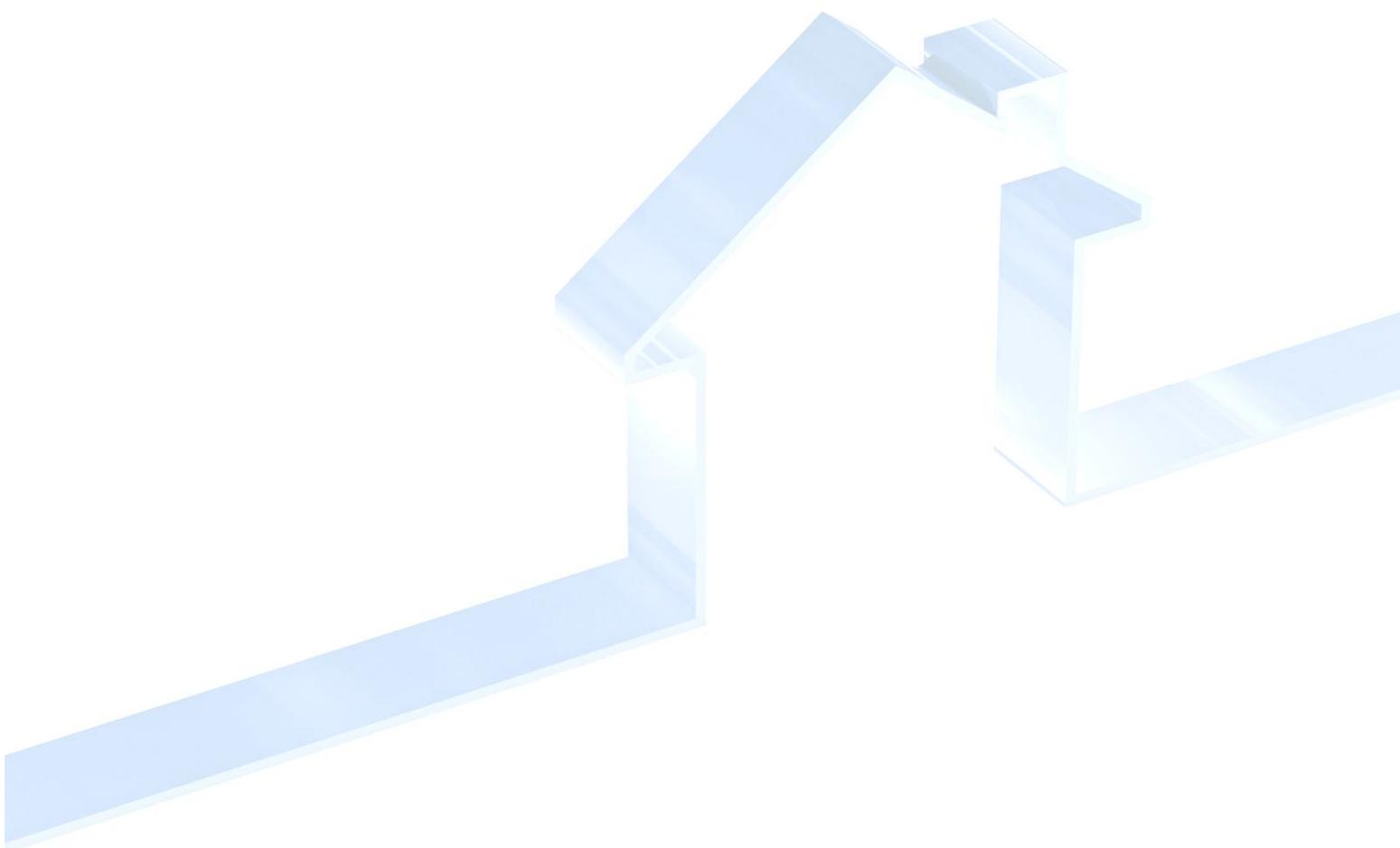


Housing Support Regulations

May 2013



Introduction

Welcome to the latest in a series of regular briefings prepared by the Housing Strategy team on the big issues concerning housing. These briefings will be shared with staff, tenants and elected members and keep everyone up to date with regards the ever changing policy context that we are operating within.

