



OFFICIAL REPORT
AITHISG OIFIGEIL

DRAFT

Social Justice and Social Security Committee

Thursday 20 March 2025

Session 6



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SOCIAL JUSTICE AND SOCIAL SECURITY COMMITTEE

9th Meeting 2025, Session 6

CONVENER

*Collette Stevenson (East Kilbride) (SNP)

DEPUTY CONVENER

*Bob Doris (Glasgow Maryhill and Springburn) (SNP)

COMMITTEE MEMBERS

*Jeremy Balfour (Lothian) (Con)
*Mark Griffin (Central Scotland) (Lab)
*Gordon MacDonald (Edinburgh Pentlands) (SNP)
*Marie McNair (Clydebank and Milngavie) (SNP)
*Paul O’Kane (West Scotland) (Lab)
*Liz Smith (Mid Scotland and Fife) (Con)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Sarah Boyack (Lothian) (Lab)
Maggie Chapman (North East Scotland) (Green)
Pam Duncan-Glancy (Glasgow) (Lab)
Meghan Gallacher (Central Scotland) (Con)
Roz McCall (Mid Scotland and Fife) (Con)
Paul McLennan (Minister for Housing)
Graham Simpson (Central Scotland) (Con)
Alexander Stewart (Mid Scotland and Fife) (Con)
Kevin Stewart (Aberdeen Central) (SNP)

CLERK TO THE COMMITTEE

Diane Barr

LOCATION

The Mary Fairfax Somerville Room (CR2)

Scottish Parliament

Social Justice and Social Security Committee

Thursday 20 March 2025

[The Convener opened the meeting at 09:01]

Decision on Taking Business in Private

The Convener (Collette Stevenson): Good morning, and welcome to the ninth meeting of the Social Justice and Social Security Committee in 2025. Our first item of business is a decision on whether to take agenda item 4 in private. Are we all agreed?

Members *indicated agreement.*

Subordinate Legislation

Council Tax Reduction and Council Tax (Discounts) (Miscellaneous Amendment) (Scotland) Regulations 2025 (SSI 2025/55)

The Convener: Our second item of business is consideration of a Scottish statutory instrument. The instrument is subject to the negative procedure. As members have indicated that they do not wish to make any comments, I invite the committee to agree that it does not wish to make any further recommendations. Are members content to note the instrument?

Members *indicated agreement.*

Housing (Scotland) Bill: Stage 2

The Convener: Our next item of business is the committee's consideration of the Housing (Scotland) Bill at stage 2. I welcome Paul McLennan, the Minister for Housing, and his officials to the meeting.

I remind the officials that they are here to assist the minister during the stage 2 debate. They are not permitted to participate in the debate and, for that reason, members should not direct any questions to them.

We will also be joined throughout the meeting by other MSPs who will be speaking to their amendments. I give a very warm welcome to all of them.

I will briefly explain the procedure that we will be following during today's proceedings for anyone watching. Members should have with them a copy of the bill, the marshalled list and the groupings of amendments. Those documents are available on the bill's web page on the Scottish Parliament's website for anyone who is observing.

I will call each amendment individually, in the order of the marshalled list. The member who lodged the amendment should either move it or say "not moved" when it is called. If that member does not move it, any other member present may do so. The groupings of amendments set out the amendments in the order in which they will be debated. There will be one debate on each group of amendments.

In each debate, I will call the member who lodged the first amendment in the group to speak to and move that amendment and to speak to all the other amendments in the group. I will then call other members with amendments in the group to speak to, but not move, their amendments and to speak to other amendments in the group, if they wish.

I will then call other members who wish to speak in the debate. Members who wish to speak should indicate that by catching my or the clerk's attention. I will then call the minister, if he has not already spoken in the debate.

Finally, I will call the member who moved the first amendment in the group to wind up and to indicate whether he or she wishes to press the amendment or to withdraw it. If the amendment is pressed, I will put the question on the amendment. If a member wishes to withdraw an amendment after it has been moved and debated, I will ask whether any member present objects. If there is an objection, I will immediately put the question on the amendment. Later amendments in a group are not debated again when they are reached. If they

are moved, I will put the question on them straight away.

If there is a division, only committee members are entitled to vote. Voting is done by a show of hands and it is important that members keep their hands raised clearly until the clerk has recorded their names. If there is a tie, I must exercise a casting vote.

The committee is required to consider and decide on each section of the bill, and I will put the question on each of those provisions at the appropriate point. We will now begin our consideration of the amendments.

Before Section 41

The Convener: Amendment 1077, in the name of Sarah Boyack, is in a group on its own.

Sarah Boyack (Lothian) (Lab): I declare an interest as a result of my former work with the Scottish Federation of Housing Associations.

Amendment 1077 is important because we need to understand the scale of our national housing emergency. Currently, we do not have enough detailed data on those who are threatened with homelessness or those who are now experiencing homelessness. The amendment would provide a national register of homeless households.

The amendment follows on from an excellent cross-party briefing by the City of Edinburgh Council, which I attended. Preventing homelessness and supporting people who become homeless are huge priorities for that council. If the amendment were to be accepted, it could ensure that organisations are able to work together in order to allocate suitable housing, which would streamline the resources required for households that have applied to be assessed as homeless in different local authority areas.

The amendment would also result in the provision of more detailed information about the depth and breadth of the housing issues that are being faced in Scotland. It is important to understand the scale of the issue in order to identify how many new homes we need. The amendment offers the opportunity to get exact information on the scale of the housing need through a deliberative, preventative framework, and to deliver an opportunity as a result. Having a high degree of accuracy about the number of homeless households and where they are will help us to be more exact about building and planning for the homes that we need to address homelessness.

I move amendment 1077.

The Convener: As no other members wish to come in on that point, I invite the minister to speak.

The Minister for Housing (Paul McLennan): I oppose amendment 1077. Ms Boyack and I engaged on the matter last night. At that time, we had not heard from the City of Edinburgh Council on the particular point, and we agreed that we would try to get more detail on it.

I will touch on the essence of my opposition and how I would advise members to vote on the amendment. Local authorities already have a record of those who make an application to be assessed as homeless or who are threatened with homelessness. That information is required to enable a local authority comply with its statutory functions under the Housing (Scotland) Act 1987.

It is unclear what the purpose would be of a separate register maintained by the Scottish Government. The information would need to be collected for a specific purpose and used only for that purpose, in order to comply with the United Kingdom's general data protection regulation. In the amendment, there is no stated purpose for the register and no powers to use the information contained in the register in any specific way. The register could not be a public one because it would contain sensitive personal information. It is therefore not clear why a register would be necessary.

For those reasons, I encourage members of the committee to oppose the amendment, which would serve no benefit to those who are homeless and could conflict with the Scottish ministers' duties under data protection legislation. I ask Sarah Boyack not to press the amendment. As I said in our engagement last night, I will discuss the matter further with her.

The Convener: I ask Sarah Boyack to wind up and to press or withdraw amendment 1077.

Sarah Boyack: I will seek the committee's permission to withdraw amendment 1077. However, I want to get the issue up the agenda, because it is seen as an issue in Edinburgh. I accept that the GDPR issues would need to be worked through, but I go back to the point about having a framework so that we know how many people need homes, because tackling the housing emergency must be a priority.

Bob Doris (Glasgow Maryhill and Springburn) (SNP): I welcome the fact that you have said that you will seek to withdraw amendment 1077 in order to work further with the Government. I think that one of the reasons that you gave for having the register related to applications being made to two local authorities, which would mean that there could be duplication. Could the double counting of people who are homeless be an issue? Might that issue need to be resolved at a later date?

Sarah Boyack: That is why I want to explore the issue further. The City of Edinburgh Council raised the issue as a challenge, so we need to pick it up.

The minister's response was constructive, so I am happy to seek to withdraw amendment 1077, but I hope that we can make some progress, ideally before stage 3. We should at least have a conversation so that the minister can understand the concerns of that local authority, which is facing a housing emergency.

Amendment 1077, by agreement, withdrawn.

The Convener: Amendment 1078, in the name of Paul O'Kane, is grouped with amendments 1053, 1053A, 1054, 1054A, 1055, 1055A, 1056 and 1059.

Paul O'Kane (West Scotland) (Lab): Amendment 1078 seeks to place a duty on the Scottish ministers to prioritise, in the social housing stock, housing that would meet the needs of families with many children. Everyone is aware of the very high number of children who are stuck in temporary accommodation in Scotland. That issue has been well debated and rehearsed in the chamber and elsewhere. We know that, beyond that number, many more face the threat of homelessness.

Larger families are disproportionately affected by the risk of the rising cost of rents, mortgages and other bills. As such, they are often forced into inadequate and cramped housing—an inappropriate environment for children to grow up and develop in.

Given Scotland's incorporation of the United Nations Convention on the Rights of the Child, article 27 of which notes that young people should be able to live in a way that helps them to reach their full physical, mental, spiritual, moral and social potential, it is imperative that we take action through the bill.

Jeremy Balfour (Lothian) (Con): I am very sympathetic to amendment 1078. If a future Government did not make such housing available, what would be the consequences? How would the provisions be enforced?

Paul O'Kane: I am very grateful to Mr Balfour for his intervention. We should set out in law our expectations about Government and local authority processes that will inform strategic housing investment plans and various council mechanisms to develop houses of the right size and scale. That will have an impact on what I am trying to do to help larger families who face challenges. As well as a legislative requirement, there would be a requirement for guidance and interaction with local authorities and housing associations that deliver housing on the ground.

Bob Doris: Is the member suggesting that, when local authorities carry out their due diligence in relation to their plans for addressing housing needs and investing in the social rented housing stock, they are not taking into account the general housing needs in the local authority area? My understanding is that local authorities are quite attentive to those issues, so I am trying to work out what amendment 1078 is trying to fix.

Paul O’Kane: I certainly recognise what Mr Doris said about local authorities having wider duties to consider the size and scale of housing development and people’s needs, but giving the duty a legislative footing is important because it would put it clearly at the front of people’s minds when considerations were made.

