

## The Promise Scotland's response to the Housing (Scotland) Bill Call for Views

May 2024

### About The Promise Scotland

[The Promise Scotland](#) is the organisation set up to support Scotland in its delivery of the implementation of the findings of the Independent Care Review, [the promise](#).

Keeping the promise involves transforming Scotland's 'care system', so that children and families are at its centre, and The Promise Scotland exists to directly support people and organisations to help make that happen.

### General information about the Bill

*The Scottish Government describe the policy objective of the Bill as:*

*"The Bill is ambitious in responding to the need to improve the housing outcomes in Scotland for people who live mainly in rented accommodation or face homelessness. At the same time, it continues to safeguard the proportionate use of a landlord's property for rental purposes, seeking to deliver a fair balance between protection for tenants and the rights of landlords.*

*The Bill contains a package of reforms which will help ensure people have a safe, secure, and affordable place to live. It also helps to deliver the Scottish Government's New Deal for Tenants' 1 and some aspects of 'Housing to 2040' 2, while contributing to the ambition to end homelessness in Scotland."*

### Question 1. To what extent do you agree that the measures in the Bill meet the Scottish Government's stated policy objectives?

- Strongly agree
- **Agree**
- Neither agree or disagree
- Disagree
- Strongly disagree

### Question 2. What are your main reasons for the views on Q1?

The Promise Scotland welcomes the stated policy objective of the Bill in being ambitious in responding to the need to improve housing outcomes and the proposed duty in Part 5 around homelessness prevention. Particular attention should be paid to how the duties will impact on care leavers and children and families on the 'edges of care' and will help to ensure Scotland keeps the promise.

Within this Bill there must be a laser-sharp focus on implementation and resourcing. The good intentions of this Bill must clearly align with the various, but interlinked policy and practice around housing and poverty in a way that makes sense around both resourcing and to the workforce. The Promise Scotland notes that the Financial Memorandum sets out associated costs for Part 5 (homelessness prevention) and in our response to that question we highlight the need for further interrogation and scrutiny of whether these associated costs are a true reflection of the required resources.

[The Independent Care Review](#) consistently heard that financial and housing support were some of the greatest concerns from children and families. It identified addressing the persistence of poverty as a key aspect of keeping the promise. It also heard that many care experienced young people had expressed they felt abandoned and ill prepared as they moved on from care into independent living, often leaving before they were ready and at an earlier age. They were often faced with challenges during that transition, including stress around financial instability, having limited knowledge of budgeting and managing household bills, and subsequently, often experienced high levels of debt which can escalate to many other challenges such as experiencing poor mental health and homelessness.

Research consistently highlights that care leavers are more likely than other young people to become homeless or experience housing instability.<sup>1</sup> In the Oversight Board's [Report TWO](#), homelessness was identified as a core priority to be addressed as evidence shows that care-experienced adults are twice as likely to have experienced homelessness<sup>2</sup>, usually before their 30<sup>th</sup> birthday.

The promise was clear that if the transition from care is not safe, loving, and respectful with options for returning to a place of safety, coupled with other financial and emotional supports, care experienced young people can feel vulnerable and alone. Parenting does not stop at 18, and the promise was clear that Scotland should act like a good parent that supports young people as they enter adulthood, encouraging young people towards a life of independence and stability, but one that takes cognisance of the ongoing support and responsibility required throughout a care experienced person's life (p.92).

To effectively address homelessness and improve housing outcomes for children, families, and care experienced people, the Scottish Government must be cognisant of how addressing this issue threads throughout various Government portfolio areas which will require concerted leadership and joined up working to be effective. This includes areas around addressing poverty and the Poverty Pathfinders, improving transitions out of care for young people, addressing unemployment, improving access to mental health support and financing. In particular, the Scottish Government is consulting soon on measures to improve continuing care and aftercare—including upholding housing rights—for care leavers. The Promise Scotland and Staf are also

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<sup>1</sup> CELCIS (2019) Homelessness and care experience: Beyond the headlines.  
[https://www.celcis.org/application/files/7215/5835/3996/Beyond\\_The\\_Headlines\\_Homelessness\\_May\\_2019.pdf](https://www.celcis.org/application/files/7215/5835/3996/Beyond_The_Headlines_Homelessness_May_2019.pdf)

<sup>2</sup> CELCIS (2023) New information published on infants born into care in Scotland  
<https://www.celcis.org/news/news-pages/new-information-published-infants-born-care-scotland>

leading work on 'Moving On', including a 100 Days of Listening Project which will publish findings shortly - with some early emerging themes and views shared throughout this response.

Further considerations for the Scottish Government around the quality and availability of housing, the need for a whole system approach, the need for additional associated resources (such as mental health and addiction support) in order to maintain and sustain successful tenancies and the need to acknowledge workforce pressures is all discussed further in responses to later questions.