The Housing Strategy section is responsible for:-

- Supporting the development of a culture of continuous improvement in Housing services and to facilitate opportunities to excel;
- Developing and implementing effective strategies for Housing and Community Safety Services within West Dunbartonshire;
- Developing the Council's housing strategy to ensure that it supports the delivery of our strategic priorities;
- Performance management within Housing and Community Safety services; and
- Promoting effective management and the involvement of tenants across all aspects of Housing Services.

For further information on Housing Strategy please telephone 01389 737889 or e-mail: housing.strategy@west-dunbarton.gov.uk

Background

Section 32B of the Housing (Scotland) Act 1987 (inserted by The Housing (Scotland) Act 2010) will place a statutory duty on all local authorities to assess the housing support needs of homeless applicants who are unintentionally homeless or threatened with homelessness. The act states the local authority must then ensure that housing support services are offered and provided support where required to those assessed as being in need of them. This applies to everyone in the homeless household not just the applicant.

The aim of this provision was seen by 'Shelter Scotland' and other bodies including 'The Chartered Institute of Housing' as strengthening the way that homeless people who need support are assessed and provided with appropriate services. Housing support services are defined in Section 32B (9) as including services which provide support, assistance, advice or counselling to an individual to occupy accommodation as their sole or main residence.



Consultation Process

Before any statutory regulations were laid before Parliament, Scottish Ministers had to consult widely. There was a consultation that ran from January to April 2012 and sought views and proposals on making regulations on the requirement for local authorities to assess and provide necessary support. The consultation asked local authorities and other organisations to choose an option.

Option 1 Commence the duty on local authorities and establish regulations on the assessment and provision of housing support.

Option 2 Commence the duty on local authorities and **do not** establish regulations on the assessment and provision of housing support.

There were 66 written responses received by the Scottish Government. Overall there was an even split between those who supported established regulations and those who did not support regulations. The Association of Local Authority Chief Officers (ALACHO) response was to not establish regulations as the ethos underpinning the duty is already seen as best practice within local authorities. While the 'Scottish Council for Single Homeless' response was to establish regulations which should be complimented with guidance which has weight.

They further suggested that this could be incorporated in the Homelessness Code of Guidance.

West Dunbartonshire's response

West Dunbartonshire Council submitted a response and felt that option 1 was the most advisable. It was thought that option 1 would formalise housing support across all local authorities and provide a common framework. It would require all local authorities to provide the same standard of service and make the standard easier to benchmark against.

The council opinion was that by not establishing regulations housing support provision will vary across local authorities in terms of levels of investment, assessment, procedures, standards of delivery, etc.

A homelessness working group led by Jim Hayton, ALACHO Policy Manager has been tasked with producing non-statutory guidance for adherence to the regulations. Members of the group include local authorities, CIH, Shelter, Housing Support Enabling Unit (HSEU) and Housing Action Scotland (formerly Scottish Council for Single Homeless). The final draft is due by the end of May with an implementation date of 1st June 2013 when the regulations come into force. Triggers will be incorporated in the guidance to determine what 'reason to believe' may look like with examples provided. The guidance will clearly state the regulations as a corporate responsibility with the need for a multi agency approach.



Key Points

Regulatory Requirements

The consultation findings were analysed by 'Reid Howe Associates' and findings reported to the Scottish Government. The Government published its 'Final Business and Regulatory Impact Assessment' in October 2012 in which it noted its implementation and delivery plan which will see the government proceeding with 'option 2' to commence the duty and establish regulations. On the basis of the consultation analysis the government proposed to prescribe only the housing support services to which duty applies, rather than the means which they should be provided. Implementation date will be 1st June 2013.

Draft regulations were laid before and approved by resolution of the Scottish Parliament to be cited as the 'Housing Support Services (Homelessness) (Scotland) Regulations 2012'. These regulations make provision in relation to the duty of local authorities to assess whether some persons found to be homeless or threatened with homelessness need housing support services.

