

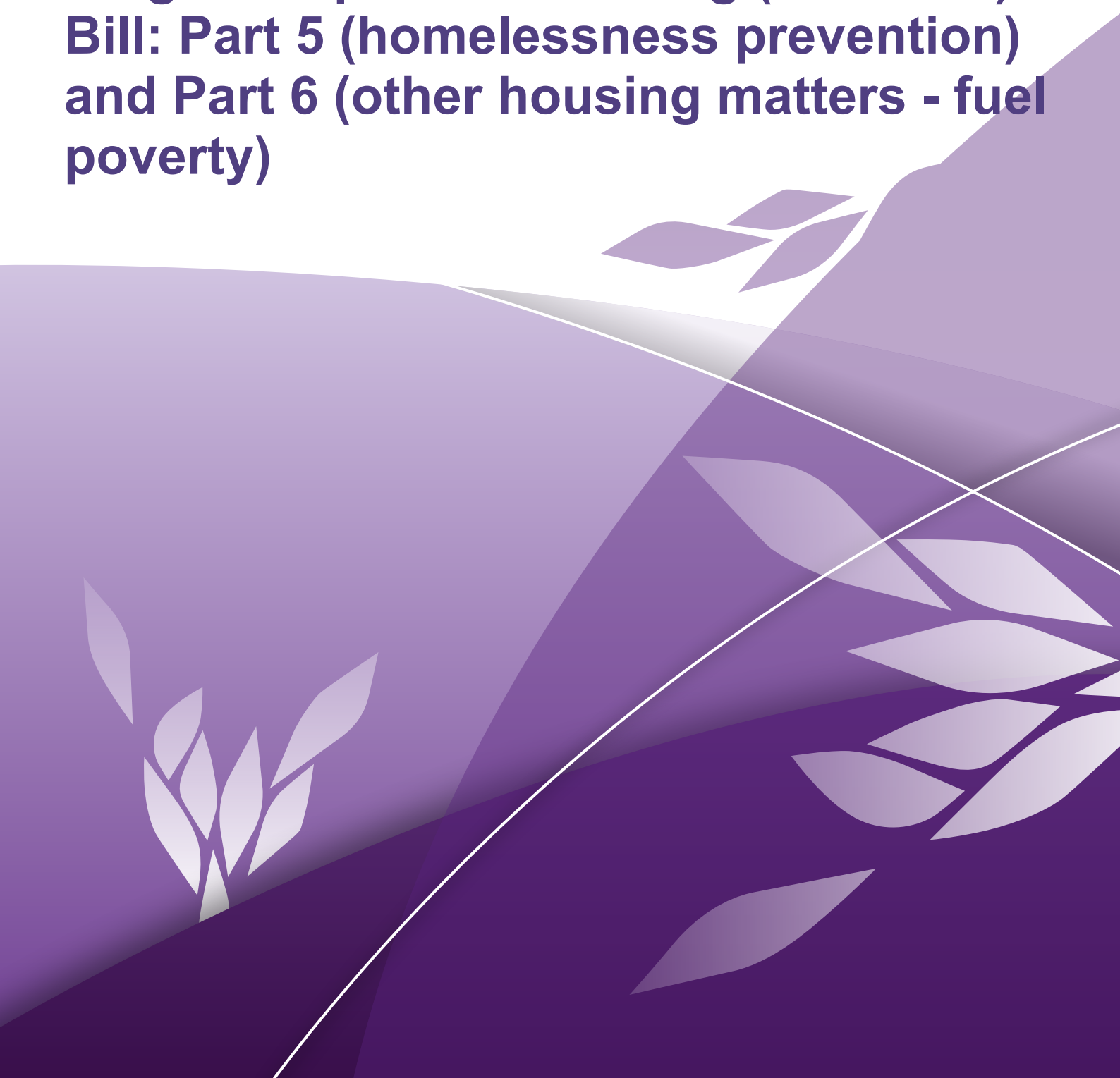


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Social Justice and Social Security Committee

Stage 1 Report on Housing (Scotland) Bill: Part 5 (homelessness prevention) and Part 6 (other housing matters - fuel poverty)



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Social Justice and Social Security Committee

To consider and report on matters falling within the responsibility of the Cabinet Secretary for Social Justice excluding matters relating to housing and tenants' rights.



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Membership changes

1. The following changes to Committee membership occurred during the Committee's scrutiny:
 - On 18 June 2024, Kevin Stewart MSP replaced John Mason MSP.

Introduction

2. The Housing (Scotland) Bill is a Scottish Government Bill introduced in the Parliament on 26 March 2024. ¹
3. The Local Government, Housing and Planning Committee was designated as the lead committee in consideration of the Bill, with the Social Justice and Social Security Committee designated as a secondary committee. ²
4. The Committee considered provisions in the Bill that fall within its remit. These are covered by Part 5 on homelessness prevention, and an element of Part 6 on the social justice aspects of fuel poverty.

Purpose of Parts 5 and 6 of the Bill

5. Part 5 of the Bill proposes to place a duty on relevant bodies, such as local authorities, health boards and the police, to ask if an individual is homeless or at risk of homelessness, and to take action if they are. This is known as 'ask and act'. ³
6. It would also extend the time in which someone is considered threatened with homelessness from two months to six months. ⁴
7. In terms of the assessment of housing support services, the Bill proposes that a local authority's local housing strategy should include an assessment of the needs of persons and the availability of housing support services, including in relation to homelessness. ⁵
8. The Bill also contains provisions aimed at improving the situation of those affected by domestic abuse. ⁶
9. Overall, the Scottish Government states—
 The overarching policy objective of the homelessness prevention measures is to shift the focus away from crisis intervention and towards prevention activity which can eliminate the need for a household to go through the trauma of homelessness in the first place, without diluting the existing rights for people who are assessed as being homeless. This can help reduce reliance on temporary accommodation, which has been an increasing feature of Scotland's response to homelessness in recent years. ⁷
10. The fuel poverty provisions contained within Part 6 of the Bill would make minor technical amendments to the Fuel Poverty (Targets, Definition and Strategy) (Scotland) Act 2019 ⁸, which set targets relating to the eradication of fuel poverty and reporting provisions, and included the establishment of the Scottish Fuel Poverty Advisory Panel (“the SFPAP”), amongst other matters. ⁹
11. The Policy Memorandum states the policy objective is—

- ” to strengthen the fuel poverty governance under the 2019 Act, ensuring that consultation and preparation requirements are streamlined and improved; and that the operating costs for the SFPAP are sufficient to allow its operations and scrutiny function to be carried out effectively. There is no change to the current policy or direction.¹⁰

Finance and Public Administration Committee

12. The Finance and Public Administration (FPA) Committee considered the Bill's [Financial Memorandum \(FM\)](#). This, and the evidence the Committee gathered, is considered later in the report under Financial Memorandum and implementation costs.

Delegated Powers and Law Reform Committee

13. The Delegated Powers and Law Reform (DPLR) Committee wrote¹¹ to the Scottish Government on 6 June 2024 in relation to delegated powers contained in the Bill. The Scottish Government responded¹² on 18 June 2024. The DPLR Committee considered this response at its meeting on 25 June 2024. It agreed¹³ to consider a draft report at its next meeting on [3 September 2024](#) and a report¹⁴ was published on 4 September 2024.
14. None of the points raised were relevant to Part 5 or Part 6 of the Bill.

Policy Memorandum

15. The Committee has no specific comments to make on the Policy Memorandum.

Approach to scrutiny

16. A joint [call for views](#) between the Committee and the Local Government, Housing and Planning Committee ran from 19 April 2024 to 24 May 2024.¹⁵ The Committees received over 300 submissions, of which around 40 per cent were from organisations, and the rest from individuals. The Scottish Parliament's Information Centre produced an [analysis of the submissions](#)¹⁶.
17. An informal engagement session with people with lived experience of homelessness was held on [10 June 2024](#). This event was facilitated by Crisis and comprised of four individuals from across the Edinburgh area. A [summary](#) of the key points that were discussed is available. At the Committee meeting on [13 June 2024](#), the Convener and Jeremy Balfour MSP shared with the Committee their reflections on the lived experience engagement event.


18. Four formal evidence sessions with stakeholders were held across [13 June 2024](#) and [20 June 2024](#). Oral evidence was taken from, local authorities and other public bodies, third sector organisations including campaign groups and housing bodies. Following this, the Committee heard from the Minister for Housing on [27 June 2024](#).
19. The Committee expresses its thanks to those who attended the informal engagement session as well as those who provided written and oral evidence on the Bill.
20. Following the evidence session on 27 June 2024, the Minister wrote to the Committee on 12 July 2024 to follow up on a number of points that were discussed.
¹⁷ The letter annexed the Scottish Government's planned summer programme of stakeholder engagement on the homelessness prevention duties, which the Committee had sought more information on. Following consideration of this letter, the Committee agreed to invite the Minister to an additional evidence session, which he attended on [5 September 2024](#).
21. The Minister wrote a further letter to the Committee on 30 August 2024 ¹⁸ with an update on the engagement that had taken place across the summer.

Background to homelessness legislation and policy and Scottish Government consultation

22. Local authorities currently have legal duties to support people who apply to them as homeless under the Housing (Scotland) Act 1987.¹⁹ However, there are fewer statutory provisions relating to homelessness prevention.²⁰
23. In November 2018, the Scottish Government and Convention of Scottish Local Authorities (COSLA) produced the Ending Homelessness Together action plan²¹ (updated in October 2020), which set out the actions they will take in partnership with others to end homelessness.²²
24. A key action was to develop wide-reaching prevention duties. The Scottish Government asked homelessness charity Crisis to convene the Prevention Review Group (PRG), chaired by Professor Suzanne Fitzpatrick, to develop recommendations for legal duties on Scottish local authorities and wider public bodies to prevent homelessness, and how these might be best implemented. The recommendations in the final report of the Prevention Review Group were published in early 2021.²³
25. The PRG's final report set out its overall principles of change²⁴, including that the responsibility to prevent homelessness should be a shared public responsibility. Based on these proposals, the Scottish Government and COSLA issued a consultation on homelessness prevention duties and paper in 2022 which received 113 responses.²⁵
26. An analysis of responses to the consultation summarised—
 - ” The analysis shows there is widespread support for the package of proposals, which were described as comprehensive, transformational and welcome. Supporters recognised the importance of early intervention and enabling a joined-up approach to prevention. Respondents believed the proposals would strengthen existing practice, improve consistency, positively impact those at greater risk of homelessness, and noted the potential long-term savings or benefits to services which could result from a focus on prevention. Others stressed that implementing the proposals will require significant investment in public services, homelessness services and housing stock.²⁶

