

Everyone Home Collective

Route-Map 2

Scotland's Ambition to End
Destitution and Protect Human Rights



#EveryoneHome

A bigger ambition...

People matter. Some people are more exposed to a range of trauma and harm as a result of the circumstances they were born into. Some of the most harrowing experiences are lived by people from parts of the world where they are no longer safe and who ask from Scotland a place of safety, peace of mind and the opportunity to put their knowledge and skills to good use.

For others from across Europe who want to make Scotland their home, we can protect them from homelessness, exploitation and destitution by enabling the advice and support to formally settle here and to get on with building and living their lives.

Together, we can create a helping environment instead of a hostile one. One which trusts the judgement and resilience of people who want to remain in Scotland, and which enables as much dignity, choice and control while that request is legally confirmed. This is our ambition for people who are straddling two worlds, with their future in other people's hands, but with the resolute certainty that they want to belong to Scotland.

What is this route-map?



This ambition is shared by the Everyone Home collective, Scottish Government and the Convention of Scottish Local Authorities (COSLA). We have agreed to work together to:

- 1) Develop a human rights-based pathway to safe accommodation and support for people who are destitute with no recourse to public funds (NRPF).
- 2) Identify innovative funding and delivery models for testing and implementing the pathways across Scotland.
- 3) Continue to call on the UK Government for the policy changes needed to ensure that there are no gaps in the legal framework for people seeking asylum and settled status in Scotland.

Having no recourse to public funds is for most people a temporary experience. This route map aims to mitigate the damaging impact of that experience until (i) status is legally resolved to gain or re-gain access to public funds or (ii) re-connection with a person's country of origin is made, with a forward plan in place to ensure destitution is not experienced in another place.

However, the need for the urgent mitigating action as outlined in this route map is caused by legislation and a suite of policies that could be remedied by the UK Government. At appendix 1, we set out the UK policy changes needed, along with some considerations on the scope of devolved powers in Scotland where there is currently countering legal opinion on this issue.

Tell us what you think

Until the end of September 2020 we are consulting widely on this route-map. We need your unique insight and feedback so that we can improve and deliver this ambitious new approach. Together, we can end destitution in Scotland.

Get in touch:

@ hello@everyonehome.scot

0141 420 7272

Text/call 0783 4437 185

Join the conversation on social media at **#EveryoneHome**



No Recourse to Public Funds (NRPF) is a restrictive condition imposed by immigration legislation reserved to the UK Government. It prevents people 'subject to immigration control' from getting some benefits and support and from using local authority housing and homelessness services.

NRPF is part of a suite of UK Government policies and applies to:

- People seeking asylum, with the most negative impact on people who are considered appeals rights exhausted; 'ARE'.
- Some people with insecure immigration status.
- Some people with discretionary leave to remain in the UK.
- Most non-EEA (European) migrants, as a visa condition.

Some EEA nationals may have no recourse to public funds if they are not exercising their EC Treaty rights. This excludes their eligibility for homeless assistance and other forms of welfare assistance.

Destitution-by-design

In UK Immigration Law, a person is destitute when they don't have adequate accommodation or any way of getting it, or where they can't meet their essential living needs.

All people who are seeking asylum have no recourse to public funds and instead support and accommodation is provided by the Home Office. Some people also have NRPF as a condition of their leave to remain. People who have been refused asylum ('ARE') may be eligible for 'section 4' support if they meet one of the other eligibility criteria. These are very restrictive and leave many people unable to access such support.

Some EEA nationals who have not yet secured 'settled status' under the EU Settlement Scheme will not be able to access homelessness assistance and some welfare benefits and may be at risk of destitution. Some EEA nationals with pre-settled status will be eligible for benefits, but this will depend on how long they have lived in the UK and their degree of integration.

Local Authorities can and in some cases must, under statutory safeguarding duties, assist destitute families with children and vulnerable adults in these circumstances. However, this is subject to a human rights assessment which considers whether people can return to their country of origin to avoid destitution

For adults without children and who are not considered to have eligible care needs, local authorities are restricted from providing housing and homelessness services, leaving people at high risk of homelessness and rough sleeping, as well as exposed to extreme poverty, exploitation and abuse.

Human Trafficking

Special consideration is needed for people who have been trafficked from outside the UK who are at increased risk of homelessness, rough sleeping, destitution and exploitation in all its forms.

There are new concerns that people trafficked into businesses that have closed due to COVID-19 could be forced into different work, or 'let go' if their trafficker can no longer make money from them. Among people who escape or are rescued from traffickers and can't (or don't want to) return home, there is often no ID or papers and no live claim for asylum or settled status.