As Mr Doris alluded to, there are a lot of competing demands. In particular, there is a need for smaller-sized housing for older people and for adapted housing of various sizes. However, the significant crisis in relation to housing for larger families and the UNCRC duties mean that it is important that we put the duty in the bill itself, to ensure that councils and other developers are thinking about that need very clearly and so that there is a legal mechanism to enable them to fulfil the duty. Overcrowded housing does not live up to the rights in the UNCRC that we have committed to, and there is an opportunity to address failures through the bill.

09:15

As I said, the purpose of the amendment is to ensure from the beginning, when new social housing stock is being developed, that there are homes of a suitable size and that those who need access to social housing are not forced into the sort of cramped and unsuitable accommodation that I referred to.

I am pleased that the amendment has the support of organisations such as Aberlour, which has worked to develop the thinking and the debate around the issue. It does vital work in supporting at-risk and in-need families, and it has furnished all members with much of the difficult to hear testimony of families who are unable to access appropriately sized homes.

I am keen to listen carefully to the minister about the actions and methods that exist to address the wider problem. It is important to put that on the agenda. I go back to Mr Doris’s point that we can have a broader conversation about housing need, but it is important that we look to address these issues through the bill. There might be an opportunity, at this stage or at a future stage, to do that in a clear and precise way.

On the other amendments in the group, I welcome the proposal from my colleague Mark

Griffin, which also seeks to ensure that children’s interests and rights are fully addressed through the bill. I do not think that the bill can be allowed to pass without making at least some progress on the pathway to tackling what I am sure that we all agree are the scandalous conditions that many children in Scotland find themselves living in.

I move amendment 1078.

The Convener: I invite Mark Griffin to speak to amendments 1053 and the other amendments in the group.

Mark Griffin (Central Scotland) (Lab): I have a number of amendments in this group, all of which relate to the rights of the child when it comes to their being threatened with homelessness or being placed in temporary accommodation.

It might seem strange that I have lodged a number of amendments that amend my own amendments, but that was done purely on the advice of the legislation team. I had planned to lodge duplicate amendments stipulating that a child is a person under the age of 16 and that a child is a person under the age of 18, to give the committee the opportunity to make a decision on where it felt that that distinction lay.

My preference is for all the amendments to my amendments to be agreed to, as that would stipulate that a child was someone under the age of 18, an approach that is supported by the Children and Young People’s Commissioner Scotland. Therefore I hope that the amendments with an A after the number are agreed to, too, if the committee agrees to the substantive amendments.

On the detail, amendments 1053 and 1054 present alternative options—they are very similar. Amendment 1053 uses the wording

“best interests and rights of children”,

whereas amendment 1054, which is the alternative amendment, simply refers to the “rights of children” to make things slightly tidier, given that article 3 of the UNCRC requires that the best interests of a child be considered anyway. Indeed, it might be tidier just to agree to amendment 1054, but I thought that it would be good to give the committee the option to make it absolutely clear that we should consider children’s “best interests and rights”. It was good to hear the minister comment on the amendments in yesterday’s debate in the chamber. If I caught his meaning correctly, he indicated support for them.

Amendments 1053 and 1054 refer to the rights of the child threatened with homelessness and state that children should have their rights under the UNCRC and their best interests considered when relevant bodies make decisions about them. We covered some of that ground in the chamber

yesterday, but the motivation behind the amendments is Shelter's report, "In Their Own Words: Children's Experiences in Temporary Accommodation", which tells stories of children forced to live in completely unsuitable temporary accommodation, and how their lived experience of homelessness, of being threatened with homelessness or of being placed in temporary accommodation was, essentially, life limiting. Decisions that were being made for them were disrupting their education, their health and their social life, and limiting their future life chances.

With record numbers of children in temporary accommodation and more than 16,000 children part of households that are applying to be homeless, we should take urgent action to ensure that, in the relevant policies and laws that we hope to pass through the legislation, we capture the requirement for their rights under the UNCRC to be considered.

Amendments 1055, 1056 and 1059 relate to decisions to place children in temporary accommodation, and ensure that children who are homeless or threatened with homelessness have their rights and best interests taken into account and that local authorities allocate them to either temporary or permanent accommodation. The amendments are a response to the conditions that Shelter described children as living in when they are allocated to unsuitable temporary accommodation. That report, which I think most of us will have read, argues that local authorities must take a rights-based approach when dealing with children who are facing homelessness so that they are protected from unsafe and unsanitary conditions.

I ask members to support the amendments and I look forward to the Government's response to them.

The Convener: I now open up the discussion to members. I believe that Jeremy Balfour would like to come in.

Jeremy Balfour: Thank you, convener, and good morning to the minister and his team of colleagues.

I will go through the amendments in the group. As I said in my earlier intervention, I am sympathetic to what Mr O'Kane is trying to do with amendment 1078. However, one of the issues with it, with those of Mr Griffin, and with a lot of the bill is that there are lots of carrots but not too many sticks. If we were to amend the legislation in this way, we would need to look at how it could be better enforced, because the only way open at the moment is full judicial review of a decision, or the lack of a decision by whoever was making it. I wonder whether amendment 1078 could be looked at again to see whether it might have other

consequences, and I would make the same comment about Mark Griffin's amendment 1053.

As for the rest of Mr Griffin's amendments, I am sympathetic to what he is trying to achieve, but again I have some concerns, particularly about the lack of clarity in the wording with regard to age and how this would work, particularly for 17 and 18-year-olds. It depends on what the member wants to do, but I might be looking for him to bring the amendments back at stage 3 with slightly different wording. If that does not happen and he moves them today, I and my colleague will abstain, simply because the wording needs to be looked at and tightened up.

Mark Griffin: Will Mr Balfour take an intervention?

Jeremy Balfour: I am happy to.

Mark Griffin: I had hoped that amendments 1053 and 1053A, in combination, clarified what would happen to 17 and 18-year-olds. The amendment to amendment 1053 changes the age to anyone under the age of 18. As I have said, I hoped that that would give clarity.

Jeremy Balfour: I thank the member for his intervention, and I appreciate that. I still think that there needs to be some clarification before such a measure is put into the legislation.

As I have said, we are sympathetic to the amendments and we hope that they could appear as final amendments at stage 3, but at this stage, we think that a little more work is required to be done on them.

The Convener: As no other member wishes to comment, I ask the minister to respond.

Paul McLennan: The amendments in this group seek to make it clear that the interests of children must be taken into account when local authorities exercise functions in relation to the provision of social housing, and when relevant bodies exercise functions in relation to

"people who are homeless or threatened with homelessness".

Although I agree with the purpose behind the amendments, I cannot support them as they would not add to existing statutory duties that have been imposed on the bodies in question. I will go into detail on that a little later.

Statistics highlight both the need and the potential for homelessness prevention duties to mitigate the risk of homelessness for children and young people. Ahead of stage 2, I have held many meetings, some of them as recently as last night. However, I have not had a chance to engage with Mr O'Kane or Mr Griffin on that particular point, to find out more about their amendments.

In my role, I do not engage directly with children, but I have engaged with organisations that work with and advocate for children and young people. Earlier this month, I was at the launch of Shelter Scotland's new report. Yesterday, as Mr Griffin mentioned, members held a debate on children's experiences of temporary accommodation; the report reveals the impact of long periods in such accommodation, and it gave me particular insight into those experiences and the importance of children having settled homes.

I cannot support amendment 1078, in the name of Paul O'Kane. The provision of social housing is a function of local authorities and housing associations, and it is for each local authority to set out its strategies, priorities and plans for the delivery of housing in its area. There is no statutory duty on local authorities or registered social landlords to provide more housing. The Scottish Government's role is to support local social landlords in providing affordable accommodation in accordance with set standards and to ensure that landlords' performance is monitored through the Scottish Housing Regulator. Other tools include the strategic housing investment plan—or SHIP—which was mentioned earlier, and the local housing strategy. I would be happy to engage further with Mr O'Kane between stages 2 and 3, and I extend that offer to him.

I agree with Mark Griffin that every child deserves a safe and warm place to call home—that is a fundamental human right—but I cannot support amendments 1053 to 1056 and 1059 and the other amendments in Mr Griffin's name. However, that is only because the substance of his amendments is already provided for in statute. I offer to meet Mr Griffin to discuss the issue further, including how we might enforce those aspects.

Mark Griffin: Perhaps I picked the minister up wrongly in the chamber yesterday, but I understood from his closing speech that he had planned to support my amendments. Could he clarify his comments made in the chamber yesterday?

Paul McLennan: I think that I agreed with Mr Griffin on the principle of where he was going with the amendments. However, when it comes to enforcement, statutory provision is already in place. Nevertheless, I am happy to engage with Mr Griffin and also Ms Duncan-Glancy between stages 2 and 3 to see what we can do on that particular point.

Pam Duncan-Glancy (Glasgow) (Lab): Which existing statute are you referring to, minister?

Paul McLennan: I will come on to that in the next part of my speech.

Pam Duncan-Glancy: Okay. I will hold back until I have heard the next sentence.

Paul McLennan: On Ms Duncan-Glancy's question, under section 22 of the Children (Scotland) Act 1995, local authorities are required to

"safeguard and promote the welfare of children ... in need ... by providing a range and level of services appropriate to the children's needs."

The United Nations Convention on the Rights of the Child was incorporated into Scots law in December 2024. Under section 6 of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024, public authorities, including local authorities, have a duty to respect the requirements of the convention. That means that they must consider the best interests of children in all decisions that affect them, and ensure that children's views are heard and taken into account.

Pam Duncan-Glancy: Will the minister take another intervention on that point?

Paul McLennan: I will. There is also a further statute that I will mention.

Pam Duncan-Glancy: The 1995 act is about wellbeing and safeguarding, which of course are crucial aspects, but they are not the same as the ones that Mark Griffin's amendments seek to cover. The UNCRC is an important piece of legislation, too, but such framework legislation requires bills that focus specifically on subjects such as housing or education to be used as mechanisms for enforcing and giving colour to the rights outlined there. Does the minister accept that? If so, is he minded to change his approach?

Paul McLennan: I will come back to that. The next sentence that I read out will cover that point.

Under section 32A of the Housing (Scotland) Act 1987, local authorities must already have regard to the best interests of children in fulfilling their duties under sections 31 and 32 of that act towards people who have dependent children and who are either homeless or threatened with homelessness. Section 32A also requires local authorities to ensure that accommodation provided for children in those circumstances is suitable for occupation by them.

