

## **Item: 10**

**Education, Leisure and Housing Committee: 9 June 2021.**

**Homelessness in Orkney.**

**Report by Executive Director of Education, Leisure and Housing.**

### **1. Purpose of Report**

To advise on the level of homelessness in Orkney for 2020/21, together with performance information.

### **2. Recommendations**

The Committee is invited to note:

#### **2.1.**

The statistical and performance information in relation to homelessness in Orkney for 2020/21, attached as Appendix 1 to this report, which indicates the following:

- The number of homeless presentations for 2020/21 has increased by 15.2% from 2019/20.
- The reasons for homelessness remain broadly comparable to previous years, although an increase is evident in respect of being asked to leave by family/friends.
- Homeless presentations for the period 1 April to 9 May 2021 are the same as the same period in the preceding year.
- Homelessness remains a significant issue in Orkney and that lets to homeless households remain substantial relative to overall lets.

### **3. Background**

#### **3.1.**

Housing organisations are required to report against a number of service areas and indicators within the Scottish Social Housing Charter and homelessness is a central part of this.

#### **3.2.**

The Scottish Social Housing Charter, which was introduced in 2012, was subject to a review in April 2017.

### **3.3.**

Some indicators have changed in recent years and the process of change is expected to continue as a result of the introduction of a requirement for councils to produce an Annual Assurance Statement annually in October.

### **3.4.**

Councils are required to publish an Annual Report against the Charter and this was done in October 2020. The Annual Report is available from [Housing Services Annual Reports \(orkney.gov.uk\)](https://www.orkney.gov.uk/housing-services-annual-reports)

### **3.6.**

Information on the Scottish Social Housing Charter is available from: <https://www.gov.scot/publications/scottish-social-housing-charter-april-2017/>.

## **4. Statistical Information on Homelessness**

The statistical information on homelessness and associated performance is detailed in full in Appendix 1 to this report.

## **5. Corporate Governance**

This report relates to the Council complying with governance and procedural issues and therefore does not, directly support and contribute to improved outcomes for communities as outlined in the Council Plan and the Local Outcomes Improvement Plan.

## **6. Financial Implications**

### **6.1.**

Expenditure on homelessness is charged to the Other Housing budget within the General Fund.

### **6.2.**

The net homelessness budget for 2020/21 was £806,400 with an actual net spend of £733,700 which gives an underspend for the financial year of £72,700.

## **7. Legal Aspects**

### **7.1.**

There are no direct legal implications arising from this noting report. The statutory definition of homelessness is given below.

### **7.2.**

In terms of section 24 of the Housing (Scotland) Act 1987, a person is homeless or threatened with homelessness if there is no accommodation in the UK or elsewhere, which he, together with any other person who normally resides with him as a

member of his family or in circumstances in which the local authority consider it reasonable for that person to reside with him:

- Is entitled to occupy by virtue of an interest in it or by virtue of an order of a court.
- Has a right or permission, or an implied right or permission to occupy, or in England and Wales has an express or implied licence to occupy.
- Occupies as a residence by virtue of any enactment or rule of law giving him the right to remain in occupation or restricting the right of any other person to recover possession.

### **7.3.**

Further, a person shall not be treated as having accommodation unless it is accommodation which it would be reasonable for him to continue to occupy.

### **7.4.**

Regard may be had in determining whether it would be reasonable for a person to continue to occupy accommodation, to the general circumstances prevailing in relation to housing in the area of the local authority to whom he has applied for accommodation or for assistance in obtaining accommodation.

### **7.5.**

In terms of Section 24(3), a person is also homeless if he has accommodation but:

- He cannot secure entry to it.
- It is probable that occupation of it will lead to [abuse (within the meaning of the Protection from Abuse (Scotland) Act 2001 (asp 14)), or it is probable that occupation of it will lead to abuse (within the meaning of that Act) from some other person who previously resided with that person, whether in that accommodation or elsewhere.
- It consists of a movable structure, vehicle or vessel designed or adapted for human habitation and there is no place where he is entitled or permitted both to place it and to reside in it.
- It is overcrowded within the meaning of section 135 and may endanger the health of the occupants.
- It is not permanent accommodation, in circumstances where, immediately before the commencement of his occupation of it, a local authority had a duty under section 31(2) in relation to him ie a local authority is satisfied that an applicant is homeless.