The National Referral Mechanism (NRM) is a UK-wide framework for identifying survivors of human trafficking and ensuring they get support. People can only be referred by one of 6 '[First Responder](#)' organisations in Scotland.

Ensuring good links between this route-map the NRM and the [Scottish Government Trafficking and Exploitation Strategy](#) will be key, along with strengthened connections between homelessness, asylum and anti-trafficking agencies.

What is the current situation?



People seeking asylum or other types of leave to remain in Scotland include many nationalities and ethnic groups who, as the [COVID-19 mortality data confirms](#), are at far greater risk of severe illness or death. This risk is closely linked to severe deprivation, health inequality and population density.

During the pandemic, under Public Health legislation and with the support of temporary additional resources from Scottish Government, rapid emergency support has been provided to everyone who is destitute and with nowhere to live, regardless of their immigration status.

As the pandemic eases, Scotland will return to a position where the legal basis for UK, national or local government funding for accommodation, support and advice for people without established entitlements remains inadequate, under review or untested (appendix 1).

This means an imminent high risk of increased rough sleeping and destitution among people who will also be vulnerable to food insecurity, exploitation and abuse. The pandemic has also created new vulnerabilities for people with insecure immigration status who may have previously been self-sufficient and housing secure but may now have lost employment, experienced domestic abuse or a relationship breakdown and are no longer able to meet their housing or other essential living costs.

Scottish Government's Equalities Impact Assessment of the COVID-19 pandemic on homelessness notes that vulnerable migrants and more recent refugees are not always receiving the assistance they need during COVID-19. People are falling through gaps in local authority provision and others are being housed in hostel and hotel accommodation which does not meet their needs. This includes basic needs such as food and medicine as well as enabling religious and cultural needs.

It is important to note the wider housing market pressures affecting some parts of Scotland and the impact of the pandemic on the ability of local systems to safely deliver support and advice services. Local authorities are currently funding housing and financial support to people with eligible needs (i.e. families with children and vulnerable adults with care needs); COSLA will be working with Scottish Government to further strengthen these pathways as part of an anti-destitution strategy and to connect with the specific objectives of this route-map.



How many people?

Dispersal is the process by which the Home Office moves **people seeking asylum** to specified local authority areas. Glasgow is currently the only dispersal area in Scotland and hosts more people seeking asylum than any other part of the UK - [4,019 people at the end of June 2019](#).

There are around 200 people estimated to be destitute or at immediate risk at any one time ('ARE' asylum seekers who are not assessed as eligible for local authority support). During the pandemic, Mears (contracted by the Home Office) also reported a significant increase in people accessing the walk-in service, from 30 people per month to approx. 30 people per week.

It is estimated that there are around 237,000 EU citizens living in Scotland today. The EU Settlement Scheme [quarterly statistics](#) show that as of March 2020, 158,430 applications to the settlement scheme were made in Scotland. 62% of the concluded applications from Scotland were granted settled status.

There is concern for those already experiencing or at risk of homelessness and destitution among people staying in Scotland having been refused status, not yet applied for status or who receive temporary status. EEA nationals with and without settled status, or with pre-settlement status, will be living in all parts of Scotland, but there is a higher number of people located in Edinburgh, Glasgow, Aberdeen and Dundee.

It is likely that the risk of homelessness and destitution will be more concentrated in those areas too.

There are also other migrants with **no recourse to public funds** who are not seeking asylum but who may experience specific circumstances putting them at risk of destitution. This may include undocumented people or people given limited leave to remain among workers, students, family members, people on a spouse visa and Zambrano carers (a person from a non-EEA state whose residence is required in order to enable a child or dependant adult, who is British, to live in the UK). Victims of domestic abuse where the victim had a spouse visa are also at risk and of concern. As are people who joined refugees through [Family Reunion](#) who experience a relationship breakdown and lose their right to public fund as a result.

[Destitution in the UK](#) is a significant research project undertaken by Heriot-Watt University on behalf of the Joseph Rowntree Foundation (JRF) looking at the factors pushing people into destitution and the solutions to the problem. It uses a specific definition of 'destitution' based on the views of experts and the general public.

Destitution, for the purpose of the research, affects people who have lacked two or more of six essentials over the past month, because they cannot afford them: shelter, food, heating their home, lighting their home, clothing and footwear, basic toiletries – and whose income was too low to enable these essentials to be purchased.