General views

Policy objectives

27. There was broad support for the Bill's homelessness prevention provisions amongst the witnesses the Committee took evidence from. However, this was tempered by concerns about the capacity of local authorities and relevant bodies to bring about the change needed, as well as to what extent the legislation will benefit certain vulnerable groups.
28. Discussing the provisions, Professor Suzanne Fitzpatrick, who was previously Chair of the Scotland Prevention Review Group,²⁷ emphasised that Scotland already has the "strongest legal safety net in the world for people who are experiencing homelessness", but said this has not been matched by "an equally strong legal framework on prevention".²⁸ She said that because of this, efforts are focussed on people who are already at crisis point, who are then often moved into temporary accommodation, something she noted is particularly harmful for children.²⁹ Against this backdrop, Professor Fitzpatrick commented that the Bill provides an opportunity for the homelessness system to become the "tight safety net" it was intended to be, instead of a "default" and "lengthy" route into social housing.³⁰
29. Also supportive of the legislation, Crisis said the benefits of the homelessness provisions in the Bill are threefold. Firstly for the individual, who avoids the trauma of homelessness. Next, for public services, which will be able to make interventions earlier and support people before their needs have "snowballed over a period of two or three years".³¹ Finally, Crisis outlined a financial benefit, explaining that it is—
 ...more cost effective to support somebody with low-level support needs while they are in housing than to support someone with high-level needs when they are in the homelessness system.³²
30. Crisis also spoke about the experience of the organisation's front-line staff, and how they often identify people that could have avoided homelessness if intervention to stabilise their housing situation had taken place. They said this is why they have focused on an agenda of prevention and are therefore pleased the Bill contains the homelessness prevention provisions. More broadly, Crisis commented that "homelessness is one of the most acute forms of poverty" and that the Bill will therefore also address poverty and reduce housing instability more generally.³³
31. The Scottish Federation of Housing Associations (SFHA) indicated its support for the provisions and agreed with Crisis that long-term, there could be financial savings as well as benefits to services.³⁴
32. Families Outside stated its concern about whether the Bill will be able to make a "tangible difference" for families affected by imprisonment. It said this group is "hidden" and there is limited awareness within public services of the impact of imprisonment on families.³⁵ It emphasised how important it is for those working in public services to know about such issues before families "fall through the cracks in

the legislation".³⁶

33. Aff the Streets talked about the unique circumstances of youth homelessness which they said needs consideration and strengthening in the Bill.³⁷

34. On the Bill's wider effects, the Centre for Homelessness Impact commented that it presents an opportunity for the body of research on what works to prevent homelessness to be improved.³⁸

35. Shelter Scotland made some overarching remarks about the level of detail in the Bill and the implications of this for the success of the legislation—

” We would observe that the Bill as a whole has massive gaps in detail—it is very much an enabling Bill. The meat is yet to come, and it will be in the secondary legislation. Therefore, for us, the test of whether the legislation can be a success must be whether we are clear about the lines of accountability and the right to provision. The right to review for local authorities is welcome, but the vision here is far greater. This is not about how we get producers to produce a little bit better; it is about whether this Bill will impact on the lives of people who are, or who are at risk of, experiencing homelessness. Right now, we cannot make a judgement on that, because we do not have the detail.³⁹

36. In response to concerns raised, the Minister said that over summer 2024, the Scottish Government would be "engaging extensively with stakeholders".⁴⁰

37. One of the Minister's Scottish Government Officials provided more detail about the purpose of the summer engagement—

” ...we are looking to engage with the decision makers, the people who are responsible for the funding and the people who drive the training in those organisations, as well as the people on the front line who engage with the individuals we are trying to help on a day-to-day basis, in order to understand the practicalities of how they will need to work differently to successfully deliver the duties and how we can get that buy-in. We want to be clear on what the added benefit of bringing in the duties is, what difference it will make to how services are delivered day to day and what the public can expect in their interactions with those services.⁴¹

38. The Committee was interested in receiving further information about the programme of summer engagement, and the Minister sent this as part of a letter on [12 July 2024](#). He also agreed to update the Committee once the meetings had taken place. The plan is attached at Annexe C and details meetings with the Chartered Institute for Housing, Public Health Scotland and the Scottish Housing Regulator, amongst others.

39. In conversation with the Committee, the Minister was specifically asked about the level of detail available so far, and whether more information might appear in the Bill as opposed to secondary legislation or guidance. He said he was "open minded" about this and it would depend on the feedback and guidance the Scottish Government received over the summer.⁴²

40. Whilst acknowledging the clear challenges to driving fundamental change across various sectors in this area, the Committee supports the fundamental aims of the Bill to move towards the prevention of homelessness and reduce the need for crisis management. It also recognises the positive impact to individuals who can avoid the trauma and disruption of homelessness and benefit from housing stability.

Pressure on the sector

41. The Committee heard concerns related to the Scottish Government declared national housing emergency and the pressure local authorities are already under. Witnesses discussed what they would like to see in the immediate and longer term.
42. Crisis and the Association of Local Authority Chief Housing Officers (ALACHO) agreed housing supply issues need to be resolved,⁴³ while COSLA also highlighted a challenging national picture—
 - ” A key issue for our member councils is whether sufficient and adequate resources will be available to implement this important Bill, particularly given the context in which we are working of eight of our member councils across the country having declared local housing emergencies and the Scottish Government having declared a housing emergency, on 15 May.⁴⁴
43. Chartered Institute of Housing (CIH) Scotland also commented on how important the availability of housing is in preventing homelessness—
 - ” The prevention duty also seeks to address the issue of homelessness without consideration of lack of affordable housing supply being one of the core drivers. The Bill, in isolation, will not end homelessness and needs to be considered in the context of wider pressures on the housing sector and beyond such as lack of access to healthcare and support services.⁴⁵
44. Several witnesses including the Children and Young People's Commissioner Scotland stated their concerns about the amount of children in temporary accommodation—
 - ” One in four children in Scotland live in poverty and around 10,000 children are in temporary accommodation. This is unacceptable. Homelessness, including time spent in unsuitable temporary accommodation has wide-ranging impacts on children's mental and physical health, affecting their future prospects.⁴⁶
45. Professor Fitzpatrick spoke about the systemic nature of the current crisis and the need to fix the problems currently facing the sector, at the same time as working towards homelessness prevention. She cited the importance of this in terms of reducing the negative impact of homelessness on people and protecting the public purse.⁴⁷
46. When questioned about the challenges facing the sector, and how to deal with

immediate as well as longer term issues related to homelessness, the Minister said he agrees it is not a "case of either/or", and that work is already being done—

” A key point for me is that prevention duties are already in place in each local authority and in other institutions. ⁴⁸

47. He also agreed with witnesses that increasing the supply of housing is necessary to prevent homelessness and the need for temporary accommodation. ⁴⁹
48. The Minister was pressed on work being done at a ministerial, cross-Governmental level. In response, he said that when he came into post, he asked for a ministerial group to be set up on homelessness. The Minister explained the group is made up of nine ministers and meets quarterly. He added their responsibilities include "domestic abuse, the Promise, mental health, public health". The Minister said the group is reviewing what needs done after the first year as well as funding for projects that could have an impact on homelessness. ⁵⁰
49. Following the evidence session, the Minister provided the terms of reference, membership, and minutes of the ministerial oversight group on homelessness ⁵¹ as part of his letter sent on 12 July 2024.

50. The Committee is very aware that local authorities, housing associations and other public bodies are under substantial pressure. The evidence the Committee took indicated concerns related to the resource and capacity of local authorities and relevant bodies to deliver change. Several witnesses mentioned the Scottish Government's declared national housing emergency, and this context underpinned many of the comments made by stakeholders. Calls for more social housing as an important way to prevent homelessness and an over-reliance on temporary accommodation were also noted.

51. **While the Committee fully understands the challenges the sector currently faces, we also recognise if the Bill is implemented, and it works as envisaged, this should help to alleviate some of the pressure currently being experienced in the homelessness system, including the high number of children living in temporary accommodation. We must not overlook the valuable work already being done across the sector, and so the Committee considers the legislation could help to embed that best practice, so bodies should not feel the pressure to “reinvent the wheel” as a result of the legislation where it is already working.**

52. **The Committee also requests details of how the Scottish Government would monitor what resource is devoted to compliance with statutory duties by each relevant body.**

Culture and data sharing

53. Witnesses discussed the need for culture change across all public services and the importance of building on existing best practice for the Bill's provisions to have impact. ⁵²
54. The Committee also noted that the need for improved cooperation between organisations was also a key point that had been raised by participants during the lived experience engagement session. ⁵³
55. Cyrenians specifically commented that for the prevention duties to work "it's imperative that we do not reinvent the wheel" and that current models that have proven to work should be scaled up. ⁵⁴
56. All in for Change commented that it can be years before legislation has an effect, and that the scale of culture change that is needed is potentially being "overlooked". ⁵⁵
57. They also commented on the importance of training in achieving cultural change, saying this is "massively important" and that public bodies need to "understand the signs of homelessness" to prevent crisis. ⁵⁶ COSLA agreed with the importance of training and also said that people should not have to tell their story multiple times—
 - ” We do not want a situation in which a homeless person has to tell their story multiple times, so we need a no-wrong-door approach to take the work forward collectively as public sector partner agencies. ⁵⁷
58. The no-wrong-door approach was also supported by attendees of the lived experience engagement event. ⁵⁸
59. Ayrshire and Arran Health Board agreed with the point about training, commenting—
 - ” In order to successfully focus more on earlier intervention, support and training for staff will be required to recognise varying degrees of risk of homelessness which also incorporate housing insecurity and have the knowledge and confidence to support the person to take action. ⁵⁹
60. Professor Fitzpatrick emphasised the importance of legislation and statutory frameworks to shape incentives and lead culture change. ⁶⁰
61. While Edinburgh Integration Joint Board (EIJB) said "there will always be a requirement to improve culture" so that it is more aligned to meet the complex needs people present with, there needs to be more awareness of the "varied and complicated" nature of what will need to be dealt with, from addiction, trauma and mental health issues to domestic abuse and the implications of positive asylum-seeking decisions. ⁶¹
62. Crisis said it would be useful to have data sharing protocols in place so holistic solutions bringing together different public bodies can be created and ⁶² Inverclyde Council commented that "data sharing agreements and system reviews will need to

be conducted and strengthened for services to be able to act on the individual's behalf effectively." ⁶³ Public Health Scotland said that it was working to develop the routine linkage of homelessness data with health and social care data and aims to understand how this data can be used to support better planning and decision making. ⁶⁴ All in for Change agreed with the point about better data sharing and commented on how this can help bring about culture change—

” Data sharing is, and has continued to be, a massive barrier that we need to address. If we are looking for culture change and to move towards shared responsibility, we have to get data sharing right, as it is massively important. There is still fear around what cannot be shared, so we are not sharing anything and nothing is getting done, which means that we are missing the opportunities to intervene. ⁶⁵

63. The Minister agreed with comments raised and said—

” Any legislation can change how we act legally, but sometimes what is needed is a culture change. ⁶⁶

64. Going into more detail, the Minister said he is aware that how an individual at risk of homelessness is dealt with may be determined by the housing officer they are assigned. He said this needs improving, and the Scottish Government is working with COSLA on this. The Minister emphasised it is important there is 'flow-through' and that relevant bodies, such as health boards, all play their part. ⁶⁷

65. The Minister recognised the importance of data sharing, coordination and data protection, and said the Scottish Government is reviewing the general approach as well as what level of information can be shared between relevant public bodies. ⁶⁸

66. On the scaling up of existing models, the Minister said training would build on best practice within the sector, and a Scottish Government Official cited the NHS's trauma-informed working practices. The Minister confirmed work on training is an ongoing process. ⁶⁹

67. There was widespread belief amongst stakeholders that the proposed legislation is only one part of the solution in terms of homelessness prevention, and that there also needs to be a change to culture and working practices across the sector and relevant bodies.

68. **The Committee welcomes the Scottish Government's commitment to ensure adequate training to implement the Bill. Training is central to the successful implementation of the Bill and needs to be appropriately funded.**

69. **Based on the evidence heard the Committee considers that training should be delivered for those working in relevant bodies to recognise signs of potential homelessness, especially for those working with young people. The Committee also agrees with calls made for data sharing protocols to be**

put in place to allow public bodies to share information more easily. Clear guidance on what information can be shared is also needed.

