

Chapter 13: Social housing and homelessness policies: reconciling social justice and social mix

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Introduction

Whilst housing policies already had a distinctive Scottish flavour even before devolution, the creation of the Scottish Parliament in 1999 has allowed further policy-divergence (see for example, Maclennan and O’Sullivan 2008). As Kintrea (2006) highlights the first term of the Scottish Parliament resulted in a number of high-level policy goals centred on social justice, social cohesion, economic competitiveness and empowerment. Both the policy documents and memorandums in circulation at this time highlighted that housing reform was, “to contribute to policy objectives that are broader and more fundamental than new arrangements for the delivery of housing services” (Kintrea 2006: 190). This chapter will focus its attention on the first two of these articulated goals: social justice and social cohesion, and in doing so illuminate the progress and contradictions that have characterised social housing and homelessness reforms in a devolved Scotland. Whilst social justice is concerned with equal opportunities and rights of access to social rented housing, social cohesion relates to social mix and is intimately connected to wider public policy debates around social capital, social networks and the most appropriate solution to tackling concentrations of poverty.

In order to explore these key themes in more depth, the chapter will begin with an overview of housing policy in the devolved Scotland. This will be followed by a detailed focus on the homelessness legislation in Scotland following devolution in

1999, which has been recognised internationally for its progressive principles and strong commitment to social justice by extending the rights of homeless households to access social housing. This will be followed by a discussion of social housing and social mix, which will connect the homelessness agenda to wider debates about concentrations of poverty and the appropriate role of social housing in a devolved Scotland. The final substantive section will further develop this argument with reference to the policy shift from social to affordable housing, which was first initiated under the Labour-Liberal Democrat coalition and has continued under the SNP government. This policy agenda is concerned with promoting low-cost homeownership as a vehicle to secure greater social mix at the neighbourhood level. However, it has the further effect of 'normalising' homeownership and marginalising social housing (McIntyre and McKee 2009).

The chapter will conclude by underlining the mismatch between homelessness reforms underpinned by the policy objective of social justice, and government initiatives concerned with promoting social cohesion through tenure-mix. Whilst the political commitment to ending homelessness is a laudable one, it has nonetheless exacerbated concentrations of poverty and disadvantage within the social rented sector, reinforcing the image of social housing as a residual tenure of last resort. However, as this chapter will argue the future of social housing in Scotland could be transformed if the Parliament were to utilise its devolved powers to pursue a distinctly Scottish approach to social housing reform: one which is tenure-neutral in nature, and recognises the positive social contribution the sector can make. At present however, social housing policy in Scotland is largely focused on meeting the requirements of the politically iconic homelessness legislation and its ambitious 2012 target to end homelessness.

Social Housing in Scotland: the policy context since 1999

Scotland has the highest proportion of social housing in the UK. It houses 1 in 4 of the Scottish population, and accounts for nearly 40 per cent of the tenure structure in some urban local authority areas such as Glasgow and Dundee. There have however been significant changes within the social rented sector in recent decades, not least the growth of the housing association movement, because of UK and devolved government support for housing stock transfer¹, coupled with more favourable funding regimes for Registered Social Landlords (RSLs)² (Pawson and Mullins 2010). In 1981, whilst 52 per cent of Scottish dwellings were in the local authority sector and 2 per cent in the housing association sector, by 2006 this had changed to 15 and 10 per cent respectively (Wilcox 2007: 101). This emphasises not only the changing tenure balance within the social rented sector, but also the growth in homeownership during this period.

The Right to Buy (RTB) policy introduced by Margaret Thatcher's Conservative government in 1980 played an important role in growing homeownership by enabling sitting tenants to buy their council house at discounted rates (King 2010; Newhaven Research 2005). Given Scotland's historic tenure structure current levels of homeownership (65 per cent) would have been difficult to achieve without the prior existence of a large public sector that could be privatised (McKee 2010a). Despite the massive impact this policy has across all housing tenures, reforms to the Right to Buy have been contradictory in the period since the establishment of devolution. Whilst the Housing (Scotland) Act 2001 extended the 'right' to *all social housing tenants*, at the same time it made the discounts less generous for new tenants to the sector. Moreover, the SNP government's 2010 Housing (Scotland) Act scrapped the 'right' for both new social housing and new tenants. This measure is arguably not

only decades too late given the RTB has already significantly reduced the overall volume of social housing for rent, but also contradicts other government policy objectives around tenure-mix and social cohesion, by reducing the opportunity for low-cost homeownership (McKee 2010a).

There are now 26 local authority landlords and over 200 RSLs in Scotland (SHR 2010: 2). In contrast to the rest of the UK, the RSL sector in Scotland is dominated by small, community-based landlords. Over 80 per cent manage a housing stock of less than 2000 homes, and unlike in other parts of the UK their governing bodies are dominated by tenants and other local residents (SHR 2010; see also McKee 2010c). These community-controlled housing associations are geographically concentrated in the west of Scotland and have become lead agencies in area-based regeneration initiatives, supported by Wider Role funding (Scott 1997). Their strong connection to, and understanding of, local interests enables them to act as 'anchor' organisations in their communities, adding value to existing statutory and voluntary services (McKee 2011).

