



Higher National Unit specification

General information

Unit title: Housing Law for Advisors: Homelessness (SCQF level 7)

Unit code: HC4G 34

Superclass: HE

Publication date: March 2016

Source: Scottish Qualifications Authority

Version: 01

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. In this Unit, the learner 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.

Learners 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 in Housing Law Advice at SCQF level 7.

Outcomes

On successful completion of the Unit the learner will be able to:

- 1 Explain key aspects and typical causes of homelessness.
- 2 Explain the responsibilities of the local authority to the client facing homelessness.
- 3 Identify options and strategies for clients facing homelessness.

Credit points and level

1 Higher National Unit credit at SCQF level 7: (8 SCQF credit points at SCQF level 7)

Higher National Unit specification

Unit title: Housing Law for Advisors: Homelessness (SCQF level 7)

Recommended entry to the Unit

Entry is at the discretion of the centre. However, learners would benefit from having undertaken the introductory Unit, *Housing Law Advice: Introduction to Homelessness at SCQF level 6*

Core Skills

Opportunities to develop aspects of the Core Skills are highlighted in the Support Notes for this Unit specification.

There is no automatic certification of Core Skills or Core Skill components in this Unit.

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 in Housing Law Advice at SCQF level 7.

Equality and inclusion

This Unit specification has been designed to ensure that there are no unnecessary barriers to learning or assessment. The individual needs of learners should be taken into account when planning learning experiences, selecting assessment methods or considering alternative evidence.

Further advice can be found on our website www.sqa.org.uk/assessmentarrangements.

Higher National Unit specification:

Unit title: Housing Law for Advisors: Homelessness (SCQF level 7)

Acceptable performance in this Unit will be the satisfactory achievement of the standards set out in this part of the Unit specification. All sections of the statement of standards are mandatory and cannot be altered without reference to SQA.

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. Learners 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

Explain key aspects and typical 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 of homelessness
- ◆ Stages of Local Authority Assessment

Outcome 2

Explain the responsibilities of the local authority to the client facing homelessness.

Knowledge and/or Skills

- ◆ Current legislation relating to responsibilities of Local Authorities towards homeless people
- ◆ Implications if accommodation is not reasonable or safe to occupy
- ◆ Three definitions of Rights of Occupation
- ◆ The Application Process
- ◆ Section 30 Notice Definition of permanent accommodation
- ◆ Definition of 'An application under the Act'
- ◆ Accommodation Pending Decision
- ◆ Applicant's rights
- ◆ Housing Support Duty
- ◆ Stages of local authority assessment (Three hurdles)
- ◆ Three hurdles of homelessness
- ◆ Responsibilities of those working on behalf of the local authority:
- ◆ Communication and interpersonal skills

Higher National Unit specification:

Unit title: Housing Law for Advisors: Homelessness (SCQF level 7)

Outcome 3

Identify options and strategies for clients facing homelessness.

Knowledge and/or Skills

- ◆ Strategies which aim to prevent homelessness
- ◆ How these strategies can 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 'Three hurdles of homelessness'
- ◆ Assessment of homeless applications

Evidence Requirements for this Unit

Learners will need to provide evidence to demonstrate their Knowledge and/or Skills across all Outcomes by showing that they can:

- ◆ explain the term 'homeless'.
- ◆ describe the key causes of homelessness and the groups most at risk.
- ◆ explain the 'three hurdles' of homelessness.
- ◆ 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'.
- ◆ identify skills required by those giving housing advice.
- ◆ describe relevant strategies which aim to prevent homelessness.
- ◆ 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 given scenario.
- ◆ explain the stages of a homeless person's assessment.



Higher National Unit Support Notes

Unit title: Housing Law for Advisors: Homelessness (SCQF level 7)

Unit Support Notes are offered as guidance and 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 Scottish Government 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 aligned to these standards.

This Unit gives the learner the opportunity to explore all aspects of homelessness which impact on housing applications. Learners 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 homeless scenarios to help the housing advisor identify when the local authority has a duty to provide a homeless applicant with permanent accommodation. This should be taught by exploring the stages of Local Authority Assessment (known as the three tests, or 'hurdles'). The learner 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.