'Ask and Act' duty

70. Witnesses were widely supportive of the principle behind the Bill's 'ask and act' provisions. However many felt more detail was needed about how the duty would work in practice.
71. Scottish Women's Aid also talked about the value of the duty—
- ” Were every sector to consider the importance of having a home as the core of what they are working towards, that would go a long way towards making things better, instead of everything sitting on the shoulders of local authorities.⁷⁰
72. Professor Fitzpatrick highlighted the array of public services people may come into contact with before becoming homeless, including educational services, social work and police as well as other services associated with criminal justice. An increase in contact with the police and emergency services was also raised during the lived experience engagement event as a sign someone may be at risk of homelessness.⁷¹ Turning Point Scotland also commented in written evidence that—
- ” We spoke with people we support about what their lives looked like around six months before they became homeless. Nobody talked about housing or housing support need at this stage, instead they talked about losing their job and entering the benefits system for the first time, about mental ill-health, domestic violence, problematic alcohol and other drug use or involvement in the criminal justice system.⁷²
73. In making sure the Bill has a preventative impact, Professor Fitzpatrick also stated the need for the legislation to provide "proper incentives and responsibilities" for public services to work within their remit to help prevent homelessness and to support local authorities.⁷³
74. Crisis talked about research⁷⁴ it had undertaken which involved 15 case studies of people who had 80 points of contact with different public services, including the justice system, social work, education, and the job centre, none of which engaged with their homelessness.⁷⁵ This concern was reflected during the lived experience engagement session, where it was noted organisations and services may say they do not have a "mandate" to help.⁷⁶
75. Crisis summarised the issues and what is needed when it comes to 'ask and act'—
- ” Public bodies are not looking at the root causes of homelessness or understanding the levers that could be pulled much earlier on. What we want to see in the Bill is a much clearer articulation of what is meant by the duty to act. We want to ensure that the legislation does not just list and namecheck those other public bodies so that they are in the system, but actively identifies and prescribes the minimum that they should do in order to help stabilise a person's housing and support needs that could be related to a housing outcome.⁷⁷
76. The Scottish Federation of Housing Associations (SFHA) said it was unclear what

level of change to working practices will be needed,⁷⁸ while the Centre for Homelessness Impact considered the legislation lacks detail.⁷⁹

77. SFHA called for more clarity on how staff working in public bodies should ask about housing difficulties in a trauma-informed and empathetic way, so those being supported do not become disengaged.⁸⁰

78. While EIJB stated its agreement in principle, it highlighted previous shortcomings and the need for more detail and robust investment—

” We agree in principle with the policy objectives that are contained in the Bill, but there must be an acknowledgement that recent policy and legislative changes have not always achieved the ambition that was set out, and there is a view that that is largely because an awful lot of that change has compounded the pressures that we are experiencing. I agree with some of the principles, but there needs to be significantly more detail and significant investment in the overall financial infrastructure through which the objectives will be delivered.⁸¹

79. EIJB also called for more information on "how far" relevant bodies will be expected to go in advance of referrals being made to any of addiction, mental health or homelessness services. It asked if this would come through secondary legislation and guidance.⁸²

80. ALACHO commented on the potential limitations of the 'act' part of the duty, which it is concerned will be "limited in practice", and just another route to local authority referral while public bodies get to grips with the legislation. It added that landing the duties on a system already under pressure will mean "the ability to switch resources from crisis to prevention will become much more limited."⁸³

81. Scottish Women's Aid did not support the Ask and Act duty as it was detailed in the Bill. It had approached 33 local women's aid services about the ask and act proposals, and its response reported the unanimous view that it was essential to—

” fix the existing homelessness system first to make it work for women, before adding to the process.⁸⁴

82. ALACHO continued by saying capacity needs to be built so that public bodies can carry out "meaningful interventions" to avoid the creation of an "ask and refer" process.⁸⁵

83. Crisis agreed that the legislation should be strengthened, and that it is important the duty does not become a "glass ceiling" but instead describes the "bare minimum" public bodies should be doing. It called for more detail about the duty to act and suggested "reasonable steps" could be provided to guide public bodies.⁸⁶

84. Responding to concerns about what the ask and act duty would mean in practice, a Scottish Government official stated that 'asking' is about "working very much within your own functions" and to 'act' is to do so "within your own powers". He emphasised that those working in relevant bodies should think "what can I do in my role" and explained that while this approach is already being taken in some areas, adoption of such working practices is "patchy". He added that the Bill presents an

opportunity to create needed consistency.⁸⁷

Third sector involvement

85. A number of witnesses talked about the importance of the third sector's involvement, with participants at the lived experience engagement session also highlighting that help from voluntary organisations helps free up individuals' mental "bandwidth" to deal with other issues they may be facing. Participants also commented that greater cooperation between organisations can reduce the number of times a person needs to tell their story.⁸⁸
86. All in for Change said there is very little on the involvement of the third sector in the Bill and it would like to see this come through in legislation and guidance.⁸⁹
87. SFHA said partnership working with the third sector would be important for success and provided the example of Berwickshire Housing Association which works with Penumbra, a mental health charity, to target support at those who need it before crisis intervention is needed.⁹⁰ Aff the Streets also highlighted the role of the third sector, adding—
- ” For many people, the first interaction in which they might feel comfortable disclosing that they might be at risk of homelessness will not be with a health worker, educator or someone from justice; most likely, it is going to be someone at the local community centre, someone at a youth centre or someone in the community with whom they already have a rapport. Adequate routes need to be in place to allow those bodies to refer people to the correct services that will then be covered by the ask and act duties.⁹¹
88. Families Outside agreed the third sector could play a valuable role, however, it made the point that organisations will need to be adequately resourced in order to do so.⁹²
89. Cyrenians were concerned about a lack of consideration for cross-sector working—
- ” the policy memorandum makes no mention of the importance of cross-sector partnership working to make ask and act work. This might be included in more detail at later stages, e.g. in statutory guidance, but we find it concerning that this has not been put front and centre of the Bill.⁹³

Supporting young people at risk of homelessness

90. A sense that young people are overlooked by the Bill was raised at the lived experience engagement session, and participants noted it may be harder for this group to recognise they are six months from homelessness. Family breakdowns were also cited as a problem that could especially affect young people.⁹⁴
91. In oral evidence, Aff the Streets echoed these concerns, commenting that many of the people they work with do not realise they qualify as homeless and are therefore entitled to support. It added that bodies working under the ask and act duty need to

be able to identify any warning signs by taking into account a whole host of factors beyond just asking if someone's housing situation is stable.⁹⁵

92. ALACHO said those working in education services need to be able to spot children "at risk of poverty, and certainly at risk of homelessness down the line." It promoted West Lothian Council as a positive example of mainstream educational services working to prevent homelessness.⁹⁶

Implementation in the criminal justice system and domestic abuse

93. Police Scotland said it values prevention because of the impact of "crisis and vulnerability" on policing.⁹⁷ However, it was "uncertain whether the Bill will necessarily make a huge difference". It said that, while it already looks out for those who are homeless, and engages with housing services when needed, it is "not looking six months ahead and specifically asking questions relating to homelessness" due to the complexity of some people's needs.⁹⁸
94. Families Outside said it found it "hugely promising" that the Scottish Prison Service and Police Scotland were named as relevant bodies, "given that we are looking at supporting the housing needs of individuals who are directly involved in the criminal justice system."⁹⁹ However, it also made the point that families engaged with the criminal justice system need to be asked the right questions, supported and appropriately referred onto relevant bodies. It said it thinks the ask and act duties can potentially enable that, but it is currently not clear whether this will happen under the Bill.¹⁰⁰
95. Scottish Women's Aid believed it could be hard to provide enough training to people working within relevant bodies to make the duty work as it should, and that the duty could instead be attached to buildings "such as prisons, hospitals, mental health facilities or police cells", which could contain experts specifically in place to deliver the duty. It cited the hospital in-reach service administered by Cyrenians as a model that could be build on.¹⁰¹
96. Both Shelter Scotland and Scottish Women's Aid highlighted the Sustainable Housing on Release for Everyone (SHORE) standards within the justice system as a good example of what can be done in terms of homelessness prevention. However, Shelter Scotland put on the record their concern about how the legislation will operate as the policy landscape changes—
- ” I point out that things such as the new early release slightly wash all of that away. I go back to asking, if this is a legal framework, how robust it is in the face of the sorts of changes and exceptions that have become the norm in recent years. That is where we get worried.¹⁰²
97. Police Scotland asked how a relevant body would be expected to "remove or minimise the threat" of homelessness¹⁰³ and set out the unique concerns of police officers—

” As a police force, we also have to consider that the Information Commissioner’s Office has already advised us that, because of a power imbalance between us and members of the public, we should not ask them for consent. People tend to agree with what police officers say because they are police officers. They potentially feel that, if they say no to a suggestion, that will cause them more problems or difficulties, which is obviously not the case. We are genuinely offering support, but we have to work under the public task model, so that would be a question for the legislation to address.¹⁰⁴

98. When asked about how the 'ask and act' duties will work in practice, the Minister emphasised that, while there will be the national plan, there are 32 local authorities which means there could be up to 32 different solutions.¹⁰⁵ He also talked about the importance of "co-production" in terms of the legislation and guidance, and mentioned this is something organisations like Crisis and Cyrenians had been keen on.¹⁰⁶
99. In terms of coordination between relevant bodies to prevent homelessness, the Minister said he would be discussing how health boards and integration joint boards feed into the process in terms of their expertise on, for example, substance abuse and mental health.¹⁰⁷
100. The Minister was also asked how especially complex cases would be dealt with, and he said responses will vary by local authority area and "part of the experience would be working with COSLA on how that works".¹⁰⁸

101. The Committee acknowledges the 'ask and act' duty is broadly supported by stakeholders. It heard from witnesses about the wide range of public bodies an individual may have contact with before becoming homeless and recognises that if these bodies played a role in the improvement of housing stability, this could prevent a person from becoming homeless in the first place. Witnesses explained how this could alleviate the burden on stretched local authorities, while also calling for greater acknowledgement of the role the third sector can play, and how it could be resourced to support the system.

102. Despite the expected benefits of the duty, a central concern for witnesses was how it will work in practice, and how to ensure the process does not simply become an additional route to local authority referral.

103. Often the first organisation to have contact with a person at risk of homelessness is a third sector organisation. There were calls for the Scottish Government to make explicit reference to this, either in the Bill itself, secondary legislation or guidance.

104. The Committee supports the broad principle of the 'ask and act' duty, but it

does consider greater clarity is required around its operation to ensure relevant bodies do not default back to immediate referral to local authority homelessness officers. Therefore, the Committee seeks assurance from the Scottish Government that it will explore all options, whether these are amendments at Stage 2, subordinate legislation or guidance, to ensure the ‘ask and act’ duty does not just work in theory but will work in practice. The Committee would like to be kept up to date about how this will be achieved.

