with no prior involvement in the case;
  - Council Solicitor;
  - Senior Officer from Care and Learning in cases involving households with children; and
  - If possible, an Elected Member.
- 9.2 In 2018-19 there were 11 Stage 2 Appeals of which 6 had the original decision upheld following the review hearing. As indicated at item 6 of this report, it is anticipated that the number of intentionality decisions in Highland will reduce further because of the legislative changes set out above.
- 9.3 The revised process has been reviewed in line with national guidance. Feedback from advocacy and advice partners has also indicated that the current Homeless Review Panel process can be intimidating for vulnerable homeless service users which can dissuade them from appealing case decisions.
- 9.4 It is recommended that the process should be streamlined to involve earlier input from senior management and to no longer have Member involvement in the process. This new approach is summarised at **Appendix 2**.

Designation: Executive Chief Officer Customer and Communities

Date: 17 January 2019

Authors: Brian Cameron, Housing Policy and Investment Manager  
Lewis Hannah, Housing & Homeless Service Manager

Background Documents: Homelessness and Rough Sleeper Action Group Report;  
Scottish Government Guidance on Rapid Rehousing  
Transition Plans;  
Data returns of homelessness trends.  
Background documents available at:  
[Rapid Rehousing](#)

Rapid Rehousing Transition Plan 2019/20 – 2023/24: Action Plan

Priority action	What actions are underway / planned?	When will this be completed?	Existing strategy / action plan?	Indicators	Baseline	2024 target	Update at January 2020
Increase focus on prevention to stop homelessness happening in the first place	Re-focus on homeless prevention	Ongoing throughout plan period	Local Housing Strategy	Reduced homeless presentations	1,160	1,098 (5% reduction)	Initial discussions with Scottish Government on developing a legislative duty on prevention
	Maintain current levels of tenancy sustainment	Ongoing throughout plan period	Annual Scottish Social Housing Charter	% tenancies sustained for 12 months	89.4%	90%	Housing support in place for tenants at risk of losing their tenancy.
	Review and implement a revised protocol for prisoners in line with the Sustainable Housing On Release for Everyone (SHORE) National Standards	April 2020	Highland Community Justice Plan	No of homeless assessments where previous accommodation was prison	40	Not applicable	Multi-agency meeting planned for January 2020 to progress implementation.
	Review the delivery of services aimed at preventing homelessness for women and children experiencing domestic or sexual abuse	Initial review complete	Highland Multi Agency Risk Assessment Conference	% of homeless assessments where reason for homelessness is relationship breakdown (violence / abuse)	134	Not applicable	Initial review complete.
	Review partnership working arrangements to ensure correct focus on RRTP	Completed	Local Housing Strategy	Local Housing Strategy	Not applicable	Not applicable	Complete.
	Provide training and awareness raising on new tenancy regime and tenancy rights for Housing staff (including use of first-tier	Completed	Local Housing Strategy	% of homeless assessments where reason for homelessness is action	113	90	Complete.

Priority action	What actions are underway / planned?	When will this be completed?	Existing strategy / action plan?	Indicators	Baseline	2024 target	Update at January 2020
	tribunal powers)			by landlord/ lender			
Increase focus on prevention to stop homelessness happening in the first place	Homeless Family Mediation	Complete	Local Housing Strategy	-Reduction in use of temporary accommodation by young people -Numbers of Cases Mediated -Development of service Delivery model	HL3 2017/18	5% reduction  10 homeless Mediation Cases each year, years 1&2	Family mediation cases will continue to be funded from Homeless Prevention Fund in limited numbers.
	Development and implementation of Section 11 and Council TAX/ Non-Domestic Rates Referral processes	Complete	Local Housing Strategy.	Reduction in homelessness	HL1	1%	New referral process now in place.
	Review of Housing Options Protocol for Care Leavers	Initial review complete	Local Housing Strategy	Prevention of homelessness for care leavers  Monitoring of referrals / tenancy sustainment / numbers of HAs received	NA	5 new secure tenancies per year of R RTP	Ongoing joint work with Care & Learning
	Digital Housing Support Model for Young People/ Leaving Home Planning	April 2020	Local Housing Strategy	Numbers of service users positively engaged by digital support platform	Not applicable	50 young people during 2019/20	Care & Learning are developing a support model for Care Leavers using this digital platform.



Priority action	What actions are underway / planned?	When will this be completed?	Existing strategy / action plan?	Indicators	Baseline	2024 target	Update at January 2020
Reduce Time Spent on Temporary Accommodation	Renew focus on housing options advice to make best use of existing housing stock	Initial review complete	No	Analysis of staffing resources and caseloads required	Not applicable	Not applicable	Await national roll-out in 2020 of revised Housing Options Toolkit and statutory Homeless Prevention Duty.
	Review households currently occupying temporary accommodation and provide intensive casework to achieve permanent outcomes more quickly	31/3/2020	No	Reduce length of stay in temporary accommodation	10 months	6 months	3 x Housing Options Officers (Complex Needs) posts have been approved to focus on complex/longest duration homeless cases to identify barriers to obtaining permanent housing and liaising with HSC / Health as required.
	Shared Temporary Furnished Accommodation (TFA) Inner Moray Firth	Ongoing throughout RRTP	Local Housing Strategy	-Reduction in temporary accommodation use generally and end of HMO use -Creation of 150 Temporary Furnished Properties (TFA)	HL3 reporting & HMO Contract monitoring	End of HMO use Highland  Creation of 150 additional TFA Units	Papers to be submitted Resources Governance Board for consideration of new posts as per 2020-21 funding.
	Housing Support & Supported Accommodation Review	2021	Local Housing Strategy	Review housing support /supported accommodation provision based on RRTP outcomes and feedback; tailor to fit	NA	NA	Review ongoing.

