

Review of Section 5 Of the Housing (Scotland) Act 2001

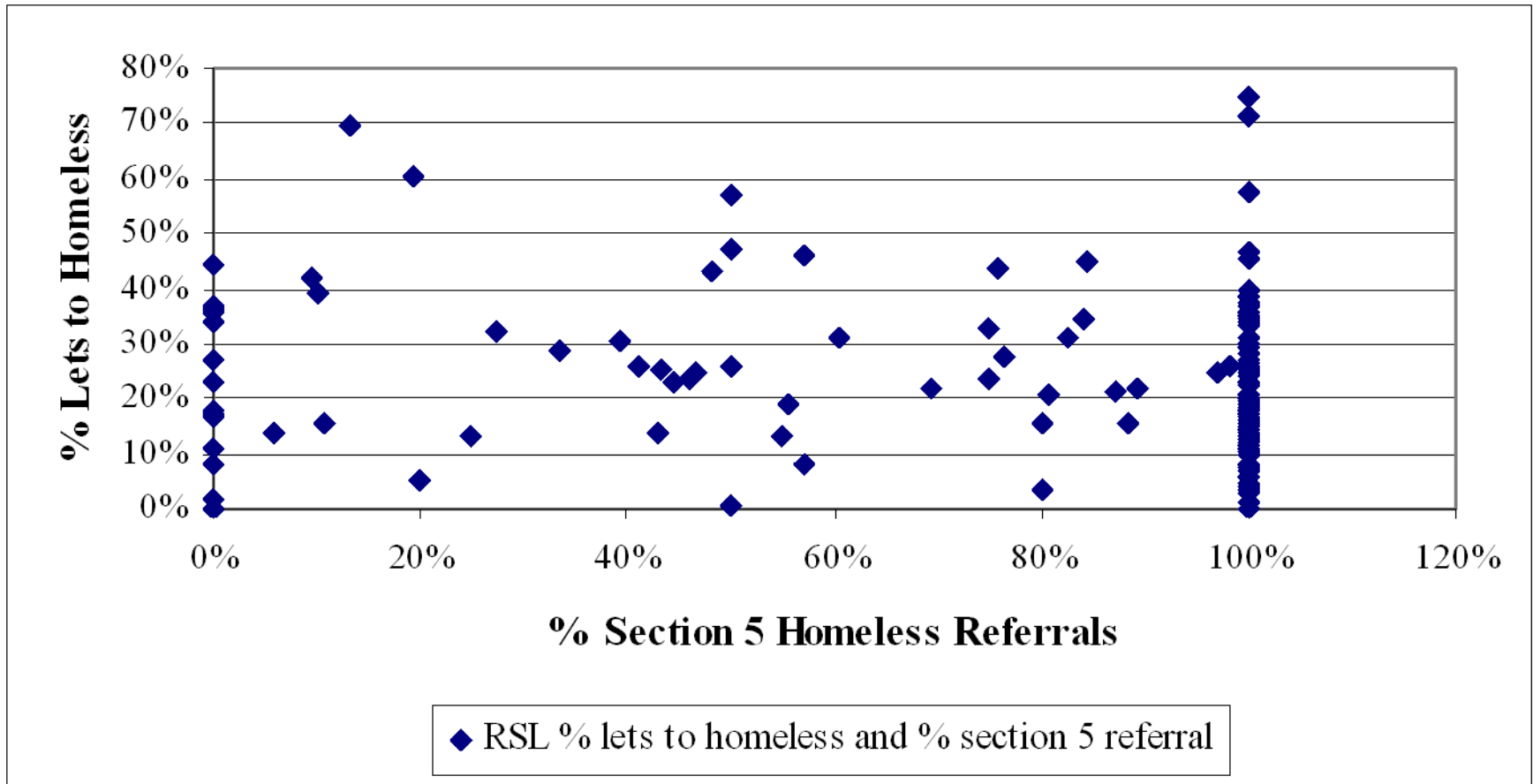
Amanda Britain

Main Findings

Use of Section 5

- Under a quarter (24%) of non transfer lets made to statutorily homeless in Scotland (2006/7)
 - Ranged from 50% to 15% in different local authorities, and over 70% to under 5% for individual RSLs
 - Compares to 43% in local authorities, but note different datasets
- Variation in extent to which section 5 used
 - Only referral mechanism in 14 local authorities