As I have said, I am happy to engage with Mr Griffin and Ms Duncan-Glancy on how we might enforce that aspect. The Scottish Government's code of guidance on homelessness guides local authorities on how to meet their duties relating to people who are threatened with or are experiencing homelessness. The code is clear that homelessness services should be offered on the basis of a thorough assessment of the household's needs. Local authorities should also

have regard to the Scottish Government's guidance from 2011 on acting in the best interests of children who face homelessness.

We expect relevant bodies to meet their existing legal duties relating to children as part of the delivery of new homelessness prevention duties. We have worked constructively with MSPs and stakeholders to strengthen the bill and ensure that the homelessness prevention measures are as robust as possible, so that they can protect all children in households.

09:30

Jeremy Balfour: I will follow up on Pam Duncan-Glancy's point. The powers that we are talking about have been in legislation for, in some cases, decades, but given that we are still facing problems day to day with young folk not getting appropriate accommodation, how will the duties be enforced? We can pass the best legislation in the world, but if it does not affect a child in Dundee, Aberdeen or Glasgow, why are we doing so? What will the Government actually do to ensure that children live in appropriate accommodation?

Paul McLennan: As I have said, we think that the statutes are in place in that respect. Having seen the Shelter Scotland report on temporary accommodation, we need to ensure that the duties are enforced. I am happy to come back to the committee on that point and to engage with members on it before stage 3.

Meghan Gallacher (Central Scotland) (Con): In relation to the debate yesterday, recommendations were made, but there is a clear disconnect with regard to the implementation of the recommendations on children in temporary accommodation. That is on the back of the 2023 outcomes set by the Scottish Government. We need to look at those specific issues, and it is incumbent on the Government to do so and see whether something can be brought back at stage 3, because it is clear that what the Government is doing just now is not working. The amendments in the group have been lodged, because there is a significant problem with children living in temporary accommodation in Scotland, and we need legislation that will help solve that problem.

Paul McLennan: There is legislation already in place. Yesterday, I acknowledged that children are living in temporary accommodation in conditions that are not suitable. The issue is how we enforce the legislation, and I am happy to engage between this stage and stage 3 with those members who have spoken on the issue to see whether we can work something out.

Graham Simpson (Central Scotland) (Con): I want to be clear about what the minister is saying. Is he saying that he accepts the broad principle

behind Mark Griffin's amendments and that he wants to work with Mr Griffin and others on stage 3 amendments, or is he saying something else entirely? Is he saying that, because legislation already exists, everything is fine, or is he saying that he will bring something back at stage 3?

Paul McLennan: It is too early to say, at this stage, before we have the discussions. A key point is that, as I have laid out, statutes are already in place. Obviously, though, there are still issues with temporary accommodation, so we need to look at what we need to do to enforce the current legislation. I am happy to engage with Mr Griffin and others on that point. I am not going to say what will happen in relation to amendments between now and stage 3, before we have that discussion, but I am willing to have that engagement with Mr Griffin and others.

The Convener: If no other member wishes to come in, I invite Paul O'Kane—

Paul McLennan: I am sorry, convener, but I have not finished my speech.

The Convener: I give my humble apologies. Carry on, please.

Paul McLennan: We have worked constructively with MSPs. If I thought that there were gaps in the legislation and that the amendments would further the rights of children, I would whole-heartedly support them, but I do not believe that they are necessary. For those reasons, I urge Paul O'Kane and Mark Griffin not to press or move their amendments, and if they do, I ask members not to support them. However, I am willing to engage with Mr Griffin and others on the particular points that have been raised.

The Convener: I invite Paul O'Kane to wind up and to press or seek to withdraw amendment 1078.

Paul O'Kane: I think that this has been a helpful first discussion of the issues. A number of members have referred to the wider debates that we had yesterday in the chamber and earlier on support for children in temporary accommodation. The issues are certainly well known—Shelter's report, for example, has been very helpful in crystallising many of them—and we will continue to have those debates and discussions. That will be important.

The idea behind my amendment and Mr Griffin's amendments is to put the issue on the agenda and ensure that we have a debate on it in advance of stage 3. I note the minister's offer to meet and discuss the issues, to think about the mechanisms for complying with the UNCRC and to ensure that councils and housing associations can be better supported to deliver the right mix of homes. On that basis, I am happy to withdraw amendment

1078 at this stage, prior to further discussions with the minister, but I reserve the right to bring it back at stage 3 if required.

Amendment 1078, by agreement, withdrawn.

The Convener: Amendment 1052, in the name of Maggie Chapman, is grouped with amendments 1032 to 1035, 1037 to 1039, 1046 and 1048.

Maggie Chapman (North East Scotland) (Green): I begin by thanking the committee and the legislation team for their work in getting us to this point today. I am also grateful to the minister for the discussions that we have had on some of these issues, although I am sure that there will be more discussions to come.

Amendment 1052 addresses a long-standing injustice in our homelessness system—that is, the assessment of people as intentionally homeless. Although some actions might seem intentional, they often stem from trauma, violence and disadvantage, and, looked at from that point of view, they are absolutely not about choosing to become homeless. Rather, such actions could be taken to escape abuse, to get away from dangerous or compromising situations or to keep people safe.

Crisis Skylight in the Lothians has not worked with anyone assessed as intentionally homeless who has not had underlying support needs. Too many homelessness support services use up resources challenging intentionality decisions, when their time and expertise could be better spent ensuring that the people in question have a warm, safe home.

Crisis, with whom I have worked on amendment 1052, has also made it clear that the intentionality test cannot be reformed to make it fairer. Instead, it must be abolished and replaced with a much tighter concept of deliberate manipulation of the homelessness system.

If that is not persuasive enough, let us think about what such an approach would look like in our national health service. If someone turned up to a hospital with an injury, our NHS would not provide lesser or no treatment, because the person had deliberately injured themselves. We would treat their injury, and we would treat them with compassion and dignity. That is how our health service works, and it is how our homelessness services should work, too.

We have been moving in that direction for a long time. We have already removed the requirement for local authorities to assess intentionality, as a result of which we are now, at the last count in 2023-24, down to about 700 intentional decisions a year.

Let us finish the job and abolish this cruel assessment, not just tweak around its edges. Let

us have a homelessness system that responds first with compassion and support, not judgment.

I move amendment 1052.

The Convener: I invite Kevin Stewart to speak to amendment 1032 and the other amendments in the group.

Kevin Stewart (Aberdeen Central) (SNP): I am grateful to the committee for allowing us to speak this morning. I also put on the record my gratitude to the Government for its co-operation in this area, and I am very thankful to Crisis for the engagement that I have had with it.

As committee members will be well aware, I served as the Minister for Local Government, Housing and Planning from 2016 to 2021. At that point, I commissioned an expert group led by Jon Sparkes, the former chief executive of Crisis, to recommend short and long-term solutions to ending homelessness in Scotland. That group—the homelessness and rough sleeping action group—asked the Government to revise laws that act as barriers to people getting the help that they need to prevent and resolve homelessness.

One of the pieces of legislation that the Scottish Government agreed to revise was the test for intentionality. Following a formal consultation period, I was proud to introduce the changes that led to the provisions on intentionality becoming a power and not a duty, which Maggie Chapman mentioned.

That change gave local authorities the discretion to investigate whether a household had brought about their own homelessness. Crucially, it ensured that some form of accommodation and housing support was available for those few folk who were found to be intentionally homeless.

I am pleased to see that that change to the law back in 2019 has made a real difference again, as Maggie Chapman highlighted in her speech. The expert group that I mentioned—HARSAG—consulted through the “Aye We Can” consultation with many people with lived experience of homelessness in Scotland. It heard from many groups of people, including LGBT+ people, who reported that the intentionality test was a major barrier to getting support and that there was a lack of understanding of the realities of family breakdowns when they were coming out.

In my humble opinion, convener, it makes no sense to put legal barriers in front of people who are in housing crisis and who need help to remain in their homes. That is why I have lodged amendment 1032 and the related amendments 1033 to 1035, 1037 to 1039, 1046 and 1048 to remove intentionality as a consideration in a case where someone is threatened with homelessness.

We should all unite on this issue. I hope that the Government will continue to co-operate and make that a reality. Finally, I once again thank Crisis for its input and engagement, and I urge members to support the amendments.

Jeremy Balfour: I welcome the amendments from Maggie Chapman and Kevin Stewart. This is one of the important debates around the bill. I also add my thanks to Crisis for its briefing on the matter; I know that this is a key area of the bill for Crisis.

It is clear that a line needs to be drawn between someone intentionally making themselves homeless for whatever reason and giving that protection to people who become homeless for different reasons. That is a difficult balance to strike. It is also clear that Maggie Chapman's amendment 1052 would simply get rid of intentionality completely. I do not think that that is the right way forward, because that would open up the system and cause issues in dealing with the most vulnerable people in our society. For that reason, we will not support amendment 1052.

Maggie Chapman: I hear what Jeremy Balfour says, but I wonder whether he considers the deliberate manipulation of the homelessness system test as a safeguard. We know that intentionality is cruel—it does not work—so let us not tweak it around the edges. Let us get rid of it and replace it with something that will work, such as, as Crisis suggests, the deliberate manipulation of the system test.

Jeremy Balfour: Depending on where we go this morning, I am unclear on what that actually means. What does that test mean? How would it be applied? One reason why we do not support the amendment is the lack of information around that. What does that mean for the average housing officer in how they deal with people? For that reason, we will not support amendment 1052.

09:45

I am very sympathetic, in some ways, to Mr Stewart's amendments, which I know he has worked on with Crisis and the Scottish Government. However, I am still concerned about some of the wording in some of them. We still need to work a wee bit harder on getting definitions correct and getting things correct.

On this occasion, we will therefore abstain on all Mr Stewart's amendments in this particular area, in the hope that, whether they are agreed to or not this morning, a wee bit more work can be done between stages 2 and 3, between all parties and with the third sector, to ensure that we end up with something that is not only good for those who are being threatened with homelessness, but workable for those who have to work with the system. I am

not sure that we have quite got that balance right within those amendments.

