

Item: 10

Education, Leisure and Housing Committee: 6 June 2018.

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 2017 to 2018, together with performance information.

2. Recommendations

The Committee is invited to note:

2.1.

That the number of homeless presentations for 2017 to 2018 has decreased by 6.3% from 2016 to 2017.

2.2.

That the reasons for homelessness remain broadly comparable to previous years, although a decrease is evident in respect of domestic abuse and an increase being evident in respect of both relationship breakdown and harassment/abuse from outwith the home.

2.3.

That homeless presentations for the period 1 April to 9 May 2018 are slightly higher than for the same period in the preceding year.

2.4.

That 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. This is the fourth year of reporting since its original introduction.

3.3.

As a result, some indicators have changed. Councils are required to publish an Annual Report against the Charter and this was done in October 2017.

3.4.

The Annual Report is available from: <http://www.orkney.gov.uk/Service-Directory/H/housing-services-annual-reports.htm>.

3.5.

Information on the Scottish Social Housing Charter is available from: <http://www.gov.scot/Resource/0051/00515058.pdf>.

4. Statistical Information on Homelessness

4.1.

The number of homeless presentations since 2010 to 2011 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
2017 to 2018	119
2016 to 2017	127
2015 to 2016	99
2014 to 2015	87
2013 to 2014	108
2012 to 2013	107
2011 to 2012	155
2010 to 2011	144

4.2.

Homelessness rose consistently until 2011 to 2012. Since then there was a slight decline each year until 2015 to 2016 when it started to rise again. In 2017 to 2018 there has been a slight decrease.

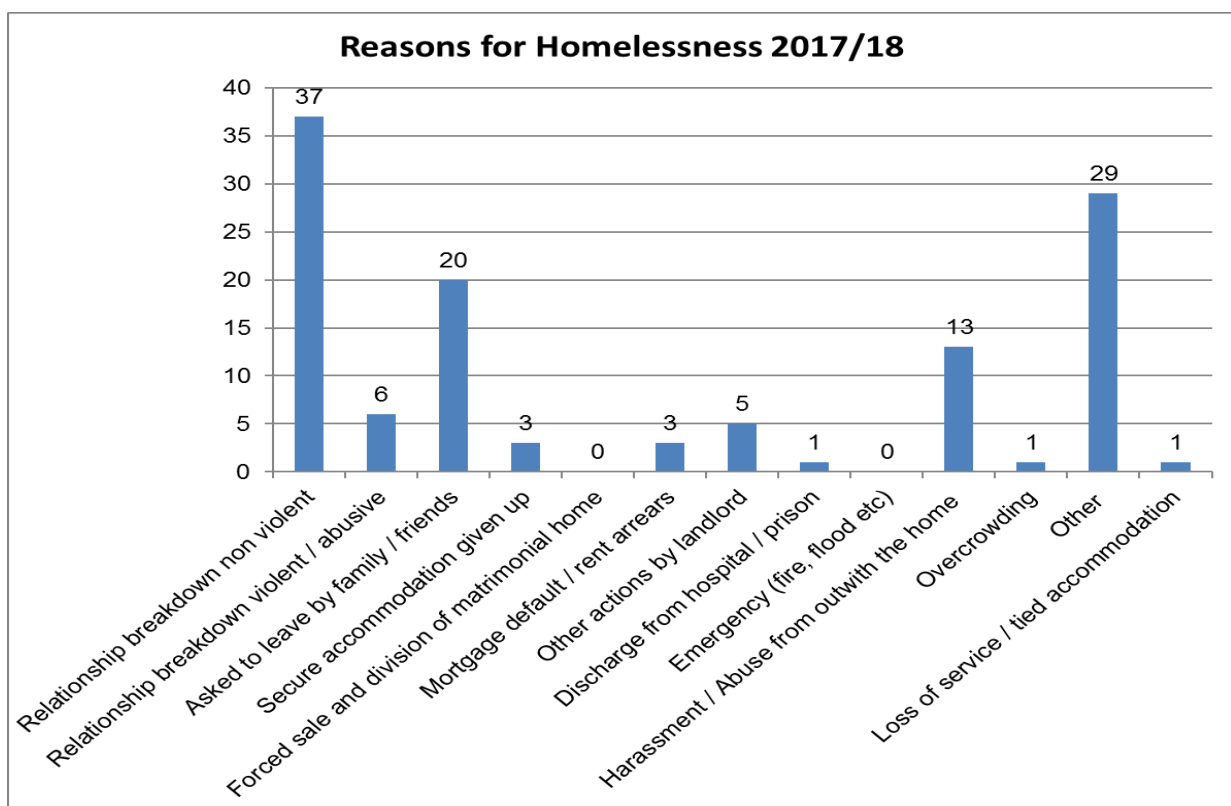
4.3.

