

## **PE1756/B**

Shelter Scotland Submission of 20 December 2019

### **Context**

*Calling on the Scottish Parliament to urge the Scottish Government to review current housing legislation in circumstances where a non-tenant has been responsible for domestic or elder abuse.*

The Public Petitions Committee considered the above petition at its meeting on 21 November 2019.

At this meeting, the Committee agreed to seek the views of Shelter Scotland on the action called for in the petition. In responding to this correspondence, the Committee would be grateful if Shelter Scotland could specifically outline its views on whether –

- a review of current housing legislation is required.
- the Ending Homelessness Together Action Plan published in 2018 resulted in any improvements to the processes for removing a non-tenant abuser from the home.
- any improvements can be made to speed up the time taken to remove a non-tenant abuser from the home.

### **Shelter Scotland response**

Shelter Scotland welcomes the invitation to provide input to the Committee on petition PE1756. This is not an issue where we have lots of case work, and therefore our response is brief.

Given the petition focuses on ‘non-tenants’ who are responsible for domestic abuse, much of the response is focused outwith the housing sector. We know that in any abusive situation, processes and procedures can be difficult to follow, for example addressing rights stemming from Matrimonial Homes (Family Protection) (Scotland) Act 1981. However, at Shelter Scotland, we more often see the opposite issue regarding non-tenant occupiers who don’t have rights to remain in their home following relationship breakdown.

For individuals who no longer feel safe in their home, we know from our casework that there are barriers to their making a homeless application including fear of stigma, and an unwillingness to put themselves and often children through the homeless process particularly in areas where that may involve stays in poorer quality temporary accommodation. Furthermore, they may also have additional difficulty in making a homeless application if they have tenancy rights and their abusive partner is a non-tenant occupier – the council might say that the client can remain in the home. Efforts to improve the quality of temporary accommodation offered by introducing minimum standards as well as restricting the use of accommodation deemed unsuitable will go some way to tackling this issue. Unfortunately we know

that in some local authorities pressures mean existing protections like the Unsuitable Accommodation Order which are intended to limit the time families spend in accommodation like B&Bs to seven days are breached: in 2018/19 there were 620 breaches across Scotland, 465 of which were in Edinburgh. In that sense, there are certainly areas where the current housing legislation could serve people experiencing domestic abuse better.<sup>1</sup>

With regard to the Ending Homelessness Together Action Plan: our understanding is that this pathway work is not yet concluded (and if it has started, it is not a group we're sitting on) so we cannot comment on the progress of this except to say that improvements are not yet forthcoming.

Regarding improvements to remove a non-tenant abuser from the home: as mentioned in the SPICE briefing provided for the Committee, Shelter Scotland were part of a steering group involved in publishing guidance for social landlords on best practice responding to domestic abuse, which we fully endorse. The production of this guidance was led by Scottish Women's Aid and Chartered Institute of Housing Scotland, both of whom we urge the Committee contact directly for their input if they have not done so already.

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<sup>1</sup> Scottish Government (2019), [Homelessness in Scotland: 2018-19](#)