

Housing (Scotland) Bill

Suggested amendments by the Cross Party Group on Children and Young People

Supported by:

Children in Scotland and Scottish Council for Single Homeless

Amendment 1

In section 1, page 1, line 18, at end insert -

<()In preparing a homelessness strategy under this section the local authority shall:

- (i) consider the needs of children and young people in their area; and*
- (ii) consult with children and young people in their area as appear to the local authority to have an interest in the strategy.>*

Purpose and effect

This amendment would ensure that homelessness strategies pay particular attention to the needs of children and young people. It would also ensure that local authorities consult with children and young people about the homelessness strategy.

(i) to consider the needs of children and young people

Children and young people are particularly vulnerable to being homeless. Research demonstrates the damage that homelessness can have in the short term – on school attendance, health, safety – and in the long-term, in terms of school achievement, health and employability. Children are very much effected by their living environment: the quality of their environment, safe places to play etc. Good housing and the prevention of homelessness is a key plank to diminishing child poverty and its detrimental effects. Alleviating child poverty is a key plan of the Government’s social inclusion agenda.

The Scottish Executive’s Child Strategy Statement (2000) (para 11) states that:

“ In considering any new policy initiative, or in amending current policy, all Scottish Executive Departments should explicitly consider the implications of those policies for children.”

The same should apply to all local authority policy, particularly on key issues such as homelessness.

It is recognised that s.1(2) of the Bill enables Scottish Ministers to issue guidance on the form and content of a homelessness strategy. At the very least, we would hope that the Minister would be able to give an assurance that this guidance would require homelessness strategies to explicitly consider the needs of children and young people.

(ii) to consult with children and young people

If the strategy is to include children and young people it would logically follow that local authorities should also consult with the relevant children and young people in their area.

Article 12 of the UN Convention requires that, in all matters affect the child, due regard should be given to children’s views. A range of local planning, such as children’s services planning and school development plans, incorporate children’s and young people’s views. Homelessness strategies should as well. Children and young people are members of their communities just as much as adults, and thus should have the opportunity to state their views. Further, they may have particular insights due to their life stage, highlighting areas and/ or solutions that adults may not consider.

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Amendment 2

In section 2, page 1, line 21, delete <and>

In section 2, page 1, line 23, at end insert - <and () any services which may assist a child affected by homelessness>

Purpose and effect

This amendment would place a duty on local authorities to secure free advice and information for children who are affected by homelessness.

Accessible information must be available for children, young people and their families that not only addresses their housing needs but also the wider implications of homelessness for children and young people.

Children and young people could benefit from independent advice on a number of issues that arise as a consequence of their becoming homeless - schooling, moving away from family and friends, personal safety and other issues. These are not issues that would be covered by the definitions currently used in section 2(1). This sort of advice and information is very important for children and young people who will be faced with a lot of changes and uncertainty. It is also important that this advice is provided in a child friendly manner and that they are able to access it on their own.

Local authorities should provide information and advice on other issues faced by children and young people that arise as a result of homelessness. As the local authority is corporately defined, this need not be solely as housing responsibility but jointly produced information from all services.

If this amendment cannot be accepted we would hope that the Minister would be able to provide assurance that the Scottish Ministers would issue guidance under section 2(2) to this effect.

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*Supported by:
Children in Scotland*

Amendment 3

*In section 3, page 2, line 14 after <that Act>, leave out<,> and insert
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(a)>*

In section 3, page 2, line 15, at end insert -

<at the end insert -

"() A local authority, in taking any action under this section, shall have regard to the best interests of any child affected by their action as a primary consideration.">

Amendment 4

In section 3, page 2, line 28, at end insert -

<at the end insert -

"() A local authority, in taking any action under this section, shall have regard to the best interests of any child affected by their action as a primary consideration.">

Amendment 5

In section 3, page 3, line 7, at end insert -

<at the end insert -

"() A local authority, in taking any action under this section, shall have regard to the best interests of any child affected by their action as a primary consideration.">

Purpose and effect

These amendments would ensure that in carrying out their duties under sections 29, 31 and 32 of the 1987 Act, local authorities would have to consider the best interests of any child affected by the decisions that they take.

The *best interests* of a child should be a primary consideration in decision-making. This is a key principle of the UN Convention on the Rights of the Child. Article 3 states that:

"In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration."

Few decisions affecting children will have as much impact on the social welfare of a child as those that have to be taken by local authorities in fulfilling their duties towards homeless persons and their families.

Decisions such as the location of temporary accommodation during a period of homelessness can have a severe impact on children. This can affect their education, safety and exacerbate problems at an already traumatic time. Clear examples of this are contained in Barnardo's *'Report on Homelessness and Access to Education: Breaking Down the Barriers'* (2000). Local authorities need to have a duty to consider the best interests of children in any decision they make that will affect children.

These amendments would ensure that local authorities would have to consider the effect upon children as to location and suitability of accommodation that is provided under sections 29, 31 and 32 of the 1987 Act.

The Children (Scotland) Act 1995 is not enough to ensure best interests are taken into account. Housing services, as part of the local authority, have responsibility for safeguarding and promoting the welfare of children in their area (Section 22). While a common misconception, there is no legislative requirement to treat the best interests of 'a child in need' as a primary consideration.

A means must be found to integrate such considerations into every-day practice. Generic duties should be placed in the Housing (Scotland) Act 1987 and this Bill, to ensure all relevant decisions are covered. Secondary legislation should operationalise this principle into concrete requirements on housing services.

We believe that the incorporation of these amendments will make a real impact in day to day decision making and could serve to alleviate some of the effects of homelessness on children.