Kevin Stewart: I wonder whether Mr Balfour could let us know, here and now, which parts of those amendments and which definitions he has a difficulty with.

As I said in my comments, I would like everyone in this Parliament to unite around this issue. I am willing to work with anyone in order to reach a point where we can deal with an issue that has caused great difficulty for many people across the country—many fewer people than previously, but we still have a way to go to improve it.

My plea to Mr Balfour and to others is, if there are genuine difficulties around definitions or technicalities or whatever it may be, I am willing to work with anyone to get it right.

I do not want to speak for Crisis, but I note that it has a representative in the public gallery. I have found the input of Crisis in all of this to be immensely beneficial. People might therefore want to take the time out to talk to it and engage with it on the subject.

Jeremy Balfour: To start with Mr Stewart's last point, I think that I have engaged fairly well with Crisis, both face to face and by email. I hope that it would it agree with that.

I agree with him that Crisis has played a very positive role in getting us to where we are today. Some of the amendments that have been lodged in my name were drafted with the help of Crisis. I therefore absolutely agree with Mr Stewart on that.

I also agree that we want this to have, if at all possible, all-party support. That is why we will not vote against Mr Stewart's amendments, if they go to a vote today, but abstain. The reason for that is that we need to do a wee bit more work around some of the definitions and make sure that everything is absolutely tied up. Depending on where we end up today, that is perhaps a helpful conversation that we could have before stage 3.

There has been progress. As Mr Stewart will know from his former role, housing bills do not come around very often, and so we want to make sure that what is passed in legislation is workable at the coalface for local authorities.

If Mr Stewart's amendments are moved and pressed today, the two of us in the Conservative group on the committee want to see whether we can find that consensus. That is why we will not vote against them, even if at the moment we cannot give them our full support. We would be very willing to work with the minister, and with others in other parties, before stage 3 to see whether we could do the tidying up that might be required.

Bob Doris: I will be uncommonly brief with my contribution. During that exchange, we lost a bit of the purpose of Mr Stewart's amendments. It is crazy that, if we are trying to prevent homelessness, anyone would ever consider making a judgment call on how someone in their time of greatest need came to be threatened with homelessness. If our ambition is to sustain people in their tenancies, that seems crazy to me. The idea of taking intentionality and that judgment call out of the system is an absolute no-brainer. Quite frankly, history will show that we should have done that some time ago. That is at the heart of these amendments to the bill.

I suggest to Mr Balfour—he said how his party will vote—that we have a three-stage process to legislation in the Parliament. Knowing Mr Stewart well, I am sure that he would work with you if you support the amendments today.

Kevin Stewart: Will the member take an intervention?

Bob Doris: I will finish this point and then I will take your intervention.

I suggest to Mr Balfour that we amend the bill today, then work with Mr Stewart and others ahead of stage 3 to refine the legislation where we think that it could be improved. That would keep us together on a cross-party basis, which would be really important and powerful.

Kevin Stewart: I am glad to hear that, as always, Mr Doris, you are being logical about all of this. I also feel that removing the intentionality provision is a no-brainer, to use your phrase. The purpose and effect document for my amendments will have been distributed to everyone in the committee, so I am not going to go through all of that.

As always, in order to get things right, I would be happy—and I am sure that the minister will be happy—to work our way through this. We need further change in this area. We have made changes already, but I do not think that that has necessarily gone as far as it needs to.

I understand Mr Balfour's point about the very few individuals who might try to deliberately manipulate the system, but you can see from the purpose and effect documents that my amendments cover those points.

We are still failing some people—although fewer people than before—because the intentionality provision is still in place. I want to see that gone, because we cannot afford to fail anyone in this regard. As Mr Doris said in his remarks, this is a bit of a no-brainer. However, in order to get this right, I will continue to work with folk, as I am sure that others in this room will as well.

Bob Doris: I do not have any other particular comments to make, other than to thank Mr Stewart for his intervention and to emphasise again that it would be really beneficial for us to hang together as a committee, due to the importance of Mr Stewart's amendments. Mr Stewart eloquently put on the record why they are so important, so I will leave it there.

Jeremy Balfour: On a point of order, convener.

The Convener: Before we go any further and before I accept Mr Balfour's point of order, I will point out that we have received purpose and effect notes from the Scottish Government, but we are not in receipt of any from any back-bench members. I just want to put that on the record and make members aware of that.

Jeremy Balfour: You almost took the words right out of my mouth, as Meat Loaf would say. We have not received purpose and effect notes from any of the other members. I also put on the record that I only received the Government's purpose and effect document at 10 to 9 this morning—10 minutes before this meeting started—so I have not been able to reflect on that in any way at all. That is slightly disappointing, because we normally receive those documents 24 hours before the committee meets. It has been impossible—certainly for me—to be able to reflect on it. It has made it more difficult not to have had that before us earlier.

If we are going to talk about these documents, we need to make it clear that we have not received any from back benchers and that the Government's document came too late to be able to examine it.

The Convener: Thank you, Mr Balfour. That is noted on the record.

Kevin Stewart: For the record, the purpose and effect documents that I talked about were the Government's, not ones that I put together.

Paul McLennan: We should make it as straightforward as possible for people to get the help that they need when they are at risk of losing their home. Scotland is known around the world for its progressive housing and homelessness legislation. Our groundbreaking homelessness prevention legislation will strengthen rights further. We do not want people to face barriers to getting the support that they need to prevent their homelessness.

There is a strong case for reforming the intentionality test. As Kevin Stewart said, the Government supported a recommendation in 2018 from HARSAG that the Scottish Government should

"Revise legislative arrangements",

including on intentionality,

“that can result in difficulties with people being able to access their rights”.

As a result, the Scottish Government formally consulted stakeholders and, in 2019, introduced discretion for local authorities in assessing homelessness applications for intentionality. Our statistics show that few people are found to be intentionally homeless and the figures have remained fairly static—between 1 and 2 per cent—since we made changes to legislation.

In the longer term, our aim is to replace the test for intentionality with a new test that focuses on deliberate manipulation of the system. However, although I support the principle behind Maggie Chapman’s amendment 1052, I cannot support the amendment. I will come on to that in a bit more detail later. The meaning of “deliberate manipulation” is not provided in amendment 1052. That would be left entirely to regulations. However, in subsection (2) of the proposed new section that the amendment would insert, local authorities are authorised to assess whether someone is deliberately manipulating the system. It is not clear what the local authority can do with that assessment without regulations on the meaning of “deliberate manipulation” being in place.

The test for intentionality should not be removed entirely without proper consultation with local authorities. That is even more important at a time when councils are responding to the housing emergency. An informal survey of a small number of councils showed that they had grave concerns about removing the test for intentionality entirely. They were, however, more relaxed about removing the test for intentionality when someone is threatened with homelessness.

I support amendment 1032, in the name of Kevin Stewart, which would remove the test for intentionality only when someone is threatened with homelessness. I also support amendments 1033 to 1035, 1037 to 1039, 1046 and 1048, lodged by Kevin Stewart, which would remove references to intentionality from the Housing (Scotland) Act 1987 in relation to persons who are threatened with homelessness. Maggie Chapman’s amendment 1052 does not do that for persons who are homeless or threatened with homelessness, as the removal of section 26 is not sufficient to achieve it.

Amendment 1052 is not the right approach at stage 2 when we have had only minimal stakeholder input. However, we support the wider principle and are committed to removing intentionality in the longer term in line with the recommendations from HARSAG.

Meghan Gallacher: There are two housing waiting lists—a general waiting list and the

homelessness waiting list. Given the minister’s local government background, how does he think that Kevin Stewart’s amendments would work in practice, should they be agreed to? Do they relate to the concerns that the councils raised in the short consultation that the Government carried out? If so, that would need to be looked at. That relates to Jeremy Balfour’s contributions on strengthening those elements. The minister would need to take a serious look at how the housing waiting list system works.

Paul McLennan: I will come on to that point in a second.

Kevin Stewart was also minded to address the wider removal of intentionality in a further amendment at stage 3. On that basis, I would be happy to work with Maggie Chapman, Kevin Stewart and others to pick up on what we have heard and on how a new test of deliberate manipulation might work in practice, which brings us back to consultation with the Convention of Scottish Local Authorities and the points that Meghan Gallacher and other members raised. That would allow us more time to undertake the necessary stakeholder engagement and the policy and legal analysis.

I support the amendments in Kevin Stewart’s name. I ask Maggie Chapman not to press amendment 1052 but to work with me, Kevin Stewart and others ahead of stage 3 on something that works for councils, addresses unintended consequences and, most importantly, protects the people who are in the most need from being excluded from full homelessness assistance.

Jeremy Balfour: My intervention is similar to that of my colleague Megan Gallacher. I am not sure that I heard you address the issue. Would the amendments mean that, in practice, for a local authority, we would go down to one list? How would local authorities then work with that list in practice?

10:00

Paul McLennan: We are still in consultation with local authorities at the moment. I know from my own local government experience that local authorities assess that in different ways. Again, we will discuss the point with COSLA, but different local authorities look at intentionality in different ways.

The Convener: I invite Maggie Chapman to wind up, and indicate whether she wishes to press or withdraw amendment 1052.

Maggie Chapman: I thank everyone who has contributed to the debate on the group. I am grateful to Kevin Stewart for talking about the expert homelessness and rough sleeping action

group, because that has set in motion a range of activities that have changed the system for the better for so many people, which is really positive.

Jeremy Balfour asked what deliberate manipulation of the homelessness system means. I ask him to read subsections (2), (3) and (4) of amendment 1052, because they clearly outline that ministers will develop that meaning.

In response to the minister's point about consultation with COSLA, I do not think that it is beyond the wit of ministers to consult while they are developing regulations—we expect that anyway. Requiring that to be in the bill might say something about intention. There is something quite important here. In his remarks, the minister said that he wanted to make things as straightforward as possible for people. Abolishing section 26 of the 1987 act makes that straightforward. It removes intentionality completely. There is no dubiety, there are no question marks and no caveats for housing officers to have to deal with.