Using that definition, it estimates that at October 2019 there are:

- Around 1,600 destitute asylum migrants in Scotland, of whom around half are in Glasgow. About 640 of these are 'core homeless' (rough sleeping, hostels/shelters, unsuitable temporary accommodation and sofa surfing). 120 are in other statutory homeless position and another 640 are at some risk of homelessness.
- Around 2,050 destitute EEA migrants in Scotland. Of this group, 460 were core homeless, 55 were in other statutory homeless position, and 910 at some risk of homelessness.

Across all groups and all parts of Scotland, we estimate there is around 300-500 people who need a stay place to stay at any one time, and many more who need support and advice including specialist legal advice.



What's the way forward?

A Human Rights Framework

The right to adequate housing is recognised as part of the right to an adequate standard of living in the **1948 Universal Declaration of Human Rights** and in the **1966 International Covenant on Economic, Social and Cultural Rights**.

Recent caselaw in England confirmed a human rights obligation on the state under Article 3 of the **European Convention on Human Rights** to take proactive steps against inhumane and degrading treatment, which can enable on occasion that accommodation be provided for people with NRPF.

The Scottish Human Rights Commission is an independent public body accountable to the people of Scotland through the Scottish Parliament and exists to promote and protect human rights for everyone in Scotland.

The rights of migrants, refugees and people seeking asylum in Scotland is a priority theme for the second [Scottish National Action Plan on Human Rights to 2030](#). With our concerns and objectives so closely aligned, this route-map can contribute to the emerging workstream for **SNAP 2 Theme 23: Rights of Refugees and People Seeking Asylum**.

What's the way forward?

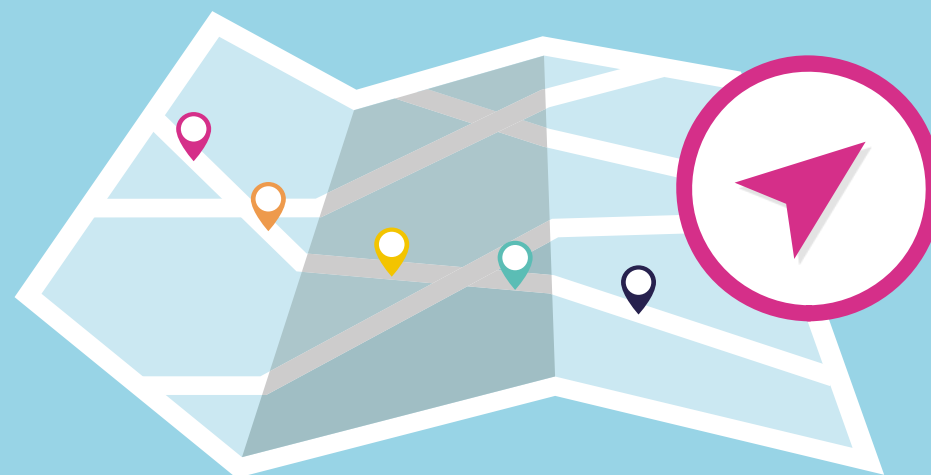
This route-map sets out the way forward. It is a joint public, third and academic sector approach to protect the human rights of people with insecure immigration status living in Scotland and to strengthen their accommodation and support options.

Within this, we identify 3 key challenges:

- i) How to plan for safe transitions for people with NRPF and some EEA nationals who do not have established entitlements to accommodation once the legal basis (COVID-related under Public Health legislation) for supporting people with NRPF changes and temporary funding comes to an end.
- ii) How to plan and prepare for a potential increase in destitution amongst people with NRPF and some EEA nationals who are currently in settled accommodation who are at risk of homelessness when temporary measures to prevent evictions are lifted, for example because of a loss of employment, income or experiencing domestic abuse.
- iii) Longer term, delivering our shared commitments to [End Homelessness Together](#) for people in these circumstances against the backdrop of significant housing market pressures in some parts of Scotland. This route-map needs a coordinated cross-country and cross-tenure approach to ensure everyone has a safe place to stay.

