

Agenda Item	6.
Report No	HP/08/20

HIGHLAND COUNCIL

Committee: Housing and Property

Date: 13 August 2020

Report Title: Homelessness and Rapid Rehousing Transition Plans

Report By: Executive Chief Officer Housing and Property

1 Purpose/Executive Summary

1.1 This report provides an update on:-

- Actions that the Council is taking to implement our Rapid Rehousing Transition Plan;
- New legislation in relation to the Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2004;
- National recommendations arising from the reformed Homelessness and Rough Sleeping Action Group;
- The impact of Covid-19 on homelessness in Highland; and
- An update on the homeless appeals process.

2 Recommendations

2.1 Members are invited to:-

- i. **Note** progress on the Council's Rapid Rehousing Transition Plan;
- ii. **Note** the implications for the Council in respect of the extended Unsuitable Accommodation Order due to come into force in October 2020; and
- iii. **Note** the recommendations arising from the Homelessness and Rough Sleeping Action Group.

3 Implications

3.1 Resources – The Council has received funding from the Scottish Government in relation to delivering additional services to implement our Rapid Rehousing approach to homelessness.

- 3.2 Legal – A review of homelessness policy is underway to bring current policy up to date in relation to changes to legislation and guidance. A further report on policy will be provided to Committee by the end of the year.
- 3.3 Community (Equality, Poverty and Rural) - Although case numbers are concentrated in Inverness there are also complex 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 completed 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 changes to homelessness policy and practice 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 The Programme for Government announced by the First Minister on 5 September 2017 set out a new commitment to eradicate rough sleeping, transform the use of temporary accommodation in Scotland and end homelessness. Ministers subsequently established the Homelessness and Rough Sleeping Action Group (HARSAG) to make recommendations on how these transformational changes could be achieved.
- 4.2 In response to the recommendations made by the Homelessness and Rough Sleeping Action Group the Scottish Government and the Convention of Scottish Local Authorities (COSLA) published the “Ending Homelessness Together” action plan in November 2018. This included the recommendation that all local authorities produce Rapid Rehousing Transition Plans to document how they would tackle homelessness.
- 4.3 Where homelessness cannot be prevented, Rapid Rehousing is defined as follows:-
- a settled, mainstream housing outcome as quickly as possible;
 - time spent in any form of temporary accommodation reduced to a minimum, with the fewer transitions the better; and
 - when temporary accommodation is needed, the optimum type is mainstream, furnished and within a community.
- 4.4 For clients with multiple and complex support needs beyond housing, a Housing First model is recommended. Housing First is based on the following premises:
- housing is a basic human right, not a reward for an applicant demonstrating that they are ready and able to sustain a secure tenancy; and
 - once the chaos of homelessness is eliminated from a person’s life stabilisation occurs faster and is more enduring.

- 4.5 A report on homelessness was considered by the Housing and Property Committee on 29 January 2020. This contained details of the second iteration of the Councils Rapid Rehousing Transition Plan. It also provided details of proposals to amend legislation in relation to the Homelessness Intentionality test, Local Connection and the Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2004.
- 4.6 In response to the Covid-19 emergency the Homelessness and Rough Sleeping Action Group was reconvened on a “short-life” basis and provided a further report and recommendations on transforming homeless services and ending homelessness in Scotland. These were accepted in principle by Ministers and should be considered when revising Rapid Rehousing Transitions Plans. HARSAG's full 105 recommendations can be found here:-
<https://www.gov.scot/binaries/content/documents/govscot/publications/corporate-report/2020/07/homelessness-and-rough-sleeping-action-group-final-report-tackling-coronavirus/documents/harsag-final-report-on-homelessness-after-coronavirus/harsag-final-report-on-homelessness-after-coronavirus/govscot%3Adocument/HARSAG%2BCovid%2Bfinal%2Breport.pdf>
- 4.7 The Council is experiencing very significant pressures in relation to homelessness. A service that was already stretched in terms of case numbers and faced with housing demand far exceeding available supply has been placed under additional stress as a result of covid-19. It is also widely predicted that there will be an increase in homelessness nationally as we move beyond the emergency response to covid-19.

5 Highland Rapid Rehousing Transition Plan (RRTP)

- 5.1 Following approval by the Care, Learning and Housing Committee the Council's current Rapid Rehousing Transitions Plan was submitted to The Scottish Government in April 2019. The Action Plan is attached as **Appendix 1**. There are 3 main workstreams for which specific funding has been provided by the Scottish Government. These are described below.