### **7.6.**

A person is threatened with homelessness if it is likely that he will become homeless within 2 months.

## **7.7.**

For the purposes of subsection (3)(e), “permanent accommodation” includes accommodation:

- Of which the person is the heritable proprietor.
- Secured by a Scottish secure tenancy.
- Secured by an assured tenancy that is not a short assured tenancy.
- Where paragraph 1 or 2 of schedule 6 to the Housing (Scotland) Act 2001 (asp 10) is satisfied in relation to the person, secured by a short Scottish secure tenancy, i.e. has been evicted previously and therefore tenancy has been granted as a short Scottish secure tenancy.

## **8. Contact Officers**

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## **9. Appendix**

Appendix 1 - Statistical Information on Homelessness.

## 1. Statistical Information on Homelessness

### 1.1.

The number of homeless presentations since 2010/11 is shown in the table below. It should be noted that each application refers to a household and may therefore be a single person or a family group:

Year.	Number of Applications.
2020/21.	136.
2019/20.	118.
2018/19.	134.
2017/18.	119.
2016/17.	127.
2015/16.	99.
2014/15.	87.
2013/14.	108.
2012/13.	107.
2011/12.	155.
2010/11.	144.

### 1.2.

Homelessness rose consistently until 2011/12. Since then there has been a variable picture. In 2020/21 there has been an increase.

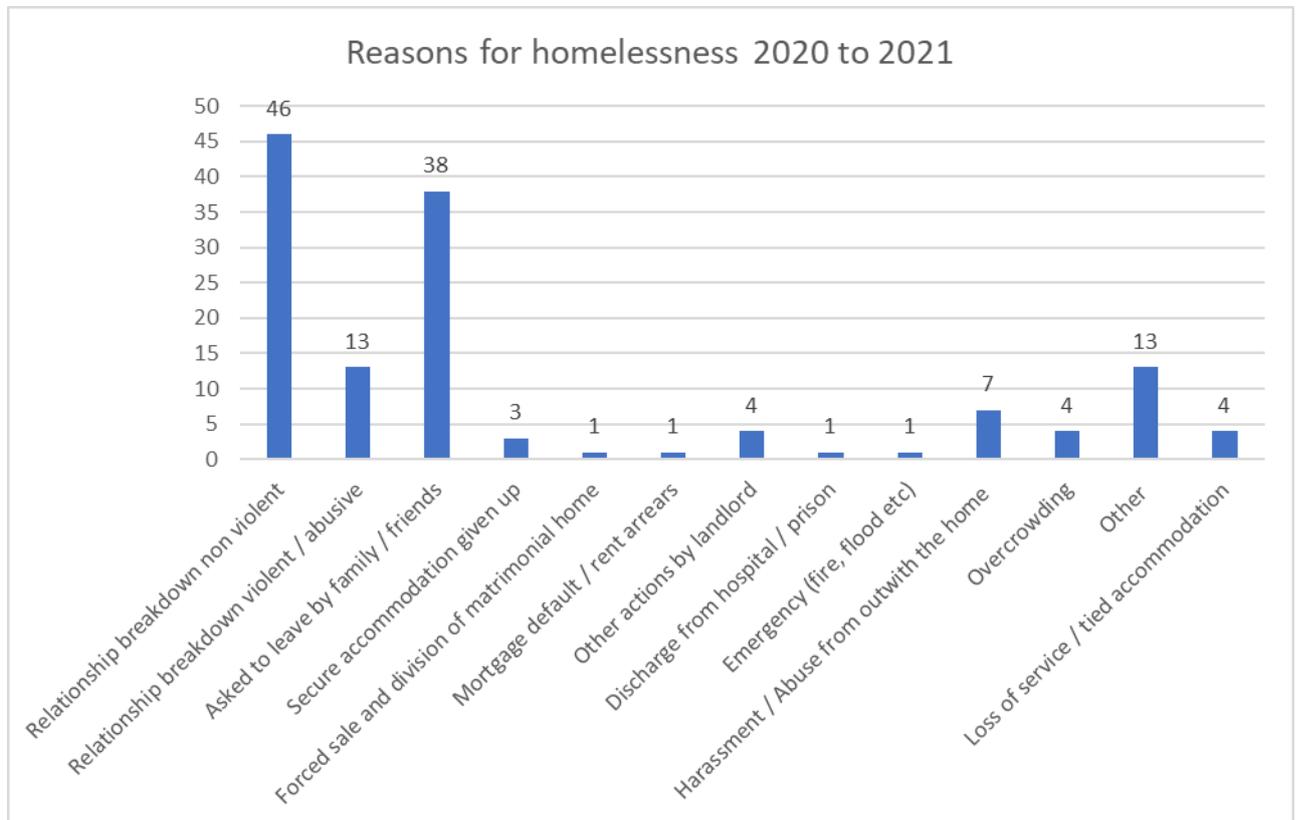
### 1.3.