To address these 3 challenges and design-out destitution in Scotland, we need to:

- A** Take stock of where we are
- B** Agree our preferable future
- C** Identify the gaps and service models
- D** Secure a strategic funding partnership
- E** Deliver our 5-year forward plan





Take stock of where we are

- **Destitution-by-design:** some people in Scotland are destitute as a direct result of UK legislation, with little or no money to meet basic needs to survive – food, medicine or access to washing facilities or electricity. Legal situations are often unresolved and more access to competent and timely legal advice is critical.
- **Destitution-by-intent:** destitute as a result of being trafficked for forced labour, forced criminal acts or sexual exploitation. As well as risks to personal safety, escape or rescue from traffickers creates the additional risk of rough sleeping and destitution.
- **Lack of Rights and Awareness of Rights:** or the services that are available among people wanting to remain in Scotland or to reconnect with their country of origin. And better supporting workers across all sectors to be ‘rights-aware’ on behalf of people seeking asylum, settled status or other types of leave to remain.
- **Loneliness and Social Isolation:** people often report being lonely and isolated, adding to the stress of their situation and affecting physical and mental well-being.
- **Not Enough Accommodation:** available accommodation is patchy in provision, with no clear or consistent pathway to prevent and mitigate destitution. The quality is usually basic and/or shared and lacks stability or security of tenure. This is in the backdrop of housing market pressures in some areas, and no national or local protocol on key roles and responsibilities for accommodating and supporting people without statutory entitlements.

Accommodation arrangements might be:

 - Statutory provision for temporary housing, under section 4 of Immigration and Asylum Act. The criteria for section 4 support are that the person is taking all reasonable steps to leave the UK; that they have a physical impairment or medical condition which makes them unfit to travel; there is no viable route of return to their country of origin (as stated by the Secretary of State); that they have been granted permission for a Judicial Review; that there would be a breach of human rights, Article 3 or Article 8.
 - In mainstream housing, under the tenure of friends or family, often with overcrowding or severe overcrowding.
 - In mainstream housing, under the tenure of a householder participating in a ‘community hosting’ scheme.
 - In mainstream housing, shared flats and supported accommodated projects that are donated by and/or run via charitable bodies, philanthropic donors and housing associations.
 - In mainstream housing, but under the tenure of a perpetrator of exploitation, in all its forms.
 - In overnight winter shelters ran by homelessness charities in Glasgow and Edinburgh. Of those using the shelters last winter, several hundred were EEA nationals or self-identified as having no recourse to public funds.
 - Some people with NRPF will be in student accommodation or accommodation provided as part of employment. EEA nationals may have been in social housing.

Our Preferable Future



Design-out Destitution: Everyone has personal access to food, medicine, sanitary and washing facilities. Everyone has a personal digital device to stay in touch with social networks and services, with access to electricity to charge devices. Everyone has specialist advice, advocacy and support which is relevant to their circumstances.



A Safe Place to Stay: A prevention pathway where everyone has access to accommodation that is safe and secure, which provides peace of mind and upholds the principles of dignity and privacy. There should be an available mix of self-contained flats, shared flats or rooms within a supported housing model that are:

- Statutory provision for temporary housing and support or ¹
- Under the tenure of charitable bodies, social enterprises or philanthropic donors; or
- Under the tenure of a householder participating in a 'community hosting' scheme.



Informed and Supported: Everyone has access to specialist advice, legal advice and advocacy with a focus on preventing homelessness and destitution and which enables people to have as much choice and control as possible.

Everyone has access to personalised, strengths-based support and someone to get alongside you until status and long-term accommodation is secured.



Included and Involved: Everyone can access resources and activities in their local community. Structures are created for people with lived experience to be involved as much as they want in the design and delivery of this route-map over the next 5 years.

Our preferable future

- Design-out destitution
- Safe Place to Stay
- Informed and Supported
- Included and Involved



Our route

- Accommodation, support and advice pathway - filling gaps
- Strategic collaboration between public, third and academic sector
- Innovative 5-year partnership with Scottish funding bodies



Today

- Destitution-by-design
- Destitution-by-intent
- Not enough accommodation
- Lack of rights and awareness of rights
- Social isolation



¹ s95, 98 and s4 of Immigration & Asylum Act 1999; s22 Children (Scotland) Act 1995 where children in need; s12 and s13a where vulnerable adults; s29 and 30 where formally looked after young persons.



Identify the gaps and service models

This route-map wants to build from the range of support, advice and accommodation that is already provided for people with NRPF across Scotland. And then to connect, embed and sustain this as a coordinated safeguard against homelessness and destitution over the next 5 years.

1. Gaps in provision for people seeking asylum in Scotland (appeals rights exhausted; 'ARE')

This largely applies to Glasgow, as Scotland's only asylum dispersal area. However, people could be supported and accommodated on a temporary basis in any part of Scotland until (i) status is secured to gain (or regain) statutory asylum support and accommodation or (ii) the person wants to arrange a voluntary return to their country of origin or to another country.



