

## PREVENTION REVIEW GROUP – 24 January 2020

### Minute of meeting

#### Present:

**Members:** Professor Suzanne Fitzpatrick (Heriot-Watt University, Chair), Susanne Millar (Glasgow City HSCP), Cllr Elena Whitham (East Ayrshire Council / COSLA), John Mills (Fife Council / ALACHO), Maggie Brunjes (Homeless Network Scotland), Ruth Whatling (Scottish Government), , Matt Downie (Crisis), Kathy Cameron (COSLA), Callum Chomczuk (CIH).

**In attendance:** Jess Husband (Shelter Scotland, for Gordon MacRae), Beth Reid (Crisis), Judith Chisholm (Crisis)

**Apologies:**, Gordon MacRae (Shelter Scotland), Sally Thomas (SFHA), Professor Tom Mullen, (University of Glasgow)

#### **1. Welcome and introductions**

Professor Suzanne Fitzpatrick welcomed everyone to the meeting.

#### **2. Update on the Prevention Commission**

Maggie Brunjes referred to the report from the first meeting of the Prevention Commission which had been circulated in advance. This has also been published on both Prevention Review Group website and Homeless Network Scotland.

The Prevention Commission had its first meeting on 16 January 2020. They have 13 people in total. Half bringing their personal experience of homelessness and half frontline responsibility in local authorities, housing associations and from the third sector.

The Prevention Commission considered what is law and particularly what makes a good law. They used the vision of Good Law described by the Office of Parliamentary Council (<https://www.gov.uk/guidance/good-law#good-law-the-vision>) as a reference to help their thinking t as legislation starts to get produced so is it necessary, clear, coherent, effective, accessible and integrated.

The Commission felt that what it could offer the Prevention Review Group specifically was the ability to ground some of the discussions that the PRG might have in frontline and lived experience of homelessness and to make the Group's proposals accessible to a wider audience as the work of the Group develops.

The Commission thought that there is a real opportunity here to elevate prevention duties above and ahead of homelessness duties and to bring people and what they want right to the heart and centre of that. They felt one way to do that would be to have a **Duty to ASK** –which would mean that once it is identified that a person is at risk of homelessness asking that person what would they think it would take to prevent that occurring. This would lead to a **Duty to Act** or respond on local authority partners or on other public bodies. The Prevention Commission felt that this could divert away from a very prescriptive set of actions that otherwise a local authority or partner felt it had to do to prove it had prevented homelessness and make it a bit more flexible and also locally sensitive. The discussion of this is at an early stage but they wanted to flag this with the Prevention Review Group and they will continue to develop this recommendation in further meetings of the Commission.

The Chair thanked Maggie for the update and noted that the Prevention Review Group looks forward to further input from the Commission and meeting them in due course.

### **3. Local authority duties – review and discussion**

The Chair introduced this agenda item as to focus on a core task for the Review Group, which is to develop some very concrete proposals on how local authorities' duties can be added to and reshaped in order to maximise prevention of homelessness in a person-centred approach. The Chair referred to the flowchart of possible prevention process that had been circulated to members of the Prevention Review Group in advance (attached). It is designed to map out a possible scenario for how a prevention duty might work together with current statutory homelessness duty.

Beth Reid presented on this to the Prevention Review Group:

- A reminder of what the Group agreed at the last meeting (see minutes of 16 December 2019)
- Overview and introduction to the flowchart:
  - o noting that it proposes a single route of entry and a single process for people at risk of homelessness or who are homeless. Both groups would follow the same route – looking at reasonable steps and what is appropriate action for that individual (benefits or debt advice, etc). Some of this will be appropriate steps even after someone has become homeless .
  - o It shows that there are clear ways to discharge the duty if someone is homeless or threatened with homelessness (in addition to there not being a duty owed etc). If an applicant is threatened with homelessness then the local authority should seek to identify and offer a “settled and suitable” housing option for that person or household, including return to current accommodation if appropriate, in order to discharge the duty. The term “settled” is the language used in the Homelessness and Rough Sleeping Action Group (HARSAG) recommendations. “Suitable” is a term used in English housing law and covers things like basic standards but it also looks at other factors, for example, location, access to services, affordability, if it is suitable for pets. The factors to be taken into account are wide-ranging and are designed to meet that individual or households' needs and not just a broad and generic offer of accommodation.
  - o The proposal in the flowchart seeks to equalise outcomes and make housing options comparable whether someone is threatened with homelessness or actually homeless.

