

Child Rights and Wellbeing Screening
Sheet for **The Homeless Persons
(Suspension of Referrals Between
Local Authorities) (Scotland) Order
2022**

1. Brief Summary

The Homeless Persons (Suspension of Referrals Between Local Authorities) (Scotland) Order 2022 exercises the power of Scottish Ministers, under section 33A of the Housing (Scotland) Act 1987 (the 1987 Act), to modify the operation of local connection referrals in Scotland. It suspends, for all Scottish local authorities, their 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 status.

The suspension applies only to the power of local authorities in Scotland to make referrals to other Scottish local authorities. The current legislative position with regard to arrangements with other countries in the UK will remain unaffected.

The decision to introduce legislation to suspend the power of local authorities in Scotland to make local connection referrals 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. We take the view that households are more likely to resettle successfully, and avoid repeat homelessness, if they are living in an area of their choosing 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.

2. What aspects of the policy/measure will affect children and young people up to the age of 18?

Being raised in a family experiencing homelessness may have an adverse effect on outcomes for children and young people both in the short-term and long-term as adults as people who experience homelessness in childhood may be more at risk of homelessness in adulthood. The suspension of local connection referrals will improve the ability of families to choose the best place for them to stay and engage with services appropriate to the needs of their family including health, education and social work services.

3. What likely impact – direct or indirect – will the policy/measure have on children and young people?

We anticipate that the suspension of local connection referrals will have a beneficial impact on people of all ages, and therefore will include children and young people up to the age of 18. Issues such as homelessness and having a warm, safe, affordable and accessible home clearly have an impact on children. This change will improve the options for families with children who have freedom to move to an area of their choice for example to access support networks and services. This in turn would have a positive impact on the progression of children who can have access to better targeted services and education.

However, during the consultation process, there were a small number of concerns raised that there could be a negative impact for children in a scenario where adults within a household choose to move to another local authority where support services

are unavailable for example in a remote, rural or island area.

4. Which groups of children and young people will be affected?

We anticipate that the suspension of local connection referrals will have a beneficial effect on the lives of people of all ages. The changes would therefore have equal impact across all groups of children and young people.

We recognise, however, that there will be certain groups of children and young people in households at risk of or experiencing homelessness who may benefit more from the choice to settle in an area which is best for them. These include, but are not limited to, the following groups:

- Children and young people living in poverty;
- Children and young people with protected characteristics, or living in a household which include adult(s) with protected characteristics; for example young people who identify as LGBTI and who may wish to move to access support groups.
- Care experienced children and young people;
- Children and young people with significant or specific support needs.

There is a potential unintended consequence for children and young people who live in a household with a survivor of domestic abuse. At present, people who are fleeing domestic abuse can be referred to another local authority with whom they do not have a local connection to allow them to escape a perpetrator. The change to the legislation means that there may be more demand for housing in certain areas and therefore this may have a detrimental impact on housing outcomes for the children and families fleeing domestic abuse. This will be closely monitored through data returns from local authorities and regular engagement with frontline services who support victims of domestic abuse.

5. Is a Children's Rights and Wellbeing Impact Assessment required?

No. Any adverse impact on children and young people from this legislative change is minimal. Our most recent statistical publication shows that 95% of households present as homeless to a local authority area where they have an established local connection and we anticipate that most households at risk of or experiencing homelessness would continue to choose to live in an area where they already have a local connection and available support networks.. There are likely to be positive benefits for the majority of families with children who are experiencing homelessness or who are threatened with homelessness as they would have the choice to settle in an area that provides the best opportunities to prosper and sustain housing.

Scottish Government will monitor the impact of this change through a monitoring and evaluation framework which includes engagement with local authorities, frontline services and our lived experience group. This will form an evidence base should there be any adverse impact as a result of the legislative changes.


6. Sign & Date

Policy Lead Signature & Date of Sign Off:

Louise Thompson

9 September 2022

Deputy Director Signature & Date of Sign Off:

A handwritten signature in black ink, appearing to be a stylized 'L' followed by a cursive flourish.

9 September 2022