



**Children and Young People's
Centre for Justice**

Call for views response

[Housing \(Scotland\) Bill](#)

May 2024

[Allan Young](#)

Overview

The [Children and Young People's Centre for Justice \(CYCJ\)](#) works towards ensuring that Scotland's approach to children and young people in conflict with the law is rights-respecting; contributing to better outcomes for our children, young people and communities.

Through our participatory work with children and young people, the research evidence we have generated and our policy and practice knowledge, we understand and recognise the strong impact of poverty and housing insecurity on the likelihood of a child or young person coming into conflict with the law, and the impacts this can have on their ability to transition away from harmful behaviours.

In May 2024, the Scottish Parliament's Local Government, Housing and Planning Committee and Social Justice and Social Security Committee both jointly sought views on the [Housing \(Scotland\) Bill](#) and the CYCJ response is set out below.

Key Summary

CYCJ very much welcomes the intention of the Bill to help reduce and prevent homelessness in Scotland by placing new duties on public bodies and giving new rights to tenants. However, we feel it needs a stronger rights-based approach through greater support for people to challenge decisions and exercise their rights, especially around rent increases and landlord practice.

We are also concerned that the references to a 'relevant conviction' or 'relevant anti-social behaviour' could allow for a child or young person to face eviction without delay, even if they are at serious risk of coming into conflict with the law. We find this very difficult to reconcile with the [UNCRC \(Incorporation\) \(Scotland\) Act 2024](#), parts of which will come into force in July this year. In particular Article 3, which states that the best interests of the child should be the primary consideration.

Alongside this, we welcome the extension of the 'Ask and Act' duty to all relevant public bodies, and the extra requirements for local authorities, but note the lack of resource identified to support these proposals.

Consultation questions and CYCJ response

General

1. To what extent do you agree that the measures in the Bill meet the Scottish Government's stated policy objectives?

CYCJ response

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree

Strongly disagree

Q2. What are your main reasons for your views on Q1? (please note we have asked more detailed questions on the Bill below)

CYCJ response

- Strongly agree
 Agree
 Neither agree nor disagree
 Disagree
 Strongly disagree

CYCJ welcomes the opportunity to respond to the call for views on the Housing (Scotland) Bill, particularly given the connection between children and young people experiencing housing insecurity and coming into conflict with the law. With Scottish Government statistics from 2023 recording that almost 10,000 children were stuck in temporary accommodation, this is clearly a situation of urgency.

CYCJ works towards ensuring that Scotland's approach to children and young people in conflict with the law is rights-respecting; contributing to better outcomes for our children, young people and communities. Through our participatory work with children and young people, the research evidence we have generated and our policy and practice knowledge, we understand and recognise the strong impact of poverty and housing insecurity on the likelihood of a child or young person coming into conflict with the law, and the impacts this can have on their ability to transition away from harmful behaviours.

The ground-breaking [Edinburgh Study of Youth Transitions and Crime](#), a longitudinal piece of research on over 4,000 young people, demonstrated conclusively that those who had committed the most serious of offences were also the most impoverished and vulnerable of the cohort of children in conflict of the law which they studied.

Nearly all children and young people who come into conflict with the law for serious harm have also previously suffered some form of adverse childhood experience. Processes such as evictions can be particularly harmful for children and young people through the fracturing of positive relationships and the uncertainty created over the dismantling of structure and routine. As evidenced in the Mitchell, Burns, Glozier and Nielsson (2023) study on ['Homelessness and predictors of criminal reoffending'](#), there is a clear link between housing insecurity and reoffending.

CYCJ, therefore, broadly welcomes the stated policy objectives of the Bill to improve stability of tenancy, delay evictions, take a more preventative approach to homelessness and provide greater support to people experiencing domestic abuse. We believe it compliments wider Scottish Government policy for children and young people in the care and justice systems, such as the Promise Scotland's commitment to eradicating youth homelessness, and we understand the potential for these measures to make good progress towards the policy objectives.



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However, we believe the bill as it currently stands fails to achieve its full potential and would be strengthened significantly by taking a more rounded human rights-based approach. Greater support for tenants, for example, to ensure they have the capacity to exercise their rights to challenge unfair rent increases and poor landlord practice would create a more rights-based framework.

More fundamentally, however, is the need to ensure adherence to the [United Nations Convention on the Rights of the Child \(UNCRC\)](#), which the Scottish Parliament approved unanimously in December 2023 and which start to come into force in July this year. Whilst the measures in this bill could make substantial progress towards the UNCRC, we have concerns with the remaining potential for evictions of children and young people and the limited information provided on the housing transition challenges for children and young people leaving the care and justice systems.

Without corrective action, this could place significant challenges in the way of realising the UNCRC, in particular Article 3 which states that in all actions the best interests of the child should be the primary consideration.

Rent

Q3. Do you support the proposals in Part 1 of the Bill allowing rent control areas to be designated?

CYCJ response

Yes

Q4. Do you have any further comments to make on Part 1 of the Bill dealing with rent for private tenants?

CYCJ response

Establishing greater tenant security, through preventing immediate and steep rent increases, is an important part of the wider preventative work needed to both prevent children and young people engaging in serious harmful behaviour and to help transition those who do away from continuing this pattern.