6 Rapid Rehousing Officers

- 6.1 It was agreed to recruit 3 specialist housing officers to 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. Scottish Government Funding of **£113,843** has been received for this.
- 6.2 The case holders will be required to manage these cases and engage creatively and positively with at times challenging service users, training around dealing with complex mental health cases and motivational interview techniques will be provided.
- 6.3 These officers will be expected to possess or develop strong negotiating skills that enable them to maintain a positive working relationship with key partners throughout these discussions.
- 6.4 There have been delays in recruiting to these posts due to the Council's general budget pressures and recruitment controls and latterly due to constraints on recruitment due to Covid-19. Recruitment is now complete and postholders in place.

7 Housing First

- 7.1 Highland Drug and Alcohol Partnership received separate Scottish Government funding distributed through NHS for its Housing First project. They 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 clients who are homeless or at risk of homelessness due to harmful and significant drug and/ or alcohol use.
- 7.2 Team recruitment is complete with 3 staff members in post and a project office set up in the Hilton area of Inverness, the HF team comprises of:
- Senior Nurse Practitioner, NHS Highland;
 - Housing Options Officer, Highland Council; and
 - Specialist Support Worker, The Salvation Army
- 7.3 Highland's Housing First Pathway has been documented and agreed by all key partners. This helps all partner agencies to refer potential service users to the project.
- 7.4 The first Housing First tenancy in Highland is now in place providing accommodation for 4 service users. Once operational the project team will carry a caseload of 10 open cases at any one time and will house 35 homeless service users each year through a Housing First tenancy outcome in the Inner Moray Firth.
- 7.5 Referral, monitoring and evaluation arrangements have been developed within our Housing First Pathway which has been developed in partnership with colleagues in the NHS and the Highland Alcohol and Drugs Partnership (HAPD).

8 Shared Tenancies

- 8.1 It was agreed that we should trial the use of shared temporary accommodation given the shortage of suitable temporary homeless accommodation for single homeless people. This model of accommodation will be critical in relation to new regulations on unsuitable accommodation (described later in this report).
- 8.2 The properties used for the trial were all 2 or 3-bedroom self-contained HRA properties taken from mainstream stock which were furnished as temporary accommodation.
- 8.3 So far, we have established 20 shared properties in Inverness and Ross and Cromarty, allowing for 40 clients. The model has proved effective and has been popular with service users.
- 8.4 One lesson from the trial is that higher levels of management input are needed to manage shared tenancies effectively. Scottish Government Funding of £166,157 has been received to allow a dedicated Shared Tenancy Team to manage an increase in property numbers. Job descriptions have been developed and approval to recruit will be sought through the Council's vacancy management process.

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

- 9.1 The current "Unsuitable Accommodation Order" means 'bed and breakfast-type' accommodation must not be used for more than 7 days (in total) for any homeless households which contain children or pregnant women.

- 9.2 Scottish Government intended to extend the order to cover all homeless households from May 2021, however an amendment to the Unsuitable Accommodation Order bringing forward the implementation date to 30 September 2020 was approved by the Scottish Parliament in June 2020.
- 9.3 The Order effectively bans the use of accommodation with shared facilities for any more than 7 days. There are some other changes around the scope and definition of unsuitable accommodation. The Order also allows other models of temporary accommodation such as shared tenancies / flat shares, of the type currently being used in Highland and described above.
- 9.4 Although we have not had any breaches of the order during 2019/20 the Council has found this challenging and we have previously reported breaches. Previous breaches have almost exclusively arisen in Inverness and have been due to the extreme housing pressure prevalent in the city.
- 9.5 The current Order applies to households with children / pregnant women. At present this applies to around 27% of homeless applicants (around **300** applicants during 2019). From 30 September 2020 the order will apply to all applicants. Based on 2019 figures that will be an additional **850** households presenting each year.
- 9.6 The Council has been increasing its stock of self-contained temporary accommodation over the last 5 years. The table below shows the current position compared to the previous 2 years:-

