

Community Justice Scotland Response to the Scottish Government's Consultation on a Ministerial Statement for modifying local connection referrals in Scotland

In August 2020, the Scottish Government published a [consultation](#) seeking views on a proposed Ministerial Statement modifying the arrangements for local connection referrals in relation to housing and homelessness applications. Community Justice Scotland submitted the following response in October 2020.

1 We are proposing to suspend local connection referrals between Scottish local authorities to remove barriers people face to accessing the support they need. The analysis of the Scottish Government's 2019 consultation on local connection and intentionality demonstrated that there is support for this position, although there are concerns about the potential for increases in homelessness applications and subsequent impact on statutory services.

Please give us your current views about the proposed suspension of referrals.:

Community Justice Scotland (CJS) welcomes the opportunity to respond to the consultation on a Ministerial Statement for modifying local connection referrals in Scotland.

As per our previous consultation response on this topic, we view the Scottish Government's ongoing focus on the scourge of homelessness and the need to tackle it as of the utmost priority. The work of the Housing and Rough Sleeping Action Group (HARSAG) and the adoption of the Ending Homelessness Together Action Plan all highlight the efforts that have been made across all sectors to focus on the fundamental need to ensure that people have somewhere safe to live.

For CJS, as a public body with a commitment to ensure the effective reintegration of people involved in the justice system back into their communities, access to safe and appropriate housing is key. For people awaiting trial, leaving prison from a custodial sentence or period on remand, or completing a community sentence, a safe and stable home forms a core element of rehabilitation and ultimately to reduce the likelihood of further offending.

Ongoing multi-agency working, such as the introduction of the SHORE Standards (Sustainable Housing on Release for Everyone), is a step in the right direction towards achieving this but progress is dependent on and impacted by a much wider set of policy challenges. This includes the continued impact of COVID-19 on our communities; the capacity of public services and the public purse to respond to the current public health crisis; the impending likely negative economic repercussions of both the pandemic and Brexit; as well as the continued impact of welfare reform. All these policy challenges will have a potential to increase homelessness, result in associated mental and physical health problems and create additional demand on public services. Policy proposals which prevent such negative consequences must be given priority.

The proposals in the consultation to loosen the requirement around local connection (paras 31-33) will make it easier for people to seek housing in an area of their choosing. For some people leaving prison, being able to make a new start in an area not connected to their old life is often cited as a strategy in preventing them from further offending. It is equally true however that maintaining a local support network of connections can also be a protective factor for people who require further support on leaving prison and moving on in their rehabilitation process. We therefore support the offer of choice to enable people to identify the area best suited to their needs and circumstances.

To be truly effective and to provide a real choice, these measures will need to be adequately resourced to ensure that suitable accommodation is available in the places where people want to live. It will also require wider support services such as effective health interventions, support to develop life skills, and employability and benefits advice, in order to help people to sustain their tenancy, manage their health challenges and where possible start to move closer to or return to education and employment.

The consultation states that the Government will monitor 'on an ongoing basis' the impact on local authorities 'to determine whether the capacity of a local authority to meet its homelessness and housing duties is being adversely affected' by this proposal. We agree that such monitoring, reporting and any necessary modifications which arise will need to be of a timeous nature to ensure that people's lives are not adversely impacted. This is particularly true in the context of the wider, challenging environment in which local authorities operate. We suggest Scottish Government also seek to understand impact on the service users who make use of this policy, as well as the impact on their families and communities. It would be a particular benefit to understand the impact on people with convictions and those involved in the delivery of justice services.

We all know that homelessness blights the lives of the individual person caught up in it, their children, their families and their communities. It also tarnishes Scotland's reputation as a country that looks after its most vulnerable by failing to provide shelter - that most basic of human needs.

The cost of not supporting people whose lives are in chaos was sadly highlighted in the research published last year by Health Protection Scotland, Glasgow Caledonian University and NHS Greater Glasgow & Clyde, which drew a link between Glasgow's 10-fold increase in HIV and the combination of homelessness and cocaine injecting. Failing to tackle homelessness is a failure not just of housing policy but also of our health, justice, welfare and wider economic policies.

The return to the community from prison is an incredibly high-stakes and potentially fragile process. To successfully integrate, people's needs must be taken into account and support afforded where possible. The measures outlined in the consultation allow for greater discretion to support people and we support the proposal that this be a matter of individual choice. It must however be resourced appropriately to provide a truly person-centred approach.

An unintended consequence of the removal of the local connection criteria may be that housing authorities no longer have a clear incentive to engage with people in prison prior to release, undermining much valuable work in an area which has already been faced with challenges arising from COVID-19 and social distancing requirements. We hope that resources continue to be made available to support such work. This is particularly the case given the cessation of prison based Throughcare Services since the previous consultation and the delivery of such services by range of third sector providers.

Finally, it is not clear what the implications of this modification will be for MAPPA arrangements and on the prison liberation/throughcare process more generally - including communication of the changes and updating guidance for staff in prisons, local authorities (housing and criminal justice social work), third sector providers, wider public services across communities and of course the people directly impacted. The SHORE Standards will also require to be updated and communicated to stakeholders and partners. Reference to how the Scottish Government will assist stakeholders with updating such communications materials would therefore be useful.

A clear and consistent approach to offering choice will be needed to ensure that people are treated equally and to avoid potential challenge on equalities or human rights grounds. To achieve this

sufficient resources will need to be made available to implement the modification requirements on the ground. It would be helpful if the statement could make explicit reference to these.

We understand that the change in numbers anticipated by the proposed modification is likely to be low although this cannot be guaranteed. We would therefore wish to highlight the need to ensure that the implications and guidance for those leaving prison, whether with or without ongoing justice supervision or other public service support arrangements be appropriately resourced.

2 Considering the core content proposed for the Ministerial Statement (see section 2 – paras 31 - 33), please give us any suggested amendments with regard to the:

i. circumstances for modifying local connection referrals (see para 31):

No specific comment

ii. general criteria, by reference to which, the power to modify local connection is to be exercised (see para 32):

No specific comment

3 Please let us know about any suggested amendments you have to the factors proposed in para 33 for assessing whether the capacity of a local authority to meet its homelessness and housing duties is being adversely affected by any modification to local connection.

Please provide comments in the box below :

As per answer to Question 1, it may be appropriate to specifically consider the impact on local authorities delivery of services where housing is a key factor in enabling delivery, in particular those related to justice (via CJSW) and health and social care.

4 As set out in the 2019 consultation, we propose using HL1 data to monitor the impact of this change.

Please let us know of any comments you have on this proposal.:

As per answer to Question 1, we suggest in addition to the HL1 data, Scottish Government should also seek to understand the qualitative impact on the lived experience of service users who make use of this policy, as well as the impact on their families and communities. It would also be a particular benefit to understand the impact on people with convictions and those involved in the delivery of justice services.

COMMUNITY JUSTICE SCOTLAND

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