The number of homeless presentations between 1 April and 9 May each year is detailed below. It is difficult to assess at this early stage in the year whether it is the case that presentations will remain broadly comparable throughout the year.

Year.	Number of Presentations.
2021.	9.
2020.	9.
2019.	11.
2018.	16.

#### 1.4.

The graph below shows the main reasons behind homeless presentations in 2020/21:



#### 1.5.

Generally, the reasons behind homeless presentations remain broadly similar to those of previous years with the exception of a significant increase in households being asked to leave by family and friends. The previous year had seen a significant decrease in this area to 19 cases from 31 cases. Levels have therefore returned to a more standard position this year. Finally, domestic abuse has remained stable with 13 cases in both 2019/20 and 2020/21.

#### 1.6.

Presentations from young people under the age of 25 have increased in percentage terms. The table below provides more detail.

Financial Year.	Number of young people presenting as homeless.	Percentage of total homeless applications.
2020/21.	25.	25%.
2019/20.	23.	20%.
2018/19.	33.	25%.
2017/18.	29.	24%.

### 1.7.

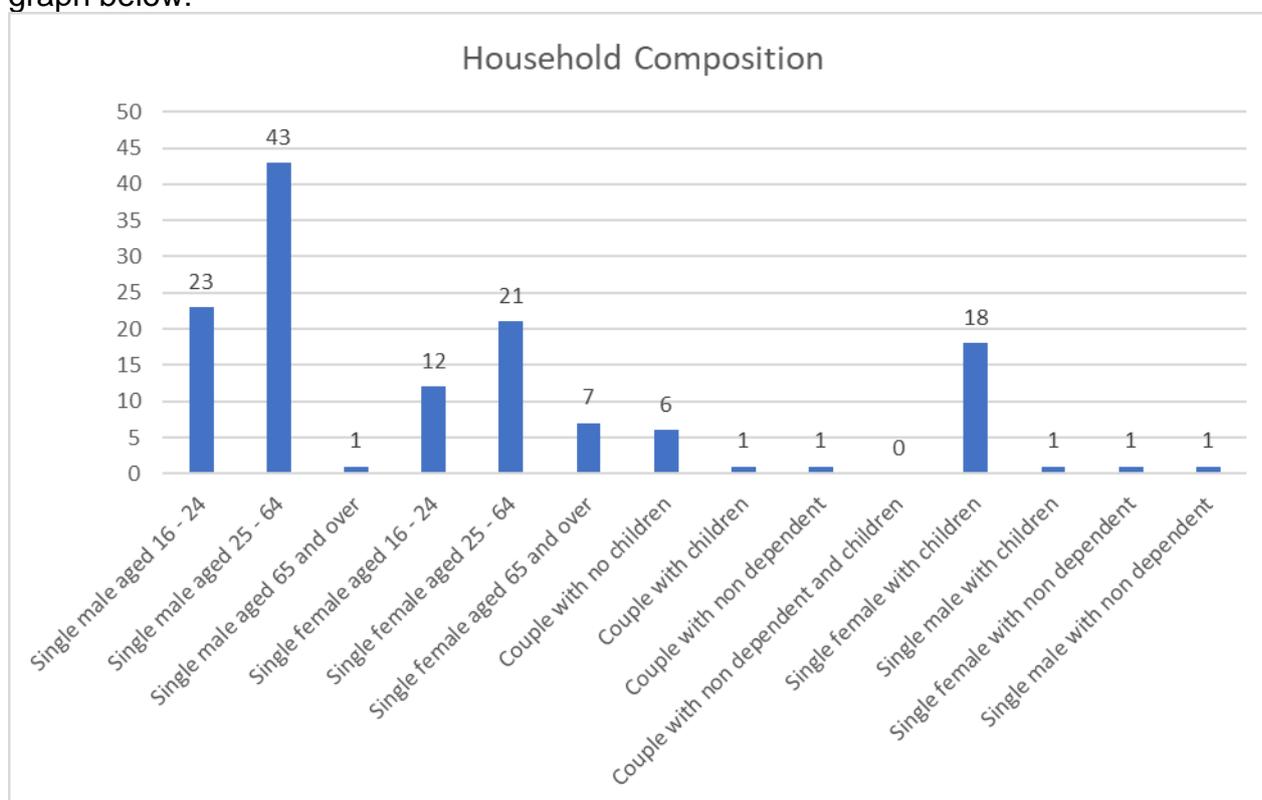
The young persons' supported accommodation projects remain vital in addressing homelessness amongst this client group, and this year has seen the facilities remaining fully occupied most of the year.

### 1.8.

The Council developed six units of accommodation in 2015 which are being used as move on accommodation for young people who are ready to progress from the supported accommodation projects. These are providing support for those young people who have some independent living skills but insufficient levels to maintain unsupported accommodation.

### 1.9.

The household composition of all homeless applications for 2020/21 is shown in the graph below:



## 2. Statistical Information on Temporary Accommodation

### 2.1.

At 31 March 2021, 69 households were in temporary accommodation. This compares to previous years as follows:

Year.	Number of households in temporary accommodation.
31 March 2021.	69 households.
31 March 2020.	45 households.
31 March 2019.	45 households.
31 March 2018.	28 households.

### 2.2.

This shows that there has been a significant rise in the amount of households in temporary accommodation compared to the previous year. Care generally needs to be taken with this indicator as this represents one day of the year rather than it being a cumulative figure. Equally, throughout financial year 2020/21, the number of households in temporary accommodation have generally been above 60 households.

### 2.3.

The number of emergency tenancies created each year decreased slightly in 2020/21, as shown in the table below:

Financial year.	Number of new emergency tenancies created.
2020/21.	105.
2019/20.	109.
2018/19.	110.
2017/18.	105.

### 2.4.

The trend in respect of the use of Bed and Breakfast accommodation has generally declined over recent years. In 2020/21, 9 cases were offered Bed and Breakfast accommodation. Each placement is recorded separately and therefore 9 cases does not relate to 9 households. Instead one household had more than one placement. It should also be noted that two of those cases spent 11 days and 19 days respectively in Bed and Breakfast accommodation which has impacted on the overall average duration figure being higher. During 2019/20 insufficient temporary accommodation was available to meet needs which resulted in an increase in the number of nights

where Bed and Breakfast accommodation was used. As a result, 31 cases were accommodated in this way which compares to 10 cases in 2018/19.