Meghan Gallacher: I hear what the member is saying but I think that it comes down to what it looks like in practice. We know that councils have vast numbers of people who are stranded, languishing on waiting lists up and down the country. As Jeremy Balfour rightly pointed out, amendment 1052 would mean moving to one waiting list, and that would change the whole structure of the housing list system and how it functions. Would it be the case that people who desperately need help might not be able to get that help because of the new system and what it could look like within the scope of what is being asked in the amendments? That is something that we all have to watch out for.

Again, I am not saying that the issue should not be looked at, but we should look for the unintended consequences that could come from the amendments in this group. I believe that we need to know what it would look like in practice before we progress.

Maggie Chapman: I appreciate that, and I thank Megan Gallacher for her intervention. One thing that is clear is that people are not getting the support that they need now. The minister talked about 1 to 2 per cent of people being defined as having made themselves intentionally homeless. That percentage does not talk about the real-life stories of those who have been affected. It might be 700 cases but that is not necessarily 700 people, because some of those cases could be women or fathers with children. Those 700 cases in 2023-24 also relied on other services and third sector organisations that we know are cash-strapped, and there will be knock-on consequences for the health service. Saying that it is just 1 to 2 per cent of cases does not capture

the picture and the trauma and the negative consequences for life chances and the opportunities that those people could have.

Bob Doris: I am listening with interest to the points that you are making, but I still have in my head what Megan Gallacher and Jeremy Balfour said about your amendments having potential unintended consequences.

That figure of 700 is interesting. It is not one that I had heard before. Do you know if there is any breakdown or analysis of those 700 cases? Before supporting amendment 1052, I would like to understand what those 700 stories look like. Are there themes and trends within that?

What happens if we move away from giving discretion to local authorities? I do not want to get into giving local case studies in my city and constituency, but I have seen good use being made of that discretion—I realise that that might be a controversial thing to say—and I have to wonder about the unintended consequences of taking it away. If we can analyse and understand the circumstances of those 700 cases, it will inform Parliament, either through this process or at a later date, when it comes to enacting the provisions that you are suggesting.

Maggie Chapman: It is a good question. The data that has been captured does not give that breakdown. There is anecdotal information from the support organisations that work with some of the 700 cases about what they look like, but they are not systematically—

Jeremy Balfour: Will Maggie Chapman take an intervention on that point?

Maggie Chapman: Yes.

Jeremy Balfour: The point that you just made to Mr Doris and what the minister said to Meghan Gallacher highlight the concern that I have. Surely, in order to pass good legislation, you should consult COSLA and stakeholders first, and then work out what the legislation should be. We are doing this the other way round. You—and, to some degree, Mr Stewart—are saying, “Let’s pass the legislation, and then we will work out what it means and how it will work with COSLA.” My concern is that, in quite a number of areas in the bill, we are being asked to pass the principle without knowing the consequences of it. I worry when I hear that local authorities have not responded to your amendment, because it means that we do not know how it will work in practice, and the same is true, to some extent, with Mr Stewart’s amendments.

Maggie Chapman: My response to Jeremy Balfour’s intervention is that we know that people are not getting the support that they need. That is the principle here: we know that the intentionality

test serves no purpose other than to be cruel. It makes judgments about people's decisions to intentionally make themselves homeless, because they are fleeing abuse or situations that are making them unsafe. We know that, and I am quite happy to stand by a principle that says that that is not acceptable.

Kevin Stewart: This is an extremely important debate, as I think that we are seeing in this room today.

First of all, I say to Mr Balfour that his colleague to my left, Mr Simpson, knows that I am someone who does not like unintended consequences and will go through things with a fine-toothed comb. There has been discussion today about folks' own experiences of local government and how lists work and do not work in certain places. The fact is that we have different situations in different places.

However, the one key thing is the people aspect, as Ms Chapman has rightly said. Mr Doris talked about case studies; it would be difficult to put some uniform case study together, but I have to say that it can be brutal to listen to the voices of lived experience who have faced a knock-back, because of intentionality. I am not going to relay cases in the here and now—we will all have seen them in our casework to one degree or another. What we have to realise is that, after some of the trauma that folk have gone through, they do not necessarily want to tell the world about it.

I think that we need to get to a logical position here. I recognise that some folk think that there might be unintended consequences, but I also think that we all have a duty to work together to get this right.

The Convener: Thank you very much, Mr Stewart. I must remind everyone that interventions should be brief. I am very conscious of the time and where we are in these stage 2 proceedings.

I ask Maggie Chapman to wind up and indicate whether she wishes to withdraw or press amendment 1052.

Maggie Chapman: I will be very brief, convener.

I am really grateful for the comments that have been made. I hear what the minister has said about amendment 1052 not being enough, and I think that Kevin Stewart's amendments, which alter the rest of the bill, are really important, but I am going to press my amendment, because I think that we should repeal section 26 of the 1987 act.

The Convener: The question is, that amendment 1052 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Griffin, Mark (Central Scotland) (Lab)
O'Kane, Paul (West Scotland) (Lab)

Against

Balfour, Jeremy (Lothian) (Con)
Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
McNair, Marie (Clydebank and Milngavie) (SNP)
Smith, Liz (Mid Scotland and Fife) (Con)
Stevenson, Collette (East Kilbride) (SNP)

The Convener: The result of the division is: For 2, Against 6, Abstentions 0.

Amendment 1052 disagreed to.

The Convener: At this point, we will have a five-minute comfort break. We will be back at 10:16.

10:11

Meeting suspended.

10:17

On resuming—

The Convener: Welcome back.

Section 41—Duties of relevant bodies in relation to homelessness

Amendments 1053, 1053A, 1054 and 1054A not moved.

The Convener: Amendment 1008, in the name of Alexander Stewart, is grouped with amendments 1009, 1047 and 1013.

Alexander Stewart (Mid Scotland and Fife) (Con): Good morning. I am delighted to be here, and I thank those who have supported me so far with the process of lodging amendments.

The amendments in this group relate to the definition of homelessness, the streamlining of the process and associated technicalities. Amendments 1008 and 1009 would streamline the process for defining a person as homeless and would secure support for individuals through that process.

In many respects, amendment 1047, in the name of Paul McLennan, is very similar to my amendment 1008, including in relation to the definition and the streamlining of the process.

Amendment 1014 is on a Gypsy and Traveller homelessness prevention strategy and what the Government would have to do on that issue. The amendment would require the Scottish ministers to prepare a Gypsy and Traveller homelessness prevention strategy and to include certain information in it.

I have discussed some of the amendments with the minister, and I look forward to hearing what the Government has to say about them.

I move amendment 1008.

Paul McLennan: Turning first to Alexander Stewart's amendments 1008 and 1009, I would not want to support amendments that would narrow the definition of homelessness. I am concerned that amendments 1008 and 1009 would prevent people in temporary accommodation from being classed as homeless. That would only remove the duty on local authorities to find permanent accommodation for those people under section 31 of the Housing (Scotland) Act 1987. I could not support the removal of homelessness rights for those people.

I recognise the desire for there to be more clarity on the definitions of homelessness and of being threatened with homelessness. That is why, having consulted stakeholders such as Crisis, I have lodged amendment 1047 to enable the definitions of homelessness and of being threatened with homelessness to be modified by regulations, which will give us the flexibility to respond to issues or potential barriers as they arise.

Nevertheless, I am keen that we do not lose the broad definitions that already exist in primary legislation.

Mark Griffin: I agree with the minister's sentiment of not wanting to narrow the definition of homelessness. However, I am concerned that the Government is moving away from that definition being set in primary legislation towards a mechanism that would make it easier to narrow the definition of homelessness. Will the minister give us a reassurance that it is not the Government's intent to use that mechanism—in place of primary legislation—to narrow the definition of homelessness?

Paul McLennan: I whole-heartedly reassure Mr Griffin on that point.

The existing definitions allow local authorities to take a person-centred approach to assessments. The intention behind the power to modify them is not to change that approach; it is to provide clarity on certain circumstances in which people might not currently be considered to be homeless or to be threatened with homelessness.

The existing homelessness legislation is broad enough to allow a flexible and person-centred approach to defining whether someone is homeless or threatened with homelessness, but we have listened to stakeholders who are concerned that there are scenarios in which people who require support might slip through the net. Including specific definitions of circumstances

in regulations, as proposed by the Scottish Government, will better ensure that nobody is prevented from getting the support that they need, while keeping both definitions together in section 24 of the Housing (Scotland) Act 1987.

I ask Alexander Stewart not to move amendment 1013, which would remove some of the changes made by the bill to section 24 of the Housing (Scotland) Act 1987 to provide a broader definition of "abuse". Amendment 1013 would retain some of the existing definition in section 24 of the 1987 act, despite a new, broader definition of "abuse" being provided in section 43(5) of the bill. Amendment 1013 would therefore create confusion as to which meaning of "abuse" applied for the purposes of the 1987 act.

I ask members to support my amendment 1047, and I ask Alexander Stewart not to press amendment 1008 or to move amendments 1009 and 1013. If he does so, I ask members not to support them. I have been engaging with Alexander Stewart on the matter, and I am happy to continue to do so.

The Convener: I invite Jeremy Balfour to speak.

Jeremy Balfour: I want to explore further the point that Mr Griffin made in his intervention about the Government's proposed ability to redefine homelessness through regulation. We are making legislation not just for the current Government in this session of Parliament but for future Governments in future sessions of Parliament.

I am a member of the Delegated Powers and Law Reform Committee, which spends a great deal of time looking at regulations. It is obvious from our work that regulations do not get the same scrutiny as primary legislation does. We do not know what a future Government might look like in five, 10 or 15 years' time.

Will the minister tell me why there might be a need to introduce a new definition of homelessness via regulations? Why can we not simply include a definition in the bill? If a future Parliament or a future Government wants to change that, it should do so through primary legislation rather than through regulations.

The Convener: I remind everyone to be as brief and concise as possible in their interventions.

Paul McLennan: In response to Mr Balfour's point, I make the point that the key thing is flexibility. I cannot speak for future Governments, but we extensively consulted Crisis on the matter. The approach of using regulations will give us more flexibility to deal with issues that come up. That is one of the key reasons why we want to be able to make changes through regulations.

Jeremy Balfour: For the record, there is some concern at Crisis about the homelessness definition and the Government's ability to change it through regulations. The Scottish Conservatives will support amendment 1047, because its intention is right, but I would like to have further discussions with the minister.