Accommodation Type	May-18	May-19	May-20
HRA furnished	237	315	387

- 9.7 Given the timing and environment in which the changes have been introduced it is inevitable that the Council will be reporting breaches of the Order. Based on current analysis it is estimated that there are currently 56 single person households in accommodation that would be considered unsuitable under the order.
- 9.8 An emergency staff working group is currently meeting weekly to review and address the challenges we are currently facing in providing temporary accommodation during the COVID-19 emergency.
- 9.9 The Scottish Government and COSLA have set up a working group at officer level to develop policy and operational guidance on the order. Highland is represented on the working group.
- 9.10 The Council's direction of travel on temporary accommodation has been to gradually increase the proportion of our own housing stock that is used as temporary accommodation, and to move people as quickly as possible into mainstream housing. There are management implications of distributing temporary accommodation throughout the housing stock, and in rapid rehousing. There is a higher risk of tenancy management and neighbour problems in relation to some clients with multiple / complex needs, many of whom may not have the skills or experience to successfully sustain a tenancy and act as good neighbours. This was acknowledged in our business plan for expanding our in-house temporary accommodation. The rent we charge includes a service charge for additional housing management services. These are provided by enhanced contact through Housing Management Assistants, funded within the HRA.

It is vital that we are able to recruit additional HRA funded Housing Management Assistants in line with our increasing in-house temporary accommodation if we are to minimise the tenancy management risks associated with this model.

10 Homelessness Local Connection, Intentionality and Duty of Prevention

- 10.1 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 and on 2 occasions in 2019/20.
- 10.2 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.
- 10.3 The Scottish Government have announced that the local connection consultation has been postponed until later in the year. The latest Coronavirus Bill makes the provision to extend the deadline period for Scottish Ministers to publish their statement on this. A further update is awaited from the Scottish Government in relation to a revised timetable for consultation.
- 10.4 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.
- 10.5 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. Twenty-nine applicants were found to be intentionally homeless in Highland in 2017/18, with 38 applicants in 2018/19 and 29 applicants in 2019/20.
- 10.6 As previously reported 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.
- 10.7 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.
- 10.8 We are continuing to investigate intentionality in homelessness assessments but with a greater focus on investigation of cases where there is evidence of deliberate manipulation.

- 10.9 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.
- 10.10 It is intended to undertake 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.
- 10.11 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.

11 Homeless Review process

- 11.1 Highland has a homeless decision review process in which elected members who have undergone training are invited to be involved in hearing the 2nd stage of the review into decisions on homelessness assessments.
- 11.2 In 2019-20 there were 7 Stage 2 Appeals of which 2 had the original decision upheld following the review hearing. As indicated in section 10 (above) it is anticipated that the number of intentionality decisions in Highland will reduce further because of the legislative changes set out above. The remit for appeals currently is to consider whether the homelessness assessment process properly considered the legal tests required with reference to the Code of Guidance on Homelessness.
- 11.3 The changes to homelessness legislation described in this report have the effect of moving the system away from one of personal assessment against legal tests to one of broad-based rights to service. The current appeals process is unlikely to remain relevant, as in future the main areas of dispute are likely to be around whether the offer of accommodation made to an applicant is suitable. It is recommended that further consideration should be given to the Appeals Review process in the light of emerging developments in national policy and legislation.

Designation: Executive Chief Officer Housing & Property

Date: 30 July 2020

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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	Resources required
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	1160	1098 (5% reduction)	No additional resources required
	Maintain current levels of tenancy sustainment	Ongoing throughout plan period	Annual Scottish Social Housing Charter	% tenancies sustained for 12 months	89.4%	90%	No additional resources required
	Review and implement a revised protocol for prisoners in line with the Sustainable Housing On Release for Everyone (SHORE) National Standards	30/6/2019	Highland Community Justice Plan	No of homeless assessments where previous accommodation was prison	40	Not applicable	No additional resources required
	Review the delivery of services aimed at preventing homelessness for women and children experiencing domestic or sexual abuse	30/6/2019	Highland Multi Agency Risk Assessment Conference (MARAC)	% of homeless assessments where reason for homelessness is relationship breakdown (violence / abuse)	134	Not applicable	No additional resources required
	Review partnership working arrangements to ensure correct focus on RRTP	30/06/2019	Local Housing Strategy	Local Housing Strategy	Not applicable	Not applicable	No additional resources required
	Provide training and awareness raising on new tenancy regime and tenancy rights for Housing staff (including use of first-tier tribunal powers)	31/6/2019	Local Housing Strategy	% of homeless assessments where reason for homelessness is action by landlord/ lender	113	90	Use of existing Scottish Government funding for the North & Islands Housing HUB