## Homelessness prevention

*Part 5 of the Bill relates to homelessness prevention. The Bill Policy Memorandum states that, "the overarching policy objective 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 of people who are assessed as homeless".*

*Part 5 of the Bill introduces 'Ask and Act', which will create a shared public responsibility to prevent homelessness. Relevant bodies, who are listed in the Bill and noted below, will be required to ask about housing precarity and to take action to help individuals and families avoid becoming homeless; and from going through the trauma and disruption to lives that homelessness brings.*

### **Question 9. Overall, do you support the Bill's proposals in Part 5 of the Bill that deal with homelessness prevention?**

**Yes**

No

Don't know

### **Question 10. What are your views on the 'ask and act duty' for relevant bodies in relation to preventing homelessness in Part 5 of the Bill?**

The Promise Scotland is strongly supportive of measures to address homelessness, given the importance of stable and safe housing on efforts to keep families together and to ensure those leaving care feel loved, safe, and supported. The introduction of an 'ask and act' duty is welcome—however, our view is that the implementation of this must be carefully and clearly resourced, sequenced and coordinated with the multiple other policy initiatives ongoing. Barriers to implementation must be thoughtfully surfaced and clear steps to overcome them must be introduced prior to the duties commencing.

In implementing the 'ask and act' duty, the relevant bodies required to do so will likely identify more individuals in need of housing support than currently accounted for. Therefore, the Scottish Government must take this into account when setting out the allocated funding to ensure this is effective. As stated below, there must also be a clear understanding of the likely additional supports required in order to ensure sustainable

and lasting tenancies including mental health support, addiction support, welfare and money advice, whole family wellbeing support and other services. In the absence of these, it is possible that families or individuals may find themselves in a perpetual cycle of homelessness or experiencing housing issues without their needs being met or their rights upheld.

**Question 11. What are your views on the requirement on councils to act sooner to prevent homelessness by taking reasonable steps in Part 5 of the Bill? (pg.42 of Bill)**

The Promise was clear that as Scotland moves towards a focus on early intervention and prevention, acute and crisis services must be phased out (pg.111). Therefore, The Promise Scotland welcomes this specific provision in the Bill to shift the focus to early intervention and homelessness prevention and for Councils to act sooner in doing so.

The Promise Scotland understands that the earliest commencement of this Bill will be from 2025-26 onwards, and that full implementation is not expected to be realised until 2028. As stated above, the commencement of these duties must be underpinned by extensive work to ensure that the requisite preparatory work has been undertaken in order to ensure successful implementation in practice. This includes ensuring linking with other policy areas and areas of implementation around for example the Children (Care and Justice) (Scotland) Bill, Plan 24-30, reimagining secure care and the Promise Bill to ensure the workforce does not feel overwhelmed.

The Promise Scotland also notes that the Financial Memorandum sets out associated costs for Part 5 (homelessness prevention), which states that £2.868m will be allocated to this for 2025-26, with similar funding the following 2 years. The Promise Scotland would welcome further interrogation and scrutiny as to whether these associated costs are a true reflection of the required resources to carry out these duties in preventing homelessness.

Below The Promise Scotland highlights the following core areas for the consideration of the Committee.

Findings from the Independent Care Review

The Independent Care Review heard that families struggling to cope with a multitude of challenges such as poverty, poor housing and health difficulties may have little capacity to engage with services in order to make changes. As part of keeping the promise by 2030, addressing homelessness through a preventative lens and ensuring families have secure, stable and appropriate housing is a central step in allowing families to receive help in other areas, and relieve an element of pressure which impacts on some parents' abilities to meet their child's needs.

The Care Review heard that many children and adults experienced far too many moves to allow them to make friends, build relationships, settle at school, and in neighbourhoods and communities (the promise, pg.67). Given this experience, it is crucially important that they do not face homelessness later in life.

However, research consistently highlights that care leavers are more likely than other young people to become homeless or experience housing instability.<sup>3</sup> In the Oversight Boards [Report TWO](#), homelessness was identified as a core priority to be addressed, highlighting that care-experienced adults are twice as likely to have experienced homelessness<sup>4</sup>, usually before their 30<sup>th</sup> birthday.

#### Findings from Staf and The Promise Scotland's 100 Days of Listening programme

Colleagues throughout the [100 Days of Listening](#) programme have heard that care experienced young people are having to wait extensive periods of time for housing, despite most local authorities prioritising those with care experience on waiting lists.

In addressing this challenge, and adopting a preventative approach to homelessness, there is a need to address the housing crisis driven by the shortage of social housing. The rate of social housing construction has fallen and in 2022, there were 9,130 children living in temporary accommodation in Scotland, which is the highest number on record.<sup>5</sup> In line with the promise and UNCRC Article 27, children should live in a safe and stable home which is necessary in ensuring their development.

The need for more social housing is critical in preventing homelessness, but this does not address the importance of housing quality, location, and a person's individual needs. Care experienced young people and the workforce have shared that often housing is of a poor standard, where homes feel like a shell, are cold, and are in areas they did not grow up in. This can further compound the existing challenges young people moving on from care may be experiencing such as poor mental health, isolation, or substance misuse.

