

National Housing Conference 2003

Housing Futures

27-28 November 2003-11-11
Adelaide, SA
Australia

**Housing and Social Justice:
the case of Scottish homelessness policy**

Robina Goodlad

Co-director, Scottish Centre for Research on Social Justice
University of Glasgow
r.goodladsocsci.gla.ac.uk

Abstract

Unacceptable housing conditions can be both a cause and a consequence of social injustice. Scotland's homelessness policy has won the accolade of a human rights award. Is this justified and how would we judge whether a housing policy is socially just? This paper argues that socially just policy must tackle four key elements of social injustice. First, it will recognise and tackle the way that one form of disadvantage, for example poverty, can carry over or lead to another, such as homelessness. Second, it will acknowledge and tackle cultural factors such as low status or powerlessness arising from discrimination and oppression. Third, socially just principles such as need and equality must be used in service delivery, rather than unjust principles such as nepotism or merit. Fourth, policy should set down who is responsible for implementation, and ensure the necessary resources and means for implementation. The Scottish policy stands up well to evaluation against these criteria. but concerns remain about the challenge of implementation. Housing policy elsewhere should meet the same criteria to be considered socially just. While inequalities in housing are inevitable and do not necessarily constitute social injustice, the point at which housing inequality and other forms of inequality carry over to other spheres of people's lives is the point at which action is required. However, the limits of state action mean that all members of a society are implicated and are therefore responsible for remedying social injustice.

Introduction and background

On 6 November 2003 the Centre on Housing Rights and Evictions awarded the Housing Rights Protector Award to the Scottish Executive (government) for its homelessness legislation in recognition of its contribution to protecting human rights and safeguarding human dignity. CHRE is an international human rights NGO devoted to economic, social and cultural rights. Commentators in Scotland are now not alone in arguing that Scotland has the best homelessness policy and legislation in Europe.

Is this award justified? In providing an answer to that question I am going to: first, tell the story of this policy: what it is and how we got it; second, I'm going to consider the links between homelessness and social injustice and what we might expect from a policy intended to contribute to social justice: does the Scottish policy meet the criteria that might be used for judging socially just policy? And finally, I will draw some conclusions in relation to the policy and more generally in relation to housing policy anywhere and social justice.

Before tackling these issues, a bit of background is necessary for a non-Scottish audience, starting with the British treatment of homelessness in housing policy. The major post-war legislation is the Housing (Homeless Persons) Act 1977 (Robson and Poustie, 1996). This provided a legal framework of rights for certain homeless people and further guidance about implementation was provided in a Code of Guidance (Scottish Office, 1997). Previously, homelessness had been seen as a social work problem, but was increasingly

being seen as one of either scarcity of housing or lack of affordability of housing, or both. Under the terms of this Act municipalities as *housing* authorities were given responsibility for ensuring the rehousing of successful applicants, usually within their substantial stocks of council housing.

The new right to rehousing was qualified in three ways, with reference to people, locality and intention. First, families with children were the key beneficiaries and single people were generally excluded unless judged 'vulnerable'. Second, normally people were required to have a 'local connection'. And, third, applicants were judged as to whether they had any culpability in their own homelessness – the 'intentionality' rule. There was growing evidence in the 1980s and 1990s of a varied pattern of implementation of these rights in different local authority areas, as reported homelessness levels grew amidst growing social inequality.

From the mid-1990s divergence between Scottish and English policy and legislation became apparent (Goodlad, 2000). The present policy development phase started in 1996 and has resulted in Scotland winning the accolade of an international human rights award.

Wider Housing Context

Homelessness policy development should be seen in a wider policy context. Scotland has a distinctive history, geography and politics, which mean that housing conditions and policies differ in important respects from the rest of the United Kingdom. New devolved arrangements mean that since 1999 a Scottish Parliament and Executive have responsibility for housing policy which was previously legislated for at UK level. However, some key policy instruments, such as Housing Benefit, remain at UK level. The Scottish Executive is used to refer to both the Scottish cabinet of ministers and the civil servants supporting them.