## 2.5.

Figures for previous years are more straightforward. In 2017/18, 16 cases were placed in Bed and Breakfast accommodation and the average duration decreased and continued in this way in 2018/19. The figures are shown in the table below:

Financial Year.	Number of nights.	Average duration.
2020/21.	55.	6.1 nights.
2019/20.	149.	4.8 nights.
2018/19.	21.	2.1 nights.
2017/18.	52.	3.25 nights.

## 2.6.

The information shown at 2.4 and 2.5 above will change in future years as the Homeless Persons (Unsuitable Accommodation) (Scotland) Amendment Order 2020 introduces changes that in effect prevent the legitimate use of Bed and Breakfast accommodation for housing homeless households. However, because of the ongoing pandemic, temporary exemptions are currently in place until 30 June 2021. These temporary exemptions mean that until 30 June 2021 a placement will not be considered as unsuitable if:

- A person in the household has symptoms of coronavirus and the household requires to isolate.
- The accommodation is required to provide temporary accommodation to ensure that a distance of two metres can be maintained between a member of the household and a person who is not a member of the household in order to prevent the spread of coronavirus.
- The local authority is unable to place the household in suitable accommodation as a result of the impacts of coronavirus on temporary accommodation supply in the area, provided that where a household includes a child or a pregnant woman the household is not placed in unsuitable accommodation for more than seven days.

## 2.7.

The average time from homeless presentation to completion of the Council's duties under the homelessness legislation is shown by year in the table below:

Financial Year.	Time from homelessness presentation to completion of Council's duties.
2020/21.	27.7 weeks.
2019/20.	25.6 weeks.
2018/19.	16.1 weeks.
2017/18.	16.1 weeks.

## **2.8.**

In 2020/21 the average time from homelessness presentation to completion of the Council's duties under the homelessness legislation has increased again. This rise was for a range of reasons such as young people living in the supported accommodation that required long periods before they were ready to take on a permanent tenancy and the availability of permanent accommodation of the right size and area. There was also a need to expand the Council's stock of temporary accommodation during this period. A total of 19 cases waited over a year to be permanently rehoused. In general terms the pressure is related to one bedroom properties. Section 5.13 shows the number of households permanently rehoused by the Council and Orkney Housing Association Limited.

## **3. Anticipated Changes**

### **3.1.**

From 1 January 2013 the homelessness legislation changed. The result was that the priority need classification (assessment of vulnerability) was removed nationally leaving three remaining hurdles. These are:

- Is the household homeless?
- Has the household become homeless intentionally?
- Does the household have a local connection (for example, have they lived in the area for six out of the last 12 months, three out of the last five years, have a connection as a result of employment or some other special reason)?

### **3.2.**

This process will continue to change as a result of the Homelessness etc (Scotland) Act 2003. From November 2019, the duty to consider intentionality became a power to do so. In December 2020, the Council resolved that investigation into the intentionality criteria should continue within the assessment process. Changes to the local connection hurdle had been due to come into force in November 2020 however no change has been made due to COVID-19 and it is anticipated that an announcement will be made later in 2021. It is likely that ultimately consideration will only require to be given as to whether the household is homeless.

## 4. Homelessness Prevention

### 4.1.

Preventative work is as follows:

Financial year.	Number of households receiving housing options/advice and information).
2020/21.	22.
2019/20.	19.
2018/19.	31.
2017/18.	58.

### 4.2.

In general terms, provision of housing advice, particularly provision of a housing options interview, can reduce the number of homelessness presentations. However, there has been a general decline in households receiving housing options advice. While there has been a slight rise in homelessness presentations during the same period, it is not always possible to make a direct correlation between the two. Sometimes there are no other housing options which could assist someone and the Council does have a duty towards them under the homelessness legislation. On that basis, that is the route that requires to be taken.

### 4.3.

The Council holds an accreditation at the National Standard for Information and Advice Providers. The National Standards determine that housing advice can be delivered at three different levels. The Council delivers housing advice at two of these levels as follows:

- Type 1 – General advice provided and signposting to another agency.
- Type 2 – Specific advice provided and case work delivered.