- Variation not explained by whether referral made under section 5 or other mechanism, but
 - Availability of property in area/of type/of size required
 - Particular housing need of applicant

% RSL Lets to Homeless & % from Section 5 Referrals



Vacancy & Applicant Led

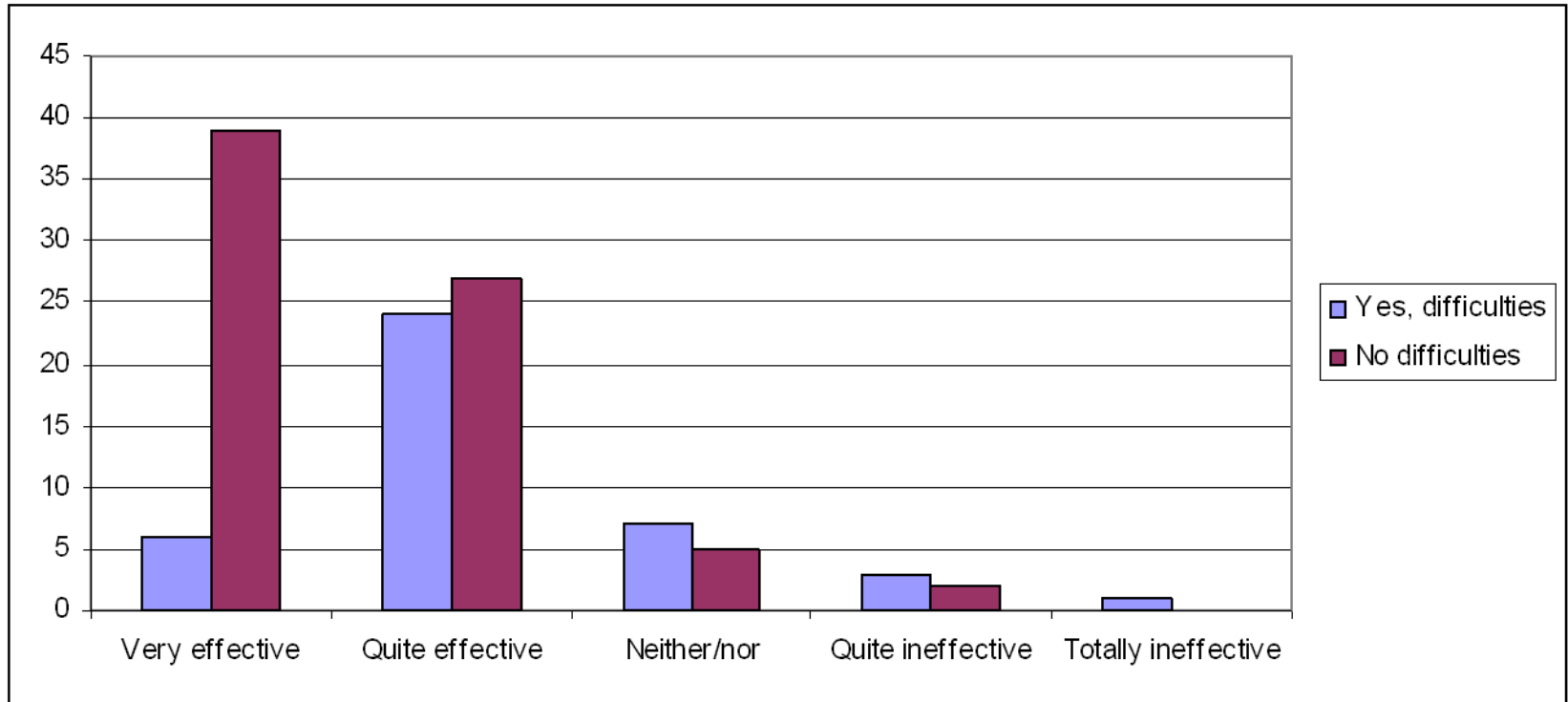
	LA	RSL	All
	No.	No.	%
<i>Always</i> 'vacancy' led	10	48	41%
<i>Always</i> 'applicant' led	9	28	24%
<i>Sometimes</i> 'vacancy' led, <i>sometimes</i> 'applicant' led	9	41	35%
Total	28	117	