The care experienced young people colleagues spoke with also noted that when they do receive a housing offer, they are being encouraged to accept it, regardless of whether this meets their needs or is situated in their community.

Young people moving on from care should have access to pathways planning to support a move into affordable housing that is specifically tailored to their individual needs and preferences and takes cognisance of their existing relationships and community links. This also applies to children and families on the edges of the 'care system' who may require mental health support, employability or financial wellbeing advice, addiction or recovery support, whole family wellbeing support and many other aspects of support in order to sustain and maintain successful tenancies.

#### Prevention Pathway for Care Leavers

As highlighted in the Oversight Board's Report TWO and in its letter to Paul McLennan, Minister for Housing in November 2023, it is concerning to know that the prevention pathway for care leavers and young people has been paused due to capacity

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<sup>3</sup>CELCIS (2019) Homelessness and care experience: Beyond the headlines.

[https://www.celcis.org/application/files/7215/5835/3996/Beyond\\_The\\_Headlines\\_Homelessness\\_May\\_2019.pdf](https://www.celcis.org/application/files/7215/5835/3996/Beyond_The_Headlines_Homelessness_May_2019.pdf)

<sup>4</sup> CELCIS (2023) New information published on infants born into care in Scotland

<https://www.celcis.org/news/news-pages/new-information-published-infants-born-care-scotland>

<sup>5</sup> Scottish Government (2023) Homelessness in Scotland: update to 30 September 2022.

<https://www.gov.scot/publications/homelessness-in-scotland-update-to-30-september-2022/>

challenges. The Promise Scotland is cognisant of capacity challenges and expand on this more in the answer to Question 15. However, the Scottish Government must ensure thoughtful planning and consideration is given to how the provisions set out in Part 5 of the Bill can effectively be delivered to those at risk of homelessness, given the existing challenges and tensions which exist around capacity, workforce pressure, and recruitment and retention.

The Promise Scotland is keen to understand more about how these issues will be resolved in practice and how the additional duties will help to overcome them.

## **Domestic abuse**

*The Bill makes changes to update the definition of domestic abuse as it applies within homelessness legislation. It also requires social landlords to put in place support for tenants if they are overdue on rent due to domestic abuse and requires social landlords to have a policy which sets out how they will support domestic abuse.*

### **Question 12. What are your views on the provisions in Part 5 of the Bill that relate to domestic abuse?**

The promise concluded that Scotland must not penalise parents who are experiencing domestic abuse. Whilst children are no longer automatically removed as a result of domestic abuse, there is still some way to go to adopt the principles of supporting families, supporting the victim (mainly mothers), working with perpetrators to understand patterns of abusive behaviour and ensuring the perpetrator is held to account (p.54).

The Promise Scotland therefore is supportive of the measures included within this Bill and urges the Committee to ensure that it is implemented with sufficient resources and a whole systems approach in mind. The promise concluded that families and children's needs are best met through an effective multi-agency, holistic response to domestic abuse that incorporates a child-friendly, non-victim blaming and trauma informed approach (pg.55). This must be accompanied by coherent, joined up thinking from policy, the broader criminal justice system, health, children's sector, and education, which reinforces the need for workforce support, resourcing and thoughtful sequencing of provisions to allow for this working. Please refer to the response given in Question 15 for further information.

In line with the promise, this provision must be implemented in tandem with early whole family support which is early and intensive, rather than waiting for children and families to reach crisis points.

## **Other provisions in the bill and other comments**

*The Bill also makes a range of other changes including:*

- *Allowing unclaimed tenancy deposits to be paid to the Scottish Ministers or into another fund so that they can be used to provide support to private tenants.*

- *Giving Scottish Ministers the power to convert assured tenancies into private residential tenancies.*
- *Technical changes to the registration of letting agents scheme.*
- *Converting assured tenancies into private residential tenancies*

**Question 15. Do you have any additional comments on the other measures the Bill deals with or any other general comments?**

The Promise Scotland is supportive of the ambition and intent of the proposals within this Bill but is cognisant of the need to ensure that the workforce is properly supported, and that adequate resources are available to fully and effectively implement changes in practice and legislation, and it feels well equipped to uphold the rights and meet the needs of children and families.

New duties without significant additional resource to underpin them will exacerbate the existing pressures local authorities are facing. The Scottish Housing Regulator is clear that they do not have the levers to enforce existing homelessness duties, and therefore, a poorly resourced or implemented Bill may worsen this.

In developing and delivering preventative work and expanding the offer of housing support within Scotland, careful consideration and planning must be had to ensure the workforce does not feel overwhelmed by the significance of changes across many areas of work, especially given the current recruitment and retention challenges in the sector, which places another layer of strain to developing or redesigning services.

Therefore, as highlighted in responses to previous questions, given that those requiring housing support will likely require support in other areas for example around mental health or employment, thoughtful planning and consideration must be given to how provisions set out in other Bills relating to this can be appropriately sequenced alongside this Bill so that those working in the sector can best meet the needs of those requiring support.