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 this represents a slight increase.

Year	Number of Presentations
2018	16
2017	10
2016	16
2015	15
2014	8

4.4.

The table below shows the main reasons behind homeless presentations in 2017 to 2018:



4.5.

Generally the reasons behind homeless presentations remain broadly similar to those of previous years with the exception of a decline in domestic abuse cases (violent/abusive) from 15 cases in 2016 to 2017 to 6 cases in 2017 to 2018 being a decline of 60%. Households being asked to leave by family and friends declined in 2017 to 2018 to 20 cases from 25 cases in 2016 to 2017, indicating a decline of 20%.

4.6.

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

Financial Year	Number of young people presenting as homeless	Percentage of total homeless applications
2017 to 2018	29	24%
2016 to 2017	37	28%
2015 to 2016	29	29%
2014 to 2015	23	26%
2013 to 2014	30	28%
2012 to 2013	43	40%
2011 to 2012	39	25%

4.7.

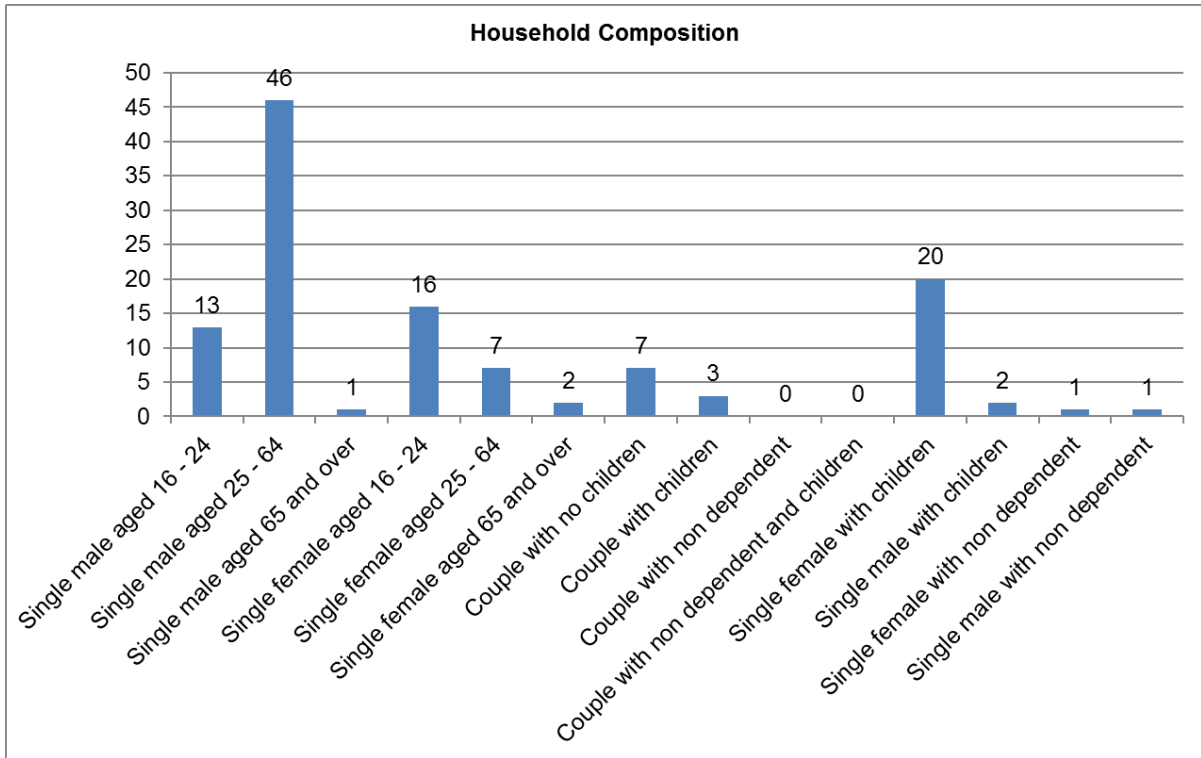
The young persons' supported accommodation projects remain vital to addressing homelessness amongst this client group, and generally have been largely fully occupied since the projects opened in June 2009.