A safe place to stay

We need a clear, consistent and funded pathway to safe accommodation for people who are destitute with no recourse to public funds. The pathway should start from the point of asylum dispersal, to help prevent asylum seekers ending up destitute at the end of the process.

Current accommodation options for people who are destitute and seeking asylum in Glasgow are limited and not at the correct scale to proactively guard against rough sleeping and destitution. The current provision is:

Statutory provision

- **Mainstream flats provided by Home Office accommodation provider**, occupied by approx. 190 people at risk of eviction (negative decision or already 'ARE') when the COVID-related relaxation of Home Office's policy is lifted.
- **Hotels and B&Bs managed by Mears on behalf of the Home Office** occupied by around 80 people who have been granted temporary support on COVID-grounds by the Home Office, in hotels operated by Mears or B&B accommodation funded by Glasgow City Health & Social Care Partnership or Scottish Government.

Third sector provision

- **One refurbished building** to be used as approx. 20-place supported accommodation delivered by a third sector provider (opened July 2020).
- **5 mainstream flats** managed by a third sector provider accommodating approx. 9 people.

- **Community Hosting** (a room in someone's home as part of a supported scheme).
- **Hotel-based services** used on a temporary basis funded by Scottish Government/GCHSCP.

Self-arranged

- People in precarious and survival homeless situations, outside the above provision. Current estimates that this affects around 100 people.

How much is needed?

A lack of monitoring data, combined with the complexity of the asylum and appeals process, means it is difficult to get an accurate picture of how many people seeking asylum are affected by or at risk of destitution at any one time in Glasgow. Where we have data and as an example, during the pandemic to date 123 asylum support applications for destitute asylum seekers on the grounds of public health were made by Scottish Refugee Council, all of which were successful.

Our best estimate is that pathways to approximately 200 safe places to stay across Scotland, that can be turned over routinely as required, will proactively guard against rough sleeping and destitution among this group.

This would be delivered in the following ways:	Available	Additional ⁺
<p>Mainstream social or private rented housing, with tenure granted to charitable bodies or social enterprises.</p> <p>A mixed model of</p> <ul style="list-style-type: none"> • Scatter flats (individual and shared). • Supported housing (shared buildings, for example a close with flats, or in available buildings previously purpose built for supported accommodation, residential or care homes). 	30	120 (approx. 60 flats, less any residential capacity secured)
Under the tenure of a householder participating in a 'community hosting' scheme.	30	20

Informed and supported

We need an additional team of support workers, both on an outreach and on-site basis, to provide practical, emotional and person-centred support with resources to address material disadvantage that prevents destitution. We also need more advice and legal advice workers to secure status or reconnection with country of origin where relevant. This should connect with and extend the existing Scottish Government funded Humanitarian Project to prevent and mitigate destitution of those refused asylum where the risk of destitution is very high. Advice work needs to meet OISC level 1 or 2 registration.

Included and involved

This network can also support a participation structure so that people can be involved as much or as little as they want in designing and delivering this route-map. Together, this will help put in place a prevention pathway and bring together agencies working against destitution, to shift their model of work from mainly the end of the asylum process, upstream from the point of dispersal.

2. Gaps in provision for EEA nationals seeking settled status in Scotland

This applies to all parts of Scotland. However there is a higher number of EEA nationals located in Edinburgh, Glasgow, Aberdeen and Dundee and it is likely that the risk of homelessness and destitution will be more concentrated in those areas too.



A safe place to stay

We need a clear, consistent and funded pathway to short-stay accommodation for EEA nationals seeking settled status while they are accessing legal advice or employment support but don't yet have entitlement to benefits. There is currently no specific provision for this group, which accounts for the large number of EEA nationals who use the winter shelter in Edinburgh especially.

Our best estimate is that pathways to **approximately 150 safe places to stay** across Scotland, that can be turned over routinely as required, will proactively guard against rough sleeping and destitution among this group. This needs a mixed model of:

- Scatter flats (individual and shared) in private or social rented housing, under the tenure of a charitable body to provide support.

- Supported housing (shared buildings, for example youth hostel-style, or in available buildings previously purpose built for supported housing, residential or care homes).
- Under the tenure of a householder participating in a 'community hosting' scheme (a room in someone's private home as part of a supported scheme).



