

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

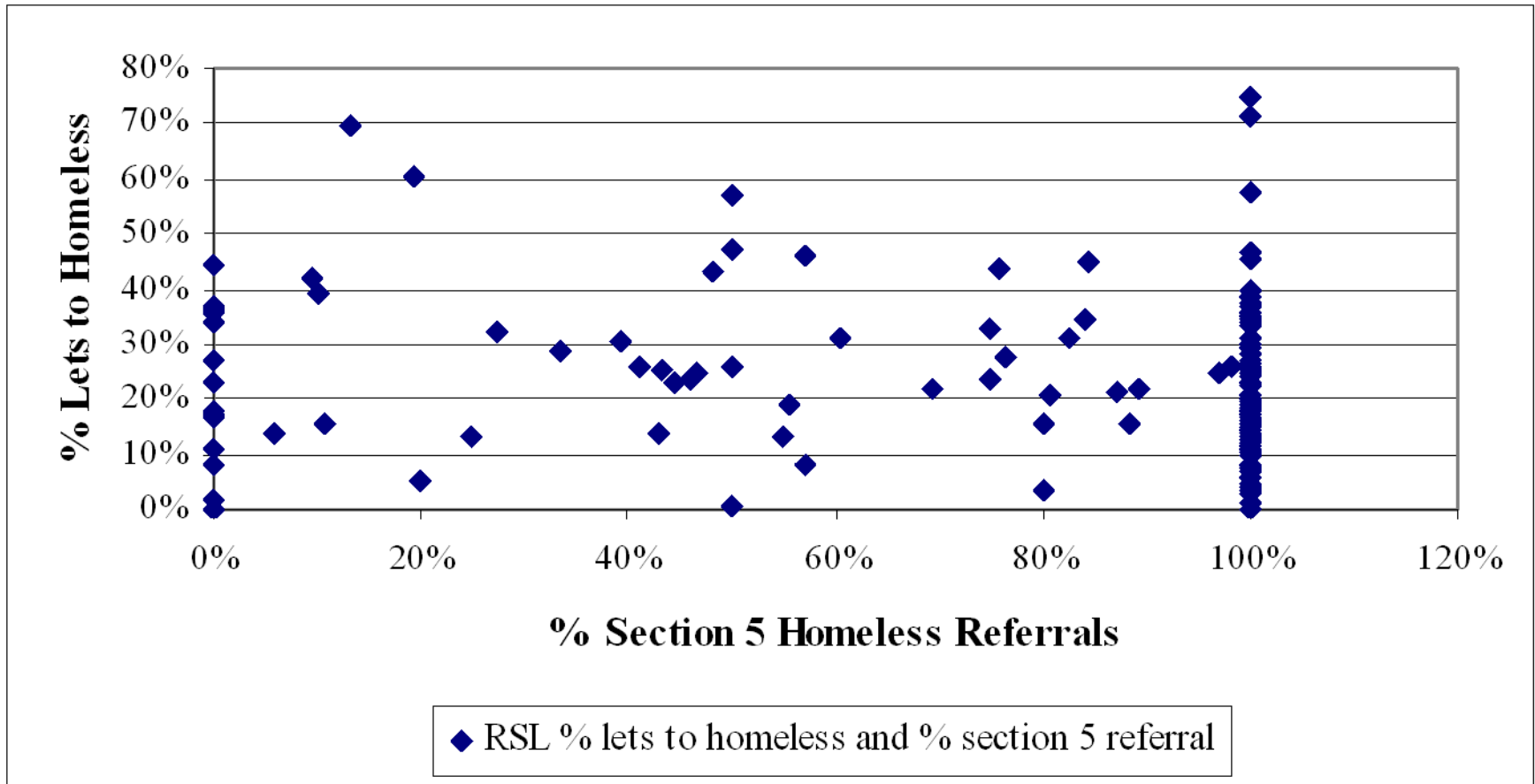
**Amanda Britain**

# 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

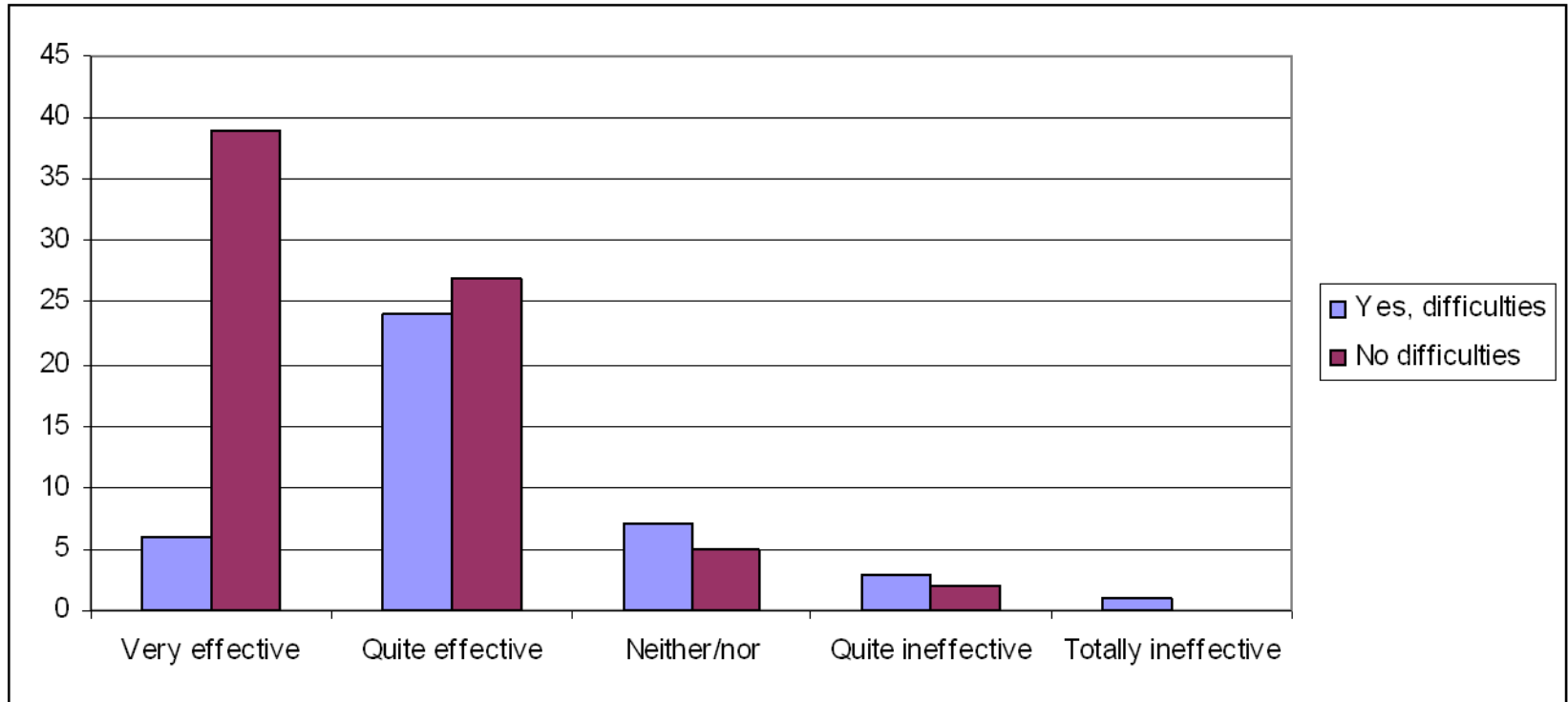
	<b>LA</b>	<b>RSL</b>	<b>All</b>
	<b>No.</b>	<b>No.</b>	<b>%</b>
<i>Always</i> 'vacancy' led	10	48	41%
<i>Always</i> 'applicant' led	9	28	24%
<i>Sometimes</i> 'vacancy' led, <i>sometimes</i> 'applicant' led	9	41	35%
<b>Total</b>	<b>28</b>	<b>117</b>	

- 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

