

## Higher National Unit Specification

### General information for centres

**Unit title:** Housing Law for Advisors: Homelessness

**Unit code:** F1DS 34

**Unit purpose:** This Unit is designed for those who provide advice on homelessness, and in particular on housing law, to service users in a housing or advice setting. Candidates may be working, either as volunteers or in paid employment for an agency or organisation which supports homeless persons. This Unit will normally be delivered as part of the Professional Development Award level 7: Housing Law Advice.

In this Unit, the candidate will develop detailed knowledge and understanding of the issues relating to homelessness and will develop skills at identifying housing options in order to advise on the options available to them. The Unit focuses on how to identify when the local authority has a duty to provide a homeless applicant with permanent accommodation, and how to analyse housing options and follow through an application.

On completion of the Unit the candidate should be able to:

- 1 Describe key aspects and possible causes of homelessness.
- 2 Explain the responsibilities of the local authority to the housing applicant.
- 3 Analyse housing options and identify strategies for clients facing homelessness.

**Credit points and level:** 1 HN Credit at SCQF level 7: (8 SCQF credit points at SCQF level 7\*)

*\*SCQF credit points are used to allocate credit to qualifications in the Scottish Credit and Qualifications Framework (SCQF). Each qualification in the Framework is allocated a number of SCQF credit points at an SCQF level. There are 12 SCQF levels, ranging from Access 1 to Doctorates.*

**Recommended prior knowledge and skills:** Entry is at the discretion of the centre. However, Candidates would benefit from having undertaken the introductory Unit, *Housing Law for Advisors: Introduction to Homelessness*, or the Unit *Housing Law for Advisors: Introduction to Housing Issues*.

**Core Skills:** There are opportunities to develop the Core Skill of Communication and Problem Solving at level 6 in this Unit (Outcomes 2 and 3), although there is no automatic certification of Core Skills or Core Skills components.

**Context for delivery:** If this Unit is delivered as part of a Group Award, it is recommended that it should be taught and assessed within the subject area of the Group Award to which it contributes.

This Unit forms part of the Professional Development Award Housing Law Advice level 7.

## **General information for centres (cont)**

**Assessment:** The Unit is assessed by two instruments of assessment. Outcomes 1 and 2 are assessed jointly using restricted response questions which may be multiple choice questions. Outcome 3 is assessed by an extended response based on a case study.

## **Higher National Unit specification: statement of standards**

**Unit title:** Housing Law for Advisors: Homelessness

**Unit code:** F1DS 34

The sections of the Unit stating the Outcomes, knowledge and/or skills, and Evidence Requirements are mandatory.

Where evidence for Outcomes is assessed on a sample basis, the whole of the content listed in the knowledge and/or skills section must be taught and available for assessment. Candidates should not know in advance the items on which they will be assessed and different items should be sampled on each assessment occasion.

### **Outcome 1**

Describe key aspects and possible causes of homelessness

#### **Knowledge and/or Skills**

- ◆ Technical (legal) definition of homelessness
- ◆ Key aspects of homelessness
- ◆ Reasons for homelessness
- ◆ Causes of homelessness
- ◆ Groups at risk
- ◆ Priority needs
- ◆ Four hurdles of homelessness

#### **Evidence Requirements**

Candidates will need to provide evidence to demonstrate their Knowledge and/or Skills by showing that they can:

- ◆ define homelessness
- ◆ list the main reasons for homelessness
- ◆ outline the key causes
- ◆ identify groups most at risk
- ◆ give examples of priority needs
- ◆ explain the four hurdles of homelessness

#### **Assessment Guidelines**

Outcome 1 is assessed jointly with Outcome 2 by a series of restricted response questions, which may be multiple choice questions.

## **Higher National Unit specification: statement of standards (cont)**

**Unit title:** Housing Law for Advisors: Homelessness

### **Outcome 2**

Explain the responsibilities of the local authority to the housing applicant

#### **Knowledge and/or Skills**

- ◆ Responsibilities of local authorities towards homeless people as a result of legislation
- ◆ Implications if accommodation is not reasonable or safe to occupy
- ◆ Three definitions of Rights of Occupation
- ◆ The Application Process
- ◆ Homelessness etc (Scotland) Act 2003
- ◆ Housing (Scotland) Act 1987 as amended by Housing (Scotland) Act 2001)
- ◆ Section 30 Notice Definition of permanent accommodation
- ◆ Definition of 'An application under the Act'
- ◆ Accommodation Pending Decision
- ◆ Applicant's rights
- ◆ Stages of local authority assessment (Four hurdles)
- ◆ Four hurdles of homelessness
- ◆ Responsibilities of those working on behalf of the local authority:
- ◆ Good communication
- ◆ Interpersonal skills

#### **Evidence Requirements**

Candidates will need to provide evidence to demonstrate their Knowledge and/or Skills by showing that they can:

- ◆ describe the duties of the local authority to homeless people
- ◆ identify current legislation in Scotland relating to homelessness
- ◆ explain rights of occupation
- ◆ explain 'applicant's rights'
- ◆ explain what is meant by 'an application under the Act'
- ◆ outline the application process
- ◆ explain 'Accommodation pending decision'
- ◆ outline the 'four hurdles'
- ◆ identify qualities required by those giving housing advice

#### **Assessment Guidelines**

Outcome 2 is assessed jointly with Outcome 1 by a series of restricted response questions, which may be multiple choice questions.