Informed and supported

It is urgent for this group to be encouraged and supported to make settled status applications to reduce the risk of homelessness. Legal advice is important, and will result in:

- **Better understanding of rights:** In order to prevent rough sleeping it is key that all partners understand the different rights EEA nationals have to homeless accommodation. Assumptions that people who are not in work, or in low paid work, have NRPF results in people not always getting the help with accommodation or support that they are entitled to.
- **Access to independent specialist advice:** OISC accredited advice (with a focus on Level 1) to enable this client group to make applications for settled and pre-settled status will become increasingly urgent as we approach the

end of Brexit transition period. Given the complexity of these issues, and the common misconceptions, ongoing specialist advice, including legal advice, on both housing rights and access to benefits is important. For people who want to return to their country of origin, a strategic and coordinated approach is needed, especially in relation to connecting with embassies and consulates.

- **Access to intensive employment support** will be especially important for EEA nationals who do not have settled status as it may make them eligible to receive housing benefit. Significant numbers of people have lost employment as a result of the pandemic and will be looking for opportunities to get back into work as soon as possible.
- **Access to support:** People need access to practical, emotional and person-centred support with resources to address material disadvantage to prevent destitution. The role of peer support among this group is under-utilised and could offer significant options for increased engagement and more effective outcomes.

3. Gaps in provision for other people with no recourse to public funds in Scotland

This applies to all parts of Scotland. It affects and includes people who are not seeking asylum but are at risk of destitution. This may include undocumented people or people given limited leave to remain among workers, students, family members and carers. People on a spouse visa are also at risk, with victims of domestic abuse of special concern.



A safe place to stay

We need a clear, consistent and funded pathway to safe accommodation for people who are destitute with no recourse to public funds and not seeking asylum.

Our best estimate is that pathways to **approximately 100 safe places to stay** across Scotland, that can be turned over routinely as required, will proactively guard against rough sleeping and destitution among this group. This needs a mixed model of:

- Scatter flats (individual and shared) in private or social rented housing, under the tenure of a charitable body to provide support.
- Supported housing (shared buildings, for example youth hostel-style, or in available buildings previously purpose built for supported housing, residential or care homes).
- Under the tenure of a householder participating in a 'community hosting' scheme (a room in someone's private home as part of a supported scheme).