Paul McLennan: There are two key points to consider in that regard, one of which goes back to the point that Mr Griffin made. I want to make it clear that we have no intention of using the powers to narrow the scope of the definition. A duty is built in for ministers to consult on proportionate modifications, and I hope that that provides reassurance.

Jeremy Balfour: I have no issue with the Government's intentions on that. My concern is that we must pass legislation that is fit for future generations. Yes, there has to be consultation, but the mechanism for considering amending regulations in the Parliament involves much less scrutiny than is the case for primary legislation.

I appreciate that time is moving on. We will support amendment 1047, but we would welcome the opportunity to have a conversation with the Government and other members about whether it could be slightly tightened up at stage 3. I hope that such conversations can take place.

Paul McLennan: I am happy to engage with Mr Balfour on that particular point.

Graham Simpson: I convened the DPLR Committee in the previous parliamentary session, and I agree with Jeremy Balfour. He is absolutely right to say that regulations are not subject to the same level of scrutiny as primary legislation, however much we might like them to be.

This morning, we have seen the great deal of scrutiny that primary legislation goes through. It has been a great process so far. I know that it is taking longer than you might wish, but that is the primary legislation process, and the committee is doing a fantastic job. Regulations are not subject to the same level of scrutiny, so we need to be very careful about using them.

I urge the minister to take up Mr Balfour's suggestion, and I make the same point—we need to look at the issue again at stage 3.

Paul McLennan: I am happy to meet both members on that point.

The Convener: Thank you for those comments, Mr Simpson.

I invite Alexander Stewart to wind up and to press or withdraw amendment 1008.

Alexander Stewart: It has been a useful discussion. I concur with my colleagues Jeremy Balfour and Graham Simpson—as we move

towards stage 3, we have an opportunity to discuss the issue further.

Amendment 1047 seems to capture much of what has been said, so, at this stage, I will seek to withdraw amendment 1008.

Amendment 1008, by agreement, withdrawn.

Amendment 1009 not moved.

10:30

Amendment 1032 moved—[Kevin Stewart].

The Convener: The question is, that amendment 1032 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
Griffin, Mark (Central Scotland) (Lab)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
McNair, Marie (Clydebank and Milngavie) (SNP)
O'Kane, Paul (West Scotland) (Lab)
Stevenson, Collette (East Kilbride) (SNP)

Abstentions

Balfour, Jeremy (Lothian) (Con)
Smith, Liz (Mid Scotland and Fife) (Con)

The Convener: The result of the division is: For 6, Against 0, Abstentions 2.

Amendment 1032 agreed to.

Amendment 1033 moved—[Kevin Stewart].

The Convener: The question is, that amendment 1033 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
Griffin, Mark (Central Scotland) (Lab)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
McNair, Marie (Clydebank and Milngavie) (SNP)
O'Kane, Paul (West Scotland) (Lab)
Stevenson, Collette (East Kilbride) (SNP)

Abstentions

Balfour, Jeremy (Lothian) (Con)
Smith, Liz (Mid Scotland and Fife) (Con)

The Convener: The result of the division is: For 6, Against 0, Abstentions 2.

Amendment 1033 agreed to.

Amendments 1055, 1055A and 1056 not moved.

The Convener: Amendment 1015, in the name of Jeremy Balfour, is grouped with amendments 1015A, 1058, 1060, 1072, 1014, 1070, 1071 and 1073.

Jeremy Balfour: Accommodation in and of itself is important, but the right type of accommodation is as important. I lodged amendment 1015 because I want to look at the suitability of accommodation for people with some protected characteristics.

I will use the most extreme example. Somebody might be found a flat in Edinburgh but, if they have a wheelchair and there is no lift to the flat, putting them in it would mean that they would be housebound for the whole period. Yes, they would have suitable accommodation, in that they would have a roof over their head and would be dry and warm, but so much of the rest of their life would be restricted.

I am concerned that, because there is so little accommodation in many parts of our cities and rural areas, people are being placed in accommodation that does not fit their needs, whether they have children, are disabled, are older or have other protected characteristics. We need to ensure that we see a house not just as a place where people can be warm and dry—although, clearly, that is very important—but as a place where someone can function and lead as normal a life as possible, given the restrictions on them. I would be interested to hear what the minister has to say about that.

I support Pam Duncan-Glancy's amendments 1050 and 1060 although, depending on what she has to say about them, I might change my mind. I support Roz McCall's amendment 1073 and look forward to hearing Maggie Chapman's remarks on amendments 1070 and 1071.

I move amendment 1015.

The Convener: I invite Mark Griffin to move amendment 1015A and to speak to all the amendments in the group.

Mark Griffin: I agree with the principle behind amendment 1015. As Jeremy Balfour set out, there are potentially circumstances in which homes are not suitable for people, for a range of reasons. However, those circumstances might not be covered by a protected characteristic, which is why my amendment 1015A would add paragraph (c) to Jeremy Balfour's amendment. I am particularly thinking about a rural context, where houses might not have appropriate adaptations, or where residents perhaps live too far from the health or social care services that they rely on. That would make their home no longer fit for purpose, because they would not be able to access the services that they need to live their lives. My amendment asks authorities to take those circumstances into account.

In essence, amendment 1015A is a probing amendment, because I want to hear what the Government has to say on it. Paragraph (b) in the

amendment is sponsored by Scottish Land & Estates. The housing emergency is at its sharpest for many people in a rural setting. If someone loses their job, they may have to travel a vast distance to take up a new job, so the house that they live in will no longer be suitable for that. They might end up having to make a choice between being unemployed and not being able to sustain a mortgage or tenancy because they have lost their job, and accepting a new job in a different location where they cannot find anywhere to live.

That is why I lodged my amendment to Jeremy Balfour's amendment 1015. As I said, my amendment is very much in the realm of a probing amendment. I would like to hear the Government's response to the instances that I have set out and the particular impacts in a rural setting.

My amendment 1072 seeks to ensure that individuals who are in receipt of a housing first tenancy are given priority for welfare services to ensure that their tenancies are successfully maintained, and that existing resources are allocated to the housing first approach in order to deliver what we hope it will achieve. The link between maintaining a tenancy and access to other forms of support is broken in some instances. For the housing first approach to work, flexible support must be provided for as long as it is needed and individuals must be given the right wraparound support to help them with issues such as substance abuse and mental health issues. There is a misconception that the housing first approach provides the solution but, actually, it is the wraparound services that come with it that help to sustain the tenancy, and a multidisciplinary approach is needed.

Graham Simpson: In the previous session of Parliament, the Local Government and Communities Committee produced a report on homelessness. We visited Finland, which uses housing first—Mr Doris was with me on the trip—and we recommended that we have a system of housing first. My good friend Mr Kevin Stewart was the housing minister at the time. Subsequently, we have an element of housing first in Scotland, although it is probably not as widespread as I would wish. However, it seems to me that, in his amendment and in his words, Mr Griffin is describing the way that housing first ought to work. Is he saying that it is not working in the way that it should?

Mark Griffin: The evidence from stakeholders, including those who are now choosing not to engage with housing first, is that there is a real concern that, because of budget cuts, the wraparound support in housing first to sustain tenancies is falling away. There is a real concern that, because of cuts, it is not working as we all envisaged it working and in the way that we all

think that it is working. We know that a multidisciplinary approach is needed, and I am concerned that people are not getting the wraparound support that they need because of cuts.

In that case, housing first can become counterproductive, which none of us wants to see. The potential pressure of having a tenancy without wraparound support can sometimes be more damaging. That is why amendment 1072 seeks to ensure that housing first is always part of a wider multidisciplinary approach to helping people with complex needs. I urge members to support the amendment.

I move amendment 1015A.

The Convener: I invite Pam Duncan-Glancy to speak to amendment 1058 and the other amendments in the group.

Pam Duncan-Glancy: Good morning, minister and officials. Thank you for your engagement so far. Amendments 1058 and 1060, in my name, seek to ensure that young people who are leaving care get the support that they need. In response to the call for views on the bill, The Promise Scotland said:

“Parenting does not stop at 18, and the promise was clear that Scotland should act like a good parent that supports young people as they enter adulthood, encouraging young people towards a life of independence and stability, but one that takes cognisance of the ongoing support and responsibility required throughout a care experienced person’s life”.

The amendments in my name seek to do that.

Amendment 1058 would put a duty on local authorities, in cases where the homeless applicant is a care leaver, to offer the applicant a referral to organisations that provide throughcare and aftercare support services. The amendment would apply to care leavers—that is, those who are under the age of 26 and still entitled to throughcare and aftercare services from their local social work department.

Despite the fact that care leavers are still entitled to those services, what we see in practice across Scotland is that, where someone who is care experienced is made homeless or is threatened with homelessness, there is a disconnect between housing providers and the social work department and other areas of state support. The independent care review said that many care-experienced young people had expressed that they felt abandoned and ill prepared as they moved on from care to independent living, often leaving before they were ready and at an earlier age than they might have wanted to.

Research that was carried out by CELCIS in 2022 identified several bureaucratic barriers and

cultural and practice factors that impacted on the successful implementation of legislation and policy for the benefit of young people into adulthood. Furthermore, the Children and Young People’s Commissioner Scotland noted that some care leavers are unaware that support exists and that there are examples of them not receiving that entitlement when the situation of potential homelessness arises.

Further research from CELCIS found that there are also critical workforce gaps in the area that supports care-experienced young people. Those gaps will be well known to the minister and to committee members. For that reason, having opportunities to refer on to other organisations is not only helpful—because those organisations could be best placed to support care-experienced young people—but could help to address the gaps in some of the statutory services and to provide additional support. Services across the public and the third sector are keen to work closely together on all those issues.

10:45

I think that we all believe that young people should be offered equity in the provision of support and in their experiences. That requires us to have collaborative areas of working across services and agencies, including child and adult social work, housing, education, health and the third sector.

Amendment 1058, in my name, seeks to do that. It is supported by the Children and Young People’s Commissioner Scotland, who is responsible for ensuring that the rights of children are upheld. A crucial facet of the amendment is that it would provide for voluntary referrals. I have included that because it would give care-experienced young people the opportunity to be referred to services, as opposed to their being required to engage, which carries a slightly different emphasis.