## **Higher National Unit specification: statement of standards (cont)**

**Unit title:** Housing Law for Advisors: Homelessness

### **Outcome 3**

Analyse housing options and identify strategies for clients facing homelessness

#### **Knowledge and/or Skills**

- ◆ Strategies which aim to prevent homelessness
- ◆ How these strategies relate to a specific situation
- ◆ Homelessness strategy of the relevant local authority required by the Housing (Scotland) Act
- ◆ Types of temporary accommodation
- ◆ Organisations which provide accommodation
- ◆ Range of options in a particular situation
- ◆ Implications of the 'four hurdles of homelessness'
- ◆ Correct assessment of homeless applications

#### **Evidence Requirements**

Candidates will need evidence to demonstrate their Knowledge and/or Skills by showing that they can:

- ◆ describe and describe relevant strategies which aim to prevent homelessness
- ◆ select and relate these strategies to a specific situations
- ◆ describe the homelessness strategy of one local authority
- ◆ identify types of temporary accommodation
- ◆ give examples of organisations which provide accommodation
- ◆ list the range of housing options in one particular situation
- ◆ assess implications of 'the four hurdles of homelessness'
- ◆ explain the stages of a homeless person's assessment

#### **Assessment Guidelines**

Outcome 3 could be assessed by an Extended Response based on a case study. The extended response should contain a case file or be written up as a case file.

## Administrative Information

**Unit code:** F1DS 34  
**Unit title:** Housing Law for Advisors: Homelessness  
**Superclass category:** HE  
**Original date of publication:** June 2007  
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### History of Changes:

Version	Description of change	Date

**Source:** SQA

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## **Higher National Unit specification: support notes**

### **Unit title: Housing Law for Advisors: Homelessness**

This part of the Unit specification is offered as guidance. The support notes are not mandatory.

While the exact time allocated to this Unit is at the discretion of the centre, the notional design length is 40 hours.

### **Guidance on the content and context for this Unit**

This Unit has been designed to reflect the requirements of the Scottish National Standards for the Housing Information and Advice Services developed by Homepoint and Communities Scotland for workers engaged in providing advice on a range of housing issues and, in particular, housing law advice in the specific areas of homelessness, security of tenure, repair and disrepair and housing-related financial issues. This Unit will form part of a suite of Units and qualifications based on these standards.

This Unit gives the candidate the opportunity to explore all aspects of homelessness which impact on housing applications. Candidates need to have underpinning knowledge on the relevant legislation and on the social factors which contribute to homelessness in order to be able to offer advice to homeless persons.

The focus of the Unit should be on examining situations to help the trainee housing adviser identify when the local authority has a duty to provide a homeless applicant with permanent accommodation. This should be taught by explaining how the applicant meets the four tests, or 'hurdles'. The candidate should become familiar with the process for identifying these hurdles, learning what they mean, and learning what happens at each stage of the process. This will provide a structure for the delivery of the Unit.

Candidates should be introduced to a number of situations or scenarios in order to put issues in a real context. It is not possible to cover all situations and deliverers should focus on situations that are relevant to the particular organisation/agency.

#### **Outcome 1**

Outcome 1 introduces the candidates to the broad ideas relating to homelessness and encourages them to think about the causes of homelessness. Candidates should be given the opportunity to explore what is meant by homelessness and to examine a range of situations. Case studies should be used.

The approach taken on describing homelessness should cover the broad areas listed below:

If someone is roofless, sleeping rough, or on a friend's floor, it is usually apparent that he/ she is homeless within the meaning of the Housing Scotland Act 2001. A person may also be classified as homeless if he/she has a home but it would not be reasonable to continue to live in it because, for example, of lack of amenities or risk of violence

## Higher National Unit specification: support notes (cont)

### **Unit title:** Housing Law for Advisors: Homelessness

Candidates should be able to identify conditions that are not suitable for long term stay: Section 24 (2A) of the Housing Scotland Act 1987 was introduced to clarify that people who live in very poor, unsuitable or overcrowded circumstances should be seen as homeless. The Code implies that:

- ◆ bed and breakfast hotels/guest houses
- ◆ women's refuges
- ◆ direct access hostels
- ◆ night shelters
- ◆ are not designed to be lived in long term

Four hurdles:

- ◆ Are they homeless?
- ◆ Are they priority need?
- ◆ Are they intentionally homeless?
- ◆ Do they have a local connection?

