

# **SOCIAL INCLUSION, HOUSING AND VOLUNTARY SECTOR COMMITTEE**

Wednesday 29 November 2000  
(*Morning*)

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## SOCIAL INCLUSION, HOUSING AND VOLUNTARY SECTOR COMMITTEE 37<sup>th</sup> Meeting 2000, Session 1

### DEPUTY CONVENER

\*Fiona Hyslop (Lothians) (SNP)

### COMMITTEE MEMBERS

\*Brian Adam (North-East Scotland) (SNP)  
\*Bill Aitken (Glasgow) (Con)  
\*Robert Brown (Glasgow) (LD)  
\*Cathie Craigie (Cumbernauld and Kilsyth) (Lab)  
\*Johann Lamont (Glasgow Pollok) (Lab)  
\*Mr John McAllion (Dundee East) (Lab)  
Mr Keith Raffan (Mid Scotland and Fife) (LD)  
\*Mike Watson (Glasgow Cathcart) (Lab)  
\*Karen Whitefield (Airdrie and Shotts) (Lab)  
\*Ms Sandra White (Glasgow) (SNP)

\*attended

### THE FOLLOWING ALSO ATTENDED:

Elaine Smith (Coatbridge and Chryston) (Lab)

### WITNESSES

Kate Arnott (Scottish Women's Aid)  
Liz Doherty (Engender)  
Rona Fitzgerald (Engender)  
Alice Ann Jackson (SAY Women)  
Rosina McCrae (SAY Women)  
Lydia Okroj (Scottish Women's Aid)

### CLERK TO THE COMMITTEE

Lee Bridges

### SENIOR ASSISTANT CLERK

Mary Dinsdale

### ASSISTANT CLERK

Rodger Evans

### LOCATION

Committee Room 1



## Scottish Parliament

### Social Inclusion, Housing and Voluntary Sector Committee

*Wednesday 29 November 2000*

*(Morning)*

[THE DEPUTY CONVENER *opened the meeting at*  
*10:01*]

**The Deputy Convener (Fiona Hyslop):** I open this morning's meeting of the Social Inclusion, Housing and Voluntary Sector Committee. It has been suggested that we should shorten the committee's name, which may be of assistance.

Apologies have been received from Keith Raffan. I require committee members' agreement that we take items 5 and 6 in private. Are we agreed?

**Members** *indicated agreement.*

**Mike Watson (Glasgow Cathcart) (Lab):** I do not disagree with that proposal. However, I cannot stay for the whole meeting, which will be my final meeting on the committee because of the proposed committee changes. I have enjoyed my time on the committee during the past 18 months and I hope that I have made a worthwhile contribution. I thank colleagues for the useful reports that the committee has produced and the good work that we have done. I wish colleagues who will remain on the committee all the best for the future.

**The Deputy Convener:** Thank you for your comments, Mike. Obviously you have information that the rest of us do not have.

**Mr John McAllion (Dundee East) (Lab):** I should perhaps make comments similar to Mike Watson's. I have just been informed that I am also being taken off the committee. I have enjoyed my stay on the committee. At times it has been exciting, but it has always been enjoyable and I shall remain closely connected with the issues that the committee will address. I hope that committee members will not mind it if I turn up at meetings from time to time, to take part in housing debates as an ordinary MSP.

**Bill Aitken (Glasgow) (Con):** Oh, we will mind.

**The Deputy Convener:** Before there are any more valedictory speeches, I should say that we do not know what will happen about the committee's structure. I thank for their hard work those members who have been told that they will not continue as members of this committee. John McAllion makes the valuable point that all MSPs

can attend committees—I am sure that members from outwith this committee will want to attend discussions on the housing bill and I suspect that we have not seen the last of certain members. I thank the members for their comments.

**Mike Watson:** I should also have thanked the clerks. Their work and that of the advisers was essential to our reports on the housing stock transfer and on drug misuse. I very much enjoyed being involved in that work.

**The Deputy Convener:** I am sure that the clerks appreciate Mike Watson's comments. It is important to put on record our thanks for the work that the clerks do. We are an especially challenging committee for them.

We move now into private session.

10:04

*Meeting continued in private.*

10:21

*Meeting resumed in public.*

## Housing Bill

**The Deputy Convener:** I welcome members of the public and our first set of witnesses on the Government's proposals on the housing bill. I welcome first Alice Ann Jackson, who is co-convener of SAY Women, and Rosina McCrae, who is co-ordinator of SAY Women. Rosina McCrae campaigned for women's representation in the Scottish Parliament, so I am glad to see her taking part today.

I also welcome Elaine Smith MSP; she is attending as the reporter on gender issues from the Equal Opportunities Committee. Although we do not yet have a housing bill, the Equal Opportunities Committee and this committee have decided to start taking evidence on some of the broader issues on how the current proposals will affect certain communities in Scotland; the committees are co-ordinated in doing that. Today, we will concentrate on issues that affect women in particular. I invite SAY Women to give a short presentation.

**Rosina McCrae (SAY Women):** Thank you for inviting us to give evidence. SAY Women is a voluntary organisation that has, since 1991, provided support to young women aged between 16 and 25 who are homeless, threatened with homelessness or who are in unsafe accommodation and who are survivors of childhood sexual abuse. Since 1997, we have run an accommodation project in partnership with Shettleston Housing Association, through which we can house eight young women for up to 18 months. We provide practical and emotional support for that period and we aim to support the women in resettling in the community—in being able to sustain not only a tenancy, but a more independent and secure lifestyle than they have had.

We were very fortunate this year to have the former post of resource worker refunded. That is not mentioned in our submission because of overwork and because I was working on it at the last minute. The resource worker offers a service to young female and male survivors in Glasgow—and the surrounding area where that is feasible—who are not accommodated by us but who are homeless and living in hostels or with other voluntary organisations. That worker also has a role in training other organisations on survivors' needs and in working with survivors. The post also includes a remit to liaise with disabled groups and organisations that serve homeless disabled

women and men—that group can be very marginalised within existing networks.

Members have copies of our submission, so I will not say much more. We welcome the high priority that the Executive is giving to housing—not before time—and especially the commitment to dealing with homelessness. There are areas of the proposed policy with which we disagree, primarily the extension of the right to buy, and we have some more minor concerns about the proposed single social tenancy. We welcome the commitment to do away with intentionality and to address the issue of priority need but, because change is unlikely to be immediate, we think that certain groups—which we have listed—should be added to the priority need category.

**The Deputy Convener:** First, I will ask some very general questions. Who did you consult in preparing your submission and how did you go about that?

**Rosina McCrae:** SAY Women is a front-line organisation and our service is developed according to the experience of our clients, who are young women survivors. Formal consultation requires resources—that is especially so for us, because we cannot even meet core staffing levels. The submission was based, in the time that was available to us, on the experience of almost 11 years involvement with young women survivors. It draws on the experience of young women who have been fed through an organisation that prides itself on its good practice.

**Alice Ann Jackson (SAY Women):** The submission also draws on our experience of working in the homelessness network in Glasgow and throughout Scotland.

**The Deputy Convener:** The committee will take evidence from more broadly based organisations, but it is extremely important to hear about direct experience. You have identified aspects of the proposals that you welcome. Has anything been excluded from the proposals that should be included?

**Alice Ann Jackson:** Rosina McCrae has already mentioned priority needs. In the longer term, we would like to see that status removed from homelessness legislation. However, in the short term we want to see all 16 and 17-year-olds, all single women who are fleeing abuse and violence and all institutionalised people and people who have a care background being given the legal status of priority need.

We would like to see it made clear that women who are fleeing violence do not require a local connection. There are particular problems in the way that local authorities interpret the situation regarding women who are fleeing violence. Local authorities are often unwilling to rehouse women

outwith their area. That should be included in the bill.

We would like to see a definition of violence included in homelessness legislation, because violence can be narrowly defined and does not necessarily include childhood sexual abuse.

**The Deputy Convener:** The national strategy on domestic abuse is being published and there is a debate about domestic abuse in Parliament today, so the discussion of definitions within that may have a cross-sectoral and practical impact.

**Ms Sandra White (Glasgow) (SNP):** Good morning. Rosina McCrae mentioned working with various agencies. I am particularly concerned with the age group that your organisation works with—16 to 25-year-olds—and with those who have suffered sexual abuse, which is an emotive subject.