In introducing the first housing bill of the new parliament, the Minister for Social Justice usefully summarised the key housing issues for Scotland:

‘... homelessness and rough sleeping; cold and damp housing for many vulnerable people; increasing disrepair; the paradox of housing shortages despite abandoned and empty housing; and, perhaps most important, the need to regenerate whole communities and neighbourhoods’ (Minister, 1st stage 2001 Bill)

Finally by way of context setting, tenure changes over the last 20 years reflect the nature of economic and social as well as policy change (Table 1). The most dramatic change is in the replacement of public rented housing with owner occupied housing as the dominant tenure form. Owner occupation has almost doubled from just over one third to nearly two-thirds and is still rising at 63 per cent in 2000. Public renting has halved from over 50 per cent in 1981 to 24 per cent in 2000, mainly as a result of the right to buy and now also as a result of transfers to housing associations. The reasons for this include the

opportunity housing associations offer for leveraging private finance into the system and their generally favourable record as managers.

Table 1: Tenure in Scotland and the UK, 1981-2000 (percentages)

Country	Tenure	1981	1985	1990	1995	2000
Scotland	Local Authority	52	48	40	31	24
	Housing Association	2	2	3	4	6
	Owner Occupied	36	42	51	58	63
	Private Renting	10	8	6	7	7
	Stock (000s)	1,970	2,032	2,124	2,232	2,325
UK	Local Authority	30	27	22	19	15
	Housing Association	2	3	3.0	4.4	6
	Owner Occupied	56	61	66	67	69
	Private Renting	11	10	9	10	10
	Stock (000s)	21,586	22,378	23,476	24,417	25,303

Source: Wilcox, 1999, 2002.

Homelessness Policy 2003: Key features

What then is this homelessness policy that has engendered such attention and comment? The key features are:

- New legal rights for homeless people and other provisions in two Acts of the new Parliament, in 2001 and 2003 (Appendix I shows the recommendations of the Homelessness Task Force, which have been enacted more or less intact);
- A new Code of Guidance, targeted at local authorities, the main implementation agencies, and now out for consultation; and
- £127 million earmarked for spending in the three years 2003/04-2005/06 on
- A plethora of policy and service developments: in relation to housing investment, support, allocations, financial assistance, welfare benefits, the ‘rough sleepers initiative’, a programme for replacing hostels for single homeless people in Glasgow (Glasgow Street Homelessness Review Team, 2002), and a new procedure for collecting homelessness statistics.

The service developments include those under the so-called ‘rough sleepers initiative’ (RSI) which has been extended as part of the implementation of current policy. Glasgow and Edinburgh have received the largest grants under this programme for a variety of projects and new services, many providing multi-agency intensive support and services targeted at the special needs of people with a history of street homelessness (Kennedy, Lynch and Goodlad, 2001). The voluntary sector is playing a large and very significant part in these developments and other funds have been levered in, for example from the National Lottery.

The two housing acts of 2001 and 2003 together provide a framework of rights and responsibilities, involving local authorities as the key agencies. However, they must work in partnership with a range of voluntary and statutory agencies, both in developing their homelessness strategies (Housing (Scotland) Act 2001) and in delivering them. There is a potentially strong role for the voluntary sector, including housing associations as providers, and other voluntary agencies as service, advice and support agencies. They must also provide interim accommodation for roofless people while their application under homelessness legislation is considered.

The Homelessness Etc. (Scotland) Act 2003 is being implemented in three phases, with the final and third phase taking place by 2012. The Act therefore establishes by 2012 for all in Scotland a right to rehousing, unqualified except in the case of asylum seekers and refugees awaiting a decision on their application for asylum. In exceptional cases the right to permanent housing will be qualified but a duty on local authorities to provide 'last resort' accommodation will apply.

Policy Development Since 1997: Key Features of the Process

In summary, the key features of the policy process so far have been a new Scottish Parliament and Executive providing strong political leadership, using a multi-agency Homelessness Task Force and a purpose-designed research base (Scottish Executive, 2002a) to build consensus. Also significant is the sum of money ear-marked for implementation, which was achieved by programming the spending for future not present years at the same time as additional public resources became available as a result of a Treasury spending review.

