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Convener
Delegated Powers and Law Reform Committee
Scottish Parliament
Edinburgh
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31 October 2019

Dear Graham,

Homelessness etc. (Scotland) Act 2003 (Commencement No. 4) Order 2019 (SSI 2019/316 (C.16))

I am replying to your letter of 30 October 2019 regarding the above SSI and the Committee's request for an explanation as to why there has been a gap in bringing sections 4 and 8 of the Homelessness etc. (Scotland) Act 2003 ("the 2003 Act") into force.

It may be helpful to the Committee to provide some background on the origins of the provisions to be commenced by The Homelessness etc. (Scotland) Act 2003 (Commencement No. 4) Order 2019.

These provisions were included in the 2003 Act following recommendations made by the Homelessness Task Force, appointed by the Scottish Executive in 1999, which published its final report in 2002.

While the majority of provisions in the 2003 Act have been implemented, we consulted earlier this year on the recommendation, from the Homelessness and Rough Sleeping Action Group, to implement the local connection and intentionality provisions, which had still to be commenced.

Initial discussions about commencing the provisions began with local authorities and other stakeholders in 2005 and a consultation on modifying local connection was held in 2006.

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Commencement of the provisions was delayed due to concerns from local authorities about the potential for modifications to the local connection legislation to lead to significant increases to the number of homelessness applications in their area which they would struggle to deal with, and about how we would be able to measure impact. Therefore, in 2007, we updated our homelessness data collection to reflect legislative change and provide more robust information, including in relation to local connection data.

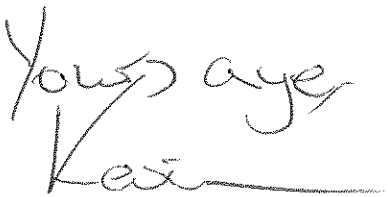
Following subsequent discussions in 2009, we decided to fully implement the abolition of priority need before revisiting the local connection and intentionality provisions. The Homeless (Abolition of Priority Need Test) (Scotland) Order 2012 implemented the commitment introduced in the 2003 Act to end the use of the 'priority need test', with effect from 31 December 2012. The abolition of the priority need legislation meant that local authorities needed to fundamentally change their approach to dealing with people experiencing homelessness and there were significant concerns about the consequences of this change. We worked closely with local authorities during this time to support them to be able to implement this change and provide the training and guidance they needed.

We have been monitoring the impact of the changes brought about by the abolition of priority need and how this has interacted with other policy and practice. Our statistics show that the numbers of homelessness applicants referred to another local authority under the local connection legislation has decreased over time since 2007.

The improvements to our data collection means that we are now in a stronger position to be able to monitor the impact of the changes to local connection and intentionality on local authorities. This will mean that we will be aware of any local authorities coming under undue pressure as a result of disproportionate net inflows and will be able to take appropriate action should it be proved necessary.

Our Ending Homelessness Together: High Level Action Plan sets out our commitment to a person-centered approach. Commencing these provisions now is fundamental to delivering this commitment, and enabling people to access the support they need when and where they need it.

I hope the Committee finds this information helpful, but please let me know if there are any further questions related to this work.



KEVIN STEWART

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