### 4.4.

Following the most recent inspection in respect of accreditation at the National Standard for Information and Advice Providers, a required action was to ensure publication of the levels and type of advice provided.

## 4.5.

During financial year 2020/21 housing advice was delivered as follows:

Competency.	Type 1.		Type 2.	
	2019/20.	2020/21.	2019/20.	2020/21.
Housing Benefit.	2.	0.	0.	0.
Discrimination in Housing.	0.	0.	0.	0.
Disrepair in Housing.	1.	0.	0.	0.
Harassment and Illegal Eviction.	1.	14.	0.	0.
Homelessness (priority need).	9.	22.	1.	0.
Mobility and Transfers.	0.	0.	0.	0.
Mortgage Arrears.	0.	0.	0.	0.
Housing Options General.	19.	22.	0.	0.
Housing Options Local Authorities.	19.	22.	0.	0.
Housing Options Private Sector.	19.	22.	0.	0.
Housing Options Owner Occupiers.	19.	0.	0.	0.
Housing Options Registered Social Landlords/Housing Associations.	19.	22.	0.	0.
Relationship Breakdown.	0.	0.	0.	0.
Rent: Private Sector.	0.	1.	0.	0.
Rent Arrears.	1.	2.	0.	0.
Repair and Improvement Grants.	0.	0.	0.	0.
Security of Tenure.	8.	0.	2.	11.

## 5. Discharge of Homelessness Duty

### 5.1.

The percentage of homeless households interviewed within one to five days is as follows:

Financial year.	Within 1 working day.	Within 5 working days.	Over 5 days.
2020/21.	73%.	21%.	6%.
2019/20.	82%.	9.3%.	8.4%.
2018/19.	90%.	7.5%.	2.5%.
2017/18.	91%.	7.5%.	1.5%.

### 5.2.

Care needs to be taken, however, with the indicator at section 5.1 above as households can choose when they wish to attend for an interview. Households who are facing homelessness immediately would always be interviewed within one working day. In 2020/21 there were nine cases over five working days. The reasons behind this were two households who were awaiting eviction decrees prior to undertaking an interview, three at their own request and four had a housing options interview before considering taking forward a homeless interview. Therefore, it took additional time to make arrangements to complete the homeless interview.

### 5.3.

The percentage of applications assessed within 28 days is shown in the table below:

Financial year.	Percentage of applications assessed within 28 days.
2020/21.	88.2%.
2019/20.	91.5%.
2018/19.	82.8%.
2017/18.	87.4%.

### 5.4.

The information outlined at section 5.3 above refers to the period between homeless interview and the decision as to whether they are homeless being made and shows a slight decrease in applications assessed within the period.

## 5.5.

The data below shows the average time taken between presentation and homeless assessment over the previous four years:

Financial year.	Time taken.
2020/21.	23.5 days.
2019/20.	23.0 days.
2018/19.	22.8 days.
2017/18.	19.4 days.

## 5.6.

This compares to previous years as follows:

Time taken.	2020/21.	2019/20.	2018/19.	2017/18.
Less than 2 weeks.	22%.	23.7%	24.6%.	28.9%.
2 to 4 weeks.	66%.	58.5%	58.2%.	64.9%.
Longer than 4 weeks.	12%.	17.8%	17.2%.	6.2%.

## 5.7.

Repeat homelessness is difficult to counteract as households may become caught in a cycle of homelessness if they secure a short term let, for instance. The level of repeat homelessness is as follows:

Financial year.	Number of cases of repeat homelessness.
2020/21.	2.
2019/20.	2.
2018/19.	1.
2017/18.	1.

## 5.8.

Each year, it is generally the case that contact is lost with some households prior to the homeless decision being made. This is as follows:

Financial Year.	Percentage of households with whom contact was lost.
2020/21.	2.2%.
2019/20.	1.6%.
2018/19.	0.7%.
2017/18.	1.6%.