The key documents defining homelessness policy are the two reports of the Homelessness Task Force, set up in 1999 (2000, 2002). The Task Force (HTF), chaired by the deputy minister for communities, had a membership mainly of individuals from key agencies concerned with homelessness policy and service delivery: local government (2), housing associations (1), housing pressure groups including the Chartered Institute of Housing (4), civil servants (2) and one academic. The terms of reference were:

'To review the causes and nature of homelessness in Scotland; to examine current practice in dealing with cases of homelessness; and to make recommendations on how homelessness in Scotland can best be prevented and, where it does occur, tackled effectively' (Homelessness Task Force, 2002, p.1).

The 59 recommendations of the second report (2002) were all accepted as had been the recommendations of the earlier report (2000) in relation to the Housing Bill 2001.

All of this was seen as furthering the Executive's 'social justice strategy'

. This strategy was produced in 1999 (Scottish Executive, 1999) and supplemented with an equalities strategy in 2000 (Scottish Executive, 2000a). It has been monitored through an annual report ever since (Scottish Executive, 2000b; 2001; 2002b). The strategy states ten broad and ambitious targets in relation to poverty, social inclusion, equalities and regeneration, including defeating child poverty in Scotland ‘within this generation’. These are supplemented by 29 ‘milestones’ that include reducing ‘the number of households, and particularly families with children, living in temporary accommodation’; and ensuring that no one has to sleep rough (Scottish Executive, 1999). The latest review of progress reports, for example: ‘We have made funds available to the 15 local authorities making the highest use of unsuitable B&B accommodation to provide alternatives for homeless families’ (Scottish Executive, 2002b, p. 21).

How to Evaluate Homelessness Policy?

So that is the policy framework that has won such plaudits. How do we begin to evaluate it or any other policy intended to further social justice? Well, first it has to be acknowledged that the timescale for implementation in this case means that any full, summative, evaluation must take place a long time ahead, not now. All we can do at this stage is make some preliminary remarks. In particular, does the policy framework match up to the aim that it will make an important contribution to the Scottish Executive’s social justice strategy?

First, we need to establish what a socially just homelessness policy would look like. Here I draw on centuries long debates about social justice to suggest the key features such a policy would have (Rawls, 1971; Sen, 1992; Miller, 1999; Young, 1990, for example). Our concept of social justice is generally considered to provide a rationale for ‘how the good and bad things in life should be distributed among the members of a human society’ (Miller, 1999, p. 1). Social justice is therefore concerned with the fairness and unfairness of the distributional processes operating in our society – and their outcomes. This is therefore about the operation of the key institutions of society, such as families, firms, and voluntary associations as well as welfare and public services. Also, social justice is concerned with the distribution of goods and burdens throughout society and not just the position of poor people or disadvantaged groups such as homeless people, for example.

Agreement that social justice is about fair distribution is easy, but disagreement soon follows when more specific cases are considered. So how can we say what a socially just policy would be? I acknowledge that the view that follows is a personal one. However, it closely matches that of the Scottish Homelessness Task Force, in as far as they spelled it out, and it echoes these long-running debates about social justice. I suggest that a socially just homelessness policy will have four key features.

First, it will recognise and try to tackle that way that one form of disadvantage, for example poverty, can carry over or lead to another, such as homelessness.

Second, it will acknowledge and tackle cultural factors (Young, 1990) such as the way that low status or powerlessness arising from various forms of discrimination and oppression can compound the housing position of people and lead to homelessness; an obvious example would be the way that some minority ethnic groups are systematically disadvantaged in housing terms. In addition, homelessness itself carries a stigma that affects service provision and access to public and private services.

Third, a socially just policy will ensure that socially just principles such as need and equality are used in service delivery, rather than unjust principles such as nepotism or merit (Fitzpatrick and Stephens, 1999).

Fourth and last, a socially just policy would set down who is responsible, and ensure the provision of the necessary resources and means to implement the policy.

It would not be sufficient therefore for equality of procedural rules or rights (Nozick, 1974) to apply. Social justice requires equality of status and sufficient equality of resources (Fraser, 2001) as well as equality of opportunity. Let's look at these in some more detail and consider whether Scottish homelessness policy meets these criteria.

Connections between different forms of disadvantage

Structurally created disadvantages have been seen as the source of social injustice for many years (Rawls, 1971; Fraser, 2001). Historically, the effect of a lack of capital or money have been given particular attention, but the effect of disadvantages in the labour and housing market, education, health and area of residence can also feature in claims of social injustice. Disadvantages that carry over from one sphere to another constitute social injustice (Walzer, 1983). In the case of homelessness, we can see a pattern of one disadvantage carrying over to other spheres, so that poor health can be implicated in poverty, for example, and poor educational attainment can be implicated in unemployment. And all can be implicated in homelessness as causal factor or consequence (Kemp, 1997).

