

## Local Government and Communities Committee

### Homelessness

#### Submission from Govan Law Centre

Govan Law Centre believes that no person in Scotland should sleep rough. People affected by street homelessness/rough sleeping are almost 17 times more likely to have been victims of violence and 15 times more likely to have suffered verbal abuse in the past year, and nine times more likely to take their own life than the general public.

The average age of death for someone who is homeless is just 47, 30 years younger than the national average. The same problems emerge time and time again; and the most acute problems with street homelessness in Scotland are in Glasgow. The key areas of concern are summarised below:

1. **Local authorities fail to take a homeless application.** It is often the case that no homeless application is taken when someone presents to the casework team. Instead 'advice and assistance' is offered by the Council. The homeless casework team will make a decision regarding a person's homeless application without taking a full application: they do not carry out a full investigation of a person's circumstances and as a result do not offer temporary accommodation.

This is a clear breach of statutory duty (in terms of Part 2 of the Housing (Scotland) Act 1987) and also prevents a person having a statutory right of review as no homeless decision is given in writing. In Govan Law Centre's (GLC) experience it would appear that a local authority by not taking a homeless application are able to keep their homelessness statistics down, and therefore there is not a true record of those approaching a council for homelessness assistance. This further conceals the harsh reality and volume of homelessness, rough sleeping and inappropriate housing.

2. **A local authority takes a homeless application but does not fulfil their statutory duty by offering *interim/temporary accommodation whilst a full investigation is undertaken*.** Often a homeless application is taken but for various reasons *no accommodation is offered to that person*. This is for a variety of reasons, no up to date risk assessment, risk may have been assessed as high due to criminal history, mental health difficulties or simply not enough accommodation for men, women, couples or anyone.

This is a clear breach of statutory duty. This puts already vulnerable people at risk of harm and not seeking further assistance in the future. They lose confidence in the system that is designed to help them resulting in people continuing to reside in unsuitable accommodation, stay with abusive partners, and leading to street homelessness.

3. **A local authority does not offer temporary accommodation to people while they are referred back to other local authorities.** From our

experience in Glasgow, there are numerous occasions when some of our clients are referred back to other local authorities that Glasgow City Council considered the client has a local connection to. During this time, Glasgow City Council has a duty to accommodate someone until that transfer has been picked up by the other Council. But it doesn't happen in practice.

4. **People are not aware of their legal rights.** There are certainly a number of people who simply did not know their legal rights. Perhaps they have separated from their partner and found themselves in an unknown situation and literally have nowhere to go. We are able to advise them of their legal rights and who and where to present too. In Glasgow, we work jointly with RSVP street team (Simon Community Rough Sleeper and Vulnerable Person) who accompany people to casework teams to present as homeless.

We appreciate there are many organisations which are involved in ending rough sleeping in Scotland, and assisting people that are unsuitably accommodated. GLC continues to work in partnership with these organisations.

We are extremely concerned about people that we have not been able to reach. Our solicitors and caseworkers come up against their own difficulties with GCC, and this has given us an insight into how much worse the situation would be for people who are not supported. In our experience they often 'give up' at the first hurdle the Council presents and end up on the streets.

We work in partnership with services like Marie Trust, Glasgow City Mission, Winter Night Shelter, Simon Community (RSVP) to assist vulnerable people, making sure they are accommodated and have their needs met. We are in no doubt such vulnerable people would not have had the confidence in the system to approach or seek relevant support on their own.

We see a systemic failure with many local authorities throughout Scotland. The system must improve. In our experience people that are supported by our organisation are 'favoured' as GCC are reminded of their statutory duty which if they do not provide to the homeless person or household will lead to legal action such as judicial review in the Court of Session, which they are keen to avoid.

Sadly, people that are not supported by our organisation are often turned away by GCC and end up rough sleeping. They are already vulnerable and become more distrusting, and disengage with services. This adversely affects their self-esteem, mental health and self-worth. It results in a deterioration of mental health, increased morbidity, suicidal intent, addictions and self-medication. This results in significant and increased cost for the NHS and other statutory services.

There is a clear legal duty to prevent homelessness and provide accommodation which many councils in Scotland often ignore in practice. We do not believe anyone should sleep rough in Scotland. We further believe there is a moral duty to treat those whom the law does not protect, that come into Scotland, and unfortunately do not have recourse to public assistance or a statutory right to be accommodated, and treated with compassion.