## 5.9.

It is important to note that the Council must permanently rehouse households it finds to be homeless, to be unintentionally homeless, and to have a local connection. Therefore, it is not the case that the Council must permanently rehouse all households who present as homeless. The percentage of households permanently rehoused is as follows:

Financial year.	Percentage of households the Council accepted a duty to permanently rehouse.
2020/21.	79.4%.
2019/20.	79.7%.
2018/19.	79.8%.
2017/18.	68.9%.

## 5.10.

It is expected that, in general terms, the figures outlined at section 5.9 above will rise as the homelessness legislation changes from being a system with what was “three hurdles”, as outlined at section 3.1 above, to asking one question being “is the household homeless?”.

## 5.11.

The average length of time that a homeless family remains in emergency housing before being offered a secure tenancy from either the Council or Orkney Housing Association Limited varies considerably from year to year, depending on factors such as whether new schemes are built. The average times are shown in the table below:

Financial year.	One bedroom.	Two bedroom.	Three bedroom.
2020/21.	9.2 months.	5.4 months.	11.6 months.
2019/20.	8.2 months.	4.1 months.	8.6 months.
2018/19.	5.9 months.	3.3 months.	3.2 months.
2017/18.	7.5 months.	3.4 months.	5.8 months.

### 5.12.

As well as the time taken to permanently rehouse a homeless household changing over time, there are also changes in respect of the number of households waiting for each size of property. Over the last 10 years demand has changed significantly with a growth in demand for one bedroom households being most notable. The table below provides data for the previous four financial years. The figures in brackets relate to the number of homelessness presentations:

Financial year.	One bed.	Two bed.	Three bed.
2020/21 (136).	40 cases.	15 cases.	5 cases.
2019/20 (118).	42 cases.	19 cases.	2 cases.
2018/19 (134).	37 cases.	15 cases	6 cases
2017/18 (119).	43 cases.	29 cases.	5 cases.

### 5.13.

The number of households permanently rehoused are as follows:

Financial year.	Housed by the Council.	Housed by Orkney Housing Association Limited.
2020/21.	25.	36.
2019/20.	26.	38.
2018/19.	29.	30.
2017/18.	41.	36.

### 5.14.

The figures shown at section 5.13 above would appear to show a slight decrease in the number of homeless households permanently rehoused by the Council. In addition, section 2.1 shows that the number of households in temporary accommodation has risen and this is predominantly due to a lower level of permanent accommodation becoming available for re-let, a delay in new builds being completed due to COVID-19 and a need to take additional properties for use as temporary accommodation.

### **5.15.**

Since the Council's current lettings policy was implemented on 1 October 2006, the proportion of properties being allocated to homeless households had risen considerably. The situation continued to improve regarding housing a broad range of needs groups and the results are evident generally relative to the time taken to rehouse homeless applicants. Partially this was as a result of the Council's programme of new build.

### **5.16.**

In general terms homeless households are allocated one-third of all Council vacancies.

### **5.17.**

The context surrounding homelessness continues to change. The Council had hoped to implement a new lettings policy from 1 April 2021 as a result of changes introduced by the Housing (Scotland) Act 2014, however, this has been delayed due to COVID-19. During financial year 2020/21, the Scottish Government asked all councils to prioritise re-housing homeless households above other needs groups, due to the pandemic. In addition, introduction of the Rapid Rehousing Transition Plan and proposed changes to the homelessness legislation are likely to result in changes to the proportion of homeless households being permanently rehoused annually. This will coincide with a period of substantially reduced house building by the Council. A Business Plan for the Housing Revenue Account will be presented to committee in due course, which will consider development options for the future.