This was confirmed, despite data difficulties, in one of the studies commissioned by the Task Force which detected connections between structural factors such as unemployment and homelessness:

‘Unemployment, and to a lesser extent housing affordability and de-institutionalisation, appear to be powerful forces affecting the incidence of homelessness ... Thus, while behavioural factors may be important in explaining individual cases ... structural trends do affect the aggregate level of homelessness’ (Kemp, Lynch and Mackay, 2001, p. 4)

The authors are unconvinced by what might be called the ‘behavioural’ school of explanation which would hold that ‘people become homeless because of their personal

failings, bad luck or inability to cope with adverse events' (Kemp, Lynch and Mackay, 2001, p.4). Their view is that a complex interaction between structural and behavioural factors is at work. The personal factors provide 'the context within which particular individuals are unable to cope with an adverse event in their lives. Thus, personal factors and individual behaviour may determine who becomes homeless under unfavourable structural conditions. While behavioural factors may influence why any one individual becomes homeless, structural factors determine the aggregate level of homelessness.' (Kemp, Lynch and Mackay, 2001, p.4)

Behavioural factors may influence why any one individual becomes homeless, and require specific crisis and other interventions. In contrast, the structural factors that determine the aggregate level of homelessness require a broad range of non-housing as well as housing interventions.

This picture is vividly illustrated in extreme form in Glasgow, where a couple of years ago an estimated 6,500 people were experiencing street homelessness every year (of whom only 2,500 were homeless for the first time). Many have complex needs, some of which are a consequence of homelessness, and others can be seen as part of the cause. Forty-one per cent of young single homeless people were estimated to have drug problems and 61 per cent of older homeless people were thought to have an alcohol addiction problem. About half had physical health problems and high levels of neurotic and other mental health problems were reported. Almost all were unemployed (Glasgow Street Homelessness Review Team, 2002).

In another earlier study, we found some dramatic illustrations of the effects of homelessness on participation in the labour market, even amongst men who were arguably 'resettled' (Fitzpatrick, Goodlad and Lynch, 2000). As one support agency worker put it, the effects include:

'...not being motivated enough to get your benefits sorted out, not being able to budget, having poor social skills, not being able to work because you can't present yourself well enough ... very low confidence, poor self-esteem, poor life skills ...' (Agency worker)

The evidence adds up to a complex picture of homelessness being implicated in some of the most extreme forms of social exclusion seen in British society.

Finally in relation to this aspect of socially just policy, does the policy address the disadvantages that carry over creating injustice? Here we are concerned not only with housing and homelessness policy but with the range of disadvantages that are implicated in homelessness. Some of them are located at UK rather than Scottish level, for example, most of the income related policy instruments and tax measures.

A variety of measures are being used to address disadvantage, including tackling child poverty and low pay through tax credits at UK level. At Scottish level, improving

educational standards and health is being tackled in various ways and a major programme is addressing drug misuse. Some more targeted actions include asking health boards to develop 'Health and Homelessness Action Plans' and 'Supporting People' is a funding scheme for support services associated with resettlement. Housing supply and housing conditions are being tackled in ways that include the renewal of many of Glasgow's housing estates following major investment by the Treasury and transfers of stock to housing associations.

Low status and powerlessness

Secondly, and more briefly, in relation to the way that homelessness is implicated in cultural differences and the 'politics of recognition' (Young, 1990). The differences in power arising from unequal status and participation in the institutions of society are the focus here. low status and powerlessness. I could choose from many accounts of low status powerlessness being a factor in creating homelessness, including the accounts of minority ethnic groups.