List of relevant bodies

105. The relevant bodies defined under the 'ask and act' duty in the Bill are health boards including special health boards, integration joint boards, local authorities, the Police Service of Scotland, registered social landlords and Scottish Ministers in so far as they have functions relating to prisons and young offenders institutions and the persons detained in them. The Bill also provides Scottish Ministers with powers to remove or to add to the list of relevant bodies.¹⁰⁹ Witnesses also discussed other bodies they believed should be included.
106. A number of stakeholders, including Simon Community Scotland, Aberdeen City Council, Shelter Scotland, Homeless Network Scotland, Scottish Women's Aid and COSLA mentioned they would like to see the inclusion of General Practitioners (GPs). Although it was also acknowledged they are not public bodies.¹¹⁰
107. SFHA set out in detail the benefit it sees to including GPs—
- ” GPs can potentially play a critical role. The current GP contract might not require GP practices to get involved; moreover, they are overstretched and need to prioritise patient care. However, there are models in which social prescribing and social prescribers have been located in GP practices and offer support and advice to people who are at risk of homelessness. Some of our members have found that some GPs are not always aware of the risks around homelessness, but that awareness improved when they were offered training. We welcome the provision in the Bill that will allow the list of relevant bodies to be reviewed.¹¹¹
108. Several witnesses queried the possibility of involving the Department for Work and Pensions (DWP) and Social Security Scotland. Simon Community Scotland also mentioned the Home Office, and asked whether such bodies could "be compelled to consider whether they have a duty of prevention".¹¹² COSLA¹¹³ and Shelter Scotland agreed it would be useful for the Home Office to have a role, as long as the Scottish Parliament's legislative competence would allow for this.¹¹⁴
109. On the involvement of the Home Office and the DWP specifically, the Minister said—
- ” Even though we cannot compel them, they are important stakeholders, so we will continue to engage with them regularly as the legislation is developed and then embedded.¹¹⁵
110. Following this, the Minister was specifically asked if he would seek to establish something akin to an "ask and act protocol" with the Home Office and Department for Work and Pensions. He responded that this could be discussed with the individual stakeholders, but that it would be helpful if it were possible.¹¹⁶
111. In later evidence, the Minister added—

” We cannot compel them, but we might be able to discuss the possibility of a concordat, as you mentioned, with the DWP. Until we have such a discussion, it is hard to see what might evolve from it, but we will certainly look to engage with not just the organisations that are named in the legislation but those that are outwith it. ¹¹⁷

112. The Minister was also asked whether something on this could be added to the face of the Bill. A Scottish Government official said that—

” Binding Scottish ministers to continue to work with the DWP would work only if the duty was reciprocal. There would not be legal certainty in order to do that, but, on the point about engagement, we can engage voluntarily to get it to work with us on those duties. However, as a devolved nation, we would not look to set that out in legislation. ¹¹⁸

113. The Minister then confirmed he would provide more information to the Committee in writing on this point. ¹¹⁹

114. Relatedly, the Minister was also asked whether Social Security Scotland would become a relevant body under the ask and act duty. He said—

” Establishing a protocol was mentioned and that is one of the bodies that we would engage with on that. That is important, because there are different examples of where Social Security Scotland would be involved. ¹²⁰

115. The Committee heard widespread agreement that General Practitioners (GPs) could play an important role in homelessness prevention and recommends the Scottish Government considers how GPs' contribution to homelessness prevention can be maximised within the present legal structure.

116. Additionally, in light of the desired inclusion of the Home Office and the DWP, the Committee would like an update from the Scottish Government on how it thinks these bodies not subject to statutory requirements can cooperate to achieve the aims of the legislation.

117. The Committee also recommends the Scottish Government considers adding Social Security Scotland to the list of relevant public bodies as an organisation where the risk of homelessness might arise in the course of their contact with a client.

Acting sooner to prevent homelessness

118. The Bill proposes to extend the time in which someone is considered threatened with homelessness from two months to six months.¹²¹
119. Section 41 of the Bill proposes to amend the Housing (Scotland) Act 1987 Act to provide that a person is threatened with homelessness if it is likely that the person will become homeless within six months.¹²² The Policy Memorandum states—
- ” The additional time will allow for considerations of household need and preference in a way that crisis response cannot. The changes to legislation will also ‘re-balance’ the system to put preventative activity on a more even footing with crisis response. The changes are not intended to affect existing housing rights for people assessed as being homeless by local authorities, but to allow earlier opportunities to consider a wider range of options and support to help people avoid becoming homeless in the first place.¹²³
120. Witnesses were very supportive of the move from two months to six months, but many emphasised this should be "at least"¹²⁴ six months. ALACHO said that while six months is a "realistic" time in which efforts to prevent homelessness can be actioned, if there is a chance to help someone before they are six months from homelessness, that opportunity should be taken. They added that the six-month period should be considered a guide for when the statutory duty should kick in for local authorities and relevant public bodies.¹²⁵
121. Crisis stated the period should be "six months plus" and recommended a clearer definition so it is understood six months is the minimum time frame in which action should be taken.¹²⁶ Shelter Scotland agreed with the idea of six months "plus" but said the system must be designed so "perverse incentives" are not created that mean homelessness applications become the only way to get housing.¹²⁷
122. Scottish Women's Aid expressed their support for the move from two to six months, saying "women and children may leave and return to the perpetrator [of domestic abuse] repeatedly" so more time for intervention would be beneficial.¹²⁸
123. In terms of implementation, Shelter Scotland questioned how the transition from two months to six months could be made when local housing officers are dealing with a backlog of cases. It highlighted that the Scottish Housing Regulator has said—
- ” ...the majority of people in Scotland now live in an area where the homelessness system cannot meet its statutory responsibilities¹²⁹
124. Families Outside was also concerned about how the six-month time frame will work in practice, and said that, while those who have been in prison may go back to their family home, relationships can fray if families are not properly supported, leading to a heightened risk of homelessness.¹³⁰
125. EIJB was wary of the complexity of some people's issues, and difficulties they may face regarding their mental health or any addiction issues. It expressed concern that

if people arrive at statutory services that do not have the training or resources to help them, referral to local authorities will remain the "default position".¹³¹ It added it was unsure about the six-month time frame because it could be difficult to tell at what point someone is six months from homelessness and it could be hard to "demonstrate an effective intervention".¹³²

126. The Minister was asked about the specific benefits of extending the time-frame from two to six months. In response, the Minister said six months provides more of an opportunity to "identify the possibility of preventing homelessness at an earlier stage", particularly when it comes to complex cases which may involve multiple relevant bodies. He added that he was aware of widespread stakeholder support for the change.¹³³
127. In discussing stakeholders' views on six months as a minimum time period, the Minister stated he recognised cases do not simply fall into two months or six months, and that, while the legislation is designed to provide guidance, "there will always be an element of flexibility."¹³⁴
128. A Scottish Government official said six months was recommended by the PRG because it was thought this amount of time enabled someone to have "choice and control" before homelessness became imminent.¹³⁵
129. In terms of flexibility regarding the six month period, the official said that, whilst it is "difficult to build flexibility into legislation in that way", guidance can "add value in relation to the operational elements of how the measure should be applied." She added the Scottish Government are happy to re-test the assumptions around the six month period, should a different timescale be more appropriate.¹³⁶
130. On a council's duty to act, another official said that outwith the six month period, a council may need to consider what other resources can be deployed to help someone.¹³⁷

Burden of proof

131. There was a level of concern about how someone might prove they require support, and how such proof may be especially difficult for young people to obtain.
132. During the lived experience engagement event, participants noted instances where councils were unable to provide support until evidence of homelessness was received. They said this could include evidence of eviction or family breakdown.¹³⁸
133. Aff the Streets in particular raised concerns about where the burden of proof will lie, and how someone, especially a young person, might prove they are potentially six months away from homelessness.¹³⁹ It set out how this could be even more complicated and fraught if someone faces having to leave the family home—

” ...many of the young people who I work with are concerned that if they are still within the family home, or are living with a carer or guardian, and attempt to present to their local authority to receive housing support, they will be required to provide proof from their family— who they are having issues with—that they are at risk of homelessness. That can compound the issues and might ultimately be the trigger that leads to them becoming homeless. ¹⁴⁰

134. Aff the Streets also speculated that only those with clear documentation pertaining to, for example, a set release date from prison from or a date to leave care will be able to benefit from the switch from two months to six months. ¹⁴¹
135. In terms of individuals proving they are at risk of homelessness, Crisis set out the types of documentation people should be able to take to their local authority. It said examples were given in the PRG report and included formal notices such as a notice of possession or notice to quit, which could sit within legislation, and more informal things such as rent arrears or loss of employment which could be covered by guidance. ¹⁴²
136. Centre for Homelessness Impact stated it would be good to have a clearer definition of "being at risk" versus "threatened with" and "experiencing" homelessness, and that this could also "help answer the question of where the burden of proof lies." It also suggested local authorities should have separate teams working on each of these elements, and that these teams should have a clear idea of when each part of the duty is fulfilled. ¹⁴³
137. Discussing the particular issues facing young people, the Minister talked about the work the Rock Trust is undertaking in West Lothian Council, working with the education service including guidance teachers, as well as social work and mediation to provide support to young people before crisis point, especially regarding family breakdowns. He highlighted the importance of this when it comes to the burden of proof for the person who might become homeless. ¹⁴⁴

138. The evidence the Committee received indicated strong support for the provisions extending the time frame in which someone is considered to be threatened with homelessness from two to six months.

139. However, there were concerns that included the backlog of cases local housing officers are already dealing with, the complexity of some people's situations and the ability of public bodies to cope with this, as well as how such bodies could show they had taken appropriate action.

140. Stakeholders called for more clarity on the definition of threatened with homelessness.

141. Given concerns around how someone, especially a young person, might demonstrate they are threatened with homelessness and where the burden of proof lies, the Committee asks for more detail regarding any work the Scottish Government is undertaking to clarify how the extended threatened with homelessness duty would work in practice and what kind of evidence might be needed.

142. In terms of flexibility regarding the six month period, the Committee notes the Scottish Government said this could be built into guidance and asks for more detail on the practical implementation.

