

A response to the Scottish Governments consultation on local connection and intentionality provisions in homelessness legislation

1. Scottish Refugee Council supports suspending all local connection referrals. It is a fundamental shift towards seeing homelessness as a wider public health issue. This move means we will have homelessness services that are delivered at the point of need. The [Homelessness and Rough Sleeping Action Group in their final recommendations](#) highlighted the need to move to an approach where homelessness is prevented and seen as a wider public health issue, particularly important was the emphasis on a 'no wrong door approach', suspending all local connection referrals is a key step in this process.

2. Since 1999 people who claim asylum and are destitute have been moved to seven dispersal regions across the UK through the system of [asylum support](#), regardless of where they register their claim for asylum. Glasgow is the only Local Authority in Scotland where asylum seekers are dispersed. In Scotland when refugees, become homeless as a result of their asylum support ending, when they have a positive decision on their asylum claim, they have the benefit of not being subject to local connection test under [Homelessness act. \(Scotland\) Act 2003 Section 7](#). This legislation recognises that asylum support is offered on a no choice basis, and that refugees may wish to move closer to relatives or other community groups, or to achieve their education or employment goals. This differs from other areas within the UK, who do not have the rights of those who receive subsistence support from the Home Office recognised. This has led to positive outcomes for those [dispersed to Scotland](#) and those wishing to move from other parts of the UK to Scotland.

Refugees who arrive in Scotland through resettlement programmes, are not covered by the [Homelessness act. \(Scotland\) Act 2003 Section 7](#), as they have not been in receipt of asylum support. Similarly [separated children](#) (UASC) moving on from Local Authority support who also do not choose the areas they are accommodated are subject to local connection tests. Removal of local connection tests will allow those refugees who arrive in Scotland, who may need to move to be closer to relatives or other community groups, or to achieve their education or employment goals, creating positive integration opportunities for all refugees. Removing the local connection test would allow all those facing homelessness who arrived in Scotland seeking protection the same rights. A commitment that has been at the forefront of the [New Scots Strategy](#).

3. There are specific challenges in addressing the needs of refugees supported through the Home Office transitioning into mainstream entitlements. There is no specific data in HL1 that allows this to be consistently monitored nationally. We are concerned that HL1 data will not be enough to identify specific trends in changes to distinct populations experiencing homelessness. Which need to be monitored to improve support available to those experiencing homelessness. A particularly concerning trend is the rapid change in demographics within those being granted leave to remain in Glasgow, moving from mostly single people to mostly families. This trend would not be identifiable in current HL1 data. It would be helpful to add “end of Home Office asylum support” to the list of causes of homelessness.

4. Scottish Refugee Council supports the removal of the duty on local authorities to assess households for intentionality. The Government in their report [Ending Homelessness Together: High Level Action Plan](#) identified the need to consult with solicitors and other stakeholders on the definition ‘deliberate manipulation’. We are concerned without having a proposed definition that we cannot fully contribute to the consultation.

If intentionality continues to be part of the homelessness assessment, the definition of deliberate manipulation must factor in current challenges around the benefit cap, universal credit and sustainable rents if we are to continue applying an intentionality test. Any definition of deliberate must factor in these challenges, so that intentionality does not become another means by which those on the receiving end of welfare changes are not doubly penalised.

If Local Authorities assess intentionality, they should report on their reasoning to capture data around deliberate manipulation. The assessment data will ensure ongoing evaluation is possible.

5. Scottish Refugee Council welcomed the HARSAG final report, and the continuing action by the Scottish Government to end rough sleeping and homeless. For Refugees the homelessness system is complex and often difficult to navigate, we hope that the introduction of these changes bring a simplified system which guards against people making uninformed decisions being penalised. Through our work with refugees in the [move on period](#) from asylum support to local authority housing and claiming welfare benefits, we witness the effects of their lack of understanding of entitlements and options people have around their rights and entitlements. [Scottish Refugee Council's has demonstrate the need for advocacy around housing and social security to ensure refugees can fully exercise rights](#). A simpler housing system could enable refugees to focus on their wider integration around, e.g, education and employment.

7. Narrowing the definition to focus on deliberate manipulation must consider the local factors which affect people going through the homelessness process in different local authorities. In Glasgow in particular, dispersal may well exacerbate issues around welfare reform, and sustaining tenancies due to a change in demographics. Through our Glasgow based services, since 2018, our data shows a significant change in family composition of those granted leave to remain in Glasgow, families are now the largest single group accessing our service, and families with children make up 58.85% of the people who accessed our Refugee Integration Service from April 2018 to September 2018. The average family size of those accessing our service is 3.4 people, over 15.2% of the families we supported had 3 or more children and the largest family had 10 children. We foresee this trend to continue as families are being dispersed to Glasgow by the Home Office. This has particular challenges for the local authority and private rented sector (PRS), where larger properties are often not available in the social or rented sectors, and in PRS unaffordable. The vast majority of newly granted refugees continue to find themselves going through the Homelessness route to then access settled accommodation. Long term, we may see a rise in the number of families facing financial difficulties and accessing social work support due to issues around [tenancy sustainment due to benefit cap and Universal Credit](#). There needs to be wider reform of the housing market to make [sure rents are sustainable](#) for families in particular. Meaning any definition of deliberate manipulation must factor in these concerns and recognise an increasingly complex system of welfare benefits, and a pool of housing that does not meet the needs of those dispersed to Glasgow.

8. Scottish Refugee Council would advocate that the further work around intentionality and its definition is completed and a period of consultation on this specifically is carried out before commencing the provisions suggested in the paper.

9. Refugees who have arrived in Scotland during or after accessing asylum support can and do present as homeless to any local authority that they choose. Removing the local connection and intentionality tests, will overall be positive for refugees not receiving asylum support such as separated children and those arriving through resettlement schemes. We would advocate for more specific reporting where a person's immigration status intersects with protected characteristics

10. The proposed changes to local connection and intentionality are a welcome step towards homelessness being recognised as a public health priority. Much like health, homelessness assistance should be delivered at the point of need. Commencing the provisions is the first step to implementing a 'No wrong door' approach. However, as highlighted there are specific challenges in the current system around homelessness and sustaining tenancy that are complicated by wider welfare reform and the current housing environment. The proposed changes will need to be implemented alongside the wider aims identified in the [High Level Action Plan](#) and the [HARSAG final recommendations](#).