But here I focus on one, gender, illustrated by the position of women we spoke to in a recent study of women and children in refuges run by the Scottish Women's Aid network (Fitzpatrick et al, 2003). The first woman, call her Joan, in explaining why she had sought help from Women's Aid, revealed the relative weakness of herself and her mother against a violent husband: 'If I went to my mother's, he would only turn up there and shout abuse at her, I couldn't put her through it ... If he knew where we were, we'd get no peace'. The second woman, Sally, showed how even family support can be absent in this situation: '... you try to hide a lot from your family. They judge you, or try to tell you what to do'

There is also a form of powerlessness affecting men. As John, a resident of a hostel who was about to move to a flat of his own, put it to us in a study of homeless Scots in London:

'It's really going to be my first time of having the responsibility of having a house. I have to take responsibility and I've never had responsibility since the day I was born. Mother, father, 1st wife, 2nd wife's done it and when it came to me to do it, I was like "I'm away out onto the street".' (Fitzpatrick, Goodlad and Lynch, 2000

)

Does the Scottish policy address these issues of low status and powerlessness? It does so in a number of ways, targeting both specialist and 'mainstream' services for homeless people. These include the statutory rights that are seen as necessary but not sufficient. And the

separate but complementary policy on domestic violence that has included an advertising campaign to try to shift public attitudes and a pot of money for new refuges. The health service, which sometimes has a poor reputation of inaccessibility for homeless people, is being asked to improve its approach. The Rough Sleepers Initiative has been trying to promote better crisis services often with multi-agency involvement and with better follow-on support that shows respect for the dignity and rights of homeless people (Kennedy, Lynch and Goodlad, 2001). The major Glasgow replacement programme is another example targeting some of Scotland's most stigmatised citizens (Glasgow Street Homelessness Review Team, 2002). Staff training and development, some of it funded by the voluntary sector, are also relevant here, as is the regulation of homelessness services and housing management by the government agency Communities Scotland.

The approach is summarised in the HTF's first recommendation:

'The objectives of increasing homeless people's control and extending their choices, and achieving the effective participation of people affected by homelessness in the development of future policy, practice and service delivery should be widely promoted and given practical effect in all activities directed at tackling homelessness.' (2002)

Socially just principles in service delivery

Third, and briefly, what sort of principles or values should be used in service delivery to achieve socially just ends? Most commentators would suggest that *need* and *equality* are appropriate in this setting. In other settings *merit* might be socially just, such as in recruiting for employment.

It is a key feature of the Scottish policy that it advocates need and equality not discrimination, 'merit' or prejudice as the basis for the new legal rights (HTF, 2002). Provisions affecting housing associations are also intended to follow this lead. The regulation of both types of social landlord and of homelessness services will monitor this.

Defines who is responsible, provides resources and means

Finally, I consider whether the policy defines who is responsible for doing what and provides the necessary resources and means.

Implementation is led by a multi-agency Monitoring Group. Local authorities, however, are given the key role in delivering the new resettlement rights and services although much of that should be done in co-operation with other agencies. Many other agencies therefore have a role. Funds of £127m. for the period from 2003/04 to 2005/06 are earmarked, and the long timetable for implementation runs to 2012.

Conclusions

The Scottish policy is about as good as it could be on paper from a social justice perspective because it addresses all four of the recurring themes in social injustice. One key feature of the policy framework is that the Executive defined the position of homeless people as being *unjust*, in other words homeless people are not getting what is due to them. The remedy is therefore not humanitarian or charitable treatment, although that may have a place.

The key issue is whether it can be implemented effectively. The problems it seeks to highlight and tackle are so embedded in structural inequalities and cultural conditions that the policy measures outlined are probably inadequate to overturn the injustices involved. However, some inroads into child and pensioner poverty have been made since 1997 (Sutherland, Sefton and Piachaud, 2003).

Public attitudes are not necessarily consistent or helpful here. Without public support for the policy the necessary cultural changes cannot take place. For example to services for homeless people or to their access to mainstream services. A related issue is whether the political commitment that has earmarked £127 million up to 2005/06 will be sustained after that. Finally, the necessary reliance on local authorities with mixed records of implementing previous homelessness policy leaves not just one but 32 questions hanging over the questions of implementation and whether by 2012 Scotland will have made substantial inroads into reducing the incidence and consequences of homelessness.

Finally, what can this story tell us about housing policy and social justice more generally? I will conclude with three points.

First, as we have seen, unacceptable housing conditions can be both a cause and a consequence of social injustice. But inequalities in housing are inevitable and do not all constitute social injustice. Democratic processes as well as research evidence are required to determine when housing inequality and other forms of inequality carry over to other spheres of people's lives and hence becomes a matter of injustice. The tipping point is determined within the politics of an unequal society, making it hard for the most disadvantaged to have a say.