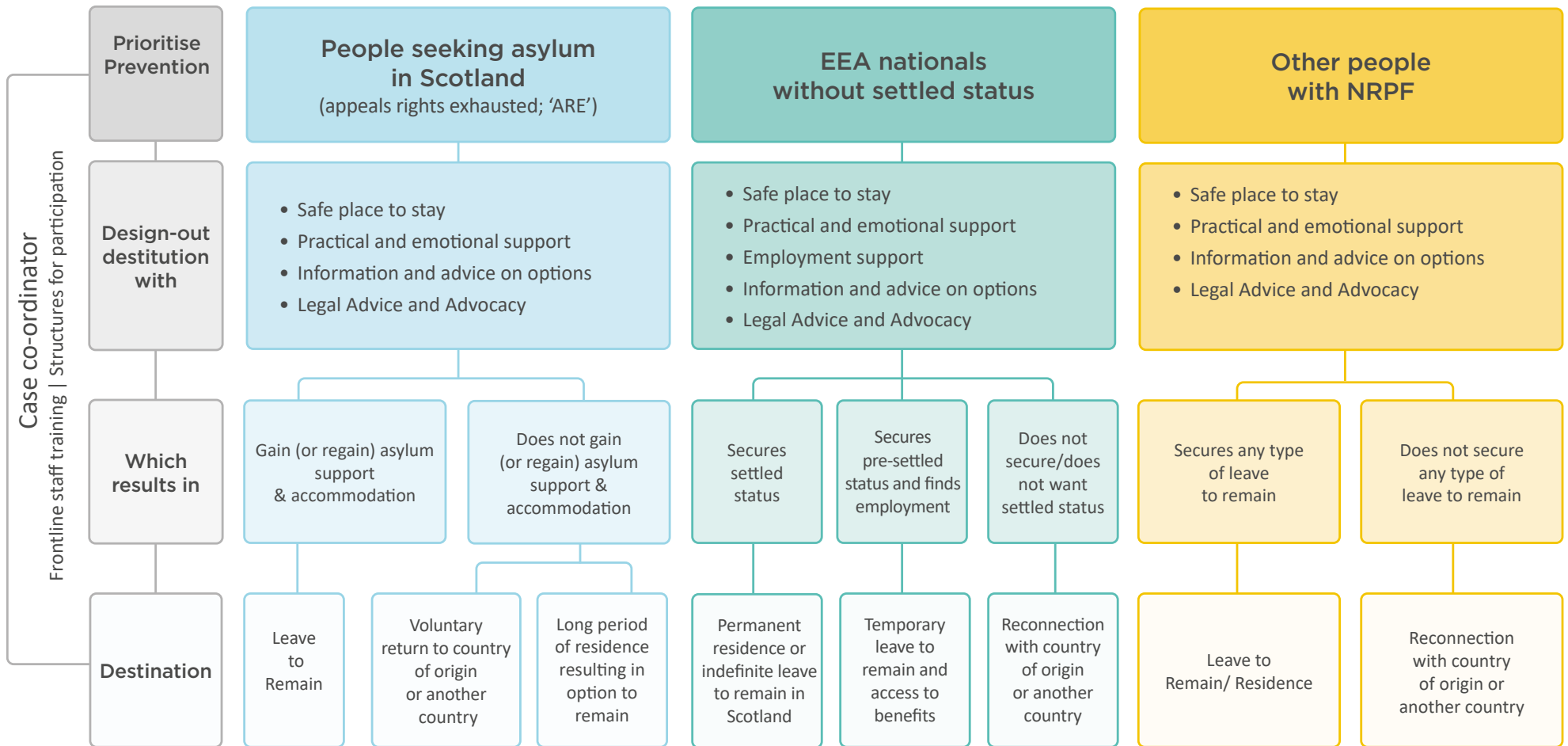
Informed and supported

It is urgent for this group to be encouraged and supported to make settled status applications to reduce the risk of homelessness.

- **People need access to:** practical, emotional and person-centred support with resources to directly address material disadvantage to prevent destitution.
- **Better understanding of rights:** specialist legal advice for people, along with support and 'rights-aware' training for frontline organisations. Access to independent specialist advice, including legal advice on immigration, housing rights and access to benefits is important, given the complexity of these issues, and the common misconceptions. Advice work needs to meet OISC level 1 or 2 registration.

Prevention and Accommodation Pathway to End Destitution

Across all groups and all parts of Scotland, we estimate around 300-500 people who need a safe place to stay at any one time, and many more who need support and advice including specialist legal advice. This will need a new network of around 20 support and advice workers (case coordinators) and specialist legal advisors. This network will also facilitate people's participation in the design and delivery of this route-map and deliver a targeted programme of frontline training and support.



Secure a strategic funding partnership

Scottish Funders Against Destitution

Together, the Everyone Home Collective, Scottish Government and COSLA will invite a strategic partnership with progressive funders who want to bring about a step-change in how Scotland ends destitution and protects people's human rights.

New strategic partnership will deliver a coordinated, connected and sustainable pathway to accommodation and support for people at critical stages of the asylum or settlement process when recourse to public funds is either not available or not understood. The partnership will safeguard people who want (or need) to stay in Scotland from the harm of destitution, exploitation, health inequality and homelessness.

The strategic partnership will:

- Work towards influencing policy changes to tackle the root cause of destitution.
- Create and oversee a coordinated and connected response across all parts of Scotland.
- Create and fund accommodation options, a safe place to stay.
- Create and fund a 'rights-aware' training programme for cross-sector frontline workers
- Create a new network of support and advice that is high quality, person-centred, trauma-informed and strengths based.

Learning Partner

We want to enhance this approach with a Learning Partner to get alongside the strategic partnership to draw out and document learning for Scotland, which we believe will be of keen interest to other parts of the UK and beyond. The Learning Partner will also coach the partnership to continue to innovate, find solutions, deliver a coordinated approach and identify what works and what doesn't.

This learning support resource will include:

- Designing and costing initial service models and pilots to test and learn.
- Setting and measuring indicators of positive outcomes for people using services.
- Learning and adapting service models to achieve best outcomes.
- Learning from delivery about local operational and resource needs.
- Learning from collaboration approaches and role of all partners in delivering effective outcomes together.





Delivering our route-map - what will it take and why?

To succeed in delivering this shared ambition will need:

Scottish Government and COSLA to first review this route-map, the outcomes it's seeking to achieve as well as the accommodation and support models proposed. This route-map was endorsed by the:

- **Homelessness Prevention Strategy Group** on 14 July 2020, co-chaired by Minister for Local Government, Housing and Planning, Kevin Stewart MSP and COSLA Housing Lead, Councillor Elena Whitham.

And will be considered by the:

- **COSLA Community Wellbeing** Spokesperson, Councillor Kelly Parry, and the COSLA Community Wellbeing Board on 18 September 2020.