Candidates should be able to identify priority needs groups and groups most at risk, linked to possible causes. The list below could be examined briefly (it is not exhaustive) but it would be advisable for centres/deliverers to focus on two or three groups, possibly from the list below, where people are vulnerable, and to explore the specific implications for these groups:

- ◆ Old age.
- ◆ Mental illness.
- ◆ Personality disorder.
- ◆ Learning disability.
- ◆ Physical disability.
- ◆ Chronic ill health.
- ◆ Miscarriage or having undergone abortion.
- ◆ Discharge from hospital, prison or the armed forces.
- ◆ Young people previously looked after by local authorities.
- ◆ People who are at risk of violence or harassment.
- ◆ People at risk of domestic violence.
- ◆ People at risk of sexual or financial exploitation.
- ◆ People involved in serious misuse of drugs or alcohol.
- ◆ Relationship breakdown.
- ◆ Mortgage default/repossession.
- ◆ ASBOs.

Candidates should explore the link between homelessness and other social issues such as health issues, poverty, employment.

## Higher National Unit specification: support notes (cont)

### Unit title: Housing Law for Advisors: Homelessness

#### Outcome 2

Outcome 2 examines the role and duty of the local authority in the provision of housing — either temporary or permanent for homeless persons, and covers the rights of the homeless person — the housing applicant.

Candidates should be:

- ◆ Encouraged to make the link between the legislation that the local authority must adhere to, and the needs of the applicant. The scenarios used to develop knowledge should be in a context that is relevant to the candidate/adviser.
- ◆ Aware of the duties the main Acts put on local authorities to provide accommodation for homeless people including duties of Registered Social Landlords.
- ◆ Made aware that anyone working with the Act should have access to the following:
  - The relevant Scottish legislation now known as Part 2 Housing (Scotland) Act 1987, amended by the Housing (Scotland) Act 2001 and the Homelessness etc (Scotland) Act 2003.

Part 2 sections 24 – 43 Of the Housing (Scotland) Act 1987 deals entirely with ‘Homeless Persons’. It covers the main definitions, duties of local authorities, administrative provisions. It is a legislative framework of rights.

- ◆ The Act (Part 2 of the 1987 Housing Act, formerly the 1977 Homeless Persons Act)
- ◆ The Housing (Scotland) Act 2001 Pt1
- ◆ The Homelessness etc (Scotland) Act 2003
- ◆ Immigration and Asylum Act 1999
- ◆ The Code of Guidance issued in May 2004 which is available on the Scottish Executive website at [www.Scotland.gov.uk](http://www.Scotland.gov.uk)
- ◆ Case Law

The Code of Guidance explains how the duties and powers in the Act should be interpreted and is seen by the Scottish Executive as a blueprint for recommended practice. Section 37 (1) requires local authorities to have regard to the Code of Guidance issued by the Secretary of State in the exercise of their homelessness functions when dealing with issues of homelessness. While local authorities are expected to deal with each application on its merits in making decisions under the 1987 Act, failure to have regard to the terms of the guidance may give grounds for Judicial Review of a local authority’s decision.

The ‘Four Hurdles’ should be examined closely and interpreted in different scenarios.

- 1 Homelessness (technical definition obtained in legislation)
- 2 In Priority Need
- 3 Intentionally homeless
- 4 Do they have a local connection?

## Higher National Unit specification: support notes (cont)

**Unit title:** Housing Law for Advisors: Homelessness

### Outcome 3

Outcome 3 allows candidates to apply some of their knowledge by identifying options for homeless persons. In order to do this, candidates must be made aware of current strategies at both a local and national level. As with Outcomes 1 and 2, examples should be taken from areas that may be familiar and/or relevant to them as advisers.

As well as relevant local authority strategies, candidates should develop awareness of the role of the following:

- ◆ Homelessness Task Force
- ◆ Homelessness Monitoring Group
- ◆ Scottish Homelessness and Employability Network
- ◆ Rough Sleepers Initiative
- ◆ Scottish Council for the Single Homeless
- ◆ Shelter Scotland

Candidates should be encouraged to critically evaluate current strategies. This may include:

- ◆ Consideration of the quality of housing sometimes offered to homeless people which may be unsatisfactory, and 'out of area placements' and the link between these and the recurrence of homelessness.
- ◆ Strategies to prevent improper eviction in the private sector (Registration of private landlords under the Anti-Social Behaviour Act 2004).
- ◆ Requirement for courts to consider delays in payment of Housing Benefit when considering rent arrears/ repossession.
- ◆ Provision of rent deposit or guarantee schemes.
- ◆ Support in early weeks of re-housing including involvement of relevant voluntary and statutory agencies.