Do the other agencies consult you or do you reach out to take evidence from them? What agencies have you consulted? You have one safe house in Shettleston, which houses eight women. How do those women get information from you? I believe that SAY Women is more relevant to survivors of sexual abuse than groups such as Scottish Women's Aid and Engender. How do such women manage to contact you?

10:30

**Rosina McCrae:** Our referrals come from a wide range of sources. We receive referrals from local authorities' homeless persons teams—Glasgow City Council has such a team. Referrals can come from other organisations that offer more short-term services, such as the Stopover hostel in Glasgow and the James Shield project. Those organisations might have worked for up to 12 weeks with a young person who needs somewhere to move on to. Turning Point Scotland, which is involved with the rehabilitation of young substance abusers, might be looking for a place that can offer support to a young person.

There is also a high incidence of self-referral. Such referrals arise from our leaflets and other publicity work and from networking. We are very much part of the wider homelessness network in Scotland and we have received referrals from England. Two years ago, we took a young woman from London and we currently have a young woman from London and one from Wales—we have an open-door policy. In the homelessness network and the more general field of violence against women, SAY Women and—in Edinburgh—Pathway are regarded as the only services that cut across homelessness and child sexual abuse. We receive referrals from the Hamish Allan Centre in Glasgow and from Scottish Women's Aid, when it has pressure on its spaces.

Scottish Women's Aid is under-resourced and does not have enough spaces. If a woman has a history of child sexual abuse, she can be referred to us for general support. Similarly, the Scottish Rape Crisis Network, which is in touch with women who have suffered rape, sexual assault, and childhood sexual abuse, might refer homelessness cases to us. Referrals come to us from across the sector. At the moment, we can accommodate only between one in three and one in four referrals—the rest are housed elsewhere.

**Ms White:** Will the Executive's proposals for a housing bill improve access to suitable housing for women who are escaping abuse? If not, what proposals that would help them should be included in the bill?

**Alice Ann Jackson:** We have serious concerns that the extension of the right to buy will cut off options in the future for many of the young women whom we accommodate or those who we are unable to accommodate. Therefore, we would not like an extension of the right to buy to be included in any housing bill and we would like the existing right to buy to wither away. In the longer term, that is an aspect of the bill that could seriously affect decent accommodation options for the women with whom we deal.

**Johann Lamont (Glasgow Pollok) (Lab):** Do you have any sense of the incidence in the homeless population of young women who are the survivors of abuse? Do they represent a significant factor in homelessness?

**Rosina McCrae:** The most recent survey was, I think, conducted by the Campaign for the Homeless and Roofless—the housing campaign for single homeless people—in 1985. That survey—which was conducted throughout the UK—found that four out of 10 homeless youngsters were homeless because of abuse in the family home. Obviously, running away is a logical reaction for someone who faces abuse when they reach a certain age in their teens.

The Scottish drugs training project has conducted the most recent research on the links between drug abuse and homelessness. It has found that between 50 per cent and 60 per cent of substance users—drug misusers—are survivors of sexual abuse. There is very little information on the relationship between homelessness and child sexual abuse. When we provide training to wider homelessness networks throughout Scotland—which the new resource worker post does—most organisations say that they know that they are dealing with child sexual abuse, but that that is not being recorded. That is like what has happened in relation to domestic violence. We are trying to take a consistent approach to see what the levels are. That does not happen in all organisations, but very few homelessness organisations would say that

they do not deal with abuse.

**Alice Ann Jackson:** When the service was set up, SAY Women spoke to and was involved with many organisations that provided accommodation for young homeless people. Those organisations all stated that a high proportion of the people that they dealt with were survivors of sexual abuse. In some cases, the organisations did not know that the people were survivors when they entered the service, but they subsequently disclosed that fact. Some people do not disclose such information for a long time, so it is difficult to get accurate information. One reason for the strong support for the establishment of SAY Women was the recognition by the rest of the homelessness network that no specific services that dealt with survivors of sexual abuse were being provided. Organisations were experiencing difficulties in providing appropriate services for young people who were survivors of such abuse.

**Johann Lamont:** A person who contacts an organisation that deals with the homeless does not necessarily say immediately what their problem is, so housing agencies should be made aware of the potential problems.

In the debate on domestic abuse, many women's organisations have always said that such abuse is not just a housing issue. Is there anything in the bill that reinforces the idea that there should be a cross-cutting approach that addresses more than just the housing needs of the young women you have discussed? As those women do not necessarily disclose what the big issue is for them, how might sensitivity to that issue be provided for in a housing bill? Is it possible to do that, or should there be provision for it elsewhere?

**Alice Ann Jackson:** There is an issue about support and how support is funded. Transitional housing benefit is regarded as the mechanism by which much of the funding for support is provided. There are implications related to that. Some young women need longer-term support, so questions arise about affordability. If one is paying for support costs through housing benefit, rent levels may be too high—there is a poverty trap. There are real issues in relation to funding and we should consider mechanisms for providing funding that will allow rents to stay affordable for longer. SAY Women has always struggled to get sufficient funding to provide the services that it provides. I do not know whether the housing bill is the right place for this, but there needs to be a serious examination of the way in which many front-line organisations are funded. That should go further than looking only at the housing benefit mechanism.

**The Deputy Convener:** Would it be appropriate for Scottish Homes—with the best of intentions—to regulate a homelessness service, which would

cover victims of sexual abuse and other things?

**Alice Ann Jackson:** I understand the need to regulate homelessness services, but that is not one of Scottish Homes' areas of expertise at the moment. In considering how to regulate homelessness services, Scottish Homes needs to call on the expertise of organisations that are involved in the delivery of homelessness services, to ensure that it addresses the real issues.

**The Deputy Convener:** We must consider the legislative provisions. You have highlighted the right to buy, on which I think Cathie Craigie wishes to ask questions.

**Cathie Craigie (Cumbernauld and Kilsyth) (Lab):** I would like to thank the witnesses for coming this morning and for their written submission, which was very useful. Can you give us some more information on the right to buy? You have welcomed the Executive's proposals to introduce a single social tenancy. As part of that, the right to buy has been extended to housing association tenants. How will that affect the people you deal with? If people are able to move from the accommodation that you provide to secure accommodation, will that add to the difficulties? Are your clients normally housed in local authority housing, or do you have an arrangement with housing associations or the private sector?

**Rosina McCrae:** The evidence from local authorities is that, with the right to buy, the best houses go. Child sexual abuse affects women and young men from all backgrounds. We have a comparability principle: if women are being rehoused because of abuse, they should go to an area that is similar to the one they come from, because moving to a different environment can be very difficult.

For child sexual abuse survivors, safety in a safe environment is very important. Achieving that is made more difficult by any restrictions on the availability of housing. It is evident that, under the right to buy, the best housing will go. That leads to particular problems for housing associations, which serve a limited geographical area and do not necessarily have the space or the land to provide more houses. The basic problem, therefore, is a lack of choice but, as Alice Ann Jackson says, there is also a lack of housing that is affordable for the young women we deal with. They could be caught in the benefits trap and be unable to afford housing as rents get higher.

**Alice Ann Jackson:** We have good relationships with housing associations and we are quite successful in getting access to their accommodation for our tenants. I would include local authorities in that comment as well. Because of where their houses are, housing associations are sometimes especially suitable for many of the



young women we deal with.

**Cathie Craigie:** Is it fair to say that SAY Women is opposed to the right to buy and to any extension of it?

**Rosina McCrae:** Yes.

**Mr McAllion:** It was heartening to hear that last piece of testimony. The Scottish Executive has said that, as a result of its policy on right to buy, it believes that, by 2020, only 20 per cent of the housing stock in Scotland will be in the social rented sector and the rest will be owner occupied. Do you regard that as a desirable outcome of housing and social policy?

**Rosina McCrae:** Our organisation would not regard that as desirable. We have to consider what has driven the right to buy. Other European countries do not focus so much on saying that people should aspire to own their homes. There is a market for people who do, but an affordable social rented sector is really important, on grounds of economy and flexibility. People never know what their circumstances will be—especially because of the way the employment market is going. In many ways, rented sector housing provides a safety valve; its existence is a recognition of the fact that having a home is a fundamental social need. That need should be met by society, rather than there being a requirement that people should be able to pay for it. We need a good housing mix. SAY Women is concerned about the drive for right to buy.

**Mr McAllion:** Is it fair to say that the drive towards the 80:20 Scotland could create a kind of social apartheid?

**Alice Ann Jackson:** Yes—we cannot see it being sustainable without the marginalisation of people in the rented sector.