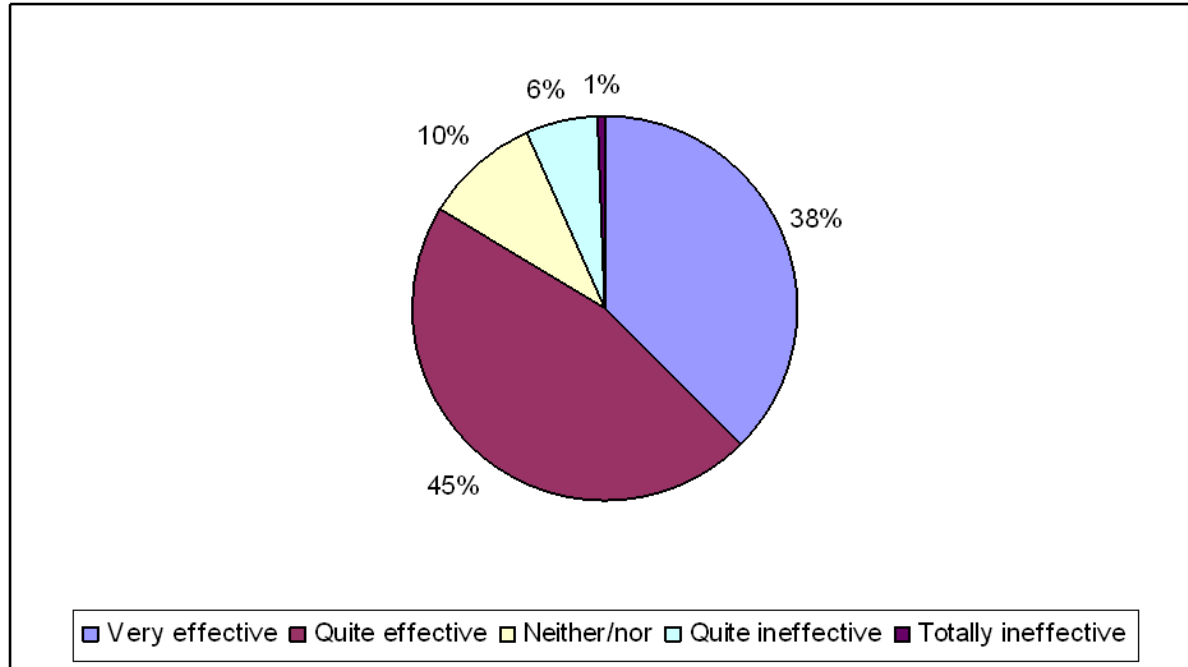
- Differences in extent and quality of information exchange between Section 5 referrals and nominations of SHHs
  - Better in the context of a Section 5 referral
- Most local authorities use pre-referrals in relation to
  - particular requirements of applicant; availability of property; simple information 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%
<b>Total</b>	<b>117</b>		<b>109</b>	

- 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’***