

Delivering on Homelessness

Workshop on Intentional
Homelessness

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The 4 Hurdles of Homelessness:

1. Are you homeless?

2. Are you in priority need?

3. Are you intentionally homeless?

4. Do you have a local connection?

What is intentionality?

“A person becomes homeless intentionally if s/he deliberately does or fails to do anything in consequence of which s/he ceases to occupy accommodation which is available for her/his occupation and which it would have been reasonable for her/him to continue to occupy”

Section 26

Part 2 Housing (Scotland) Act
as amended



“It must have been reasonable for the applicant to have continued to occupy the accommodation”



“The applicant must have been aware of all the relevant facts before taking or failing to take the deliberate actions referred to above – an act or omission in good faith on the part of a person unaware of any relevant fact is not to be regarded as deliberate”

(The person concerned should have acted in a way which that person knew could result in homelessness, Code of Guidance on Homelessness)

How many people are intentionally homeless in Scotland??

2001/2 – 11% of all homeless priority need applicants

2002/3 - 5% of all homeless priority need applicants

2003/4 3.2% of all homeless priority need applicants

In 2003/4, 947 homeless or potentially homeless households made 1028 applications which resulted in decisions that they were intentionally homeless.

Issues in making an intentionality decision

- How we can be sure that it was reasonable for the applicant to continue to occupy the accommodation?
- How we can be sure that the applicant understood that their actions could result in homelessness?
- “It is for the Local Authority to satisfy itself whether an applicant became homeless intentionally. There is no onus on the applicant to satisfy the Local Authority that he or she did not become homeless intentionally” (*Code of Guidance on Homelessness para 7.7*)

What are intentionally homeless households like?



They may have been evicted for rent arrears that they have not attempted to repay



They may have left a house in another area to move nearer to family support but made no accommodation arrangements



They may have left accommodation for no good reason even though they had received advice not to



They may have been evicted
for anti-social behaviour



They may have left home
due to external violence but
there is no evidence to
support this



They may be a
“family from hell”....



They may have abandoned a
tenancy because they just
couldn't cope

What are the proposed changes to intentionality?

1. Based in Homelessness Task Force 2nd Report & legislated in Homelessness (etc) Scotland Act 2003.
2. Local authorities will no longer have a duty to investigate intentionality but they will have the power to do so.
3. If a household is found to be intentionally homeless, they must be provided with a SSST & a support package with which they will be expected to co-operate.

What are the proposed changes to intentionality?

4. If this arrangement is sustained for a year then the household will be entitled to a full SST.
5. If not, then the Local Authority will have a duty to continue to provide accommodation and support, but not a tenancy.
6. If someone in a homeless household has an ASBO or if a household has been evicted for anti-social behaviour in the last 3 years, then the Local Authority only has a duty to provide non-tenancy accommodation.

Implications of changes

- What form will ‘non-tenancy’ accommodation take?
- How will the Local Authority deal with cases where they would normally evict? They will have a continuing duty to accommodate...
- What kind of support may need to be provided for the most troubled or troubling households?
- What happens if a household refuses to accept the support?

The Accommodation & Support Needs of Homeless Households

Research on the accommodation & support needs of intentionally homeless households due to be published shortly:



the number of households involved will not be high



the support needs of intentionally homeless households are not significantly different from those of other types of households

Implementing the changes – Ministerial report December 2005

- Awaiting the publication of the Ann Rosengard report
- Need to gather information from the implementation & evaluation of Breaking the Cycle Initiative
- Need to develop understanding of the relationship between homelessness & anti-social behaviour policy
- Need to consider how & when Local Authorities may be considered to have discharged their duty to an intentionally homeless household.
- *Not before 2007*