Priority action	What actions are underway / planned?	When will this be completed?	Existing strategy / action plan?	Indicators	Baseline	2024 target	Resources required
Increase focus on prevention to stop homelessness happening in the first place	Homeless Family Mediation	2020/21	Local Housing Strategy	-Reduction in use of temporary accommodation by young people -Numbers of Cases Mediated -Development of service Delivery model beyond year 2	HL3 2017/18	5% reduction 10 homeless Mediation Cases each year, years 1&2	Scottish Government RRTP funding for test of change trial. 20 mediation cases @ £400 per case £8,000 over two years.
	Development and implementation of Section 11 and CTAX/ NDR Referral processes	2020	Local Housing Strategy	Reduction in homelessness	HL1	1%	No additional resources required
	Review of Housing Options Protocol for Care Leavers	2021	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	No additional resources required
	Digital Housing Support Model for Young People/ Leaving Home Planning	2019/20	Local Housing Strategy	Numbers of service users positively engaged by digital support platform	Not applicable	50 young people during 2019/20	Scottish Government RRTP Funding for test of change trial £13,500 during 2019/20
	Renew focus on housing options advice to make best use of existing housing stock	31/3/2019	No	Analysis of staffing resources and caseloads required	Not applicable	Not applicable	No additional resources required

Priority action	What actions are underway / planned?	When will this be completed?	Existing strategy / action plan?	Indicators	Baseline	2024 target	Resources required
Reduce Time Spent on Temporary Accommodation	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	Scottish Government funding for 3 Rapid Rehousing Officers HC7 £124k per year of RRTP
	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 TFA Share properties in Inner Moray Firth	HL3 reporting & HMO Contract monitoring	End of HMO use in Highland Creation of 150 additional TFA Share Units in Inner Moray Firth	Scottish Government RRTP Funding for 1xFTE Share Team Leader (HC7) 5FTE x Housing Management Assistants (HC5) 2.5FTE Care Takers (HC3) £262,389 Per Year of RRTP
	Housing Support & Supported Accommodation Review	2021	Local Housing Strategy	Review housing support /supported accommodation provision based on RRTP outcomes and feedback And tailor to fit with Housing First principles	NA	NA	No additional resources required

Priority action	What actions are underway / planned?	When will this be completed?	Existing strategy / action plan?	Indicators	Baseline	2024 target	Resources required
	Review Affordability of Temporary Accommodation	2019/20	Local Housing Strategy	Implementation of Draft 'Rent Charging and arrears management Policy' in temporary homeless accommodation	n/a	n/a	No additional Resources Required
	Skye Temporary Accommodation Provision	Ongoing throughout RRTP	Local Housing Strategy	-Reduction in temporary accommodation use generally. Reduction in Hostel provision on Skye. -Creation of 10TFA share properties on Skye	HL3 reporting	50% reduction in Hostel provision on Skye by end of RRTP Creation of additional 10 TFA Share Units on Skye	1FTE x Housing Management Assistants (HC5) 0.5FTE Caretaker (HC3) £44,165 per year of RRTP
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	31/12/2019	Local Housing Strategy	% lets to homeless households Reduction of HMO temporary accommodation use in Inner Moray Firth	37% N/A	Subject to HHR review & consideration of quotas 10 properties per year from HHR for temporary accommodation use	No additional resources required

Priority action	What actions are underway / planned?	When will this be completed?	Existing strategy / action plan?	Indicators	Baseline	2024 target	Resources required
	Complete assessment of engagement with private rented sector	31/03/2019	Local Housing Strategy	% of homeless applicants able to source private rented accommodation	Not applicable	Not applicable	Crisis to commence engagement project with private landlords in Inner Moray Firth
	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	Scottish Government RRTP Funding of £41,556 required per year of RRTP
Ensure homeless households can access the right type of support	Review of housing support arrangements	30/9/2019	No	% tenancies supported for 12 months	89.4%	90%	No additional resources required
	Housing First	31/3/2020	No	Number of service users supported	0	35 cases each year of RRTP	Scottish Government RRTP Funding of £122,403 required per year of RRTP

Priority action	What actions are underway / planned?	When will this be completed?	Existing strategy / action plan?	Indicators	Baseline	2024 target	Resources required
	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	No additional resources required
	Delivery of TIE/PIE training to Housing Options Officers	2021	Local Housing Strategy	Numbers of HOOs trained	0	30	No additional resources required.
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.	Existing Housing Development funding totally estimated at £165m
Partnership Working & Consultation/ Engagement	Homeless Service User engagement	2019/20	Local Housing Strategy	Number of service users consulted	Not applicable	50 per year of RRTP	Tenant Participation Officer (HC6) 0.5FTE £18,169 Drop in costs – hire of venue and refreshments £2,400 £20,569 Per annum, Years 1 & 2 of RRTP