### **5.18.**

During 2020/21 the Council had 67 vacancies to fill, which were allocated as follows:

- 23 Homeless Households (16 Kirkwall, 4 Stromness, 3 Mainland).
- 3 Medical (2 Mainland, 1 Isles).
- 15 Overcrowding (10 Kirkwall, 2 Stromness, 1 Mainland, 2 Isles).
- 4 Under-occupancy (1 Kirkwall, 2 Mainland, 1 Isles).
- 3 Corporate Parent (3 Kirkwall).
- 3 Specific Need to be in the Community (1 Kirkwall, 1 Mainland, 1 Isles).
- 1 Unsatisfactory Living Arrangements (1 Mainland).
- 1 Relationship Breakdown (1 Isles).
- 2 Insecurity of Tenure (1 Mainland, 1 Isles).
- 12 No Priority (1 Stromness, 4 Mainland and 7 Isles).

### **5.19.**

During 2019/20 the Council had 72 vacancies to fill, which were allocated as follows:

- 22 Homeless Households (14 Kirkwall, 7 Stromness, 1 Mainland).
- 2 Medical (1 Kirkwall, 1 Mainland).
- 21 Overcrowding (14 Kirkwall, 3 Stromness, 2 Mainland and 2 Isles).
- 3 Under-occupancy (3 Kirkwall).

- 5 Specific Need to be in the Community (1 Kirkwall, 3 Stromness and 1 Isles).
- 2 Platinum (Urgent Housing Need) (1 Kirkwall, 1 Mainland).
- 9 No priority (1 Sheltered, 1 Kirkwall, 1 Mainland and 6 Isles).
- 2 Unsatisfactory Housing (1 Kirkwall, 1 Mainland)
- 3 Unsatisfactory Living Arrangements (2 Kirkwall, 1 Isles).
- 1 Relationship Breakdown (1 Stromness).
- 2 Emergent Households (1 Kirkwall, 1 Mainland).

## 5.20.

Allocations to homeless households in Kirkwall and Stromness as a percentage of all general needs allocations are as shown in the following table:

Financial Year.	General Needs Allocations to Homeless Households in Kirkwall and Stromness.
2020/21.	57.9%.
2019/20.	42.0%.
2018/19.	24.1%.
2017/18.	31.3%.

## 6. Appeals

### 6.1.

Any applicant has the right to appeal the Council's homelessness decision under the homelessness legislation, if they wish. This may be because they have been found to:

- Be not homeless.
- Be intentionally homeless.
- Have no local connection.

### 6.2.

Various local agencies can assist an applicant to appeal if they wish, including Orkney Citizen's Advice Bureau and Advocacy Orkney.

### 6.3.

Responsibility for considering any appeal is currently delegated to the Executive Director of Education, Leisure and Housing and, in doing so, the case is considered in full along with any supporting information relevant to the case. The Officer who made the original decision is not involved in the appeal.

#### 6.4.

The data regarding decisions in respect of appeals are as shown below:

Financial year.	Number of appeals received in relation to homeless decision.	Number of cases withdrawn.	Number of cases not upheld.	Number of cases upheld.	Number of cases no grounds for appeal.
2020/21.	4.	0.	1.	2.	1.
2019/20.	3.	0.	2.	1.	0.
2018/19.	4.	0.	1.	3.	0.
2017/18.	2.	0.	1.	1.	0.

#### 6.5.

Where an appeal has been upheld further information may have come to light during the course of the appeal.

#### 6.6.

If an applicant is dissatisfied with the Council's decision after appeal, they can consider judicial review. This process can be used where an applicant believes the Council has failed in its legislative duty.

#### 6.7.

In addition, applicants can also appeal the reasonability of temporary accommodation if they wish. This happened for the first time during 2011/12. There have been no appeals since.

#### 6.8.

Applicants can also appeal the reasonability of an offer of permanent accommodation if they so wish. This happened for the first time during 2008/09. The decisions in this respect are as follows:

Financial year.	Number of appeals.	Number of cases not upheld.	Number of cases upheld.
2020/21.	2.	1.	1.
2019/20.	5.	1.	4.
2018/19.	2.	0.	2.
2017/18.	5.	1.	4.