The Chair provided further context to the flowchart in that it emerges from a lot of long term thinking and learning about what has worked well in Welsh and English systems in terms of a more person-centred and more problem-solving approach. The aim would be a more flexible approach, and a more flexible range of options for people and for LAs to discharge duty. There is an opportunity to go further in Scotland than in England and Wales and actually say that the LAs' duty would be to deliver settled and suitable accommodation for everyone, but with a wider range of discharge options available to them. The Chair highlighting that the notion of “suitability” is very important in this proposal. She noted that in Scotland to date not put much effort into defining what is “suitable” for individual's specific housing but there is a lot to learn there about making the process more person-centred by ensuring it is suitable for that specific household and their particular circumstances.

The Group then discussed the flowchart of possible prevention process in detail. There was consensus that in principle the proposal in the flowchart is welcome. Points that were discussed were:

- a) There is a need to exercise care when drafting concrete proposals so that there is enough flexibility in system to facilitate a person-centred approach, but at the same time sufficient parameters to recognise that the housing options a local authority has available may be limited.
- b) The language used needs to be carefully considered and the Group would welcome the views of the Prevention Commission on proposed language of “suitable”, “settled” and “reasonable”.
- c) The Group needs to fit its recommendations into the overarching systems push towards ordinary / mainstream community settings and ordinary services. The ambition should be that in most cases we’re moving towards options that are the same types and range of housing options that all households have.
- d) The recommendations need to be thought through further in relation to potential unintended consequences. It was noted that Housing First will be the preferred option over supported accommodation in many cases, and supported accommodation should be community-based and small scale.
- e) One of the key implications of the proposed model is that the private rented sector would be a more serious option both for preventing homelessness but also for resolving homelessness. There is sometimes an avoidance of the private rented sector (PRS) as a discharge option and because of the practical challenges sometimes experienced in discharging homeless applicants into the PRS currently, but if looking at maximal housing options we have to take cognisance that the PRS is a big part of available housing. Recent changes to tenancy law in Scotland also make it a more acceptable option, and there is a very different context from England as Local Housing Allowance does cover rents in many parts of Scotland.
- f) The flowchart is attempting to convey that there is effectively one main way of discharging duty, which is to ensure that people have access to settled and suitable accommodation, whether people are homeless or not yet homeless. Either way the LA has to ensure people have access to accommodation that meets those criteria. The key differences between the routes is that if someone is already homeless then there is a potential need for temporary accommodation, and also if you are homeless then staying where you are may not be an option. It was felt that it does not make sense to restrict the full range of housing options for people who are already homeless, although the way you have to be supported through the system may be different. **ACTION try to convey more clearly what is being proposed by streamlining flowchart.**
- g) Professor Tom Mullen and Professor Suzanne Fitzpatrick will work on developing draft legislation together with legal experts to develop more specific proposals for the Group to reflect on.

#### **4. Health and Social Care Stakeholder Meeting Feedback and Report:**

The stakeholder meeting on the theme of health and social care took place on 7 January 2020. A report on that meeting had been circulated to members of the Prevention Review Group in advance of the meeting. The stakeholder meeting was predominantly focused on health because of the people who were able to attend, and further consultation is planned with health and social care stakeholders. Beth Reid summarised the outcomes from the stakeholder meeting:

- Vision: All relevant services have a common purpose to prevent homelessness, and see it as their responsibility
  - Move away from automatic referral to homelessness departments as the default, and alter the whole system response
  - There are significant cultural differences between health and homelessness / housing and in the relationship with the state and the way accountability is managed
  - Health engages on the basis of a health condition or diagnosis, rather than wider issues which may contribute to wellbeing
  - Highly pressured system but potential to make strong case

#### **Potential areas for requirements on health**

- Enquire about individuals' housing circumstances
- Refer to relevant service where homelessness risk is identified
- No discharge into homelessness
- Collaborate around case management approach, or to assess and provide support where requested
- Co-ordinated multiagency approach for people with complex needs
- Co-operate with LA on strategic and statutory homelessness prevention functions
- Requirement around health inequalities or duty to prevent avoidable deaths
- Build on frameworks already there, including wording?
- Are legal duties the most effective lever for prioritisation and accountability?
- Monitoring and accountability key. Implications for data collection
- Need for a homeless prevention "ambassador" from health background?
- Further consultation required with social care and senior health stakeholders

#### **5. Discussion: legal duties or other requirements to prevent homelessness with focus on health and social care and next steps in consultation process**

The chair referred to the report and the list of suggested areas for the PRG to consider and opened up the discussion to the Group to consider what areas it may be able to explore further in terms of legal duties to prevent homelessness.

It was discussed that Integrated Joint Boards for Health & Social Care Partnerships have a remit for public health and unscheduled care and those bodies currently operate under a regime of legal duties and outcomes.

It was noted that the stakeholder group recommendation for the Group to appoint an ambassador from the health sector was a good idea to help make the case for a stronger focus on homelessness prevention within that sector.

There are pathways within public health and health improvement that could be linked into and capitalised on in terms of prevention agenda for example, addiction services.

Two clear recommendations were suggested, linked to HARSAG recommendations, which the Group should follow up on:

- 1) No discharge into homelessness from hospital
- 2) Ask questions about housing on admission to hospital or when accessing services, for example, registering with a GP

## **6. Agreement of recommendations and next steps**

### **Chair summarised agreement from Group and next steps:**

- a) The Group still have confidence in proposing some legal duties in this space, albeit the Group may want to acknowledge wider enablers and barriers in any discussion around recommendations
- b) The Group recognises that further work needs to be done with public health colleagues and more widely, including some of those frontline gatekeepers but also other parts of the system. GPs are recognised as a challenge in relation to the remit of the Group but are really important.
- c) The Group needs to agree a few clear asks of where the Group wants to get to in terms of legal duties on health and social care bodies. Those could include:
  - i) No discharge from hospital into homelessness, but need greater clarity on what exactly that means
  - ii) Duties around gathering relevant data and information on housing situation so that flags are there and can facilitate prevention activities. Possibly this could be linked to a duty to refer.
  - iii) The role of health is providing specialist health services which are accessible to people with multiple and complex needs who may be at risk of homelessness
  - iv) Duty to accommodate when health needs necessitate special accommodation so that responsibility is not held solely by the local authority.

In relation to the process going forward it was agreed that a health sub-group should be set up comprised of Susanne Millar and Suzanne Fitzpatrick alongside representatives with a health and social care background who reflect a range of different parts of the system and are willing to work with us to concretise any recommendations.

**ACTION: Susanne Millar and Suzanne Fitzpatrick supported by colleagues from Crisis will have separate discussions with a view to setting up health sub-group to develop more specific proposals.**

### **7. Next meeting: duties on criminal justice and prison leavers**

Beth Reid presented to the Group on the current context of homelessness and criminal justice, referencing the briefing paper which had previously been circulated. The Group reviewed the stakeholder list and list of consultation questions and were invited to make further recommendations to inform the stakeholder meeting in early February.

### **8. Stakeholders for domestic abuse consultation**

A draft list of stakeholders was circulated to the Group for consideration. It was noted that there is a need to ensure representatives from public bodies as well as third sector organisations.

**9. Next steps, time and date of next meeting:** Monday 17 February, 13.30-16.30, The Studio, 67 Hope Street, Glasgow G2 6AE