- Differences in response between LAs and RSLs in area – 'always' seemed not to be literal
- Vacancy led more common amongst regional and nationals
- Approach affected by previous agreements and practices

Information Exchange

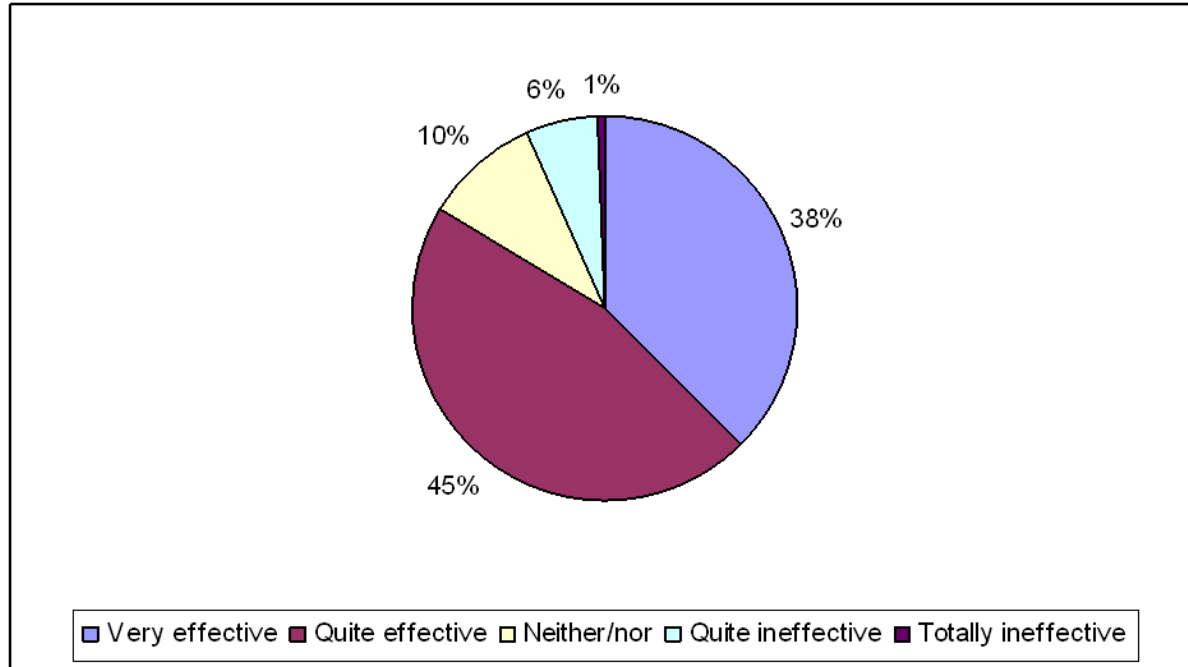
- Differences in extent and quality of information exchange between Section 5 referrals and nominations of SHHs
 - Better in the context of a Section 5 referral
- Most local authorities use pre-referrals in relation to
 - particular requirements of applicant; availability of property; simple information exchange
- Rated by those that used them (LAs and RSLs), but generated strong counter views as well
- Generally RSLs concerned about quality of information provided
 - Particularly in relation to support needs