Second, socially just housing policy will address the four key themes frequently encountered in social injustice: structural disadvantages that carry over from one sphere of life to another; cultural factors creating low status and powerlessness; the need for socially just values to be used in allocative decisions; and the need for appropriate mechanisms and means to implement policy.

Third, the question of who is responsible for remedying social injustice recurs frequently and the state is always at least part of the answer. Equally, however, the limits of state action make state action necessary but not sufficient. All members of a society are implicated in the social injustice experienced by some of its members.

The idea of social justice requires continuing discussion because it has things to say about all of us and the society in which we live. There is a need for continuing effort to understand the nature of what a socially just society would be and how it would handle bad housing conditions and problems such as homelessness.

References

- Fitzpatrick, S. and Stephens, M. (1999) 'Homelessness, need and desert in the allocation of council housing', *Housing Studies*, 14(4): 413-431.
- Fitzpatrick, S., Goodlad, R. and Lynch, E. (2000) *Homeless Scots in London: experiences, needs and aspirations*, London: Borderline.
- Fitzpatrick, S., Lynch, E. and Goodlad, R. with Houghton, C. (2003) *Refuges for Women, Children and Young People in Scotland: A research report, Final Report to the Working Group to Review Recommendations on Refuge Provision in Scotland*, Edinburgh: Scottish Executive, ISBN 0 7559 0964 X. Access at: <http://www.scotland.gov.uk/library5/social/rwcy-00.asp>
- Fraser, N. (2001) 'Recognition without Ethics?' *Theory, Culture & Society*, 18: 2-3, pp. 21-42.
- Glasgow Street Homelessness Review Team (2002) *Report of the Glasgow Street Homelessness Review Team*, Edinburgh: Scottish Executive.
- Goodlad, R. (2000) 'Political lobbying and the unitary state: the case of Scottish homelessness legislation', *Scottish Affairs*, 30, 78-91.
- Harvey, D. (1992)
- Homelessness Task Force (2000) *Helping Homeless People: Legislative Proposals on Homelessness: Homelessness Task Force Initial Report*, Edinburgh: Scottish Executive.
- Homelessness Task Force (2002) *Helping Homeless People: An Action Plan for Prevention and Effective Responses: HTF Final Report*, Edinburgh: Scottish Executive.
- Kemp, P.A. (1997) 'The characteristics of single homeless people', in R. Burrows, N. Pleace and D. Quilgars (eds.) *Homelessness and Social Policy*, London: Routledge, pp 69-87.
- Kemp, P.A., Lynch, E. and Mackay, D. (2001) *Structural Trends and Homelessness: A Quantitative Analysis*, Edinburgh: The Scottish Executive.
- Kennedy, C., Lynch, E. and Goodlad, R. (2001) *Good Practice in Joint/Multi-Agency Working on Homelessness*, Homelessness, Task Force Research Series, Edinburgh: Scottish Executive.
- Miller, D. (1999) *Principles of Social Justice*, Cambridge, Mass. London: Harvard University Press
- Nozick, R. (1974) *Anarchy, State, and Utopia*, New York: Basic Books.
- Rawls, J. (1971) *A Theory of Justice*, Cambridge, Mass.: Harvard University Press.
- Robson, P. and Poustie, M. (1996) *Homelessness and the Law in Britain* (3rd Edition) London: Butterworths/Planning Exchange.
- Scottish Executive (1999) *Social Justice .. a Scotland where everyone matters*, Edinburgh: Scottish Executive.
- Scottish Executive (2000a) *Equality Strategy: Working together for Equality*, Edinburgh: Scottish Executive.
- Scottish Executive (2000b) *Social Justice .. a Scotland where everyone matters: annual report 2000*, Edinburgh: Scottish Executive.
- Scottish Executive (2001) *Social Justice .. a Scotland where everyone matters: annual report 2001*, Edinburgh: Scottish Executive.