Scottish Government and COSLA review provisions in **Public Health legislation**, the **Local Government (Scotland) Act 2003** and **Article 3 EHRC** to ensure the Scottish public sector stretches to the limits of its legal capacity to provide the accommodation options, support and advice outlined in this route map (see appendix 1)

A forum of funders invited to be part of this conversation. To shape this ambition and form a progressive new strategic partnership that pioneers an end to destitution in Scotland within a human rights framework. Continuous learning documented to share with other parts of UK and beyond.

Social landlords across all parts of Scotland make available housing under the tenure of charitable bodies who can then accommodate and support people on a temporary basis. Shared 3-apt flats is the ideal size with rent, furniture and energy costs reimbursed by the strategic funding partnership. Pilot the use of the private rented sector to increase supply and options using a social letting or private sector leasing model.

A multi-agency leadership team with independent chair appointed to coordinate and prioritise and to work alongside the learning partner and funders to design, test and learn from early pilots.

A learning partner appointed to get alongside the strategic partnership to help design and cost initial pilots to test and learn, to set and measure outcomes and to draw out and document learning for Scotland, other parts of the UK and beyond.

A structure to **enable the participation of people** directly affected in the design and delivery of this route-map.

A strong and positive **communications plan** focusing on the multi-sector approach and the Scottish ambition to design-out destitution and protect human rights.



What will the outcomes be?

A support, advice and accommodation pathway that designs out destitution among people with no recourse to public funds in Scotland and reduces the demand and damage caused by current crisis points in the UK asylum and immigration process.

A new network of support, advice and specialist legal advice workers working across all parts of Scotland. Led and delivered by the third sector, this network will get alongside people with NRPF to achieve:

- Improved wellbeing and positive mental and emotional health.
- Increased choice and control that builds from people's strengths and successes.
- Increased regularisation with access to public funds.
- Increased access to employment to be able to meet own housing and essential costs.
- Safe and supported positive moves where relevant, i.e. voluntary return to be with family or to access opportunities in a country where legal status can be obtained.



Appendix 1a:

UK Government Legal Framework

The UK Government must end destitution among people with no recourse to public funds with changes to the legal framework. In May 2020, the Scottish Government Minister for Public Finance and Migration called on the Home Secretary to grant all migrants leave to remain during the pandemic.

[The Homelessness & Rough Sleeping Action Group \(HARSAG\)](#) reconvened by Scotland's Minister for Local Government, Housing and Planning in June 2020 recommended:

- Temporary suspension of NRPF conditions for at least the next 12 months for people who have a NRPF restriction attached to their visa so they can access Universal Credit and homelessness assistance.
- Temporary suspension of the habitual residence test so that EEA nationals can access benefits.
- More clarity on what funds local authorities can use for people seeking or refused asylum.
- Extend the suspension of evictions from asylum accommodation so no one is evicted into homelessness.

Appendix 1b:

Scottish Legal Framework

There is countering legal opinion on the scope of devolved powers to mitigate the impact of having no recourse to public funds and this so far remains untested in Scotland.

The areas of interest where Scottish public funds might be levered to support and accommodate people with NRPF in specific circumstances are:

- Public health legislation, post-pandemic and in cases of high risk or concern.
- Local Government (Scotland) Act 2003 to promote or advance wellbeing of all people in their area.
- Under Article 3 of the European Convention on Human Rights.

Within a human rights framework, the right to adequate housing is recognised as part of the right to an adequate standard of living in the International Covenant on Economic, Social and Cultural Rights. As this is currently not enforceable in Scottish courts, there is also interest in and encouragement for the international covenant to be incorporated into domestic law.

An Advocate's opinion on the scope of Scotland's devolved powers in relation to NRPF has been sought and will be available end-August 2020. An Advocate is a qualified lawyer who holds the public office of Advocate in Scotland and is subject to regulation by the Faculty of Advocates, under powers delegated to it by the Court of Session.

This section will be updated when that opinion is available.

About The Collective



Everyone Home is a collective of 27 (and growing) third and academic sector organisations that have come together during the COVID-19 pandemic to protect the progress that's been made and to protect the principles that must now guide next steps.

Read our framework for going forward at www.everyonehome.scot and join us on social media at **#EveryoneHome**

Homeless Network Scotland

16a Adelphi Centre, 12 Commercial Road, Glasgow G5 0PQ
0141 420 7272 | www.homelessnetwork.scot | hello@homelessnetwork.scot

Homeless Network Scotland is a charity registered in Scotland (SC0 03453) and company limited by guarantee (SC112361).
Registered Office: Adelphi Centre, 12 Commercial Road, Glasgow G5 0PQ. CEO: Margaret-Ann Brünjes