**Elaine Smith (Coatbridge and Chryston) (Lab):** I too would like to thank the witnesses for coming along. You say that the Scottish Executive is proposing a further extension of right to buy rather than proposing to phase it out. How could phasing it out work? How would that help the young people you deal with?

**Alice Ann Jackson:** The introduction of the single social tenancy has led to a lot of debate about whether it will be introduced in a one or whether it will be phased in. If it is to be introduced in a one, it has been argued that existing tenants should not lose any rights. In stock transfers from secure tenancies to assured tenancies, the right to buy is preserved. If the right to buy is to be phased out, tenants who have the right to buy at the moment will continue to have it, but existing assured tenants will not have it and any tenants moving into a new single social tenancy will not have it either.

10:45

**Cathie Craigie:** I am pleased that you have good working relationships with local housing associations. The majority of tenants who rent from housing associations already have the right to buy; few people have taken up that right and there has been no escalation in their number. Will that change with the introduction of the social tenancy? Will housing association tenants want to buy?

**Alice Ann Jackson:** Are you talking about existing secure tenants of housing associations?

**Cathie Craigie:** The majority of housing association tenants have the right to buy just now.

**Alice Ann Jackson:** Any extension to the right to buy would involve attractive and new build housing. In Glasgow, where secure tenancies exist, housing tends to be older and rehabbed. I am not being at all disparaging about such housing, but recently there has been a new build development programme in Glasgow that would be more attractive to people thinking of using the right to buy. Any extension to the right to buy will have an impact on people's options.

**The Deputy Convener:** I would like to move on to discuss homelessness.

**Robert Brown (Glasgow) (LD):** The witnesses' submission was very helpful and thoughtful—especially the suggestion, as an interim solution, of extra groups with priority need. On page 5 of your submission there is a point about local connection. You say that you

"would like to see the legislation amended".

Are you talking about the right to be dealt with by the local authority, as opposed to the choices that people are given once they have got their entitlement to be dealt with by the local authority?

**Rosina McCrae:** The former.

**Robert Brown:** So you are talking about people who have come to Glasgow from London or Edinburgh, for example?

**Rosina McCrae:** Yes.

**Robert Brown:** Is it the case that people who may have suffered abuse in one area are likely to be rehoused in the same area? Does that give you problems in trying to find suitable areas for your clients?

**Rosina McCrae:** Fortunately, Glasgow City Council is very co-operative and helpful: it recognises that if young women have been with us for a period of time, the council has a responsibility towards them. Sometimes a young person wants to go back to their home area—not necessarily their home town, but their home area. If that area lies in a different local authority area from the

person's home town, that local authority may argue that the person does not have a local connection. That can be a problem for us. The authority may not recognise the need for that person to be in a safe area that is sufficiently distant from the person's home town.

No matter how abusive a young person's family may have been, we have to understand that the person has lost that family and other family members who may not know about the abuse. They may want to stay in contact with the family members who do not know about the abuse and they may want to stay in contact with friends. They are looking to be near their local area.

A neighbouring local authority will start arguing about local connection, which makes it difficult for such people to be resettled. It also does not help their feelings of security and stability in the long term, at a time in their lives when they need that. I have had teenage kids myself and know that they have a difficult enough time.

**Robert Brown:** So, what you are looking for is a widened duty on local authorities—regardless of the area—to take that on board, based on people's choice of where they want to go.

**Rosina McCrae:** Yes.

**Robert Brown:** Would there be any value in an appeal against a local authority's decision, regarding a final stop court process?

**Alice Ann Jackson:** Yes. The judicial review process is far too distancing and off-putting for many people who might want to appeal against a local authority decision.

**Robert Brown:** On the wider issues in the bill, there is the code of guidance on homelessness. Is there any value in that being given statutory force, or would that not make any difference?

**Alice Ann Jackson:** Yes; we think that it would make a difference. It is all very well having guidance, but many local authorities do not follow it to the letter—they need only have regard to it. As long as they have looked at it, they can put it to one side and make a decision that may not be within the code's guidance. The code needs to be updated anyway, given the changes that are about to take place, and we would be in favour of its being given statutory force.

**Robert Brown:** You have talked about the need for better, more widespread advice. If there were a new duty on local authorities to provide advice to people who are threatened with homelessness, would that advance matters? Can you make any helpful comments on the issue of advice?

**Alice Ann Jackson:** The advice and information that local authorities give people who are threatened with homelessness varies

considerably. A good base level of advice and information that local authorities should distribute must be established. There is also a role for independent advice services in local authority areas, to provide a choice. However, it is not an either/or situation; there must be both. The local authority is still the organisation that a lot of people approach initially. When people are referred to other advice agencies, a percentage of them are lost. It is important that local authority staff are able to give the good quality, basic advice that many homeless people do not get at the moment.

**Robert Brown:** You mention in your submission what happens in the courts, where many cases go undefended and people do not turn up. Can anything be done to get advice to those people—to get them into the advice framework? If they bury their heads in the sand, it is obviously difficult to do that. However, can any useful steps be taken to improve the take-up of advice?

**Alice Ann Jackson:** Sometimes we assume that people know what advice and agencies are available, but they do not. The availability of information is not as widespread as it should be. An element of publicity could assist in the take-up of advice and assistance. Sometimes the way in which services are delivered might not make them as accessible as we would like. It is beholden on all of us who provide advice services to reconsider how those services are delivered. A lot of thought needs to be given to how people can be engaged more readily in the services that are available. There are real opportunities for people to take appropriate advice before they end up in court.

**The Deputy Convener:** I am conscious of the time. Three organisations are giving evidence today. There are certain issues in your evidence that we would like to pursue with you—especially regarding short tenancies and your concerns about extension of probation tenancies—but we will pursue those with the other organisations from which we will take evidence this morning.

When we receive the final details of the bill, it will be our responsibility—having heard your evidence—to look carefully at its homelessness provisions, especially those for young victims of sexual abuse. Thank you for bringing that issue to our attention. I am sure that we will correspond with you again once we have seen the final detail of the bill. Thank you for attending this morning.

The next session of evidence is from Scottish Women's Aid. I welcome Lydia Okroj, the national permanent housing worker with Scottish Women's Aid, and Kate Arnott, Scottish Women's Aid's national refuge development worker. Thank you for sending us your written submission. Will you give us a short explanation of Scottish Women's Aid's perspective on the proposals for the housing bill?

**Lydia Okroj (Scottish Women's Aid):** I want to outline for the committee why housing is an issue for women, children and young people who are experiencing domestic abuse and to highlight Scottish Women's Aid's main areas of concern on the proposals for the housing bill.

In 1998-99, 32 per cent of priority homeless or threatened homeless applications were due to domestic abuse. Although a small number of men require rehousing due to domestic abuse—for example if an exclusion order is granted—it is mainly women, children and young people who have to leave their homes and become homeless.

Having access to quality temporary and permanent accommodation is a crucial factor in a woman's decision whether to leave her home or to stay and continue to be abused. Unfortunately, the present supply of accommodation does not meet the demand. Scottish Women's Aid has only 319 refuge spaces for the whole of Scotland, which falls drastically short of the demand.

In 1999-2000, we received 6,576 requests for refuge but were able to accommodate only 1,770 women and 2,497 children, accounting for 27 per cent of refuge requests. We managed to find alternative accommodation for 3,250 women and 4,318 children. Families usually spend a minimum of six months and often up to one year in refuge before being offered a permanent tenancy. In most areas there is a particular problem if a woman requires a four apartment tenancy for herself and her family.

The decline in suitable housing for rent has resulted in families spending a longer time in refuge, thus creating a bottleneck effect that denies access to refuge for others who are in crisis need. For some, local authority temporary accommodation is the only option. However, some local authorities have little or no appropriate homeless accommodation for families who are fleeing domestic abuse. Women fleeing domestic abuse who do not have dependent children are not statutorily defined as priority need, although the code of guidance accepts them as such. All those factors act as deterrents when women are deciding whether they are able to leave an abuser.

I will explain why housing is a gender issue. On average, throughout their working lives, women earn less than men; therefore adequate levels of housing for rent is more important for women than for men. Research shows that one in 10 women are being abused at present and one in four will be abused at some point in their lives. Many women become lone parents due to abuse. In 1999, 68 per cent of lone parents rented from social landlords and 92 per cent of all lone parent households were headed by women.