Learners 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 learner.

Outcome 1

Learners 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 Support Notes (cont)

Unit title: Housing Law for Advisors: Homelessness (SCQF level 7)

Learners 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 the following are not designed to be lived in long-term:

- ◆ Bed and breakfast hotels/guest houses
- ◆ Women's refuges
- ◆ Direct access hostels
- ◆ Night shelters

Three hurdles:

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

Learners should be able to identify 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
- ◆ 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

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

Higher National Unit Support Notes (cont)

Unit title: Housing Law for Advisors: Homelessness (SCQF level 7)

Guidance on approaches to delivery of this Unit

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.

Learners 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 learner/advisor.
- ◆ aware of the duties the main Acts put on local authorities to provide accommodation and housing support 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
- ◆ Prevention of Homelessness Guidance
- ◆ 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 ‘Three Hurdles’ should be examined closely and interpreted in different scenarios.

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

Higher National Unit Support Notes (cont)

Unit title: Housing Law for Advisors: Homelessness (SCQF level 7)

Outcome 3

Outcome 3 allows learners to apply some of their knowledge by identifying options for homeless persons. In order to do this, learners 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 advisors.

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

- ◆ Homelessness Monitoring Group
- ◆ Scottish Homelessness and Employability Network
- ◆ Homelessness Action Scotland
- ◆ Shelter Scotland

Learners should be encouraged to examine 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.

Advisors need to know the practical advice likely to be sought 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 advisors must demonstrate good communication and interpersonal skills.

Higher National Unit Support Notes (cont)

Unit title: Housing Law for Advisors: Homelessness (SCQF level 7)

Guidance on approaches to assessment of this Unit

Evidence can be generated using different types of assessment. For example, responses to questions and case studies. There may be other methods that would be more suitable to learners.

Centres are reminded that prior verification of centre-devised assessments would help to ensure that the national standard is being met. Where learners experience a range of assessment methods, this helps them to develop different skills that should be transferable to work or further and higher education.

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.

Learners would benefit from opportunities to undertake visits or do some research as formative work. Videos and lectures from practitioners would also be helpful. Learners 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 advisor, and to highlight the importance of confidentiality.

Learners 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 learner 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.

Higher National Unit Support Notes (cont)

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

Opportunities for e-assessment

E-assessment may be appropriate for some assessments in this Unit. By e-assessment we mean assessment which is supported by Information and Communication Technology (ICT), such as e-testing or the use of e-portfolios or social software. Centres which wish to use e-assessment must ensure that the national standard is applied to all learner evidence and that conditions of assessment as specified in the Evidence Requirements are met, regardless of the mode of gathering evidence. The most up-to-date guidance on the use of e-assessment to support SQA's qualifications is available at www.sqa.org.uk/e-assessment.

Opportunities for developing Core and other essential skills

There may be opportunities to develop aspects of the Core Skills of *Communication*, *Information and Communication Technology (ICT)* and *Problem Solving* although there is no automatic certification.

History of changes to Unit

Version	Description of change	Date

© Scottish Qualifications Authority 2016

This publication may be reproduced in whole or in part for educational purposes provided that no profit is derived from reproduction and that, if reproduced in part, the source is acknowledged.

Additional copies of this Unit specification can be purchased from the Scottish Qualifications Authority. Please contact the Business Development and Customer Support team, telephone 0303 333 0330.

General information for learners

This section will help you decide whether this Unit is for you by explaining what the Unit is about, what you should know or be able to do before you start, what you will do during the Unit and where applicable, opportunities for further learning and employment.

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

You 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.

The Unit also allows you to analyse housing options and strategies to address the specific issues for clients facing homelessness.

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

You will complete three Outcomes:

- 1 Explain key aspects and typical causes of homelessness.
- 2 Explain the responsibilities of the local authority to the client facing homelessness.
- 3 Identify options and strategies for clients facing homelessness.

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

There may be opportunities to develop aspects of the Core Skills of *Communication*, *Information and Communication Technology (ICT)* and *Problem Solving* although there is no automatic certification.