Regulation 2 prescribes four types of housing support services which apply for the purposes of that duty. The following housing support services are prescribed:

1. advising or assisting a person with personal budgeting, debt counselling or in dealing with welfare benefit claims;
2. assisting a person to engage with individuals, professionals or other bodies with an interest in that person's welfare;
3. advising or assisting a person in understanding and managing their tenancy rights and responsibilities, including assisting a person in disputes about those rights and responsibilities;
4. advising and assisting a person in settling into a new tenancy.

If a local authority has reason to believe that an applicant may be in need of one or more of these services, it must assess whether the applicant, or any person residing with the applicant, is in need of such support. Only if the applicant is found to have a support need is there a requirement to assess everyone else in the household. If so, the local authority must ensure that the service is provided to the person who needs it.

The duty should begin at the assessment stage when in temporary accommodation or homeless at home rather than when offered settled accommodation in order to ensure support plans are in place at an early stage. Monitoring adherence to the regulations will be recorded in the HL1 return which the regulator will use while the quality of support provided will be scrutinised by the Care Inspectorate.

What it means for West Dunbartonshire Council?

Support needs amongst homeless households are increasing and the council welcomed the consultation. According to the Scottish Governments statistics on homelessness, published in August 2011, over a third of homeless households in Scotland had one or more support need. That is a support need for one or more of the following;

- Mental Health
- Learning Disability
- Physical Disability
- Medical Condition
- Drug or Alcohol Dependency
- Basic Housing Management Skills/Independent Living

The following table shows the number of support needs that were identified during a homeless assessment for households assessed as unintentionally homeless. In 2012/13 there were 234 households were assessed as unintentionally homeless who had at least one support need. This is a quarter of all households who were assessed as unintentionally homeless, and is less than the 29% in the previous year.

The majority of households in 2012/13 who had a support need had an addiction issue (28%) and/or required support for basic housing management skills (22%). The majority (74%) of households who were assessed as requiring support were single persons, with single males amounting to almost half of all households with a support need. Just over a fifth were single parents and over a third (38%) were young people under 25 years of age.

Table 1 :- identified support needs of all unintentionally homeless assessments

Mental health	63	14%	62	18%
Learning Disability	7	2%	11	3%
Physical disability	39	9%	37	11%
Medical condition	70	16%	64	18%
Addiction	136	31%	97	28%
Basic Housing management skills	123	28%	77	22%
Total	438	100%	348	100 %
Total number of HH assessed as homeless unintentional and have a support need	313		234	
% of all assessed as unintentionally homeless with an identified support need	29%		26%	

The majority of young people required support for basic housing management skills (54%). This represents a decrease from the previous year 2011/12. In addition over a fifth of young people had an addiction support need which had increased in terms of number and % from

the previous year. Another worrying statistic among young people was that mental health support needs instances had also increased.

Table 1 :- identified support needs of all young persons (16-24)unintentionally homeless assessments.

	2011/12	%	2012/13	%
Mental health	14	13%	17	14%
Learning Disability	5	5%	4	3%
Physical disability	1	1%	3	2%
Medical condition	2	2%	6	5%
Addiction	17	15%	26	21%
Basic Housing management skills	71	65%	65	54%
Total	110	100%	121	100%
Total number of HH assessed as homeless unintentional and have a support need	89		89	
% of all assessed as unintentionally homeless with an identified support need	28%		38%	

What do we need to do to meet these regulations?

The new Homelessness Strategy action plan outlines some of the actions required to meet the housing support regulations.

- Review housing support in West Dunbartonshire and develop a plan to ensure we meet the new housing support legislative requirements
- Develop a new housing support assessment tool that records and monitors the period that support is provided
- Develop a housing support plan and carry out regular reviews of anyone who is receiving housing support
- Clear guidance for staff when providing support/resettlement support
- Identify what 'housing support' is being provided by agencies
- Review agencies support planning to ensure best practice
- Identify outcomes of what housing support is being provided
- Meet with council services to identify referral routes for homeless service users
- Adapt or develop protocols with the most commonly used services to incorporate the housing support legislation

Further Information

For further information and to request a copy of West Dunbartonshire Council's response to the consultation please contact:

Jennifer MacMahon, Housing Strategy:-01389 737721

jennifer.macmahon@west-dunbarton.gov.uk