4.8.

The Council developed 6 units of accommodation two years ago 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.

4.9.

The household composition of all homeless applications for 2017 to 2018 is shown in the graph below.



4.10.

At 31 March 2018, 28 households were in temporary accommodation. This compares to previous years as follows:

Year	Number of households in temporary accommodation.
31 March 2017	37 households.
31 March 2016	23 households.
31 March 2015	25 households.
31 March 2014	37 households.
31 March 2013	31 households.

4.11.

This shows that significantly less households were in temporary accommodation than was the case one year previously. However, care needs to be taken as this represents one day of the year rather than it being a cumulative figure.

4.12.

The number of emergency tenancies created each year increased in 2017 to 2018, as shown in the table below.

Financial year	Number of new emergency tenancies created
2017 to 2018	105
2016 to 2017	101
2015 to 2016	73
2014 to 2015	62
2013 to 2014	77

4.13.

The trend in respect of the use of Bed and Breakfast accommodation has generally declined over recent years. However, in 2014 to 2015 there was a significant increase. The reasons for this are predominantly because of two cases. Again in 2015 to 2016 two cases resulted in an increased figure. In 2016 to 2017 ten cases resulted in an increased figure with one case being 36 days as a result of having no local connection. In 2017 to 2018 sixteen cases were placed in Bed and Breakfast accommodation and the average duration has decreased. The figures are shown in the table below.

Financial Year	Number of nights	Average duration
2017 to 2018	52	3.25 nights.
2016 to 2017	61	6.1 nights.
2015 to 2016	52	4.3 nights.
2014 to 2015	63	7.9 nights.
2013 to 2014	6	2.1 nights.

4.14.

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
2017 to 2018	16.1 weeks
2016 to 2017	14.1 weeks
2015 to 2016	14.6 weeks
2014 to 2015	26.1 weeks
2013 to 2014	29.1 weeks

4.15.

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 (i.e. have they lived in the area for 6 out of the last 12 months, 3 out of the last 5 years, have a connection as a result of employment or some other special reason)?

4.16.

This process will continue to change as a result of the Homelessness etc (Scotland) Act 2003 and ultimately consideration will only require to be given to whether the household is homeless.

4.17.

Preventative work is significant and is as follows.

Financial year	Number of households receiving housing options/advice and information (previous to 2012 to 2013 this was purely advice and information)
2017 to 2018	58
2016 to 2017	50
2015 to 2016	84
2014 to 2015	80
2013 to 2014	153

4.18.

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 since 2013 to 2014. While there has been a slight rise of homelessness presentations during this 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.

4.19.

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
2017 to 2018	91%	7.5%	1.5%
2016 to 2017	85%	13.4%	1.6%
2015 to 2016	79%	17%	4%
2014 to 2015	57%	28%	15%
2013 to 2014	72%	21%	7%

4.20.

Care needs to be taken however with the indicator at section 5.19 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 2017 to 2018 there were two cases over 5 working days. The reasons behind this were because the person presented to Out of Hours during the festive period and was accommodated but not interviewed until the first working day after this and the other was at their own request.

4.21.

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

Financial year	Percentage of applications assessed within 28 days
2017 to 2018	87.4%
2016 to 2017	96.9%
2015 to 2016	88.5%
2014 to 2015	91.1%
2013 to 2014	85.5%

4.22.

The information outlined at section 4.21 above refers to the period between homeless interview and the decision as to whether they are homeless being made and shows a decrease in applications assessed within the period.

4.23.

The data below shows the average time taken between presentation and homeless assessment over the previous 5 years:

Financial year	Time taken
2017 to 2018	19.4 days.
2016 to 2017	17.3 days.
2015 to 2016	19.8 days.
2014 to 2015	20 days.
2013 to 2014	21.2 days.