Reasonable steps to prevent homelessness and assessment of housing support services

143. Section 41 of the Bill amends the wording of section 32 of the Housing (Scotland) Act 1987 to require a local authority to remove or, where this is not possible, minimise the threat of homelessness, and to take reasonable steps to secure that accommodation is available for occupation by the applicant. The aim of this is to create more consistency and transparency around the support available from local authorities. Further details on the 'reasonable steps' that need to be taken will be set out in secondary legislation.
144. The Scottish Homelessness Network supported the provisions but caveated this by stating that the reasonable steps a local authority would be expected to make should be underpinned by a definition of the term "threatened with homelessness".¹⁴⁵ Cyrenians noted that—
- ” ...‘reasonable steps’ to prevent someone’s homelessness will require good support services to be in place, for example mediation services, debt advice and mental health support. As we’ve mentioned previously, such services are constantly under pressure due to funding insecurity and we hope that the legislation will provide some protection.¹⁴⁶
145. The Bill proposes that a local authority's local housing strategy should include an assessment of the needs of persons and the availability of housing support services, including in relation to homelessness.¹⁴⁷
146. Section 42 of the Bill requires that as part of that assessment of homelessness in their area, the local authority must assess the needs of persons in the area for, and the availability of, services that must be provided in accordance with section 32B(4) of the Housing (Scotland) Act 1987 Act and other housing support services.¹⁴⁸
147. The services that must be provided under section 32B(4) are specified in regulations and include, for example, advising on tenants' rights, or advising or assisting a person in settling into a new tenancy. Other 'housing support services' include any service which provides support, assistance, advice or counselling to an individual with particular needs to help a person to live or continue to live in their home.¹⁴⁹
148. COSLA said it is supportive of local authorities making assessments of housing needs, and that earlier assessment will provide more time to look at housing options available to people, enabling them to keep their current accommodation or move to somewhere more appropriate.¹⁵⁰ However, it also questioned how much councils would realistically be able to do to meet the duty.¹⁵¹
149. The Housing Support Enabling Unit supported the provisions. However, it said that it was unclear how this assessment would be linked in with the ask and act duty or provision of services. It also said that the proposed assessments should be linked

with other relevant strategies and should be linked with strategic housing investment plans. ¹⁵²

150. All in for Change also detailed in written evidence its concerns about the assessment of housing support services—

” At this stage it is difficult to comment on this as not much information is contained within the Bill. There are some concerns about the numbers of referrals to some services may increase significantly, impacting on capacity and waiting lists to access services. We are keen for this assessment to feed into the homelessness prevention agenda and it should be an opportunity for local authorities to identify which services are needed to help people live well in their home. ¹⁵³

Tenants affected by domestic abuse

151. The Bill contains measures aimed at improving the situation of those affected by domestic abuse. The aim of the specific proposals in the Bill are—
- ” ... to help protect the rights of women and children experiencing domestic abuse financial control living in social housing to remain in their home, or be re-housed if that is their wish, and ensure arrears accrued because of domestic abuse are not a barrier to accessing social housing in the future. ¹⁵⁴
152. Section 44 of the Bill would introduce a new pre-action requirement where a social landlord is seeking to evict a tenant for rent arrears. ¹⁵⁵
153. Section 45 of the Bill would require social landlords to develop and implement a domestic abuse policy setting out how they will support their tenants who are risk of homelessness as a result of domestic abuse. In exercising its functions, a social landlord must have regard to its domestic abuse policy and any guidance from the Scottish Government about the form and context of a domestic abuse policy. ¹⁵⁶
154. The Bill updates the definition of domestic abuse in certain parts of housing legislation to reflect abusive behaviour within the meaning of more recent domestic abuse legislation. ¹⁵⁷
155. The Bill's provisions regarding how a joint private residential tenancy can be ended are also intended to help support victims of domestic abuse. ¹⁵⁸
156. The provisions were received positively, with COSLA stating they "strongly support all the provisions in the Bill that relate to domestic abuse". ¹⁵⁹ Crisis in particular said the provisions are important because domestic abuse is often the reason women become homeless and Professor Fitzpatrick commented that the measures are "completely in line with the recommendations of the PRG", ¹⁶⁰ while Scottish Women's Aid emphasised the importance of a well-resourced trauma-informed approach—
- ” A trauma-informed approach to dealing with domestic abuse is required. It goes back to the point about resources. Will that approach take place and then continue? We do not want the roll-out to involve people attending a one, two or three-day training course and that being it. A trauma-informed service is quite different from services 10 or 15 years ago. ¹⁶¹
157. Scottish Women's Aid went on to set out the current context in terms of domestic abuse and how it relates to homelessness. It also underlined the importance of sufficient housing provision—

” One woman in every four in the UK is likely to experience domestic abuse. Recent statistics from Police Scotland show that 62,000 domestic abuse incidents were reported to it across a year, but we think that that figure does not represent the bigger picture. When we compare it with the number of homeless presentations, we are concerned that not all those women are currently making the move to their local authorities to present their experience of homelessness. From the many conversations that we have had with women across the country, we feel that that is down to lack of provision. We know of women who prefer to stay in homes where it is not too extreme to say that they are at risk of being murdered, to going to their local authority, only to end up in bed and breakfast or temporary accommodation. That is a dire situation. For us, the approach should be very much about improving provision. ¹⁶²

158. It also mentioned the research it produced with the Chartered Institute of Housing Scotland (CIH Scotland) "Policies Not Promises: A review of Scottish social landlord's domestic abuse policies" ¹⁶³ which determined that out of 173 Registered Social Landlords in Scotland, only seven had correct and relevant website information and detailed their engagement with their local communities and relevant experts ¹⁶⁴ .
159. Aff the Streets explained how young people can be affected by domestic abuse and how this may impact their housing stability. For example, it explained that more than 50% of LGBT young people are abused by their partner, and more than 60% have witnessed domestic abuse in their homes. It added that this is not "adequately reflected in the Bill". ¹⁶⁵ The Equality Network also said that service providers must be able to "recognise domestic abuse in LGBTQIA+ relationships". ¹⁶⁶
160. All in for Change discussed ways to provide support to victims of domestic abuse from the outset, citing safety plans developed through Scottish Women's Aid as well as personal housing plans, which it said should be a "key factor" in progressing the provisions related to domestic abuse. ¹⁶⁷
161. Police Scotland questioned what would be expected from the police in various complex cases of domestic abuse, mentioning potential pressures placed on policing if it was obliged to support housing applications. It added they would hope that "members of other relevant bodies would be able to accept a person's statement as being the situation." ¹⁶⁸

Extension of provisions to private rented sector

162. EIJB stated its support for the provisions but asserted investment is needed to tackle domestic abuse across all public services and to ensure approaches are aligned. Shelter Scotland said they had observed that the Scottish Government was working to equalise the rights of renters in the private and social sectors, but highlighted that more needs to be done to achieve this. ¹⁶⁹ The Scottish Women's Convention also recommended that private landlords should be encouraged to take part in training, provided by local authorities, which includes spotting signs of domestic abuse and how to effectively support private tenants. ¹⁷⁰
163. On the provision in the Bill requiring social landlords to consider whether domestic

abuse may have contributed to rent arrears as part of their pre-action requirements and whether this should also apply to private landlords, the Minister said that, while he believes the legal frameworks are different, he has discussed the matter with the Scottish Association of Landlords which he said is doing a lot of work on the issue. The Minister said he recognised the private rented sector "cannot be exempt from the work that needs to be done, particularly around domestic abuse."¹⁷¹ However, he also highlighted difficulties—

” You are talking about individual owners as well as landlords who own five or 10 properties, so trying to embed that into the system is much more difficult. However, the association is keen to work with us on that particular point, and we will continue to work with it on that. It will provide guidance for its members in relation to that work in conjunction with us, but it becomes more difficult when you are dealing with individual owners.¹⁷²

164. All in for Change explained the difficulties faced by those experiencing domestic abuse in privately rented properties, and the lack of detail on how this would be dealt with—

” For example, with someone who might be in this kind of relationship in a private rented property, any move to end the tenancy would need to involve notification, which means that the person would still be liable for two months' rent. To me, that essentially traps the person in the property, and we need to take a wee bit of a look at how we ensure that they can leave safely without incurring rent arrears or anything else that will impact them in the future if they want to access housing in the private rented sector again.¹⁷³

165. The Minister added that complications include the issue of joint tenancies, but that this is also being worked on—

” The issues around joint tenancies can be quite difficult—for example, if someone is looking to move away. In the work that we are doing on domestic abuse, we are also talking about the joint tenancies part of things.¹⁷⁴

Interaction with other legislation and policy frameworks

166. Families Outside said that, while it welcomes the provisions, it wonders how they will interact with existing policy frameworks. It said if the systems do not work together well the provisions will fail to bring about any benefit. It also noted a particular issue about victim notification raised by the families they support—

” We are aware of many instances of survivors of domestic abuse not being informed timeously of a person's release when that might have had an impact on them and led to their feeling at risk of abuse and perhaps their looking to be rehoused.¹⁷⁵

167. Scottish Women's Aid expressed concern that the Equally Safe framework does not align with the Bill, and considered that there is an opportunity to think about how

they can work together. ¹⁷⁶

168. Respondents, including SFHA, CIH Scotland, ALACHO and Scottish Women's Aid made the point that provisions in the Domestic Abuse (Protection) (Scotland) Act 2021 ("the 2021 Act") that will allow a social landlord to end the tenancy of an abuser are yet to be implemented. ¹⁷⁷ As CIH Scotland explained—

” This legislation, when enacted, will give social landlords the power to evict perpetrators of domestic abuse from a joint tenancy and support the victims to stay in the property, if that is their choice. Legislation is critical in improving housing outcomes for victims/survivors but the failure to enact the measures more than three years later undermines our collective efforts. ¹⁷⁸

169. The Minister was asked how the Scottish Government will ensure domestic abuse provisions in the Bill are effective, and that there is a joined up approach between the provisions and existing legislation. ¹⁷⁹ Providing an overview of actions being taken, a Scottish Government official said—

” The key recommendations from the prevention review group on domestic abuse are the same as some of the recommendations in the report “Improving housing outcomes for women and children experiencing domestic abuse”. By working on the prevention duties in the way that we are, we are delivering against both sets of recommendations. It is worth highlighting that the statutory guidance that will support the domestic abuse provisions will itself deliver further recommendations from the outcomes report. Although it might look as though the changes in the Bill in terms of the outcomes report are relatively small on the surface, other measures are being taken forward within the same timeline. ¹⁸⁰

170. The Minister was later pressed about implementation of the recommendations in the “Improving housing outcomes for women and children experiencing domestic abuse”ⁱ report, as raised by Scottish Women's Aid and the Scottish Women's Convention. The Minister confirmed the Scottish Government is still engaging on this and added—

” We are very cognisant of that, because that work is important and we need to get it moving as we move forward with the Bill. ¹⁸¹

171. Additionally, as part of the letter the Minister sent to the Committee on 12 July 2024, he emphasised the Scottish Government's commitment to commencement of the 2021 Act. He set out the intended effects of this legislation—

- ” Part 1 of the 2021 Act will provide both Police Scotland and the court with new powers that will enable a person suspected of causing harm to be removed from the home they share some or all of the time with the person at risk of harm, through a scheme of domestic abuse protection notices and orders. This is with the intention of providing breathing space for up to three months so a person at risk can consider their longer term options.

The Scottish Government is currently developing statutory guidance to support social housing landlords to use the provisions at Part 2 of the Domestic Abuse (Protection) Scotland Act 2021 once commenced. Part 2 of the Act provides social landlords with new grounds to apply to the court for an order which, if granted, will have the effect of enabling the landlord to transfer a tenancy to a victim/survivor. The guidance currently in development encourages social landlords to adopt a victim/survivor centred approach and work in close partnership with other agencies to determine the best immediate and long term housing options which will provide safety, security and tenancy sustainability for the individual and their household.¹⁸²

172. However, he also outlined several challenges to implementation—

- ” In summary these include but are not limited to, an estimated higher than anticipated volume of cases, how the timescales laid down in the legislation impact on operational justice agencies and challenges in how the views of children can be gathered in a way that does not cause additional harm or trauma. These issues all have associated resource implications. In addition, there are a number of practical aspects to the implementation of the legislation for operational justice agencies that require further consideration as to how these could be resolved. However, despite the challenges in implementing the Domestic Abuse Protection Notice and Order scheme, the Scottish Government remains committed to working with stakeholders to deliver a scheme that realises the intended benefits of the legislation.¹⁸³

173. The Committee supports the measures in the Bill aimed at supporting those affected by domestic abuse, including the requirement for all social landlords to have a domestic abuse policy and hopes this will provide consistency across social landlords where there is not currently.

174. Discussions on equalising the rights of renters in the social and private sectors revealed gaps in terms of protection from domestic abuse across different housing providers. The long wait times for social housing were also highlighted as an issue that may make people feel they are trapped with an abuser.