Priority action	What actions are underway / planned?	When will this be completed?	Existing strategy / action plan?	Indicators	Baseline	2024 target	Update at January 2020
				with Housing First principles			
	Review Affordability of Temporary Accommodation	April 2020	Local Housing Strategy	Implementation of Rent Charging and arrears management Policy in temporary homeless accommodation	n/a	n/a	Rent charging policy to be recommended at January Committee.
	Skye Temporary Accommodation Provision	Ongoing throughout RRTP	Local Housing Strategy	-Reduction in temporary accommodation use generally. Reduction in Hostel provision on Skye.	HL3 reporting	50% reduction in Hostel provision on Skye by end of RRTP; Creation of 10 new TFA Units on Skye	Papers to be submitted Resources Governance Board for consideration of new posts as per 2020-21 funding.
Identify making maximum use of existing housing	Review operation of Highland Housing Register in relation to allocations to homeless applicants and provision of properties for use as temporary homeless accommodation	April 2020	Local Housing Strategy	% lets to homeless households; Reduction of HMO temporary accommodation use in Inner Moray Firth	37%  N/A	Subject to HHR review	Initial policy review has been completed and tenant and stakeholder consultation will commence in February 2020.
	Complete assessment of engagement with private rented sector	Complete	Local Housing Strategy	% of homeless applicants able to source private rented accommodation	Not applicable	Not applicable	Crisis has completed research engagement project with private landlords in Inner Moray Firth.

Priority action	What actions are underway / planned?	When will this be completed?	Existing strategy / action plan?	Indicators	Baseline	2024 target	Update at January 2020
	Private Rented Sector (PRS) Housing Coach.	31/03/2024	Local Housing Strategy	-PRS tenancies used to house homeless/potentially homeless households -Establishment of Landlord Forum -PRS referral processes developed -Deposit Guarantee Scheme reviewed and updated Reviewed	Not Applicable	100	Funding not provided but continued engagement with Landlord Accreditation Scheme to improve liaison with private landlords.
Ensure homeless households can access the right type of support	Review of housing support arrangements	Complete	No	% tenancies supported for 12 months	89.4%	90%	Review complete and new provider framework in place from 01/10/19.
	Housing First	April 2020	No	Number of service users supported	0	35 cases each year of RRTP	Housing Officer and Senior Nurse Practitioner now in post. Work underway to develop Housing First Pathway and processes with NHS with operational caseload in place by February 2020. The Housing Support element of the project is being contracted to Third Sector. Pilot project will have an initial focus on the Inner Moray Firth.

Priority action	What actions are underway / planned?	When will this be completed?	Existing strategy / action plan?	Indicators	Baseline	2024 target	Update at January 2020
	Carry out options appraisal of future use / development potential of current Hostel provision on Skye	2021	Local Housing Strategy	Reduction in use of HMO accommodation	Not applicable	Not applicable	Process underway in respect of Hamilton House & Woodside on Skye. Coul Park House in Alness and Badenoch House, Kingussie also being appraised for future use as part of this.
	Delivery of TIE/PIE training to Housing Options Officers	2021	Local Housing Strategy	Numbers of HOOs trained	0	30	Initial training session delivered to Housing Options staff in May 2019. Further work underway to develop training jointly with NHS Highland.
Increase affordable housing supply to meet needs of homeless households	Deliver 500 new affordable homes per annum in the priority areas identified through the Local Housing Strategy / Strategic Housing Investment Plan	31/3/2024	SHIP/Local Housing Strategy	Number of new homes developed	500 per year	2,500 additional homes; Targeting areas of high homeless need and demand.	SHIP approved at E, D & I Committee in November 2019
<b>Partnership Working &amp; Consultation/ Engagement</b>	Homeless Service User engagement	Ongoing throughout plan period	Local Housing Strategy	Number of service users consulted	Not applicable	50 per year of RRTP	Existing resources have commenced engagement sessions with service users.

**Homeless Decision Review Process – proposed new process**

Temporary accommodation will continue to be provided - & Housing Options Service

Homeless decision made, and letter issued to applicant by Housing Options Officer (HOO).

All negative decisions to be reviewed by Principal Housing Officer (PHO) prior to issue. SharePoint case file to be reviewed for completeness by PHO at this stage.



Applicant has 21 days to lodge a request for 1<sup>st</sup> stage review.



Stage 1 Review Request received

Decision making HOO & Area PHO prepare case briefing note with link to SharePoint case file.

Homeless PHO from different area team should complete review of the case within 14 days of receipt of request. Reviewing PHO should then send decision in writing to applicant.



Applicant has 7 days to lodge a request for 2<sup>nd</sup> stage review



Stage 2 Review Request received

Review will be carried out by Area Housing Manager (AHM) or Housing & Homeless Service Manager (HHSM).

Service user / & advocate will be re-interviewed at this stage in relation to original decision & why they consider it wrong. Minute taker will be in attendance.

Desk top review of case then carried out by AHM or HHSM with advice on case from Legal Service & Health and Social Care where appropriate taking account of 2<sup>nd</sup> stage interview & submissions/ new information.

Head of Service/Housing Policy & Investment Manager should sign-off the review and issue decision letter to applicant.



There is no further appeal system within the Highland Council. If an applicant is dissatisfied with the outcome of review process, they can seek judicial review.

The Council does not assist the applicant in this process and the applicant will normally need to seek independent advice, e.g. from a lawyer, CAB or Shelter if they wish to seek a judicial review