Moving on to the areas of particular concern in

the consultation document, there is the issue of homelessness and housing management. Apart from the Scottish Federation of Housing Associations, we are the only voluntary organisation in Scotland providing a housing service in most of the 32 local authority areas. There are affiliated Women's Aid groups in 28 local authority areas. Workers in local groups liaise on a daily basis with housing departments in their area. That level of contact gives us a unique insight into the differences in the service delivery provided throughout Scotland. If the code of guidance was given statutory force, we believe that that would help to eliminate some of the discrepancies.

We would also like the tests of intentionality and priority need to be removed, especially in relation to women without dependent children. Although we are pleased by the introduction of minimum rights for people living in hostels, we are concerned that the proposal for a minimum period of notice would prove difficult for us to implement in our temporary accommodation. We hope that there will be exemptions.

Most of our traditional accommodation is shared by two or three families, whereas our most recent developments are self-contained. If one of our residents breaches a condition of our occupancy agreement—to take an extreme, but not unknown, example, by assaulting another resident—she will be asked to leave immediately. If we had to give a few days' notice, we would be putting the other families at risk of further assault, unless we were able to find them suitable alternative accommodation. The worst-case scenario that we envisage is of a woman deciding to return to her abuser rather than to remain in a refuge where she does not feel safe. That problem would not arise in our self-contained accommodation.

11:00

I now move to security of tenure and short single tenancies. We do not think that the grounds for possession should be extended. We are particularly concerned that women, children and young people who have experienced domestic abuse and are continuing to be harassed by an ex-partner will be moved by their landlord because that ex-partner is causing a nuisance or annoyance in or in the locality of the house. In the same way, we are concerned that where domestic abuse has occurred, landlords will use short single tenancies as probationary tenancies.

Although we have concerns about the financial viability of housing associations if the right to buy is extended, our main concern relates to the impact that extending the right to buy will have on the rehousing options that are available to women, children and young people who are homeless

because of domestic abuse. Scottish Women's Aid believes that, as well as a right to buy, there should be a right to rent. We would prefer the Scottish Parliament to ensure that there is sufficient, high-quality rented accommodation for all who want to make use of that option. Social inclusion, which is of particular concern to this committee, is underpinned by society's attitudes to housing tenure and the land on which houses are built. Social inclusion can be sustained only when renting and owning are seen as equally valuable tenures. Scottish Women's Aid would welcome policies under which renting and owning are viewed as equal.

**The Deputy Convener:** Please bring your comments to a close.

**Lydia Okroj:** Scottish Women's Aid works with local authorities and housing associations and co-ops to provide temporary refuge and to ensure permanent accommodation. We value both sectors—councils for their size and the wide geographical dispersal of their stock, and the voluntary housing movement for the generally higher quality of its stock, although it can be very limited and geographically compressed. In our view, both are forms of community ownership. We cannot accept the Executive's narrow definition of community ownership as applying to only one form. We believe that, ultimately, that restrictive interpretation will impact detrimentally on those who use our service.

Escaping from abuse and living a life free from violence is dependent on access to appropriate temporary and permanent accommodation, where and when it is needed. For women, children and young people escaping domestic abuse to be socially included and to have real choices, there must be equality of tenure and enough good-quality, affordable housing for rent must be available to meet demand.

**The Deputy Convener:** Thank you. That was very comprehensive and touched on some of the issues that we would like to pursue with you.

**Ms White:** Thank you for your comments and for your written submission, which was very much to the point.

I have a couple of general questions. You spoke about women and children escaping violence. Why do you feel that it is important that women should have access to this type of housing? How does it differ from the housing that is available to the general population? You require extra houses for women in need. What would you like the bill to do for such women, as opposed to the rest of the population?

**Kate Arnott (Scottish Women's Aid):** I will have to croak at the committee, as I am recovering from flu.

**Ms White:** So am I.

**Kate Arnott:** In the first instance, women escaping from domestic abuse need some form of temporary accommodation that enables them to think about their options. That should be available to them as often as they want it. Women do not decide at once to leave their home permanently and to seek rehousing; it is part of a process. Women may choose to return to the abuser in the hope that he will change—which he often promises to do. Scottish Women's Aid hopes that in that situation there will be no further abuse. However, some women choose to leave their homes permanently. They need permanent accommodation, usually for rent. Most women who come into refuges are on benefit, either because they were not in paid work to start with or because as a result of going into a refuge, which may be some distance from their home, they have had to give up paid work. Women need both temporary and permanent accommodation.

**Ms White:** I understand that temporary accommodation gives time to think and get in touch with relevant agencies and that permanent accommodation should be provided if that is what the woman decides she wants.

Your submission mentions the fact that Women's Aid refuges are funded from the housing grant and that refuges have agreements with local councils. It appears that the housing bill will contain nothing specific about the money that is given to local authorities across the board. How might that affect the future of the temporary and permanent accommodation that we are discussing?

**Kate Arnott:** The matter is complicated by the proposal for the supporting people programme. As you know, the management and maintenance costs of running refuges will continue to be picked up by housing benefit and the supporting people programme will pick up the support costs. However, it will not pick up the support costs for children. In the short lifetime of our organisation, we have realised that children are entitled to a service in their own right, but that the funding for services for children in refuges is patchy throughout the country. We hope that, given the high political priority that domestic abuse is being given, the supporting people programme will enable support for women in refuges and those who have chosen to be rehoused. At the moment, provision for funding refuges is patchy and inconsistent—they can be funded by a grant from within the local authority or by housing benefit.

**The Deputy Convener:** We will look forward to the minister's statement this afternoon, when we might hear more details about the services that might be provided. Obviously, however, we must think about the legislative proposals.

Kate Arnott has made some strong remarks about the single social tenancy. Karen Whitefield, will you pursue that aspect?

**Karen Whitefield (Airdrie and Shotts) (Lab):** In your written evidence, you referred to the short single tenancy. Do you think that a limit should be placed on the number of times a landlord can renew a short tenancy? As it is, some people find it difficult to obtain a permanent tenancy. What difficulties does that cause, particularly for women fleeing domestic abuse?

**Lydia Okroj:** There should be a limit to the number of times a short tenancy can be extended. In our experience, in some local authority areas, short tenancies have been used as a means of proving that the woman is not going to reach a reconciliation with the abuser—she had to prove to the council that she was not going to take him back. However, as Kate Arnott said, leaving an abuser is a process, not an event. We are concerned that landlords will continue to give short single tenancies to women who are fleeing abuse. We would like there to be a limit on the number of times they can do so. We would also like support to be provided during the period of the short single tenancy.

**Karen Whitefield:** How many times do you think a landlord should be able to renew a tenancy? Should there be a set number or would the decision depend on the individual circumstances?

**Lydia Okroj:** I think that one time would be ideal and that two would be an absolute maximum.

**Kate Arnott:** If a woman has already left the house in which the abuse occurred and has gone into a refuge before being given a short tenancy, she will have been in three houses in a short period of time. Any further probationary period means that neither she nor her children are settling in a community. They will live in fear of having to move on and re-establish networks and support elsewhere.

**Karen Whitefield:** The single social tenancy will introduce two new grounds for dealing with anti-social behaviour, particularly if somebody is guilty of such behaviour or accumulates rent arrears. Do you believe that those new grounds will cause difficulties for women who are fleeing domestic violence?

**Lydia Okroj:** We respond to the new grounds in line with our response to the anti-social behaviour orders made under section 23 of the Crime and Disorder Act 1998. A woman could be in the anomalous position of being evicted by a landlord because of her abuser's behaviour. That would punish the woman twice for the fact that she is abused. That position is intolerable.

**Karen Whitefield:** I wish to ask about rent

arrears. Most women who live in the accommodation that you provide rely on housing benefit. I know that Scottish Women's Aid has encountered difficulties in my local authority area because women have accumulated arrears—through no fault of their own, but because there have been problems in accessing housing benefit. Do you feel that the new provision will cause difficulties? Will special consideration need to be given to women who live in accommodation that your organisation provides?

**Kate Arnott:** The code of guidance clearly says that rent arrears should not be a reason for debarring women from being given priority need. Rent arrears can occur in many ways. Women often just flee. If the woman is already the tenant and does not give notice, she ends up with substantial rent arrears. The code of guidance is not statutory, so local authorities deal with the situation differently.