## **Mental Health and Homelessness**

There is a clear connection with Homelessness and Mental Health. It is Govan Law Centre's strong belief that in order to address rough sleeping, Mental Health Services must be improved. Many of the people we meet who sleep rough have been let down by Mental Health Services. In order to demonstrate this we shall refer to several recent case studies.

### **Case Study 1**

Solicitor met a female client early 30's in Winter Night Shelter. Her partner committed suicide a year before and her mother had schizophrenia. This lady lost her tenancy due to fire raising and she was facing criminal charges against her. She was difficult to take instructions from as she was extremely paranoid and had bizarre behaviour. She struggled to cope in the Winter Night Shelter and only slept their one night as she was drawing negative attention to herself. Solicitor at Govan Law Centre arranged to meet with her through the Street Team, Simon Community at McDonalds. She had a supportive father but sadly he was becoming part of her delusions and she could not reside with him because of this. When Solicitor met with her she was responding to voices and evidence of self-harm.

Glasgow City Council attempted to put her in accommodation but due to her risk assessment of fire raising and self-harm they could not accommodate her. When she was accommodated the risks were too high and she quickly lost the hostel accommodation.

Her father and the Street Team were consistent with her and continued to take her to her Psychiatrist team but they advised it was a behavioural issues as she was drinking alcohol and her CPN was instructed to withdraw support. This lady continued to self-harm, hit herself, burn her genitals and drink. After she was rejected from a hostel she presented to the East Community team and was told to walk to Hamish Allan Centre but due to her poor mental health she slept rough.

Eventually with the perseverance of her father, the street team and Govan Law Centre this lady was accommodated in a woman's project but had no assistance from mental health services, after a few months without support she was eventually detained in hospital under the Mental Health Act, short term detention order which is proceeding to a Compulsory Treatment Order but this could have been prevented if she was offered the assistance she continually requested.

### **Case study 2**

A young man in his 20's both parents died within a short space of time and he was in a GHA tenancy. A gang of local youths approached this man and wanted him to grow cannabis. When this young man refused he was badly beaten up and was to get a management transfer with GHA. In the meantime he was accommodated in hostel-type accommodation and due to his vulnerability and mental health issues he could no stay there. This young man has been sleeping rough since November 2016 and although he has presented to the Council he feels he has been let down and continues to sleep rough.

### **Case Study 3**

A young man separated from his partner and she asked him to leave, he was sleeping rough and using the Winter Night Shelter. Govan Law Centre met him and he advised that he slashed his throat a couple of days prior after his girlfriend would not take him back. This young man was very low, and did not stop crying talking about suicidal intent. Despite Govan Law Centre asking Lodging House Mission to phone an ambulance for this young man, he was assessed by a psychiatrist in Accident and Emergency and then discharged again. This young man was not offered any support to help with his mental health issues and was discharged from the hospital on the same day back to the streets.

During our time at Winter Night Shelter we had to contact an ambulance for a number of service users but the ambulance appeared to be inconvenienced by this and they were not referred to Mental Health support.

Many people who sleep rough have mental health issues and have been let down time and time again that they have lost faith in the system. Their mental health issues often prevent them presenting to Glasgow City Council for accommodation or perhaps the Council don't find them suitable accommodation as many hostels don't have the staff to deal with people that suffer mental health difficulties. These people have so many obstacles in their way and lack of support that they often resign themselves to sleeping rough which often leads to a continued deterioration in mental health issues.

### **Solutions for discussion in relation to mental health and homelessness**

1. Have a better referral system for homeless people dealing with mental health issues and follow up support for each person.
2. Each homeless caseworker who has concerns regarding a person with mental health must record this and make the referral to mental health services.
3. All rough sleeper should be given a full mental health assessment and support to enable them to be accommodated and support to maintain their tenancy once they are accommodated.
4. People with Drug and alcohol addictions should also be offered mental health support. It should not just be deemed a behavioural issue by mental health professionals as many people with these addictions are 'self-medicating'
5. Private Homelessness Hotels should be closed. They should not exploit vulnerable people.

**We would be happy to give oral testimony or further written evidence to the Committee on proposed solutions from a practical, operational and law reform perspective.**

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Govan Law Centre**