175. The Committee believes the provisions in the Bill related to whether domestic abuse may have contributed to rent arrears should also be applied to the private rented sector and calls on the Scottish Government to set out how this will be done.

176. While there was broad support amongst stakeholders for the provisions related to domestic abuse in principle, these were tempered by concerns that other policies and legislation relevant to the Bill is either not aligned or has not been commenced yet.

177. The Committee acknowledges the Scottish Government's commitment to commencement of the Domestic Abuse (Protection) (Scotland) Act 2021, as well as the associated challenges with implementation.

178. However, given the interaction between that legislation (the Domestic Abuse Protection (Scotland) Act 2021) and the provisions in the Housing (Scotland) Bill, full commencement of the 2021 Act is very important for the success of the provisions in the Housing (Scotland) Bill. The Committee therefore urges the Scottish Government to come back to the Committee with a detailed plan and timeline confirming when the 2021 Act will be commenced.

179. The Committee also asks the Scottish Government to ensure that the Bill and other relevant policies such as the Equally Safe strategy and Victim Notification Scheme are fully aligned.

Monitoring and accountability

180. Evidence the Committee received indicated witnesses had concerns about lines of accountability and how outcomes would be monitored. Similar questions were raised during the lived experience engagement event. Issues related to, for example, how a person could access a right to review ¹⁸⁴, and how local authorities ¹⁸⁵ and public bodies ¹⁸⁶ know when their duty has been discharged. ¹⁸⁷
181. More specifically, Shelter Scotland questioned whether the Bill would make a difference to enforcement, stating that existing duties placed on public bodies are already "not being implemented" and that there is no consequence to this. ¹⁸⁸
182. Crisis added that, while there is a right to review for local authorities, there is no right to review for other relevant public bodies under the ask and act duty. It said this is an absence that needs addressed. ¹⁸⁹ Crisis also noted that in the PRG report, it recommended personal housing plans similar to that in English and Welsh legislation. Crisis explained such plans set out the support needs identified, the action to be taken by relevant bodies and the effect of these. It added these are useful documents because they can be referred to in the event of an appeal. ¹⁹⁰
183. EIJB similarly stated that what constitutes success needs to be better defined in the guidance to ensure a consistent approach. ¹⁹¹
184. SFHA agreed existing processes already lack clarity and that it can be hard for local authorities to know when their duty to prevent homelessness has been "discharged" ¹⁹² or when "reasonable steps have failed". ¹⁹³ Similarly, Citizens' Advice Scotland asked how public bodies will decide if there is a risk of homelessness, and whether they have been able to mitigate this risk. ¹⁹⁴
185. SFHA said it was not clear how prevention activity would be measured, but it thought there was an intention for the Scottish Housing Regulator to be involved. ¹⁹⁵ ALACHO agreed and set out what might be expected from the Regulator—
- ” It looks at whether local authorities are meeting statutory duties under the current homelessness legislation, so I assume that it would look at the prevention of homelessness duties. The courts test compliance with statutory duties under the homelessness legislation, and we anticipate that happening for the prevention duties. ¹⁹⁶
186. COSLA similarly emphasised that what already exists needs to be utilised, and cited the homelessness prevention and strategy group chaired by the Minister for Housing and COSLA's community wellbeing spokesperson, as well as other task and finish groups, such as the measuring impact task and finish group. ¹⁹⁷
187. Going into more detail, Aberdeen City Council outlined specific questions it wants answers to—

” It is unclear what systems will be implemented to monitor actions taken by relevant bodies and how this would connect with an subsequent homelessness application. Which body will monitor and measure the activity of all the different public bodies that the duty is being placed on? How will this monitoring take place, who will challenge if the duty is not being met, how would this even be identified in the first place? It is clear that the intention is for the Scottish Housing Regulator to assess the local authority landlord compliance with the duties, but more widely than this it is not clear if there is the scope for each of the regulatory bodies to update their framework to monitor and then feed into an overarching body or if compliance will sit across each individual area, which would defeat the purpose of understanding the value and one of the overarching aims of creating the shared public responsibility and co-ordinated service delivery.¹⁹⁸

188. Addressing these issues, the Minister commented there are "existing regulatory processes in place" and that the Scottish Government is in discussion with the Scottish Housing Regulator.¹⁹⁹

189. The Minister was also specifically questioned about how the Scottish Government would ensure consistent good practice across the Scottish prison estate. In response, the Minister emphasised the importance of co-design and co-production, as well as building on existing best practice.²⁰⁰ He also confirmed the Scottish Government would speak with those with lived experience as part of its ongoing consultation process.²⁰¹

190. A Scottish Government official added the Government is keen to understand the "regulatory function beyond the housing sector", and that the Government is exploring options to include relevant bodies that may not consider they have a role in homelessness prevention. The official detailed the thinking and initial steps that have been taken—

” We want to understand the regulatory landscape that applies to them and how that can dovetail with what exists with the Scottish Housing Regulator for social housing across Scotland. That is a live consideration, and the Scottish Housing Regulator has been key in linking us in with various groups that it sits on as part of its regulatory function, so that we can start to map that out and understand the territory.²⁰²

191. The Committee is aware there are several concerns across the sector related to the monitoring of outcomes and the accountability of relevant bodies. Witnesses noted that duties public bodies are subject to are not always fulfilled and enforced, and questioned whether the Bill would be able to make a difference to this. It was also noted that, while individuals can request a right to review from a local authority, the same cannot be requested of other relevant public bodies.

192. The Committee acknowledges that, according to the Minister, the Scottish Government is in discussion with the Scottish Housing Regulator, and the

"reporting and monitoring framework is a live consideration".

193. **The Committee considers that the monitoring of implementation of statutory duties, outcomes, and the ability to challenge public bodies if they fail to deliver, is essential to the success of the Bill. We note that the Scottish Housing Regulator has a statutory duty only in relation to certain housing bodies. As such, the Committee asks the Scottish Government for clarity on how the statutory duties in this Bill will be monitored for other relevant bodies and how an individual would engage their right to review these bodies. The Committee also recommends the consideration of personal housing plans to ensure a holistic approach to homelessness prevention at the individual level, and as a document that can be referred to if a review takes place.**

Impact on rural areas

194. The Committee discussed how to prevent homelessness in rural areas, and the particular considerations within that context.
195. ALACHO stated that, while rural councils have not dealt with the same level of homelessness applications compared with those in more densely populated areas, solutions need to be tailored to a rural context. It raised specific issues including house building costs, as well as workforce and contractor availability.²⁰³ When asked whether the provisions in the Bill are adequate, ALACHO said, whilst they are welcome, they could potentially be improved via statutory guidance as well as through the housing supply programme.²⁰⁴ Homeless Network Scotland also thought they could be improved, stating the provisions "probably do not go far enough" in terms of the specific geographies and circumstances of rural areas.²⁰⁵
196. All in for Change mentioned that travel costs and public transport are issues in rural areas, while Aff the Streets said it was aware of people who had been offered housing on the other side of a local authority area to where they currently lived, with "no consideration...given on how that would cut them off from support networks, their work or any of those other factors."²⁰⁶
197. Aff the Streets talked about how the FM lacks a specific budget for front-line staff training. It explained how this could affect young people in rural areas specifically, who might feel unwilling to disclose personal information in tight-knit communities. It said—
- ” We have heard several examples from young people who have disclosed their risk of homelessness. They quickly found that that information had made its way around quite a small community and back to the people who were putting them at risk.²⁰⁷
198. In response to concerns about homelessness in rural areas, the Minister said it must be ensured that people have access to the services they need anywhere in Scotland²⁰⁸ and that issues of training, resources, and finances will all be picked up.²⁰⁹ In later evidence he added that the Scottish Government will continue to work to address concerns related to rural areas, identifying gaps and working with local authorities and the housing regulator to find holistic solutions.²¹⁰ The Minister confirmed proper resourcing would be key, and that rural landlords have been part of the consultation process.²¹¹

199. Stakeholders raised several issues affecting housing stability in rural areas specifically, including house building costs, workforce and contractor availability, travel costs and public transport. The Committee is also conscious a number of witnesses said provisions in the Bill affecting rural areas could be improved and could go further, and that the lack of a budget for the training of front-line staff in the FM could have a particularly adverse effect on rural areas in particular.

200. The Minister said in evidence that the "resourcing and financial implications will be picked up, as will training". The Committee would like more specific information about what the Scottish Government is doing towards this, and how it will ensure the needs of rural areas are adequately met by the Bill.

Equalities related issues

201. Witnesses discussed how homelessness affects those with protected characteristics and the discrimination certain groups may face.
202. Homeless Network Scotland said it is aware that "almost all" groups with protected characteristics face disadvantages in the housing system,²¹² and Simon Community Scotland stressed the need to avoid the exclusion of any group and that individuals may have experienced negative interactions with public bodies in the past.²¹³
203. Centre for Homelessness Impact made the point that there is a level of equalities data that remains uncollected, including information on sexuality and transgender identity, and this impacts on the ability to properly assess how those with protected characteristics will be affected by the Bill.²¹⁴
204. Engender commented in written evidence that "current provisions in Scotland are on the whole failing to cater to the needs of women and seldom delivered using a gender-sensitive approach"²¹⁵ and Homeless Network Scotland added that an "equalities-competent lens" needs to be used going forward and that those with relevant specialisms need to guide this.²¹⁶
205. ALACHO mentioned its efforts to make sure Gypsy/Traveller tenants are treated the same as social rented tenants, while SFHA highlighted a reportⁱⁱ setting out the challenges around housing for people with learning disabilities, which it said "are not always recognised"²¹⁷.
206. Shelter Scotland made the point that those asking a person about their situation need to be able to understand "systemic drivers" for particular groups and the impact these have on the choices available to them.²¹⁸ It went on to explain what it wanted to see from the Bill and from legislative processes more generally, including specific reference to the point that equalities issues, and racism in particular, can drive homelessness.²¹⁹
207. In addition to the consideration of those with protected characteristics, Families Outside said families affected by imprisonment must not be overlooked—

” ...some groups, including families who are affected by imprisonment, who are particularly vulnerable and need specific consideration, will otherwise not be captured. We need to make sure that we do not allow them to fall through the cracks, as I have said. We cannot limit it to the protected characteristics.²²⁰
208. Similarly, Aff the Streets mentioned young people as being another group that are uniquely affected by homelessness and cited care leavers, LGBT young people and young parents as being over-represented within their figures.²²¹

ii [Improving outcomes for people with learning disabilities: Opportunities and challenges for housing](#)

209. When asked about the Equality Impact Assessment²²², the Minister said work would be developed over summer 2024. The Committee asked for more detail on this, and the Minister included a response to this point as part of his letter of 12 July 2024—

” It is important that the legislative changes, as well as the guidance and training that will support the delivery, take account of the equalities impact in an appropriate way. We know people’s experiences of homelessness are very different and we need to take into account those different experiences to respond effectively to a person’s housing circumstances. We also know that intersectionality issues need to be considered at all times. As part of our engagement with stakeholders, we want to hear from them on how we progress the guidance in a way that takes account of equalities issues.²²³

210. Witnesses made points around ensuring particular groups are not left behind by the legislation. However, it was noted some equalities data remains uncollected, which could affect the outcomes for some people. An explicit acknowledgement in either the Bill or guidance that equalities issues can directly affect the likelihood of someone becoming homeless was also called for, as was consideration of groups that may not have protected characteristics, but are still vulnerable, such as young people and families affected by imprisonment.