Amendment 1060, in my name, seeks to place a duty on ministers to prepare guidance for local authorities on throughcare and aftercare support that could be offered to care-experienced young people. It specifies that, in preparing the guidance, ministers and the Government have to consult local authorities and organisations that provide support to care-experienced young people, as well as other persons whom the Scottish ministers think appropriate, and that those views must be represented.

Amendment 1060 follows on nicely from amendment 1058 by seeking to ensure consistency across the support that is provided. Such inconsistency in support is well recognised by stakeholders, including CELCIS. Amendment

1060 is also supported by the Children and Young People's Commissioner Scotland.

Together, my amendments would help to address some of the barriers to throughcare and would support care-experienced young people to access safe, affordable and accessible homes. I hope that members will support them.

The Convener: I invite Alexander Stewart to speak to amendment 1014 and other amendments in the group.

Alexander Stewart: I do not have any information on amendment 1014. I apologise for not having anything immediately in front of me, convener. However, I have now located it in the papers and will be happy to move the amendment.

The Convener: You are just speaking to it, Mr Stewart.

Alexander Stewart: I note that it is on the Gypsy Traveller strategy. I have nothing else to add at this stage, convener.

The Convener: That is fine.

I invite Maggie Chapman to speak to amendment 1070 and the other amendments in the group.

Maggie Chapman: I am grateful to colleagues for covering all the issues in this group. It is clear that our housing system and homelessness prevention work must be sensitive to people's particular situations and needs. We have not always been very good at recognising at-risk groups and factoring their specific risks and needs into our thinking or policies. That is the reason behind my amendments in this group, one of which is along similar lines to Alexander Stewart's amendment on Gypsy Traveller communities, which I hope members will support.

I turn to amendment 1070, in my name. According to Stonewall, almost one in five LGBTQI+ people have experienced homelessness at some point in their lives. That figure rises for more marginalised LGBTQI+ people. For example, for disabled LGBTQI+ people, it is 28 per cent, for trans people, it is 25 per cent, and for LGBTQI+ people with lower incomes, it is below 25 per cent. Crisis highlights that 77 per cent of young LGBTQI+ people gave

"family rejection, abuse or being asked to leave home"

as a cause of their homelessness.

Those figures are bad enough, but they do not show the full picture. The Albert Kennedy Trust's research highlights that the number of LGBTQI+ homeless young people is likely to be an underrepresentation. Only a third of such young people seek support from their local authorities. Only 45 per cent seek support from community

organisations when they are homeless. Many choose instead to seek support from friends or to take other steps that do not involve formally engaging with services. Because we do not properly collect data on the various categories of people in our homelessness system, we still do not know the true scale of the problem. That is the subject of my amendment 1071.

LGBTQI+ people face many of the same barriers to housing as other vulnerable and marginalised groups, yet some challenges, such as homophobic and transphobic families asking their family members to leave, are unique to them. That is why we need a statutory homelessness strategy for that group and community, and I hope that committee members will support the amendment. I have worked with the Equality Network on the amendment and on related amendments, and I would like to record my thanks to the network for its efforts in getting us to this point.

Specifically on amendment 1071, the data that we have from LGBT+ organisations make clear that LGBTQI+ people are much more likely to be made homeless, to struggle to stay in housing and to have difficulty finding a new home. However, as I said, we do not know the true extent of the problem because we do not properly collect disaggregated data in the homelessness system. If we do not have that data, we are fighting homelessness with one arm tied behind our back.

I know that members round the table will be familiar with the call for more and better data, both from their work on this committee and from other committee and parliamentary work. I hope, therefore, that the committee will support this modest but practical measure so that we can ensure that all LGBTQI+ people can find a place that they can call home.

The Convener: I invite Roz McCall to speak to amendment 1073 and any other amendments in the group.

Roz McCall (Mid Scotland and Fife) (Con): I am grateful to be able to speak on this today. My amendment is very simple and would allow legislation to be amended to meet the promise that this Parliament made on housing to the care-experienced community. Ensuring housing priority for people who have experience of the care system is a fundamental part of the Promise, but we know that the process for housing varies between local authorities. From disparities in council tax to issues with permanent accommodation, guidance is not fulfilling the housing hope for the care-experienced community.

Groups including Who Cares? Scotland and the Promise oversight board have raised concerns on

the issue. My amendment hopes to address that imbalance and ensure that the process is enshrined in primary legislation rather than in guidance.

Although I support Pam Duncan-Glancy's amendments 1058 and 1060, the care community is concerned about the assumptions with regard to leaving care. I know that we are looking at the younger people in the care community, but the community is very concerned about the care leaver process, in particular as we know that trauma is lifelong. The amendments would possibly limit the housing options by age, and I would prefer that the commitment in the Promise was met in full. Nevertheless, I understand the objective behind the amendments, and I am very supportive of them, especially considering the support that they would provide for our young people.

The Promise has been agreed by all parties and, as much as it is hoped that there will be progress made in the proposed Promise bill, it is concerning that, in that regard, time is scarce to meet the 2030 deadline. As I said, my amendment hopes to speed up that process.

The Convener: Do any other members wish to comment?

Meghan Gallacher: The points that have been raised in relation to data are very important with regard to different categories of persons who could be impacted. I wonder whether the Government might want to explore that further with members, looking toward stage 3. Members have referred to particular groups, but I am certain that there are probably more groups that have not been identified in committee.

The amendments raise a lot of concerns regarding strategy and whether various groups of people need direct support and therefore need to be included in the legislation. Perhaps the minister can expand on those points, because I believe that they are important. Care-experienced young people fall into a different category, right enough, given that we already have the Promise, which all political parties signed up to and endorsed and which they continue to support.

Roz McCall's comments about how we need to do more are bang on. Housing is critical to ensuring that we deliver the Promise by its benchmark target dates, so amendments that would promote that and allow those targets to be met should be welcomed and supported.

That is all that I have to say just now, but I am interested in the aspects around the amendments in this group, and I think that other discussions might need to be had.

Bob Doris: I have a few comments about Mr Griffin's amendment 1072 in relation to the housing first model. I went to Finland with Mr Simpson and other colleagues to look at the housing first model there, and one of my take-home messages was that there is no one housing first model—lots of different models are badged up as housing first—so, if we were to act in the way that Mr Griffin suggested, having a clear definition of housing first would be important. However, the amendment is incredibly well intentioned, and there might be benefits to it.

In relation to giving priority access to welfare services, I think about my constituency case load and the purpose of the bill, which is to prevent homelessness. The housing first model involves, quite rightly, picking up people who have experienced the homelessness system—they might have been rough sleeping—and providing them with wraparound support. In my casework, I deal with people who need intensive support because of significant rent or council tax arrears and who have precarious tenancies, so I hope that the bill is aimed at supporting them. It can be quite difficult to get the attention of local authority welfare services and third sector services so that they can provide those people with that intensive support. However, we have managed that from time to time, and tenancies have been retained and secured.

Mr Griffin's amendment 1072 would give one group in the homelessness system priority access to services, but that could be at the expense of other groups of people who are threatened with homelessness, which I am sure is not his intention. I am unsure how I feel about his amendment, but I will probably not support it.

Alexander Stewart's amendment 1014 and Maggie Chapman's amendment 1070 seek specific homelessness strategies for different groups in society. I am conscious that, although there are protected characteristics, when possible, we want to mainstream our homelessness strategy and be attentive to all of the various groups at the same time. If we prioritise some groups above others, we might lose that mainstreaming approach.

Maggie Chapman: I understand the general principle of mainstreaming, but it is clear from the work of the Equalities, Human Rights and Civil Justice Committee that mainstreaming is failing particular groups, such as Gypsy Travellers and LGBTQIA+ people, which is why we need targeted strategies that address concerns that would otherwise not get picked up. As I said, some people do not present to statutory or support services because of transphobia, homophobia and other concerns.

Bob Doris: I agree with Maggie Chapman on all of that. The question is not whether we should have targeted strategies to support different groups but whether we should put in statute additional specific provisions for them in order to underpin those strategies. That is the debate that we are having. I will wait to hear what the minister says on that issue, but I thank Maggie Chapman for putting her concerns on the record.

Paul McLennan: I recognise why a number of the amendments in the group reference specific groups that are at risk of homelessness, but I do not believe that the bill is the best place to achieve what members want to achieve. The bill is about establishing new homelessness prevention duties in legislation. The homelessness system in Scotland is based, first and foremost, on whether somebody is homeless or threatened with homelessness, not on their circumstances. In other words, someone does not have to be in a priority category to get an offer of settled housing. Our legislation, which is the envy of the world, also recognises the need to address the specific needs of particular groups in regulations and guidance.

I turn to the amendments. Mr Balfour's amendment 1015 is unnecessary because the public sector equality duty already achieves that aim, and Mr Griffin's amendment 1015A, in so far as it refers to protected characteristics under the Equality Act 2010, is unnecessary for the same reason. In relation to the requirement to consider the needs of those who are relocated for employment and those in need of additional adaptations, such matters can be addressed in guidance under section 37 of the Housing (Scotland) Act 1987.

Pam Duncan-Glancy: Does the minister recognise that, for many people with protected characteristics—in the interests of time, I will mention only disabled people—accessing an accessible home is particularly difficult? Having additional provisions in legislation will only help, rather than hinder, the situation.

Paul McLennan: I come back to the point that Mr Doris made about the overall strategy. I do not believe that amendments at this stage are the best way to progress. It is about strengthening guidance and I will talk more later about what the approach would be.

11:00

What Pam Duncan-Glancy's amendments cover is already catered for in the bill, with the power of Scottish ministers to prescribe the types of advice and assistance that must be provided to those who are threatened with homelessness.

Roz McCall made similar points about care leavers. Following the publication of the Care

Inspectorate's thematic review and analysis of our consultation on the current and potential package of support for younger people who are leaving care, work is under way across the Scottish Government and with our partners. We must consult those who are directly impacted to ensure that a response to the changes that have been called for enables young people to access the support that they need to thrive in young adulthood.

In relation to Mr Griffin's amendment 1072, I recognise that housing first is a valuable policy intervention for those with more complex needs, but it is not defined in legislation.