4.24.

The data below breaks down as 28.9% of homeless decisions being completed in less than 2 weeks, 64.9% in 2 to 4 weeks but 6.2% take longer than the statutory period of 4 weeks. This compares to previous years as follows:

Time taken	2017 to 2018	2016 to 2017	2015 to 2016	2014 to 2015	2013 to 2014
Less than 2 weeks.	28.9%	43.4%	38.5%	28.4%	31.3%
2 to 4 weeks.	64.9%	53.5%	50%	62.7%	54.2%
Longer than 4 weeks.	6.2%	3.1%	11.5%	8.9%	14.5%

4.25.

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
2017 to 2018	1
2016 to 2017	2
2015 to 2016	1
2014 to 2015	1
2013 to 2014	3

4.26.

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
2017 to 2018	1.6%
2016 to 2017	2%
2015 to 2016	1%
2014 to 2015	1.1%
2013 to 2014	0%

4.27.

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
2017 to 2018	68.9%
2016 to 2017	73.2%
2015 to 2016	75.8%
2014 to 2015	72.4%
2013 to 2014	79.7%

4.28.

It is expected that, in general terms, the figures outlined at section 4.27 above will continue to rise as the homelessness legislation changes from being a system with what was “three hurdles”, as outlined at section 4.15 above, to asking one question being “is the household homeless?”.

4.29.

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
2017 to 2018	7.5 months	3.4 months	5.8 months
2016 to 2017	4.8 months	3.0 months	4.9 months
2015 to 2016	4.8 months	2.8 months	7.8 months
2014 to 2015	6.8 months	3.2 months	2.9 months
2013 to 2014	8.5 months	2.5 months	4.0 months

4.30.

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 6 financial years:

Financial year	One bed	Two bed	Three bed
2017 to 2018 (119)	43 cases.	29 cases.	5 cases.
2016 to 2017 (127)	31 cases.	16 cases.	7 cases.
2015 to 2016 (99)	33 cases.	25 cases.	6 cases.
2014 to 2015 (87)	42 cases.	8 cases.	2 cases.
2013 to 2014 (108)	37 cases.	19 cases.	7 cases.

4.31.

The number of households permanently rehoused are as follows:

Financial year	Housed by the Council	Housed by Orkney Housing Association Limited
2017 to 2018	41	36
2016 to 2017	43	11
2015 to 2016	40	26
2014 to 2015	33	20
2013 to 2014	44	20

4.32.

Since the Council's current lettings policy was implemented on 1 October 2006, the proportion of properties being allocated to homeless households has risen considerably. This situation continues 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.

4.33.

In 2006, homeless people were, on average, being allocated one-third of all Council houses which became vacant during the year. At that point in time the number of vacancies was declining as a result of the Right to Buy legislation. In recent years the number of vacancies has increased primarily due to the Council's build programme.

4.34.

In general terms homeless households are still allocated one-third of all Council vacancies this dropped for the first time in 2014 to 2015 to just 22%. The reasons for this differential were partially due to the drop in homeless applications and also as a result of changes to the lettings policy introduced in September 2013 which awarded those in overcrowded situations a gold priority pass. This was specifically intended to free up accommodation to allow the rehousing of those who were under-occupying property.

4.35.

Another factor is the level of platinum passes awarded rose from 1 in 2013 to 2014 to 6 in 2014 to 2015 due to the relevant households being in extreme housing need. For financial year 2015 to 2016 lets to homeless households have recovered and amount to 29.7% of all lets. Platinum priorities amounted to 4 in 2015 to 2016.

4.36.

During 2017 to 2018 the Council had 128 vacancies to fill, which were allocated as follows:

- 40 Homeless Households (31 Kirkwall, 9 Stromness).
- 12 Medical (7 Kirkwall, 1 Stromness, 2 Mainland and 2 Isles).
- 22 Over crowding (13 Kirkwall, 1 Stromness, 4 Mainland and 4 Isles).
- 6 Insecurity of tenure (1 Kirkwall, 1 Stromness, 3 Mainland and 1 Isles).
- 6 Under occupancy (4 Kirkwall, 1 Stromness, 1 Isles).
- 17 Specific need to be in community (4 Kirkwall, 2 Stromness, 5 Mainland and 6 Isles).
- 3 Platinum (3 Kirkwall).
- 13 No priority (1 Sheltered, 2 Kirkwall, 2 Stromness, 5 Mainland and 3 Isles).
- 4 Unsatisfactory living arrangements (2 Kirkwall, 1 Stromness and 1 Isles).
- 3 Emergent Households (2 Kirkwall, 1 Mainland).
- 2 Relationship Breakdown (1 Kirkwall, 1 Isles).

