

## EQUALITY IMPACT ASSESSMENT - RESULTS

<b>Title of Policy</b>	The Homeless Persons (Suspension of Referrals Between Local Authorities) (Scotland) Order 2022
<b>Summary of aims and desired outcomes of Policy</b>	The legislation will suspend all Scottish local authorities' power to refer a person/household who is homeless or threatened with homelessness to another local authority in Scotland on the grounds of their local connection. This change will remove a barrier for homeless households to access the support and help they need and offers people experiencing homelessness or threatened with homelessness the option to settle in an area of their choice.
<b>Directorate: Division: team</b>	Housing and Social Justice: Better Homes: Homelessness Unit

### **Executive summary**

This legislation will suspend all Scottish local authorities power to refer a person/household who is homeless or threatened with homelessness to another local authority in Scotland on the grounds of their local connection.

The equality impact assessment has shown that the suspension of local connection referrals is beneficial to homeless households as it removes a barrier to accessing services and support. Households are more likely to resettle successfully when they have choice and control over where they live, and avoid repeat homelessness where they can access the specific services and person-centred support they require and where they are able to integrate successfully into the local community. Additionally, for some households who are homeless or experiencing homelessness, the ability to have a fresh start in another area can be a vitally important factor in helping them to sustain a safe and settled home.

## **Background**

Local authorities in Scotland currently have the power, but not a duty, under section 33 of the Housing (Scotland) Act 1987 (the 1987 Act), to refer homeless applicants who do not have a local connection with them to another local authority in the UK where they do have such a connection. The suspension of referrals was a recommendation by the Homelessness and Rough Sleeping Action Group (HARSAG) in 2018 and is based on the belief that people who are homeless or threatened with homelessness generally have good reasons to present to a particular authority, and that these reasons should be acknowledged.

The Scottish Government has held two public consultations (in January to April 2019 and August to October 2020 ) which invited views on suspending the power of local authorities to make local connection referrals. There is support for the principle of the proposal in recognition that it supports a person-centred approach and removes barriers people experiencing homelessness may face. However, some local authorities are concerned about the timing of laying the SSI due to the pressures from the Covid pandemic, Brexit, the Ukrainian resettlement programme and the cost of living crisis. Major cities and the island authorities are seen as most vulnerable to the impact of an increase in homeless applications.

A monitoring and evaluation framework has been developed with stakeholders to capture quantitative data as well as qualitative information to identify any emerging trends and measure the impact on homeless households, local authorities and frontline services. A regular programme of engagement with key stakeholders and local authorities most under pressure will allow issues to be considered as they arise. This will also inform any mitigations should they be required.

## **The Scope of the EQIA**

The policy does not directly discriminate against any group, however, there are two areas of potential indirect discrimination. Firstly, people (most often women) and families escaping domestic abuse – who were previously exempt from local connection referrals – may experience less positive outcomes due to increased demand across all applicants experiencing homelessness for houses and support in some local authority areas. Secondly, the protected characteristic of race as related to nationality for

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applicants who present from a part of the UK outside of Scotland as they are not included in the scope of this legislation and will continued to be referred back to the local authority with which they have an established local connection.

## **Key Findings**

### **Age**

Most homeless applicants are aged between 25 and 49 years old. The number of applications aged 50-59 increased by 17% between 2020/21 and 2021/22, and increased by 30% for those aged 60+. The number of young people aged under 25 decreased by 3% for those aged 16-17, and by 8% for those aged 18-24 in the same period.

In recognition that young people can be more vulnerable to homelessness, especially those leaving care and LGBT young people, a prevention pathway for all young people has been developed. Young people may also be more likely to be hidden from services, and therefore from official homelessness records, as they are 'sofa surfing' or living in other informal or unstable circumstances. The Scottish Government is commissioning research into housing insecurity and hidden homelessness. This seeks to understand the nature and causes of hidden homelessness and to make policy recommendations to ensure everyone, including young people, can engage with and access housing and homelessness services.