**The Deputy Convener:** I will just stop you there. We are trying to pursue what might happen if the bill is passed. Whatever women's experience of the current situation is, if rent arrears increasingly become a reason for eviction, the bill poses the danger of exacerbating their problems. If it is okay, we would like you to address what we think the bill proposes.

**Kate Arnott:** The proposal presents a classic case of joined-up thinking. You would not want two parts of the Executive to approach the issue from two different directions. If the code of guidance clearly says that rent arrears should not be taken into account in debarring women from access to being housed permanently, other guidance should not say the opposite. The politicians must resolve that issue.

**Karen Whitefield:** I have a final question about the strategic role for local authorities in drawing up housing plans. Is there a need for a statutory requirement on local authorities to consult the Equal Opportunities Commission and women's organisations, or is a more informal structure preferable?

**Kate Arnott:** Consultation is always good, but the decision must lie with the local authority. I hope that the authorities, as publicly funded bodies, have expertise in equal opportunities. That should be built into the structure of a local authority, just as it is built into the structure of the Scottish Parliament. Such expertise should be available in local authority departments.

**Brian Adam (North-East Scotland) (SNP):** You expressed concern about the renewal of short-term tenancies. Have you any evidence that women who have been abused are being evicted as a consequence of the current short-term tenancy arrangements? Given that the proposals

on rent arrears and anti-social behaviour were made as a result of concerns that tenants expressed, how else do you suggest the Executive approaches the bill to address those concerns? People are bothered that they must pay rent to accommodate those who are not paying rent and that they must be subjected to anti-social behaviour.

**Lydia Okroj:** I am not aware of anyone being evicted while on a probationary tenancy. In Clackmannan in particular, such tenancies were used. As Kate Arnott said, it gives the woman another unsettled period for herself and her family. That is a worry and we do not want women and children to have any unnecessary period of further unsettlement.

The provisions in section 23 of the Crime and Disorder Act 1998, covering anti-social behaviour orders, are sufficient. I do not think that anything else needs to be put in place to deal with that.

11:15

**Kate Arnott:** One of the big issues for our organisations is the difference that women approaching statutory services find when they are accompanied by a Women's Aid worker. Abused women approaching a housing department accompanied by a Women's Aid worker can get a very different service from abused women who are not accompanied by a Women's Aid worker.

The likelihood of probationary tenancies being offered to women leaving refuges is considerably less if they are accompanied by a Women's Aid worker, because support is already being offered and because there is also the possibility of on-going support, either through our office or through dedicated follow-on workers.

On rent arrears, there is a feeling that there should be a quicker eviction process because of refusal to pay rent rather than the inability to pay rent. That should not have a detrimental impact on abused women, because part of the abuse is often financial control exerted by the man. Even if the woman is in paid work, he may be taking the money or he may be controlling how it is spent. When you are being abused, you do not have control over your own life, and that includes the household finances. The provisions in the code of guidance should take precedence over any proposed new legislation relating to the eviction due to rent arrears of women who are being abused.

**The Deputy Convener:** There seems to be some contradiction between the primary legislation and the code of guidance. It is difficult for a code of guidance to supersede something that is in primary legislation.

**Kate Arnott:** We would like the code of guidance to become primary legislation.

**The Deputy Convener:** We shall go into some of those areas in more detail.

**Robert Brown:** You said that you want the code of guidance to be given legislative backing. Why do you want that? What advantages do you think it will produce?

**Kate Arnott:** It would ensure a more consistent approach by the 32 local authorities in Scotland. From our 39 affiliated groups in 28 local authority areas, we already know that there are wide differences in interpretation of the Housing (Scotland) Act 1988. There are even wider differences on the code of guidance, because it is not statute.

**Robert Brown:** Can you give any examples of the sort of situations that have arisen as a result of different interpretations of the code?

**Lydia Okroj:** Local connection, which Rosina McCrae and Alice Ann Jackson mentioned, is quite a good example. Women's Aid groups in local authority areas that border the Glasgow City Council area are told that women can return to Glasgow because it is a big enough city and that they can be rehoused there because they have a local connection, so the neighbouring council areas will not take them. Practice can also vary within councils. Depending on how pressured local authorities are, local connection can rear its head or die down.

**Robert Brown:** You welcomed the idea of having minimum rights for people living in hostels. However, in a somewhat contradictory way, you are not very keen on that sort of minimum right being provided to people who stay in your own accommodation. I appreciate that there are difficulties in this tricky area, but what is your view on the sort of rights that people in temporary accommodation—yours or somebody else's—should have in terms of notice periods and appeals?

**Kate Arnott:** The notice period is about balancing the rights of the individual who is being asked to leave with the rights of the other individuals living in temporary accommodation in the refuge. If there is one woman who the other women say they cannot live with because of her behaviour, it comes down to maximising the overall human rights. It would therefore be better to ask the one woman to leave immediately to enable the other women to continue living in refuge. In that situation, usually the local authority will provide temporary accommodation for the woman who is being asked to leave.

**Robert Brown:** That seems slightly different from what you are saying about hostels, where a

number of the same issues arise—people living in the same environment and so on—and where you welcome minimum rights.

**Lydia Okroj:** By exemptions we mean categories of exemption. Violence towards residents and the use of illegal drugs should be exemptions. If they occur, residents should not be given a period of notice.

**The Deputy Convener:** Does that apply to hostels as well?

**Lydia Okroj:** Yes. That is for anybody. Those behaviours are not acceptable to other residents. We are not saying that Women's Aid refugees should be exempted; we are saying that there are behaviours that should be exempted when it comes to giving periods of notice.

**The Deputy Convener:** You want the concepts of intentionality and priority need to be removed. We heard arguments on that from Church organisations, particularly in relation to homeless people. How would that work? You want those concepts to be removed, but if they are not removed completely you want women who are fleeing domestic abuse to be exempted. Is there scope for wider exemptions?

**Kate Arnott:** We have views only on domestic abuse, but there are other forms of violence against women. For example, there are women who have been raped or sexually assaulted, and women and young men who have been subjected to childhood sexual abuse. However, we have been asked by our organisation to limit our comments to domestic abuse.

**The Deputy Convener:** Obviously this is a key area that we will have to pursue, particularly with regard to homelessness. Although a case is being argued that those concepts should be removed completely—

**Kate Arnott:** In some ways we would benefit, because while domestic abuse was recognised as a social issue in the Housing (Homeless Persons) Act 1977, back then in Scotland there was no Scottish Rape Crisis Network and no voluntary groups dealing with child sexual abuse.

**The Deputy Convener:** Does anyone wish to pursue this matter further?

**Robert Brown:** The difficulty is that you either have a relatively narrow range of people who have a priority need, or a wider range within which you make other choices. If you get rid of the ideas of intentionality and priority need, how do you decide who are the people with priority, when there is limited accommodation in many areas?

**Kate Arnott:** Your presupposition is that there is limited accommodation. We hope that the Scottish Parliament will ensure that accommodation is not

limited and that there is sufficient rented accommodation. That might be pie in the sky, but the Scottish Parliament was pie in the sky for many years. We hope that the Scottish Parliament can live up to the vision that many of us had of it.

**The Deputy Convener:** We remind you that the Scottish Executive has the purse-strings and that the issues that you put forward arise when the funding and the legislation hit together.

**Mr McAllion:** I have a follow-up question. It may or may not be pie in the sky for everyone in Scotland to have access to decent housing, but evidence has been presented to this committee that there should be a legal right to housing. Would your organisation support that?

**Kate Arnott:** Yes. We said in our presentation that as well as a right to buy there should be a right to rent. Over the past two decades there has been a focus on the benefits of home ownership, but there has not been an equivalent focus on the benefits of renting. In housing circles, the famous example that is quoted is that the highest rate of home ownership is in Bangladesh and the lowest rate is in Switzerland. What is the difference in wealth between Bangladesh and Switzerland?

**Mr McAllion:** You were speaking about statutory rights to housing through the code of guidance, as well as the concept of abolishing priority need and intentionality. Do you think that homeless people should have a legal right to an independent appeal against decisions made by homelessness officers in local authorities?

**Lydia Okroj:** Yes.

**Mr McAllion:** Would that be instead of the statutory code or in addition to it?

**Lydia Okroj:** In addition to it. Most things that we are asking for would be in addition to the code rather than instead of it. We would like the appeal system to be independent from the authority to which the homeless person is applying.

