

## **POLICY NOTE**

### **THE HOUSING SUPPORT SERVICES (HOMELESSNESS) (SCOTLAND) REGULATIONS 2012**

#### **SSI 2012/331**

1. The above regulations will, if approved by the Parliament, be made in exercise of the powers conferred by section 32B of the Housing (Scotland) Act 1987 (inserted by section 158 of the Housing (Scotland) Act 2010). The instrument is subject to the affirmative procedure.

#### **Policy Objectives**

2. When commenced, section 32B of the Housing (Scotland) Act 1987 places a statutory duty on local authorities to assess whether homeless or potentially homeless applicants to whom they have a duty to secure settled accommodation need the housing support services that are prescribed. The local authority must then ensure that housing support services are provided to those assessed as being in need of them. The duty will also extend to persons who reside with an applicant.
3. To give effect to the duty, Scottish Ministers must prescribe in regulations the housing support services to which the duty applies. Four types of support service are prescribed insofar as they are relevant to enabling a person to occupy, or to continue to occupy, residential accommodation as that person's sole or main residence.
4. The regulations, and the duty they give effect to, contribute to the Scottish Government's work on alleviating and tackling homelessness. Housing support can help people to sustain their tenancies, leading to better outcomes for them and their families.
5. The regulations are intended to come into force on 1 June 2013, along with the commencement of section 32B of the Housing (Scotland) Act 1987 (for which a separate Order will be made).

#### **Consultation**

6. Before making any regulations under section 32B, it is a requirement that Scottish Ministers consult with such bodies representing local authorities, such bodies representing homeless persons and such other persons as they think fit. Between January and April 2012, the Scottish Government carried out a public consultation on commencement of the housing support duty and the establishment of detailed regulations for the assessment and provision of prescribed housing support.
7. Although supportive of the duty, the majority of respondents did not favour also using additional powers to make provision relating to the means of assessing and providing housing support services. The main reasons behind

their views included the need to maintain flexibility to respond to individual circumstances, and that non statutory guidance would be more appropriate than detailed regulations. The Scottish Ministers therefore propose to commence the duty and prescribe only the housing support services to which the duty applies, rather than the means by which they should be provided.

8. A number of categories of housing support services to be covered by regulations were suggested through the consultation. In August 2012 the Scottish Government carried out further consultation with key stakeholders proposing that four services seemed particularly relevant to the provision of housing support and should therefore be prescribed. These four categories of housing support service were adjusted as a result of stakeholder feedback. Some other suggestions from the initial consultation were not taken forward as they were already covered by primary legislation or are more relevant to detailed guidance.

### **Impact Assessments**

9. An Equality Impact Assessment has been completed and is attached. No significant equality impact issues on the introduction of regulations were raised through the consultations referred to above.

### **Financial Effects**

10. Local authorities currently demonstrate good practice in assessing and providing housing support for homeless applicants as required. Through the housing support duty and regulations, all local authorities will require to carry out these duties, ensuring good practice and consistency across Scotland. As many of the housing support services are currently being provided, the duty and regulations should not place an onerous financial burden on local authorities.
11. A Final Business and Regulatory Impact Assessment has been completed and is attached.