Advisers need to know the practical advice likely to be sought after and ways of providing support. They need to know how to access the local authority's' homeless persons officer and make an application. They should be made aware of the following:

- ◆ Shelters
- ◆ Supported accommodation
- ◆ Refuges
- ◆ Sources of rental accommodation
- ◆ Benefits
- ◆ Agencies providing support eg Women's Aid, churches, charities
- ◆ Specialist practitioners eg counsellors, finance experts and social workers

In the learning and teaching of all Outcomes in the Unit it is important to stress that advisers must demonstrate good communication and interpersonal skills.

## **Higher National Unit specification: support notes (cont)**

**Unit title:** Housing Law for Advisors: Homelessness

### **Guidance on the delivery and assessment of this Unit**

Outcomes 1 and 2 provide the knowledge required to understand what homelessness is, to gain a knowledge of the current legislation and policies relating to homelessness, and the provision from the local authority.

Knowledge of relevant legislation and policies may be delivered in a variety of ways such as direct teaching, open learning packages, student research.

Candidates would benefit from opportunities to undertake visits or do some research as formative work. Videos and lectures from practitioners would also be helpful. Candidates also benefit from role play and opportunities to examine different scenarios.

Where possible, the scenarios used for all Outcomes should relate to the specific types of client that the agency/organisation deals with. It is also important to stress the personal qualities-good interpersonal skills and communication skills required by the adviser, and to highlight the importance of confidentiality.

The teaching of this Outcome should include exploration of the sometimes negative public perceptions of homeless people (eg anti-social behaviour, unwillingness to work, take responsibility etc). Candidates should be encouraged to consider the link between homelessness and the breakdown in relationships such as family disputes and the loss of social networks caused by discharge from institutional environments (long stay hospitals, prison, armed forces).

Outcomes 1 and 2 could be assessed jointly. All the knowledge aspects in the Knowledge and Skills should be taught as an overview, but not all aspects require to be covered in the assessment. The test questions should relate to the context and needs of the agency.

Application of knowledge and demonstration of understanding could be assessed either by traditional methods of (normally) a written test, or by online methods.

Outcome 3 gives the candidate an opportunity to apply the knowledge they have learned in Outcomes 1 and 2 and to demonstrate skills in analysing housing options and identifying strategies for clients facing homelessness.

Candidates should provide evidence for Outcomes 3 by investigating homelessness as it relates to an 'at risk' group and should produce a case file covering background to the client's homelessness, relevant action to deal with the homelessness and strategies which underpin these actions.

The major part of the assessment should be contextualised to the situation of the adviser.

The assessment for Outcome 3 should consist of an extended response (about 2,000 words,) with an appendix which is a case file.

## **Higher National Unit specification: support notes (cont)**

**Unit title:** Housing Law for Advisors: Homelessness

The following websites could be useful:

- ◆ [www.cab.org.uk](http://www.cab.org.uk)
- ◆ [www.scotland.shelter.org.uk](http://www.scotland.shelter.org.uk)
- ◆ [www.leavinghome.info](http://www.leavinghome.info)
- ◆ [www.ageconcernscotland.org.uk](http://www.ageconcernscotland.org.uk)
- ◆ [www.communitiesscotland.gov.uk](http://www.communitiesscotland.gov.uk)

### *Opportunities for developing Core Skills*

There may be opportunities to develop aspects of the Core Skills of Communication, Problem Solving and Working with Others although there is no automatic certification of Core Skills in this Unit.

### **Open learning**

It is possible that this course could be delivered and assessed by open learning methods.

### **Candidates with disabilities and/or additional support needs**

The additional support needs of individual candidates should be taken into account when planning learning experiences, selecting assessment instruments, or considering alternative Outcomes for Units. Further advice can be found in the SQA document *Guidance on Assessment Arrangements for Candidates with Disabilities and/or Additional Support Needs* ([www.sqa.org.uk](http://www.sqa.org.uk)).

## **General information for candidates**

### **Unit title: Housing Law for Advisors: Homelessness**

This Unit aims to provide you with detailed knowledge of aspects of Homelessness which will help you in your job if you provide a range of housing advice.

The Unit focuses on the key features and causes of homelessness. It also covers, in detail, the legal responsibilities of local authorities in relation to homeless people and looks at the associated legislation. You will also consider risk factors facing homeless people.

The Unit also allows you to analyse specific housing options and strategies to address the issues for clients facing homelessness. This aspect will be assessed by an assignment based on a case study.

It may be taken alone or as part of the PDA Housing Law Advice level 7.

Assessment for this Unit is by a series of questions which may be multiple choice, and an assignment based on a case study.

This Unit has been developed from the Scottish National Standards for Housing Information and Advice Services developed by Communities Scotland.