**Elaine Smith:** I want to pick up on a few points that Lydia Okroj mentioned in her presentation. Given that councils have statutory responsibility for homelessness, do you see stock transfer having an impact on women fleeing domestic violence? What is the current position regarding housing such women through housing associations? Could you clarify whether, in your experience, a lack of public rented housing can cause women to return to violent situations? Finally, I do not represent a rural constituency, but I would like to know whether the situation is worse for women in rural areas, for example in the north-east of Scotland.

**Lydia Okroj:** We are concerned about the impact of stock transfer. As we have said, the 32 authorities deliver services in diverse ways. If

stock transfer goes ahead and Women's Aid groups have to deal with several landlords who do not have a statutory responsibility to rehouse homeless individuals—they just negotiate with the local authority—there might be further difficulties in getting women rehoused.

The situation in relation to housing associations is patchy; some groups have good relationships with housing associations. As far as I am aware, the maximum number of nominations that any group has in Scotland is two per annum. Those are direct nominations to the Women's Aid group, rather than through the local authority. Housing associations are not rehousing many women; local authorities rehouse the majority. Last year, 42 per cent of women who were rehoused were dealt with by local authorities, whereas housing associations rehoused 6 per cent. We are very concerned about stock transfer.

**Kate Arnott:** One of our difficulties is that the Highland region has only two Women's Aid groups, even though they cover a seventh of the landmass of Britain. They are based in Inverness and Ross-shire. Women from Mallaig or Thurso have to travel a long way to reach temporary accommodation and will have a long wait to be rehoused. Highland Council's policy is that people must pay off all their rent arrears before it will consider them for rehousing. In our Ross-shire refuge, we had a woman who took up three spaces, because she had five children. The refuge admitted only five women during the whole year because the woman was blocking refuge spaces while she paid off a year's rent arrears.

Highland Council has funded Women's Aid workers to work in Thurso and across the north-west coast, as well as down to Lochaber and out to Mallaig. A new group is being formed in Skye. We hope that there will eventually be a refuge in Skye. It is worse in the rural areas because of the immediate lack of refuge provision.

**The Deputy Convener:** I am sorry but we will have to bring this evidence to a close. There are many aspects that we would like to pursue, but at the moment we are taking evidence as a preliminary to the publication of the bill. No doubt you will contact us when the bill has been published. Thank you.

The next witnesses are from Engender. I welcome to the committee Liz Doherty, from the Glasgow Council for Single Homeless, and Rona Fitzgerald, who is a member of Engender's women's budget group, and thank them for sending in their written evidence.

I will begin the questioning by asking how you prepared the comments that have been submitted to us and what consultation was held. That will allow you to make a few introductory comments

about Engender and the proposals in your submission.

11:30

**Rona Fitzgerald (Engender):** I am a member of Engender's women's budget group, which is a reasonably new information and research group. The main aim of the group is to introduce the notion of gender impact analysis, initially into spending plans, although the link with public policy is also crucial.

For the Engender women's budget group, today is an opportunity to bring to the committee some of the issues that are involved in trying to trace the differential impact of policy on men and women, particularly in the light of the equality strategy, which is committed to mainstreaming. That requires a systematic intervention at all stages of the policy process. For the past two years, I have been working on this issue in relation to structural funds.

A key lesson is, "If you're not in, you can't win"—it is hard to add extra considerations if something is not in place from the start. Therefore, the starting point is the fact that men and women have different conditions, situations, needs and resources. When one considers policy making, one must start out with a good picture of what is happening to both groups.

On your question, convener, about who we consulted, Engender's women's budget group has representatives from a wide spectrum of voluntary organisations, from Oxfam onwards, and from a number of academics and policy analysts. Although independent, it is a constituent group of Engender. Gender impact analysis is one of the group's initiatives and our task, as we see it, is to get the notion of gender impact analysis out there, and to try to animate for people what it means.

**The Deputy Convener:** Do you have other introductory remarks?

**Rona Fitzgerald:** Systematic intervention is important, because people must start with baseline data and knowledge of the situation and then follow through policy development to information.

**The Deputy Convener:** Are you happy to move on to questions now?

**Rona Fitzgerald:** I will make a final point about mainstreaming, to put it in context.

It is quite important to recognise that mainstreaming is a conceptual shift away from the notion of women, disabled people and black and ethnic minorities as problem groups, towards examining an issue from a different perspective.



This is an opportunity for us to consider how social and political institutions and the labour market have been configured to exclude women and other groups that are targeted by equality strategies. In the case of our budget group, we are considering the position of women in particular. It is important to see that conceptual shift as the basis of the activity, rather than the fact that women are seen as a problem group.

If the problem is how political and social institutions and the labour market are configured, the challenge is how to encourage broader participation. It is interesting that the consultation document refers to better homes, which indicates a sense of people trying to improve the situation. Until one has the baseline data on what is happening to men and women, and until one builds in an analysis of the differential impact that policy intervention can have on men and women, it is difficult to say that we are creating better legislation.

**The Deputy Convener:** If the housing bill fails women, it will be failing the majority of the population, and that would make for bad legislation. There is an absolute imperative that the bill addresses the issues of women.

**Mike Watson:** I want to pick up on a couple of the witnesses' opening comments. You talked about broader participation and used the phrase—it might be usefully described as a slogan—"If you're not in, you can't win." I want to ask about your own participation. I am aware that, following meetings with Jack McConnell, the then Minister for Finance, an advisory group was to be established. It was to include Engender, the Equal Opportunities Commission, the Disability Rights Commission and the Commission for Racial Equality. Has that advisory group been set up? It was to consider policy issues across the spectrum of the Executive's activities.

**Rona Fitzgerald:** The advisory group has been set up. It first met on 14 November. The Engender women's budget group was part of it. The group is initially setting itself a programme of work, including a general consideration of spending plans and of how to build in gender impact analysis.

This is an opportunity to evaluate how policy is made. The first thing is to map the policy process and the spending plans, to identify the relationship between spending and policy decisions. The new policy environment in Scotland has given us that opportunity.

When we ask people who are involved in government what the relationship between policy decisions and spending is, they say, "When you find that out, do come back and tell us."

**Mike Watson:** If "Better Homes for Scotland's

Communities" had been produced a year later, would benefits have spread from the advisory group—allowing not just gender issues but broader equality issues to have influenced the proposals in the housing bill?

**Rona Fitzgerald:** Yes. The point about systematic intervention is important. It is a virtuous cycle of intervention, starting with asking questions on how people think the target groups will be differentially impacted. As well as a need for a conceptual change in mainstreaming with regard to how people view various groups, there is a need to view targeting much more positively. It is not just about giving resources to areas in which there is the most need, but about ensuring that resources are not used in areas in which they are not needed. It is not always a question of extra resources—people realise that they are finite—it is more one of how they are used.

Mike Watson's question has made me think of something else: I am aware of the importance of consultation for the Executive, and I think that the parliamentary committees are good at doing it. Needs assessment is crucial, as is the differential impact approach.

In the summer, I gave a talk on gender mainstreaming in Stornoway. The person in charge of sports provision said that he had thought that he was being sensitive to his users' needs by doing a survey. He was particularly keen to find out what was happening for women. He ranked a number of issues, including child care. Among his male users, child care came ninth or tenth; among his women users, it was fifth or sixth. Subsequent to the seminar, he realised that he had not asked why people were not using the facility. He asked them. Among the women who were not using the facility, child care provision was the No 1 issue.

It is about asking questions before a facility or policy is designed. It is about trying to gauge the barriers or factors that will influence—

**The Deputy Convener:** You are making a cogent case for the need for gender analysis to be taken into account in the provision of legislation, but we need to be quite specific about housing provision.

**Mike Watson:** Fair point.

**Liz Doherty (Engender):** It might be helpful for me to come in at this point. I have been asked along partly in my capacity as a member of Engender, but mainly because in May I was employed by the Glasgow Council for Single Homeless as a development worker for women in homelessness.

I will give a brief background to that post. The research conducted by Sarah Webb in 1994, entitled "My Address is Not My Home: Hidden

Homelessness and Single Women in Scotland” focused on how women manifest themselves as homeless. The GCSH had a conference the same year, at which it was clear to the homeless agencies in Glasgow that homeless women’s needs were not being addressed by the mainstream agencies, including those in the voluntary sector.

It has taken time for the necessary funding to come through to employ me to address the problem through strategy and policy. We support Engender’s request for mainstreaming in the housing bill, in the supporting people programme and in the work of the homelessness task force. It is important that resources are—

**The Deputy Convener:** The bill is imminent. We need to find out how much influence has already been exerted to ensure that the bill, when introduced, has taken the provisions for mainstreaming on board. During the equalities debate, the minister promised us that housing would be a priority. Can you give any indication of whether that has happened?