Difficulties with Information Exchange



- 35% of RSLs reported difficulties in information exchange
- Group more likely to consider local arrangements not transparent; not equitable; received inappropriate referrals

Effectiveness



- 83% landlords considered arrangements very or quite effective
- Few differences in overall balance of LAs and RSLs, but
 - Differences between LA and RSLs in area
 - Differences between RSLs in same area

Equity (LA Views)

- Mostly positive views from LAs
 - 17 of 29 said 'always'; 5 'sometimes'; 2 'no'
- Reasons for concerns reflected lack of trust
 - Case studies suggested that certain RSLs, not all
 - Around issues such as previous tenancy; debt; unequal treatment of homeless referrals
 - Recognised by some RSLs
- Importance of good working relationships highlighted, particularly in case studies

Transparency & Equity (RSLs)

	Transparent		Equitable	
	No.	%	No.	%
Yes	81	69%	78	72%
No	36	31%	31	28%
Total	117		109	

- RSLs less positive about transparency & equity
 - In relation to involvement of applicant
 - relative priority to homeless households & equity with other applicants
- ‘Fed’ by limited information about respective ‘contributions’

Resolving Disputes

- Refusals by the RSL
 - Most commonly in relation to tenancy history issues
 - Support needs of applicants
- But 17 of 28 LAs stated that never disagreed with action by RSL re section 5
 - Not all would challenge if disagreed
- Response to issues/difficulties
 - More than 80% talk to council
 - Good working relationships (again)
- Arbitration process rarely been used.
 - both LAs and RSLs noted that because not needed

Changes Sought

- LAs most commonly wanted RSLs to give higher priority to statutorily homeless households (11/23)
 - Addressing support issues; egs of good practice; consistent protocols
- More varied response from RSLs
 - Better support packages (20/80)
 - More reasons for refusing; ‘counting’ all SHH lets;

Conclusions & Recommendations

Varying approaches, few patterns

- Varying local approaches
 - use of Section 5, applicant/void led, and other
- Varying processes did not explain different outcomes in terms of % of RSL lets
 - But limited other evidence on outcomes

Recommendation

Acknowledge key role of Section 5, but as one tool among others to achieve desired outcomes

Outcomes for Homeless Households

- Generally positive feedback
- But limited evidence base in terms of national and local data
 - Needs to be collected on a systematic basis

Recommendation

LAs and RSLs should be encouraged to use tools available to assess outcomes at for the individual homeless household

Local Processes

- Focus on outcomes does not mean process is unimportant, especially in area of equity, transparency etc

Recommendations

Clarification of number of offers

Encouragement of sharing of information on respective contributions

Local Partnerships

- Shared understanding of need & contribution required by RSLs is key
- Lack of collective 'ownership' of cases
- Desire in areas where difficulties for national intervention
 - Greater RSL contribution (LAs); more reasons for refusal (RSLs)
- Powers already in place

Recommendations

Arrangements put in place by which RSLs can request case review where threat of repeat homelessness

No extension of reasons for refusal by RSLs

Replacement of current Section 5 protocol by Guide to developing agreement (on accessing RSL housing; respective roles & responsibilities; expected contributions, referral processes; information exchange)

Resolving Disputes

- Strong local partnership = fewer disputes & more quickly & easily resolved
 - Not necessarily better outcomes for homeless household
 - Challenge & friction may be important
- Reluctance to use formal processes
- Lack of practice examples emerging

Recommendation

Mechanisms for advice and practice experience to be captured and shared

Local Information Issues

- Key issue for RSLs and affected views on effectiveness of local arrangements
- Information exchange better in relation to Section 5
 - but no reason that has to be
- Connection with ‘pre-referrals’
 - Informal information exchange essential and inevitable
 - Issue around impact on outcomes

Recommendations

Good practice note on information exchange

Good practice note on use of ‘pre-referrals’