New tenants' rights are a positive step forward in this regard, but to realise a rights-based approach would require more than just allowing tenants the option to refer rent increases to a Rent Officer. Greater support is needed to enhance the capacity of tenants to exercise their rights to raise issues of poor practice and challenge unfair rent increases. As the policy memorandum identifies, only 181 referrals have been made over a four-year period to Rent Service Scotland, and this is attributed to the fact that a referral could lead to an increase in rent. This is no doubt a key factor but does not consider that wider issues may also contribute to this.

A considerable number of tenants in the private rented sector live in, or on the fringes of, poverty. It is well documented that people on very low incomes



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face multiple inequalities and are less likely to raise issues of poor treatment with public bodies. This is due to a range of factors, including perceived powerlessness, mistrust, lack of system knowledge, low literacy levels and demands on time. There are several voluntary sector organisations, such as Shelter, Living Rent and others, who help to fulfil this support gap, but greater outreach measures would be welcome alongside a more robust monitoring regime.

This could be a potential role for local authorities, or a voluntary organisation acting on their behalf, to provide oversight to ensure all tenants are supported to engage meaningfully throughout the process, with appropriate monitoring and reporting. Local authority oversight could also ensure poor landlord practice was considered in the renewal of landlord registration.

Evictions

Q5. What are your views on Part 2 of the Bill that deals with evictions?

CYCJ response

We welcome the expansion of the criteria to be considered around delaying an eviction, though are concerned with parts of the exempting criteria, namely criminal convictions or anti-social behaviour.

We support the strong emphasis placed on considering individual circumstances to allow extra time for households facing eviction and to reduce, as far as possible, the negative impact of an eviction at a time of greater stress. We note in particular the importance placed on considering the negative impacts on health and finances which an eviction could bring and the impact on someone living with a disability.

We are concerned, however, with the exceptions outlined which would prevent this consideration for a delay, namely if the tenant has a “relevant conviction” or has engaged in “relevant anti-social behaviour”. There needs to be far greater clarity as to how this would apply to offences caused by children and young people - particularly following the Children (Care and Justice) (Scotland) Bill, currently awaiting royal assent - and to households where children and young people are resident.

As noted above, an eviction can be a particularly harmful process for a child or young person, through the fracturing of positive relationships and the dismantling of structure which it can bring. An eviction also increases the likelihood of a child and their family subsequently falling into, or remaining in, poverty which in turn puts them at greater risk of a wider range of adversities, including poor educational attainment, linked to committing subsequent harmful behaviour.

It is very difficult, therefore, to reconcile the process of an eviction for a child or young person at serious risk of coming into conflict with the law, with the Scottish Government’s commitment to the UNCRC, in particular Article 3 which states that the best interests of the child should be the primary consideration.

Keeping pets and making changes to let property

CYCJ is primarily funded by the Scottish Government and based at the University of Strathclyde.

Q6. Do you support the proposals in Part 3 of the Bill to strengthen the rights of tenants to keep pets and make changes to let property?"

CYCJ response

Yes

Q7. Do you have any further comments to make on Part 3 of the Bill dealing with keeping pets and making changes to let property?"

CYCJ response

CYCJ support the proposals given the importance of pets to the wellbeing of children and young people, including those who are care experienced. A UK-wide survey [Muldoon and Williams \(2022\)](#) identified the importance placed on pets by children in the care system, helping with self-esteem, loneliness and attachment issues. Separation from a pet can cause significant grief and their presence can help aid difficult transitions.

We also recognise the impact on wellbeing and connection of having autonomy over various aspects of a person's home, including decorating. This is particularly true for children and young people who have spent time living in care and justice settings which often do not afford such a right to self-expression.

Homelessness prevention

Q9. Overall, do you support the Bill's proposals in Part 5 of the Bill that deal with homelessness prevention?"

CYCJ response

Yes

Q10. What are your views on the 'ask and act duty' for relevant bodies in relation to preventing homelessness in Part 5 of the Bill?"

CYCJ response

We welcome the intention to expand the 'ask and act duty' to relevant bodies and see the potential in it to prevent homelessness. However, we question the likelihood of its success if it is not accompanied by adequate resources and capacity.

More clarity is also needed regarding how certain public bodies will put this into practice. Release from prison, for example, can be a potential homelessness challenge given the relatively short notice which can be given of the release date. The current system requires the local authority to then assume the responsibility of finding accommodation for the released individual. The Bill seeks to avoid this as the default approach but, without adequate resources accompanying this proposed change such as the provision of trained staff, it is unclear how the Scottish Prison



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Service, for example, would be in a position to deal with homeless prevention effectively.

We also note that though Young Offender Institutions are identified as a relevant body, secure care accommodation is not. The latter is presumably covered by 'local authority' but we would welcome a more explicit recognition of the preventative action on homelessness needed for children and young people in the care and justice systems.

Q11. What are your views on the requirement on councils to act sooner to prevent homelessness by taking reasonable steps in Part 5 of the Bill?

CYCJ response

We welcome this requirement to act sooner and believe, if properly implemented, could reduce instances of homelessness, with at risk individuals identified earlier. However, as with the 'ask and act' duty, this will require additional resources for financially stretched local authorities in order to make the referral process meaningful.

Domestic abuse

Q12. What are your views on the provisions in Part 5 of the Bill that relate to domestic abuse?

CYCJ response

We welcome the provisions on domestic abuse and believe they would be helpful for a significant number of children and young people in the care and justice systems.

Contact

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