4.37.

During 2016 to 2017 the Council had 146 vacancies to fill, which were allocated as follows:

- 43 Homeless Households (35 Kirkwall, 3 Stromness, 3 Mainland and 2 Isles).
- 6 Medical (4 Kirkwall, 1 Mainland and 1 Isles).
- 38 Over crowding (31 Kirkwall, 3 Stromness, 3 Mainland and 1 Isles).
- 6 Insecurity of tenure (2 Kirkwall, 2 Stromness and 2 Isles).
- 8 Under occupancy (6 Kirkwall, 1 Stromness, 1 Isles).
- 17 Specific need to be in community (3 Kirkwall, 4 Stromness, 5 Mainland and 5 Isles).
- 1 Platinum (1 Kirkwall).
- 11 No priority (2 Sheltered, 1 Kirkwall, 2 Stromness and 6 Isles).
- 7 Unsatisfactory living arrangements (2 Kirkwall, 1 Stromness, 3 Mainland and 1 Isles).
- 1 Corporate Parenting (1 Kirkwall).
- 4 Emergent Households (2 Kirkwall, 2 Isles).
- 2 Relationship Breakdown (2 Kirkwall).
- 2 Households under the Syrian Resettlement Programme (2 Kirkwall).

4.38.

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

Financial Year	General Needs Allocations to Homeless Households in Kirkwall and Stromness
2017 to 2018	31.3%
2016 to 2017	26.0%
2015 to 2016	28.7%
2014 to 2015	34.3%
2013 to 2014	59.7%

4.39.

It is likely that this has been affected by the shorter timescales for permanently re-housing homeless applicants and is likely to remain broadly comparable or rise slightly in the short term.

5. Appeals

5.1.

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.
- Not be in priority need (until 31 December 2012).
- Be intentionally homeless.
- Have no local connection.

5.2.

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

5.3.

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.

5.4.

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
2017 to 2018	2	0	1	1
2016 to 2017	5	1	2	1
2015 to 2016	0	0	0	0
2014 to 2015	5	0	4	1
2013 to 2014	2	0	2	0

5.5.

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

5.6.

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.

5.7.

In addition applicants can also appeal the reasonability of temporary accommodation if they wish. This happened for the first time during 2011 to 2012. The decisions in this respect are as follows:

Financial year	Number of appeals	Number of cases not upheld	Number of cases upheld
2017 to 2018	0	0	0
2016 to 2017	0	0	0
2015 to 2016	0	0	0
2014 to 2015	0	0	0
2013 to 2014	3	3	0

5.8.

Applicants can also appeal the reasonability of an offer of permanent accommodation if they so wish. This happened for the first time during 2008 to 2009. The decisions in this respect are as follows:

Financial year	Number of appeals	Number of cases not upheld	Number of cases upheld
2017 to 2018	5	1	4
2016 to 2017	4	2	2
2015 to 2016	6	3	3
2014 to 2015	3	2	1
2013 to 2014	4	1	3

6. Links to Council Plan

The proposals in this report support and contribute to improved outcomes for communities as outlined in the Council Plan strategic priority of Caring Communities.

7. Links to Local Outcomes Improvement Plan

The proposals in this report support and contribute to improved outcomes for communities as outlined in the Local Outcomes Improvement Plan priority of Living Well.

8. Financial Implications

8.1.

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

8.2.

The net homelessness budget for 2017 to 2018 was £749,500 with an actual net spend of £704,200 which gives an underspend for the financial year of £45,300.

9. Legal Aspects

9.1.

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

9.2.

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.

9.3.

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.

9.4.

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.

9.5.

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.

9.6.

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

9.7.

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.

10. Contact Officers

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