**Liz Doherty:** No. The GCSH’s written response to the consultation on the housing bill says:

“The consultation paper makes a number of proposals which are clearly in the interests of homeless people. However . . . GCSH would welcome specific consideration being given . . . to the needs of women, young people, black and ethnic minority people and lesbians and gay men.”

Such consideration has not taken place in terms of the proposals in the bill.

**Mike Watson:** If a gender impact analysis had been applied to the consultation document—it clearly was not—would that have made a difference, and would it have allowed some of the points that you have raised to have been incorporated?

**Liz Doherty:** Yes, that is possible. Four main issues were raised by today’s other witnesses. If there had been a gender impact analysis, those issues would have been considered as specific problems for women and for other—

**Mike Watson:** Have you made contact with the Minister for Social Justice? As the deputy convener said, when the equality strategy was launched earlier this month, the minister highlighted two areas in which she thought the first thrust would be felt. One was education; the other was housing. Have you contacted the minister, first to ask why you were not included in the consultation, and secondly to say what your points would have been if you had been consulted?

**Liz Doherty:** No, not as the GCSH.

**Mike Watson:** I meant as representatives of Engender.

**Rona Fitzgerald:** We wrote to the minister as representatives of Engender, congratulating her on her appointment and making a number of points, including those that we made in our written submission to this committee.

A gender analysis of homeless people is required, as we said in our submission. However, a sense of which people are actually going to deal with homeless people is also required. We need to ensure that local authority housing people, for example, have incorporated gender sensitivity into their approach and are aware that the impact of the bill may be differential.

I mentioned the institutional framework because of the importance of building gender sensitivity into the process. That does not seem to be happening yet.

**Mike Watson:** This relates to my first question. You are beginning to get into the process.

**Rona Fitzgerald:** Yes.

**Mike Watson:** Hopefully, the current gaps will be filled. At least we are moving.

**The Deputy Convener:** This is a bit worrying. The Parliament was founded on equality of opportunity. We are now 18 months in, and the first meeting of the policy advisory group was on 14 November. The housing bill is due to be introduced in a week’s time. We will watch this space to see what the bill contains, but the time scale is worrying. We do not know how much impact can be made—unless work that we are not aware of is being done behind the scenes. Obviously, we will need to ask the minister about that.

**Karen Whitefield:** Engender has made a good case for gender issues to be raised at an early stage. Under the bill, local authorities will be given a strategic role in drawing up a single housing plan for their areas. Do you think it important that, in doing that, they have a statutory obligation to consult the Equal Opportunities Commission and women’s groups on housing matters and to take account of their concerns?

**Rona Fitzgerald:** That would probably be a good idea. Liz Doherty may be more of an expert on housing; my expertise is more in gender impact analysis. One of the lessons from dealing with structural funds is that making something a requirement brings an incentive. Stipulating what is required to be done also helps to change the behaviour of organisations.

**Liz Doherty:** A statutory obligation would mean that local authorities and other housing providers would at least be more accountable in providing services for women. In Glasgow, because of the numbers and historical factors, we are considering rough sleeping and resettlement in that context.

We are fearful that women's services may be passed over.

**Karen Whitefield:** Are there advantages in making the requirements statutory? Representatives from Scottish Women's Aid said that consultation was good and positive but that local authorities should have some discretion. Are there benefits in creating a statutory obligation to consult the Equal Opportunities Commission and women's groups?

11:45

**Liz Doherty:** There are benefits. A statutory obligation would improve accountability over how local authorities implement their consultations.

**Mr McAllion:** You said that, had a gender analysis been carried out in the housing consultation paper, it would have highlighted four main problems. Will you list those problems for the record?

**Liz Doherty:** The other witnesses have covered most of them. The problems include the two counts on repossession, which Women's Aid covered. We are especially fearful about training, information and accountability for community housing associations under stock transfer, and about how stereotyping of homeless people in general and women in particular will be dealt with.

We mentioned the potential impact of right to buy. We believe that there will be a direct impact on women if the right-to-buy proposals proceed. I should also point out that 6 per cent of lone parents rent in the private sector. We were disappointed that the proposals did not more fully cover that sector, where there is the potential for problems, particularly for women, because of the lack of security. More women than men rent from the private sector. We were surprised about the proposals for that sector, because of the amount of public money that is used to maintain private tenancies.

**Mr McAllion:** Do you think that any gender impact analysis was carried out before the policy goal was set of creating a society in which 80 per cent are owner-occupiers and 20 per cent live in social rented accommodation?

**Liz Doherty:** No.

**Rona Fitzgerald:** On the positive front, the Executive is turning its attention to that issue. The policy environment is new, and it is hard to get everything right from the start. I do not consider that discouraging. Mainstreaming as a strategy is reasonably new. People are learning as they go along. There is a tremendous opportunity to evaluate how structural inequalities have come about.

**The Deputy Convener:** The point that John

McAllion makes is that the proposals suggest that the bill will be restricted to the social rented sector. At stage 1, one of the committee's concerns will be the bill's scope. If that is already narrow, it will be difficult for us to expand it. Therefore, the starting point was not 14 November, when the advisory group met; it should have been some time ago. Obviously, the proof will arrive when we see the bill. Your points are well made but there is concern about what will appear in a couple of weeks' time.

**Bill Aitken:** I would like to finalise the issue of the gender impact analysis. Will there be any advantage in the Scottish Homes regulator—once it is set up—issuing a general guidance note on equal opportunities best practice?

**Rona Fitzgerald:** Yes. Such training and capacity building is important for anyone who is involved in policy preparation and in implementation in particular, because that is often where systems break down. People will ask repeatedly for a clear statement of how to follow best practice, and say, "It is all very well saying that I should have done a gender impact analysis, but how do I do one?" They will ask how to incorporate those concerns into their work, so guidance must be clear.

**Bill Aitken:** In the third part of your submission, you state:

"Women will feature more among the 'hidden homeless'."

On what basis do you make that statement?

**Liz Doherty:** I mentioned the research by Sarah Webb—"My Address is Not My Home: Hidden Homelessness and Single Women in Scotland"—which was the culmination of various papers that were begun in the 1990s. That was about the invisibility of women's homelessness and the way in which women present themselves as homeless. Often, women use care-of addresses, sleep on floors and use their own ways of getting accommodation.

The policies of the past few years have concentrated on rough sleeping and rooflessness, rather than on homelessness. If the committee decides to consider appropriate and secure accommodation, it should note that women will often stay in a situation where they are physically or mentally threatened rather than become homeless. Sometimes, women feel that there is a stigma attached to homelessness and will not say that they are homeless when they present at the local authority offices. Often, women are not on homelessness lists, but on waiting lists. A range of factors contributes to the way in which homelessness is manifested among women.

Our concern is that, despite the large amount of resources that will be going into homelessness—

which are hugely welcomed—women will not benefit, because the resources are not directed towards them.

**Bill Aitken:** Engender has not carried out its own research. The organisation relies on the publication to which you referred.

**Rona Fitzgerald:** Engender has not carried out any research recently. We hope to generate funding and to do some more research. However, there is more information than we sometimes realise. When I went digging for information for some research that I was doing, I found many details hidden in publications. A good first step would be to quantify the information that is available. Some reports might not have the same status as academic publications, but they have gems of information and provide a good starting point. The advisory group that Mike Watson mentioned wants to commission research. The design of that research will be crucial. Resources are not plentiful. We need to know what the money is being spent on and confirm that work has not been covered in other ways.

**The Deputy Convener:** The written evidence from Scottish Women's Aid includes statistics on the reasons for homeless applications. The largest category is domestic abuse, which accounts for 35 per cent. The second-largest category is friends or relatives no longer being willing or able to provide accommodation, which accounts for 32 per cent. The majority of people in those categories are women. When we trawl through the documentation, we will investigate what factual evidence is available and bear in mind what research needs to be carried out.

**Liz Doherty:** I would also like to mention the rough sleeping initiative in Glasgow, which GCSH monitors. We posed some gender questions in relation to that, which show that rough sleeping is rising fastest among women under the age of 25. I agree with Rona Fitzgerald that now is the time to pull research together. The information is out there, but it is very bitty.

