



HSCP Public Practitioner Update - Homeless Prevention Duty

Thursday, 19th December 2024, 14:00-16:00

Item number: 5.9

Executive summary

This report highlights the Homeless Prevention Duty which will form part of the forthcoming Housing Bill. The duty will result in a significant shift in how local authorities and other public bodies identify and respond when they believe a person or household is at risk of becoming homeless. The Scottish Government has confirmed its intention to include prevention of homelessness duties in its 2023-2024 legislative programme, however the details of guidance around this have yet to be confirmed. To prepare for the forthcoming Duty, a small team has been set up to help map out where Midlothian's gaps are around prevention, any potential risks that could result from the prevention duty and some actions to mitigate the impact of those risks.

Members are asked to:

- Note this update on the homeless prevention duty and encourage staff to collaborate with homeless prevention duty planning as appropriate.

HSCP Public Health Practitioner - Homeless Prevention Duty

1 Purpose

- 1.1 This report sets out an update on the Homeless Prevention Duty which will form part of the forthcoming Housing Bill. It also highlights plans for collaboration among staff to prepare for implementation.

2 Recommendations

- 2.1 As a result of this report, Members are asked to:
- Note this update on the homeless prevention duty and encourage staff to engage with homeless prevention mapping sessions.

3 Background and main report

- 3.1 Homelessness is often a late marker of severe and complex disadvantage, which can be identified across the life course of individuals (Public Health Scotland, 2023). In 2018 the Scottish Government published its [Ending Homelessness Together: High Level Action Plan](#), incorporating the recommendations of the Homelessness and Rough Sleeping Action Group. The plan sets out the Scottish Government's vision that *everyone has a home that meets their needs and homelessness is ended*. The delivery of the plan has been overseen by the [Homeless Prevention and Strategy Group](#), co-chaired by representatives of the Scottish Government and COSLA.
- 3.2 Throughout the delivery of the action plan the Strategy Group has been clear that there is a need for partners across all services including health, education, social work, community support and justice and the third sector to ask about the housing circumstances of people using their services, and, where a possible risk of homelessness is identified, act to prevent homelessness from occurring.

A key part of the action plan was to develop a new duty on local authorities, wider public bodies and delivery partners to prevent homelessness. This led to the creation of the Scotland Homeless Prevention Review Group, led by Crisis at the request of the Scottish Government. They were tasked to identify legal duties needed for local authorities and public bodies to prevent homelessness. The [Preventing Homelessness in Scotland report](#) was published in 2023.

Relevant key recommendations of the Prevention Review Group include:

- The prevention of homelessness should be a shared public duty, and public bodies should identify a risk of homelessness and 'act' upon that information.
- A duty on HSCPs to identify the housing circumstances of service users and prevent homelessness, including social workers/social care workers to 'ask and act' about housing issues or the risk of homelessness.

3.2 Homelessness Prevention Task and Finish Group

The Homelessness Prevention Task and Finish Group was asked by the Homelessness Prevention and Strategy Group to consider the groundwork needed to ensure the successful implementation of Scotland's new homelessness prevention legislation. The group's report and recommendations were published in August 2023. The Scottish Government responded in December 2023 stating that they 'fully support the key messages coming out of the group's report are that the measures could be transformative; that investment in prevention saves lives and money; and that, to be successful, the duties need to be backed by adequate resourcing and support'. Scottish Government also suggested that they may rename the Housing Bill to reflect the broad scope of the provision, for example the 'Early Intervention and Housing Sustainability Bill'. They also have stated that key next steps would be:

- Providing clarity as soon as possible on which public bodies the new duties will apply to, so that individuals and organisations working in those sectors can engage with the draft legislation.
- Clarifying what is meant by 'Ask' and 'Act,' and introduce these as two separate duties. Carrying out in-depth consultation with frontline workers, managers and strategic leads in public bodies to ensure the 'Ask' and 'Act' duties are designed in a way that is appropriate for those sectors.

3.3 Homeless prevention duty planning

Working with the Midlothian housing team, the public health team supported by the strategy team, are planning sessions to help map out Midlothian's gaps around prevention, any potential risks that could result from the prevention duty, and actions that could be taken to mitigate the impact of these. Since publishing its Rapid Rehousing Transition Plan in 2018 Midlothian Council has made some significant steps in the transformation of its response to homelessness, including:

- A reduction in the number of open homeless cases
- A reduction in average time taken to discharge duties to those found to be homeless.
- Ending the use of Bed and Breakfast type accommodation.
- Developing a successful Housing First programme.
- Introducing a homeless prevention fund
- Creating a Homeless Prevention Forum
- Developing partnership working through the Health and Homeless Steering Group
- Reducing number of households in temporary accommodation
- Reduced average time spent in temporary accommodation.
- Breaches of the revised Unsuitable Accommodation Order.

Initiatives such as these will hopefully result in a good foundation on which to implement any forthcoming prevention duty.

3.4 Masters Research

Public Health supervised a Masters student from Edinburgh University who carried out research in Midlothian looking at the homeless prevention duty. The qualitative study examined whether different professional groups are more or less likely to ask and act to prevent homelessness within a Health and Social Care Partnership. Eight participants took part in the research through semi-structured interviews. The study found that participants are envisioned to implement the policy, are keen to build on the care they provide for the homeless population and welcoming to the duty to ask and act that enables better collaboration with other services to provide holistic care for individuals. The findings from the study will help focus on the gaps in knowledge and understanding around the prevention duty and what it means for Midlothian.

3.5 Planning Group

The [Housing \(Scotland\) Bill](#) was introduced to Parliament on 24 April 2024, with the Bill passing stage 1 on 29 November 2024. A [recent report published](#) has stated that 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. Responding to these concerns, 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". Those working in relevant bodies should think "what can I do in my role". It was acknowledged that while this approach is already being taken in some areas, adoption of such working practices is "patchy".

To help start to prepare for the forthcoming Duty, we plan to re-establish the health and homeless group to take forward the findings from the Masters study, start planning for implementation of the Duty and to help embed homelessness prevention practice within HSCP structures. Some of this work is already being done in practice therefore the structure would ensure to build on good practice and look at ways to strengthen our prevention approach.

4 Policy Implications

- 4.1 The Housing Bill once announced will have implications on the following Health and Social Care policies:
- HSCP strategic plan: Prevention and early intervention
 - Reducing inequalities

5 Directions

- 5.1 This report Links to 2023/2024 Directions: (Public Health Team Plan)
- 1 – Health and Wellbeing
 - 2 – Living in the community
 - 3 – Positive experience and dignity
 - 5 – Health inequalities

- 5.2 Links to Single Midlothian Plan:
- Midlothian Will Be Healthier
 - Midlothian Will Support Residents to improve Employability and Outcomes in our Communities
 - Midlothian will work towards reducing poverty.
 - Midlothian will Get it Right for Every Child

6 Equalities Implications

- 6.1 This work focuses on populations vulnerable to health inequalities or want to improve their wellbeing.

7 Resource Implications

- 7.1 The intention is for planning to be sustainable without specific funding, working collaboratively as part of shared priority actions to embed the approach across the partnership.

8 Risk

- 8.1 The intention is for planning to be sustainable without specific funding, working collaboratively as part of shared priority actions to embed the approach across the partnership.

9 Involving people

- 9.1 The aim to engage with professionals in the first instance until more details around the guidance is known. Then when appropriate to collaborate with service users and the public.

10 Background Papers

- 10.1 None.

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Appendices:

Appendix 1: Abstract of Master project