Pam Duncan-Glancy: Will the minister take an intervention?

Paul McLennan: Is it on this point?

Pam Duncan-Glancy: It is on my amendment; I did not get in quickly enough.

Paul McLennan: If you will let me make some progress, I will bring you in after that.

The Convener: I remind everyone that they need to be brief and concise with their interventions.

Paul McLennan: The duty of a local authority is to provide accommodation and there is also an existing housing support duty for those who are assessed as homeless or who are threatened with homelessness. New duties give the opportunity to ensure that we get the right support to people more quickly. However, I recognise Mr Griffin's point about wraparound care, and I am happy to discuss that point with him.

Graham Simpson: To be clear, is the minister saying that housing first is not defined in legislation? It seems to me that Mr Griffin is attempting to put some meat on the bones of how the housing first approach ought to operate in Scotland. Is the minister opposed to that?

Paul McLennan: No. To come back to some of the points that we talked about in the consultation, it needs to be discussed further and I am happy to discuss that with Mr Griffin and Mr Simpson. The point that Mark Griffin made about the wraparound care is an important part of that.

I turn to amendment 1014, in the name of Alexander Stewart. I recognise the unique challenges that Gypsy and Traveller communities face. However, a duty to develop a separate strategy, as proposed in the amendment, risks us taking a piecemeal approach. The needs of different groups should be addressed through a better understanding in mainstream services. That is best done by updating the code of guidance on homelessness, informed by the lived experience of those groups and the stakeholders who work with

them. Updates to existing guidance will be undertaken following the passage of the bill, and we will engage with Gypsy and Traveller communities to ensure that their needs are reflected. To come back to the point that Mr Simpson made, the updated code of guidance on homelessness is important.

The same argument applies to the proposal in amendment 1070, in the name of Ms Chapman. Those matters are better addressed in guidance to avoid a piecemeal approach to homelessness prevention.

Maggie Chapman: Will the minister take an intervention?

Paul McLennan: I just have another point to make, and then I will take the intervention. Amendment 1071, in the name of Ms Chapman, creates a number of data protection challenges. Under UK data protection law, personal data should be collected for a specific purpose and the data that is collected should be the minimum necessary to achieve that purpose. There is no stated purpose for the collection of that data, and there is no function for which public bodies are to use the data. European convention on human rights article 8 considerations would also require the intrusion into the private lives of individuals to be proportionate.

I am therefore not satisfied that amendment 1071 is necessary, and I am concerned that it might give rise to a number of legal risks.

Maggie Chapman: On your points about amendments 1014 and 1070, you suggest that we need guidance rather than legislation to ensure that specific groups can get the support, housing and provisions that they need. Given that we know that particular groups have been so poorly served by our homelessness prevention and housing services to date, what confidence can the minister give me and Alexander Stewart that guidance will be enough? What kind of guidance are you talking about, minister? Is it just the code of practice, or is it more than that?

Paul McLennan: It is the code of practice, but it is also more than that. On amendment 1070, there is the possibility of challenges on the grounds of discrimination under the Equality Act 2010 and article 14 of the ECHR. Again, I am happy to discuss that point with Ms Chapman. I am also happy to discuss it with Alexander Stewart, because the updated guidance is an important part of the matter; it does not take a piecemeal approach, which we want to avoid.

I come back to the amendment that Ms Chapman mentioned. Amendment 1073, in the name of Ms McCall, would add care-experienced people to the reasonable preference categories for social housing allocations. Care leavers already

have reasonable preference if they are homeless or threatened with homelessness and have unmet housing needs.

The Scottish Government's practice guide on social housing allocations sets out that landlords will want to consider awarding priority to looked-after children. I consider that the guidance is the best way for those issues to be addressed, but I am happy to work with Roz McCall and Pam Duncan-Glancy on the issue of care leavers before stage 3, so that we can make any suggested improvements to the guidance. Obviously, they will have the ability to push the issue at stage 3 if they want to do so, but I am happy to offer that discussion.

The Scottish Government is committed to keeping the Promise to care-experienced young people. We recognise that care leavers encounter challenges with their housing situations, and we will work with our partners, including local authorities, on the best approach to reduce those challenges.

Roz McCall: Will the minister take an intervention?

Pam Duncan-Glancy: Will the minister take an intervention?

Paul McLennan: I will take Roz McCall and then Pam Duncan-Glancy.

Roz McCall: The Promise is very clear about that being included in primary legislation, minister. Are you suggesting that any move forward would be done through guidance, and, if so, how can we meet the Promise that we are all tied to and which we agreed to meet?

Paul McLennan: I come back to my point about reasonable preference. There are broader discussions on-going at the moment. Part of the reason to have a discussion with you and Ms Duncan-Glancy is to ensure that there is compatibility with what we are doing with the Promise legislation. We tried to speak to you before today's evidence session, but I am happy to discuss the issue further. I include the Minister for Children, Young People and the Promise, Ms Don-Innes, in that regard, to ensure that anything that we introduce is compatible with what she is doing on the issue.

Meghan Gallacher: Will the minister take an intervention?

Paul McLennan: I will bring in Pam Duncan-Glancy and then come to you, if that is okay.

Pam Duncan-Glancy: Do you accept the principle that there should be a referral mechanism, which my amendment 1058 covers, and that there should be guidance about the organisations through which people should be

referred? Are you prepared to work together to address some of those concerns before stage 3?

Paul McLennan: As I touched on, section 41(4) of the bill amends section 32 of the 1987 act. We can discuss the detail of that. We briefly spoke yesterday and said that we would meet to discuss the issue further. We have offered to meet you and Roz McCall to discuss the principle of whether it is best to do that through legislation or through guidance.

Meghan Gallacher: I am looking at a report on the Scottish Government website that says that

“when our children leave the care system, they are too often not ready for adulthood”,

and they become homeless. The whole purpose of these amendments is to try to address the homelessness issues that care-experienced young people face. That is part of the Promise, and it was part of the legislation that was passed in this Parliament and that the Government said that it would fulfil and achieve.

I might be mistaken here, but I have not seen anything directed at the Promise that relates to tackling homelessness for care-experienced people. Will the minister outline how that will be achieved and what the Government has done thus far? We will end up in 2030 not having anything in legislation that tackles the problem.

Paul McLennan: As I said, work is already under way in that regard between the Scottish Government, the Promise Scotland and partners. I want to make sure that the amendments that have been lodged are compatible with the discussions that are going on, hence, Ms Don-Innes and I would probably be able to meet Roz McCall and Pam Duncan-Glancy to discuss that in a more strategic manner. I am happy to take that forward. The offer is there to meet before we get to stage 3. Members will obviously be entitled at that stage to press their amendments, but I am asking them not to press at this stage and to take part in discussions with me and Ms Don-Innes on the points that have been raised.

The Scottish Government is committed to keeping the Promise to care-experienced young people. We recognise the current housing challenges that care leavers encounter, and we will work with our partners, including local authorities, on the best way to reduce those challenges.

That includes plans to refresh guidance for local authorities and corporate parents on supporting young people who are leaving care, to improve the information and financial support that is available and to continue engagement with the Department for Work and Pensions on how young people who are leaving care access its services in Scotland.

Accordingly, I urge members not to press or move any amendments in the group. If the amendments are pressed or moved, I ask members of the committee not to support them.

The Convener: I invite Jeremy Balfour to wind up on amendment 1015.

Jeremy Balfour: Although we have taken a number of minutes to discuss these amendments, that has shown the advantage of having things in the bill rather than in guidance and regulations. Guidance is not scrutinised at all by the Parliament. It can be introduced by any Government without any scrutiny. Nor does it have any legal authority. As I said previously, with due respect, regulations are not given the same scrutiny as primary legislation.

My real concern is that the Government is not willing to put things in the bill because it does not want to have proper scrutiny from me and my colleagues and to be held accountable for those things. That is a concern in relation to the different amendments that have been lodged for this section.

I say with gentleness to the minister that, particularly with regard to my amendment, he has really not grasped the issues that many disabled people face. We are told by the minister that amendment 1015 is not required because it is already covered by other legislation. However, if his case load is anything like my case load, he will know that such legislation is having too little effect for many disabled and older people, who are too often put into accommodation that is unsuitable for them. I also completely accept the point that Mr Griffin makes in amendment 1015A that it is not just those groups who are affected and that there can be other issues in relation to rural areas, for example.

It is deeply disappointing that the minister has dismissed the amendments so quickly, with no practical solution being given. The minister keeps saying that we need to have further consultation on this and see what comes up in guidelines. Surely, that work should have been done before the bill was introduced, so that these issues—which are fairly obvious—could have been ironed out before this point. There has been a lack of thinking by the Scottish Government on how the bill would work in practice.

Having said all of that, I will not press amendment 1015 to a vote this morning. I will look at the matter again with the minister, if he is willing—as I am sure that he is. However, I am deeply disappointed that the amendment seems to have been dismissed without giving real consideration of what it means for disabled and older people across Scotland.

Paul McLennan: Convener, I am happy to—

The Convener: Sorry, we have to move on—

Paul McLennan: I am happy to engage with Mr Balfour—that is all that I was going to add.

Amendment 1015A, by agreement, withdrawn.

Amendment 1015, by agreement, withdrawn.

Amendment 1034 moved—[Kevin Stewart].

11:15

The Convener: The question is, that amendment 1034 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Doris, Bob (Glasgow Maryhill and Springburn) (SNP)

Griffin, Mark (Central Scotland) (Lab)

MacDonald, Gordon (Edinburgh Pentlands) (SNP)

McNair, Marie (Clydebank and Milngavie) (SNP)

O’Kane, Paul (West Scotland) (Lab)

Stevenson, Collette (East Kilbride) (SNP)

Abstentions

Balfour, Jeremy (Lothian) (Con)

Smith, Liz (Mid Scotland and Fife) (Con)

The Convener: The result of the division is: For 6, Against 0, Abstentions 2.

Amendment 1034 agreed to.

The Convener: Given the time, we will conclude this part of stage 2 proceedings. We will begin the second part of proceedings on Thursday 27 March, with a 9 am start. I thank members for all their contributions and the minister and his team for joining us.

11:16

Meeting continued in private until 11:24.

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