211. **The Committee draws the Scottish Government’s attention to the fact that it only had sight of the Equality Impact Assessment (EQIA) when it was published at a late date, on 21 June 2024. This not only affected the Committee’s consideration of these aspects, but importantly could have impacted stakeholders’ ability to contribute to the scrutiny of the Bill. We ask the Scottish Government to ensure that an EQIA is available as early as possible after the introduction of a Bill.**

Fuel Poverty

212. The Fuel Poverty (Targets, Definition and Strategy) (Scotland) Act 2019 sets targets relating to the eradication of fuel poverty; includes reporting provisions, and establishes the Scottish Fuel Poverty Advisory Panel (SFPAP) amongst other matters. The Bill proposes minor technical amendments to the 2019 Act. The policy objective is—

” ... to strengthen the fuel poverty governance under the 2019 Act, ensuring that consultation and preparation requirements are streamlined and improved; and that the operating costs for the SFPAP are sufficient to allow its operations and scrutiny function to be carried out effectively. There is no change to the current policy or direction. ²²⁴

213. The fuel poverty aspects of the Bill were not widely discussed, although ALACHO mentioned its support for the relevant provisions during oral evidence taking—

” When it comes to fuel poverty, we believe that the Bill represents a general tidy-up of existing legislation, which is very welcome. I do not think that we had a lot to say on that in our submission. In general, we welcome the measures. ²²⁵

214. The Scottish Parliament Information Centre's (SPICe) analysis of the call for views on the Bill said the "majority of those who responded" to the question about fuel poverty felt similarly to The City of Edinburgh Council which said—

” The provisions in the Bill relating to fuel poverty appear to be relatively minor revisions that, as the Policy Memorandum sets out, do not represent a change in policy or direction. ²²⁶

215. Additionally, SPICe's analysis also revealed some stakeholders thought the Bill could have done more when it comes to fuel poverty, and Living Rent commented—

” The Bill is a missed opportunity to address some of the structural causes of fuel poverty, specifically the poor energy efficiency of homes in Scotland and the ongoing lack of repairs, notably regarding mould and damp. ²²⁷

216. In relation to the modification of section 7 of the Fuel Poverty (Targets, Definition and Strategy) (Scotland) Act 2019, a number of respondents to the call for views suggested additional groups to be consulted when fuel poverty strategy is reviewed. Scottish Land & Estates suggested rural landlords, while Minority Ethnic Carers of People Project (MECOPP) suggested those from black and minority ethnic communities and gave the example of those living on Gypsy/Traveller sites which are not on a mains gas supply, leading to increased fuel costs. ²²⁸

217. With a gendered lens, The Scottish Women's Convention stated—

” ...we believe that direct mention of women would assist in creating an accurate picture of fuel poverty in Scotland. Women are often ‘shockabsorbers’ of poverty, actively struggling to ensure better outcomes for their children and families, regardless of their own personal wellbeing [...] Therefore, if child poverty targets are to be met, full consideration of women’s persistent burden must be made throughout poverty-related legislation.²²⁹

218. While the Committee did not receive much evidence on Part 6 of the Bill, it wishes to draw the Scottish Government's attention to comments made, given their relevance to policy on fuel poverty more generally.

Financial Memorandum and implementation costs

Finance and Public Administration Committee

219. The Finance and Public Administration (FPA) Committee ran a consultation on the FM between 3 May and 4 June 2024 which received 21 [responses](#). Submissions received asserted that there has been a significant underestimation of the costs of the homelessness prevention duties.
220. The FPA Committee wrote to the Minister for Housing on [25 June 2024](#) seeking clarification about—
- how the estimates in the FM have taken into consideration the views provided by local authorities during consultations preceding the introduction of the Bill, and
 - how the Scottish Government expects these increased costs to be met, and by whom.
221. The Scottish Government replied on [17 July 2024](#) stating that the homelessness prevention provisions are based on recommendations from the Prevention Review Group (PRG), and that in addition to the PRG, 108 organisations including COSLA and ALACHO were consulted as the recommendations were developed.²³⁰
222. The letter further explains that following publication of the recommendations, the Scottish Government and COSLA jointly undertook a public consultation as part of the policy development process. Local authorities were asked about the specific resource implications they foresaw and the FM was drafted accordingly, setting out the Scottish Government's "best estimates of costs and savings... to which the provisions in the Bill will give rise". The Minister stated the Scottish Government is now considering a follow-up survey, as well as how to engage with relevant bodies, and that "considerations relating to the homelessness prevention analysis" are a "live consideration".²³¹
223. In terms of projected future spend, the Minister said—
- ” the Financial Memorandum does not set out the future budget to support implementation of any changes following the completion of the Parliamentary passage of the Bill. Budgets will need to be considered in the round and as part of the annual Scottish Budget process taking account of the timelines identified for implementation. No date has yet been set for implementation of these provisions and discussions are planned with stakeholders including local authorities and the relevant bodies to inform considerations and to take account of their state of organisational readiness.²³²

Scrutiny of implementation costs Part 5

224. The FM states that in 2025-26, the costs on the Scottish Administration for the homelessness prevention provisions are predicted to be £958,000. In 2026-27 and 2027-28 costs are expected to be £964,000 and £559,000 respectively.²³³ For local authorities, costs are expected to be £1.802 million in 2025-26, and then £1.802 million in 2026-27 and £1.602 million in 2027-28.²³⁴ In terms of the provisions related to domestic abuse, the costs on the Scottish Administration are forecast to be £39,000- million in 2025-26, and nothing in 2026-27 and 2027-28. There are no expected costs for local authorities.²³⁵
225. In the FM, the Scottish Government acknowledges the provisions will have costs, especially in the first years of implementation, but states "prevention is a spend to save approach"²³⁶
226. SFHA was very positive about potential savings as a result of targeted funding for prevention activity. It explained it has supported 11 prevention projects with £1.5 million in funding, and said this returned £31 million in "social value", as evaluated by the Housing Associations Charitable Trust. SFHA said this included £4.9 million in "secondary social value in terms of wider financial savings to the state".²³⁷
227. There was widespread scepticism about whether costings are realistic, including amongst those who took part in the lived experience engagement event. Shelter Scotland described the costings as not "credible", stating that it does not include an assessment of the health or education sectors.²³⁸
228. There was also concern about whether public services had the resources available to implement the Bill at this time, and Cyrenians talked about a lack of funding for the third sector—
- ” We are particularly concerned that the financial memorandum does not include funding streams for third sector organisations who will be expected to deliver prevention services. We are currently seeing key prevention initiatives, for example around family mediation, being cut due to pressure on local authority budgets.²³⁹
229. ALACHO specifically said it would be good to have more housing options officers and housing advisors²⁴⁰, and that implementation should only happen once the relevant public bodies have the resources required to support the measures. It said the FM fails to recognise the extent of what will be required.²⁴¹
230. COSLA was similarly concerned and suggested a phased implementation period due to resourcing issues. It also said the FM did not accurately reflect costs for local authorities and cited the difficulties it experiences—
- ” ...the local housing emergencies that have been declared, the national housing emergency that the Scottish Government declared in May and the pressures as a result of the cuts to the affordable housing supply programme last December.²⁴²
231. Scottish Women's Aid expressed similar concerns, stating "it certainly does not feel

as though the figures reflect a sector-wide response".²⁴³

232. EIJB said the funding set out for local authorities in the FM is "insufficient" and set out specific financial pressures and concerns for Edinburgh—

” If I take the scenario in which the projected case load increase is 25 per cent, Edinburgh alone will require almost £2 million for housing and homelessness specifically. The IJB commenced the new financial year with a budget gap of £60 million and a requirement to save £48 million, the effect of which will permeate all the services that are delegated to the IJB across mental health and addiction, an awful lot of which accounts for and underpins homelessness presentations.²⁴⁴

233. Police Scotland was also concerned about the time and resource needed from the service as a result of the legislation. It asked "what is it that you are asking police officers to do"²⁴⁵ and set out its concerns as well as how it saw its role in terms of intervention—

” Police Scotland will have extra costs in relation to officer training and roll out. There is also the extra time that will be taken to fulfil the ask and act duty. The second that you start to ask that question, more time is involved in dealing with that person, and there is obviously then the extra time thereafter. Our chief constable has made it very clear that we are there for the moment of crisis and that, thereafter, we would want to be handing the person and their issues to another relevant body in order for them to fulfil the person's other requirements so that our officers can get on with their work of policing and preventing crime.²⁴⁶

234. In response to concerns about the FM, the Minister said the Scottish Government has consulted with local authorities, and the FM is based on information received as part of this. However, he added he will continue to work with COSLA, and if the FM needs to be amended, that can be done—

” If we need to revise it we will.²⁴⁷

Implementation costs Part 6

235. The FM indicates that the fuel poverty provisions are expected to cost the Scottish Administration £250,000 every year from 2025-26 to 2027-28. There are no expected costs for local authorities.²⁴⁸

236. No issues were raised with the Committee.

237. While some witnesses were positive about potential savings to be made as a result of the proposed provisions in the Bill, others were less sure and felt the Financial Memorandum was unrealistic.

238. There were also concerns about the timing of the Bill and whether relevant public bodies had the resource required to implement the legislation given the pressure they are already under. A phased implementation approach was suggested as one way to address this.

239. The Committee notes witnesses' concerns about the Financial Memorandum (FM) as well as the Minister's comments that it can be updated if necessary. The Committee therefore recommends the Scottish Government consults with stakeholders again and updates the FM ahead of the Stage 1 debate on the Bill as appropriate. This updated FM should be provided at least two weeks prior to the completion of Stage 1 – scheduled for 29 November 2024 - to inform Members' approach to the debate on the Bill.

Concluding remarks

240. In terms of the policy behind the Bill and its impact on homelessness, the Committee recognises the legislation presents an opportunity to move away from crisis management towards prevention. In considering the evidence, we understand the potential benefits for individuals, services and the public purse, as well as the societal benefit to preventing people from becoming homeless. Despite this, the Committee is concerned by the perceived lack of detail in the Bill, which is why it has asked for additional information.
241. The Committee notes comments made by the Minister that consultation is ongoing and that an online event on the homelessness prevention provisions will take place on 1 October 2024. The Committee welcomes being kept informed of developments as progress is made.
242. The Committee also highlights that it is not clear when the provisions may be implemented. The Committee would like an update on this as well as whether a phased approach to implementation will be taken.
243. The Committee recommends that the Local Government, Housing and Planning Committee support Parts 5 and 6 of the Bill.

Annexe A: written and oral evidence

Written submissions from organisations that provided oral evidence

244. Crisis

[ALACHO \(The Association of Local Authority Chief Housing Officers\)](#)

[Scottish Women's Aid](#)

[Shelter Scotland](#)

[Scottish Federation Of Housing Associations](#)

[COSLA](#)

[All in for Change](#)

[Centre for Homelessness Impact](#)

[Families Outside](#)

[Aff the Streets](#)

Correspondence

245. [Correspondence from the Minister for Housing, 12 July 2024](#)

[Correspondence to the Minister for Housing, 26 June 2024](#)

[Correspondence from the Minister for Housing, 24 June 2024](#)

[Correspondence from Professor Suzanne Fitzpatrick following up on the 13 June 2024 evidence session, 17 June 2024](#)

[Correspondence from the City of Edinburgh Council - Homelessness Challenges, 12 April 2024](#)

Official report

246. [Official Report, 13 June 2024](#)

[Official Report, 20 June 2024](#)

[Official Report, 27 June 2024](#)

Annexe B: extracts of minutes of meetings

247. [11th Meeting of 2024 \(Session 6\) Thursday, April 18, 2024](#)

5. Housing (Scotland) Bill (In Private):

The Committee considered and agreed an initial approach to the scrutiny of the Bill at Stage 1. The Committee also agreed—

- to issue a joint call for views with the Local Government, Housing and Planning Committee, and questions on homelessness and fuel poverty to be included,
- witnesses to invite, and to engage with a lived experience panel,
- to consider, in private at future meetings, any further approach to consideration of the Bill, evidence received and draft reports and draft letters, and
- under Rule 12.4.3, to delegate to the Convener responsibility for arranging to pay any expenses under the witness expenses scheme.