- Scottish Executive (2002a) *Research for the Homelessness Task Force: A Summary*, Edinburgh: Scottish Executive.
- Scottish Executive (2002b) *Social Justice .. a Scotland where everyone matters: annual report 2002*, Edinburgh: Scottish Executive.
- Scottish Office Development Department (1997) *Code of Guidance on Homelessness*, Edinburgh: Scottish Office.
- Sen, A. (1992) *Inequality Re-examined*, Oxford: Clarendon Press.
- Sutherland, H., Sefton, T. and Piachaud, D. (2003) *Poverty in Britain: The impact of government policy since 1997*, York: Joseph Rowntree Foundation.
- Walzer, M. (1983) *Spheres of Justice: a defence of pluralism and equality*, Oxford: Basil Blackwell.
- Wilcox, S. (1999) *UK Housing Finance Review 1999/2000*, Coventry, London and York: Chartered Institute of Housing, Council of Mortgage Lenders and Joseph Rowntree Foundation.
- Wilcox, S. (2002) *UK Housing Review 2002/2003*, Coventry, London and York: Chartered Institute of Housing, Council of Mortgage Lenders and Joseph Rowntree Foundation.
- Young, I. M. (1990) *Justice and the Politics of Difference*, Princeton, NJ.: Princeton University Press.

APPENDIX

Homelessness Task Force recommendations on legislation (2002).

Improving the homelessness legislation

(3) (i) The definition of priority need should be gradually expanded as services and accommodation are provided and the target should be to eliminate the priority need definition within a decade (i.e. by 2012) (para 28).

(ii) As a first step the statutory definition of priority need should be expanded to include all those assessed as homeless who are less than 18, or who have experienced domestic abuse, or are otherwise vulnerable within the terms of the current Code of Guidance (para 28).

(iii) As a second step the definition of priority need should be further expanded to include any other people who may be deemed to be vulnerable. Additionally, at this stage all those assessed as homeless who are less than a specified age (perhaps 25) and all those who are above a specified age (perhaps 55) should be brought within the priority need definition. The target should be to implement this second stage around 2007/8, although the precise timing will need to be decided in the light of progress made and an assessment of local authorities' ability to cope with this further expansion (para 29).

(iv) Finally, by 2012, the priority need distinction should be abolished by extending the relevant duties to all those assessed as homeless (para 28-29).

(4) (i) The duty placed on local authorities to investigate intentionality should be replaced by a power to do so (para 34 (i)).

(ii) Instead of, as at present, being under a duty only to provide temporary accommodation and advice and assistance to an intentionally homeless household in priority need, the local authority should be placed under a duty to ensure that such a household is offered a short Scottish secure tenancy with appropriate support (para 34(ii)).

(iii) Local authorities should be placed under a corporate duty to provide, or ensure provision of, such housing support services as are considered appropriate with a view to enabling the conversion of the tenancy to a Scottish secure tenancy (Para 34(ii)).

(iv) The terms of the short tenancy should outline the support which will be offered to the tenant and the action the tenant will take (Para 34 (iii)).

(v) Progress should be reviewed regularly. The prospective tenant should have access to independent advice and advocacy throughout the process of agreeing the terms of the tenancy and during reviews of progress (Para 34 (iii)).

(vi) Where the landlord is not the local authority, the terms of the tenancy should be agreed between the prospective tenant, the landlord and the local authority. If

on review the terms of the short tenancy have been satisfied, the local authority should be under a duty to ensure that the household is offered permanent accommodation in the form of a Scottish secure tenancy (Paras 34(iii) and (iv)).

(vii) Households which have been unable to sustain a short tenancy should have their entitlement to a short Scottish secure tenancy suspended until such time as progress can be demonstrated. Local authorities should however remain under a statutory obligation to make an offer of accommodation, with suitable support, during this suspension (Para 34(iv)).

(viii) Through their homelessness strategies, local authorities should make provision for households falling into this category. New approaches may be required in such circumstances (Para 34(iv)).

(ix) In order to avoid splitting up families local authorities should be required to offer accommodation which can house the entire household (Paras 34(v)).

(5) (i) Action should be taken to suspend the provisions in the Housing (Scotland) Act 1987 which enable a local authority to refer a homeless household to another local authority where they are of the opinion that the household has a local connection with that other authority and not with them (Para 37).

(ii) However, the Scottish Parliament should have power, by way of statutory instrument, to re-activate these provisions either for Scotland as a whole or for particular local authorities in case demand pressures prove intolerable (Para 37).