**Rona Fitzgerald:** I have brought along a guide to gender impact assessment as well as a document on equality issues relating to men, women and housing that I obtained from the International Monetary Fund website for the committee to read in its copious free time.

**The Deputy Convener:** If you would pass those documents to the clerks, that would be helpful.

## **Civic Government (Scotland) Act 1982 (Licensing of Houses in Multiple Occupation) Order 2000**

**The Deputy Convener:** We move now to agenda item 4, which is consideration of the Civic Government (Scotland) Act 1982 (Licensing of Houses in Multiple Occupation) Order 2000. At the meeting on 4 October, the committee considered a submission from the Abbeyfield Society for Scotland on the amount of regulation that the licensing of houses in multiple occupancy would impose and the degree of discretion that is granted to local authorities in the registration process. The committee agreed to seek further information from Scottish Homes and the Scottish Executive on the implications of the order for registered social landlords. The committee is invited to consider the responses that we have received from Scottish Homes and the Scottish Executive and the clerks' recommendations.

**Robert Brown:** When the matter arose before, I—and, I think, Bill Aitken—asked about the wide discrepancies in charging by local authorities. That is merely incidental to what we are discussing, but it has not been properly dealt with. I received in correspondence a list of the charges in different local authority areas. If I remember correctly, they range from £103 in Aberdeen to £1,700 in Glasgow. There is no earthly way in which such a discrepancy can be justified on the basis of recovering cost. The fear of the people who raised the matter with me is that such charging will be sufficient to discourage landlords—especially small landlords—from letting houses in areas of housing need, without providing any benefit in the regulatory machinery. That aspect is at least as important as the one that is homed in on in the instrument.

**Bill Aitken:** I underline that view. There is a remarkable disparity in the fees that local authorities charge—that is difficult to justify. I wonder whether the numbers were properly thought through at the inception of the order. This type of housing tenure has a bad reputation, which in some respects is deserved. I could illustrate a number of cases in Glasgow in which multiple occupancy has worked adversely for both the tenants and the neighbouring residents. I wonder whether the steps that were taken were over the top and whether we should revisit the whole issue. The question of charges has to be examined. Clearly, we do not wish to do anything that would inhibit the work of Abbeyfield or other organisations, which do a tremendous job with this type of housing.

**The Deputy Convener:** When first we

discussed the instrument, we had concerns about charging and how schemes would operate. I remember a discussion about how the licensing of taxi drivers could perhaps subsidise the licensing of houses of multiple occupancy, as councils could vary the level of charges. Now we are seeing evidence of the variability in charges that councils have licence to charge. Although the committee is limited in what it can do and the order will be reviewed in a year, we have the opportunity to gather evidence. Abbeyfield has submitted its view.

The clerk's first recommendation is that the committee should

"recommend that the issues raised by Abbeyfield should be considered in the review of the system in a year's time".

I suggest that that should definitely happen.

**Mr McAllion:** Could we add that the system of discretionary charging by local authorities should be included in that review?

**The Deputy Convener:** I think that we should consider the responses from Scottish Homes and the Scottish Executive and pursue a number of points in addition to those that were raised by Abbeyfield—I think that that was Robert Brown's point. Related to that is the second recommendation, which is that the committee should ask the clerks

"to contact each local authority seeking information on their experience of the Order . . . and the level of fees being charged".

The recommendation adds that that should be done

"specifically in relation to their approach to Abbeyfield properties",

but I suggest that it should refer to registered social landlords in general.

**Robert Brown:** Information on the level of fees that are being charged by local authorities is centrally available. We might want other information from other local authorities, but to some extent the issue of charging homes in on charging in Glasgow, because it is at one extreme of the range.

If it would be helpful, I could provide the committee with information that I have received, which contains a table of charges. It does not merely compare one charge with another; charges from different periods are compared as well.

12:00

**The Deputy Convener:** There seem to be two recommendations: that we ascertain the experiences of HMOs in different local authority areas and that we consider the levels of fees. If such information is centrally accessible, that is

fine, but it would be helpful to ask individual authorities about their experiences.

**Ms White:** The information might be available centrally, but we all need a copy of it and it should be minuted that we will look into the charges. In Glasgow, there was an overreaction to unfortunate circumstances relating to multiple occupancy. Things were done too quickly and other areas were affected. We should consider specifically the amount of multiple occupancy in Glasgow. That might be a third recommendation.

**The Deputy Convener:** Obviously Glasgow is not the only place that has specific identified needs.

**Ms White:** I know, but because of the number of students in Glasgow, it has a greater problem with houses in multiple occupation, or HMOs.

**Cathie Craigie:** I disagree with Sandra White's point about overreaction. Local authorities called for regulations for HMOs for years. Such regulations were long overdue—people died and people are paying a fortune for accommodation that is well below standard. I hope that the new order will eventually improve that situation.

I am happy for the committee to gather more information and for that information to be reviewed in a year's time. I have to be honest and say that the Abbeyfield Society for Scotland's argument that it should be excluded from regulation has not persuaded me. However, I agree that we should try to see the wider picture. We should bear in mind the fact that the order has been in operation for only a short while, so we should not jump to conclusions. We should wait until we have seen how the order operates. We should not send out a message that we are softening—especially to people in the private sector who are renting out houses to multiple tenants. We need regulation.

**The Deputy Convener:** In our previous meeting on the provisions for houses in multiple occupation, the committee supported far tighter regulation. However, there is no doubt that operation of the regulations could be improved. There will be a review in a year's time, and the steps that we are taking mean that we will be more prepared and informed by then. A point was made about Abbeyfield, but there are other points about registered social landlords in general. Those points will inform us when we consider the proposals in the housing bill and when we consider Scottish Homes as a regulator.

**Robert Brown:** That is right. I agree with what was said about Abbeyfield. We can take our time and get a bit of experience of such things. We must avoid over-regulation, but still achieve our object. I agree entirely with Cathie Craigie that we need a well-regarded and effective system of regulating houses in multiple occupation. The

worry about charging is its potential for, if not exactly bringing the system into disrepute, making the system much more difficult to operate and perhaps driving some landlords—who ought to be registered—a little further underground than they should be. That could cause problems with the supply of rented housing. It is therefore an urgent issue—too urgent to wait until a review in a year's time.

As I said, I have obtained central information that I can give to the committee. If I remember correctly, it came from Scottish Homes. Because of the sheer size of the problem in Glasgow, I wonder whether it would be appropriate to ask Glasgow City Council for its views on the comments that have been made on charging levels—especially charging levels in other areas.

Members will recall that the regulatory impact assessment suggested that it was expected that costs would be recovered. It cannot be right that the cost in Aberdeen is £103 and the cost in Glasgow is £1,700. Such a discrepancy is far beyond what is feasible.

**The Deputy Convener:** I suggest that we should still contact all local authorities about their experiences. We should ask the clerks to give us an idea of the requests that will be made of authorities, because we should include questions about the availability of accommodation for rent in the private sector and whether that has been affected by charges. I think that we should do a case study of Glasgow, as has been argued for. Perhaps we should accept recommendations (a) and (b) from the clerks, change the reference to “Abbeyfield” to “registered social landlords”, and add a third item—a case study of the experience of Glasgow City Council.

**Robert Brown:** The issue does not go beyond charging.

**The Deputy Convener:** In that case, we need not conduct a case study of Glasgow's experience, because that issue will be clear from the evidence that we receive from the council. I therefore suggest that we go with my initial proposal to study all local authorities, but that we give special attention to Glasgow's submission to find out whether there is a discrepancy between its experience and that elsewhere. Is that agreed? I would like to bring the matter to a close.

**Robert Brown:** With great respect, deputy convener, I think that you are missing the point, which is that there is a particular issue about charging that has nothing to do with the order or its details, which we will—rightly—review in a year's time. Charging raises an issue now, which we must consider. Having heard what Glasgow City Council in particular has to say, we may want to make representations to the Executive about

whether it is prepared to give advice, or whatever, to tighten up the system.

**The Deputy Convener:** When we contact the local authorities, we will ask them to give responses about their experiences now—not in a year's time. We will study the submissions from all local authorities, including Glasgow City Council, which will include its experience of charging. We can put a time limit on when responses can be submitted. Then, we will be able to consider any initial action that we should take, remembering that we will review the position in a year's time. I suggest that we move forward and place a time limit on responses. That will allow the committee to take any immediate action that might be required. Is that agreed?

**Members indicated agreement.**

12:07

*Meeting continued in private until 12:21.*

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