248. [18th Meeting of 2024 \(Session 6\) Thursday, June 6, 2024](#)

7. Housing (Scotland) Bill (In Private):

The Committee considered a further approach to the scrutiny of the Bill at Stage 1. The Committee agreed further witnesses to invite.

249. [19th Meeting of 2024 \(Session 6\) Thursday, June 13, 2024](#)

2. Housing (Scotland) Bill:

The Convener and Jeremy Balfour informed the Committee of an engagement event they attended on lived experience, facilitated by Crisis.

The Committee then took evidence on the Bill at Stage 1 from—Professor Suzanne Fitzpatrick, Director of Institute for Social Policy, Housing, Equalities Research (I-SPHERE), Heriot-Watt University; Maeve McGoldrick, Head of Policy and Communications in Scotland, Crisis; John Mills, Co-Chair and Head of Housing at Fife Council, Association of Local Authority Chief Housing Officers (ALACHO); Annika Joy, Programme Director - Ending Destitution, Simon Community Scotland; and then from—Jules Oldham, Head of Policy, Scottish Women's Aid; Gordon MacRae, Assistant Director (Communications & Advocacy), Shelter Scotland; Maggie Brunjes, Chief Executive, Homeless Network Scotland.

3. Housing (Scotland) Bill (In Private):

The Committee considered the evidence heard under item 2.

250. [20th Meeting of 2024 \(Session 6\) Thursday, June 20, 2024](#)

5. Housing (Scotland) Bill:

The Committee took evidence on the Bill at Stage 1 from—Susie Fitton, Policy Manager, Scottish Federation of Housing Associations (SFHA); Valerie Arbuckle, National Partnership Development Manager, Police Scotland; Pat Togher, Chief Officer, Edinburgh Integration Joint Board (EIJB); Mike Callaghan, Policy Manager, COSLA; and then from—Suzie McIlhoney, Change Lead, All in for Change; Heather McCluskey, Implementation Lead, Centre for Homelessness Impact; Sarah Rogers, Senior Policy and Public Affairs Officer, Families Outside; Shea Moran, Senior Representative, Aff the Streets.

6. Housing (Scotland) Bill (In Private)

The Committee considered the evidence heard under item 5.

251. [21st Meeting of 2024 \(Session 6\) Thursday, June 27, 2024](#)

2. Housing (Scotland) Bill:

The Committee took evidence on the Bill at Stage 1 from—Paul McLennan, Minister for Housing, Catriona MacKean, Deputy Director of Better Homes, Pamela McBride, Homelessness Prevention Team Leader, Naeem Bhatti, Head of Fuel Poverty and Housing Standards Unit, and Craig McGuffie, Legal Services, Scottish Government.

3. Housing (Scotland) Bill (In Private):

The Committee considered the evidence heard under item 2.

252. [22nd Meeting of 2024 \(Session 6\) Thursday, September 5, 2024](#)

2. Housing (Scotland) Bill:

The Committee took evidence on the Bill at Stage 1 from—Paul McLennan, Minister for Housing, Catriona MacKean, Deputy Director of Better Homes, Laura McMahon, Solicitor, Legal Directorate and Matt Howarth, Policy Officer, Homelessness Prevention Team, Scottish Government.

4. Housing (Scotland) Bill (In Private):

The Committee considered the evidence heard under item 2.

253. [23rd Meeting of 2024 \(Session 6\) Thursday, September 12, 2024](#)

1. Housing (Scotland) Bill (In Private):

The Committee considered a draft report on Parts 5 and 6 of the Bill at Stage 1. Various changes were proposed and decided upon (one by division), and the report was agreed for publication.

Record of divisions in private

Jeremy Balfour proposed an additional sentence at the end of paragraph 40–

"but the Committee still has concerns that the Bill as drafted will not make significant changes."

The proposal was disagreed to by division: For 4 (Jeremy Balfour, Katy Clark, Roz McCall, Paul O'Kane), Against 4 (Collette Stevenson, Bob Doris, Kevin Stewart, Marie McNair).

The Convener used a casting vote bringing the number of those Against to 5.

- 1 [Scottish Government. \(2024, March\). Housing \(Scotland\) Bill \(as introduced\).](#)
- 2 [Motion: S6M-12876](#)
- 3 [Scottish Parliament's Information Centre research briefing on the Housing \(Scotland\) Bill](#)
- 4 [Scottish Parliament's Information Centre research briefing on the Housing \(Scotland\) Bill](#)
- 5 [Scottish Parliament's Information Centre research briefing on the Housing \(Scotland\) Bill](#)
- 6 [Scottish Parliament's Information Centre research briefing on the Housing \(Scotland\) Bill](#)
- 7 [Policy Memorandum](#)
- 8 [Fuel Poverty \(Targets, Definition and Strategy\) \(Scotland\) Act 2019](#)
- 9 [Scottish Parliament's Information Centre research briefing on the Housing \(Scotland\) Bill](#)
- 10 [Policy Memorandum](#)
- 11 [Letter from the Convener of the DPLR Committee to the Cabinet Secretary for Social Justice, 6 June 2024](#)
- 12 [Letter from the Cabinet Secretary for Social Justice to the Convener of the DPLR Committee, 18 June 2024](#)
- 13 [Delegated Powers and Law Reform Committee Minutes: 25 June 2024](#)
- 14 [Delegated powers in the Housing \(Scotland\) Bill at Stage 1](#)
- 15 [Housing \(Scotland\) Bill Call for Views](#)
- 16 [Housing \(Scotland\) Bill: analysis of the call for views](#)
- 17 [Correspondence from the Minister for Housing, 12 July 2024](#)
- 18 [Correspondence from The Minister for Housing, 30 August 2024](#)
- 19 [Scottish Parliament's Information Centre research briefing on the Housing \(Scotland\) Bill](#)
- 20 [Scottish Parliament's Information Centre research briefing on the Housing \(Scotland\) Bill](#)
- 21 [Ending homelessness together: updated action plan - October 2020](#)
- 22 [Scottish Parliament's Information Centre research briefing on the Housing \(Scotland\) Bill](#)
- 23 [Preventing Homelessness in Scotland Recommendations for legal duties to prevent homelessness: A report from the Prevention Review Group](#)

- 24 [Scotland Prevention Review Group](#)
- 25 [Prevention of homelessness duties: consultation](#)
- 26 [Prevention of Homelessness Duties A Joint Scottish Government and COSLA Consultation Analysis of Consultation Responses Final Report](#)
- 27 [Scotland Prevention Review Group](#)
- 28 The Social Justice and Social Security Committee. Official Report, 13 June 2024, Col 5
- 29 The Social Justice and Social Security Committee. Official Report, 13 June 2024, Col 5
- 30 The Social Justice and Social Security Committee. Official Report, 13 June 2024, Col 6
- 31 The Social Justice and Social Security Committee. Official Report, 13 June 2024, Col 8
- 32 The Social Justice and Social Security Committee. Official Report, 13 June 2024, Col 9
- 33 The Social Justice and Social Security Committee. Official Report, 13 June 2024, Col 6
- 34 The Social Justice and Social Security Committee. Official Report, 20 June 2024, Cols 2-3
- 35 The Social Justice and Social Security Committee. Official Report, 20 June 2024, Col 26
- 36 The Social Justice and Social Security Committee. Official Report, 20 June 2024, Col 27
- 37 The Social Justice and Social Security Committee. Official Report, 20 June 2024, Col 26
- 38 The Social Justice and Social Security Committee. Official Report, 20 June 2024, Col 25
- 39 The Social Justice and Social Security Committee. Official Report, 13 June 2024, Col 46
- 40 The Social Justice and Social Security Committee. Official Report, 27 June 2024, Cols 4-5
- 41 The Social Justice and Social Security Committee. Official Report, 27 June 2024, Col 8
- 42 The Social Justice and Social Security Committee. Official Report, 27 June 2024, Col 9

- 43 The Social Justice and Social Security Committee. Official Report, 13 June 2024, Col 25
- 44 The Social Justice and Social Security Committee. Official Report, 20 June 2024, Col 3
- 45 [Written submission: Chartered Institute of Housing Scotland](#)
- 46 [Written submission: The Children and Young People's Commissioner Scotland](#)
- 47 The Social Justice and Social Security Committee. Official Report, 13 June 2024, Col 14
- 48 The Social Justice and Social Security Committee. Official Report, 27 June 2024, Col 4
- 49 The Social Justice and Social Security Committee. Official Report, 27 June 2024, Cols 4-5
- 50 The Social Justice and Social Security Committee. Official Report, 27 June 2024, Col 7
- 51 [Homelessness: Ministerial Oversight Group](#)
- 52 The Social Justice and Social Security Committee. Official Report, 13 June 2024, Col 12
- 53 [Lived experience engagement](#)
- 54 [Written evidence: Cyrenians](#)
- 55 The Social Justice and Social Security Committee. Official Report, 20 June 2024, Col 26
- 56 The Social Justice and Social Security Committee. Official Report, 20 June 2024, Col 28
- 57 The Social Justice and Social Security Committee. Official Report, 20 June 2024, Col 12
- 58 [Lived experience engagement](#)
- 59 [NHS Ayrshire & Arran](#)
- 60 The Social Justice and Social Security Committee. Official Report, 20 June 2024, Col 12
- 61 The Social Justice and Social Security Committee. Official Report, 20 June 2024, Col 12
- 62 The Social Justice and Social Security Committee. Official Report, 13 June 2024, Col 30
- 63 [Written evidence: Inverclyde Council](#)
- 64 [Housing \(Scotland\) Bill: analysis of the call for views](#)

Social Justice and Social Security Committee

Stage 1 Report on Housing (Scotland) Bill: Part 5 (homelessness prevention) and Part 6 (other housing matters - fuel poverty), 10th Report, 2024 (Session 6)

- 65 The Social Justice and Social Security Committee. Official Report, 13 June 2024, Col 21
- 66 The Social Justice and Social Security Committee. Official Report, 27 June 2024, Col 10
- 67 The Social Justice and Social Security Committee. Official Report, 27 June 2024, Col 6
- 68 The Social Justice and Social Security Committee. Official Report, 27 June 2024, Col 26
- 69 The Social Justice and Social Security Committee. Official Report, 5 September 2024, Col 5-6
- 70 The Social Justice and Social Security Committee. Official Report, 13 June 2024, Col 38
- 71 The Social Justice and Social Security Committee. Official Report, 13 June 2024, Col 9
- 72 [Written evidence: Turning Point Scotland](#)
- 73 The Social Justice and Social Security Committee. Official Report, 13 June 2024, Col 9
- 74 [Crisis report: A window of opportunity](#)
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