### **Disability**

In 2020/21, over half of homeless applicants were identified as having at least one support need (51%) with the highest proportion having mental health problems (29%). The change to local connection legislation will enable people to have choice and control over where they live in order to engage with the services they need. It may help those who need to break the chain of addiction by opening up the option to move to where they can access targeted support and, in some of the more vulnerable cases, to move away from harassment, pressure and/or negative influences. The ability of individual local authorities (particularly smaller, rural and island authorities) to meet the housing needs of disabled households and the delivery of associated services will be monitored and required action taken in response should there be a detrimental impact as a result of the policy change.

### **Sex**

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Our homelessness statistics show that more men (55%) make homelessness applications than women (45%), however, we know that our statistics do not capture all people who are at risk of or who are currently experiencing homelessness.

While men are more likely to present as homeless, the majority of lone parents are women, and women are more likely to provide reasons for homelessness as violent household dispute, non-domestic violence or harassment (men are more likely to give a reason of non-violent household dispute).

Currently people who are experiencing domestic abuse are exempt from having to demonstrate a local connection to the local authority they present to. There is a potential unintended consequence that women escaping domestic abuse are disadvantaged when local connection referrals are suspended. For example, application of the policy to all homeless households may increase homelessness applications in particular areas, resulting in longer waiting times. The monitoring framework will capture any trends and engagement will be undertaken with frontline services supporting women experiencing domestic abuse.

#### Pregnancy and maternity

Evidence suggests that households with children aged 0-4 are at high risk of poverty (and that poverty can increase risk of experiencing homelessness). The risk of poverty, however, is much higher when the youngest child is aged less than one year old. The suspension of local connection referrals can offer an additional option for people with this protected characteristic to be able to choose the best place for their family to settle.

#### Gender reassignment and sexual orientation

The number of transgender people, although estimated to be around 0.6% of the Scottish population, is not currently known and many trans people are extremely wary of disclosing their trans history. Only limited evidence is available on this protected characteristic, although this does provide a valuable insight into the issues people within this community experience throughout their lives, and depicts the disadvantages they face in relation to both their identity and housing situation. Research has found that 33% of LGBT people feel isolated where they live because they are LGBT, including almost half of those living in rural Scotland. Many LGBT young people, particularly when escaping familial abuse, rejection or

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homophobia, biphobia and transphobia within their communities, aspire to migrate to larger towns and cities where the LGBT community is more visible, and they can access LGBT services, networks and venues. The suspension of local connection can help by offering more choice to settle in an area away from the dangers of harassment/abuse and where there are suitable and appropriate support networks.

#### Race

Evidence shows that people from minority ethnic communities are more likely to be living in some of the most deprived areas in Scotland compared to white Scottish/British households. The suspension of local connection can offer minority ethnic groups more choice to settle in an area where there are appropriate support networks and suitable social housing options.

The protected characteristic of race as related to nationality has been considered for applicants who present from a part of the UK outside of Scotland as they are not included in the scope of this legislation and will continue to be referred back to the local authority with which they have an established local connection. On balance, this has been assessed as not amounting to disproportionate discrimination on the grounds of race.

#### Religion or belief

There is not likely to be a significant impact on people because of their religion or belief.

#### Marriage and civil partnership

There is not likely to be a significant impact on people because of their marital or civil partnership status.

### **Recommendations and Conclusion**

The equality impact assessment has shown that the suspension of local connection referrals is beneficial to homeless households as the policy offers anyone who is homeless or threatened with homelessness choice and control over the area they move to, where they can access support networks appropriate to their needs and lifestyles. Additionally, it provides vulnerable people with the option to move away from the dangers of harassment/abuse and negative influences.

The equality impact assessment has considered two groups potentially at risk of a partial indirect detrimental impact. In order to ensure there are no

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unintended consequences for any group with protected characteristics, including the two discussed above, statistical information will be gathered on a quarterly basis from local authorities and monitored. Quarterly engagement with frontline services, our homelessness lived experience group and local authorities will allow officials to gather qualitative information to demonstrate the impact of the changes. Both sets of data will be used to identify any emerging trends and provide an evidence base to inform work to mitigate any adverse impact experienced.