The growth in whole stock transfer since devolution has however also created a small number of very large social landlords in Glasgow, Dumfries and Galloway, Inverclyde and the Scottish Borders. Between them, these big four housing associations own a third of the RSL housing stock (SHR 2010: 2). Denounced by critics (including tenant's groups and trade unions) as the latest phase of housing privatisation (Daly *et al* 2005; Ginsburg 2005), stock transfer was an important policy priority of the first Scottish administration. Despite being rebadged and sold to tenants as 'community ownership' (Daly *et al* 2005), it has however lost momentum in recent years, not least because of the problems in delivering this agenda in Glasgow (McKee 2009a, 2009b).

A further distinctive feature of social housing in Scotland is the existence of a single Scottish Secure Tenancy. This was a product of the Housing (Scotland) Act 2001, and ended differential rights between housing association and council tenants by creating a single tenancy across the social rented sector (Scott 2004). In policy terms, this was integral to the success of rolling out stock transfer on a much larger scale, for it made stock transfer more palatable to tenants. It ends the previous distinction between assured and secure tenants by giving all social housing tenants (regardless of whether their landlord is a local authority or an RSL) the same rights in terms of succession, assignation and security of tenure (Scott 2004). Unlike in the rest of the UK there is also a single regulatory framework in Scotland. Created by the 2010 Housing (Scotland) Act the new Scottish Housing Regulator (formerly Communities Scotland) now has responsibility for monitoring and assessing the quality of housing services provided by both local authorities and RSLs. The previous 2001 Act introduced a common set of performance standards for social landlords, a more user-centred inspection process, and also enhanced the Regulator's powers of intervention. Comparisons across different types of social landlord highlight that in general local authority landlords are poorer performers (SHR 2009). However, this finding needs to be contextualised given the different funding regimes and cultures of performance that exist across the sector.

Following the change of administration in 2007 and the election of the SNP government, initiatives to support new building in the social rented sector have been pursued, such as the National Housing Trust and the Council Housing Building Fund (Scottish Government 2011, 2010; Scottish Government 2009). The SNP have also rejected the dramatic social housing reforms currently being pursued in England, which will end tenancies for life and move towards market-rents (CLG 2010).

Nonetheless, questions have been raised about the 'black hole' in the SNP's plans for building new social housing, given the Comprehensive Spending Review cut over 30 per cent from the affordable housing budget (SFHA 2011; Shelter 2011).

Homelessness policy represents a final distinctive aspect of housing reform in the period since 1999. The Parliament has introduced a plethora of reforms designed to strengthen homeless households' rights to access social housing. This legislation is unique and progressive not only in UK terms, but also internationally, and will be explored in more detail in the next section.

A Progressive Homelessness Agenda?

Prior to devolution, all homelessness policy in the UK was within the legal framework of The Housing (Homeless Person) Act 1977 (which was consolidated into two separate Scottish and English Acts in the mid-1980s). The 1977 Act required local authorities to provide accommodation for people seeking rehousing due to homelessness. However, their homelessness must also have been 'unintentional', they had to meet the criteria of 'priority need' (i.e. their household includes child, pregnant woman or other vulnerable person), and they also had to have a 'local connection' with the area (Anderson 2009, 2007; Fitzpatrick 2004). Homeless people not deemed in 'priority need' were offered only advice and assistance, whilst those in 'priority need' but deemed intentionally homeless were only entitled to temporary accommodation for a time limited period (Fitzpatrick 2004).

Despite its clear limitations, the 1977 Act was a significant piece of legislation that, for the first-time, granted homeless households rights to long-term accommodation, as well as 'reasonable preference' in the allocation of council housing. Nonetheless, it has also been fundamental in changing the socio-economic characteristics of new

social housing tenants, further contributing to the residualisation of the sector (King 2010). Residualisation refers to the way in which social housing has become a residual tenure, housing the poorest, most vulnerable sections of society (Forrest and Murie 1988). In addition, the 1977 Act was criticised for creating a “perverse incentive to ‘manufacture’ homelessness”, an argument that resulted in a reduction of local authorities’ homelessness obligations in England under Major’s Conservative government of the 1990s (Fitzpatrick 2004: 185).

Since devolution, homelessness policy was high on the new Scottish Parliament’s agenda. In 1999, a Homelessness Taskforce was established and chaired by the Minister with responsibility for Social Justice (which included housing). Membership of the Taskforce was inclusive, and included representatives from across the public and voluntary sectors as well as civil servants. The Taskforce’s most significant proposals were legislative changes to improve the rights of homeless people. The most radical recommendation was that ‘priority need’ in the Housing (Homeless Person) Act 1977 should be removed within a decade (by 2012), with a proposal to gradually widen the definition until the distinction between those in priority need and those who were not was eventually rendered redundant. The gradual shift over time was also to enable local authorities, who have statutory responsibility for meeting homelessness obligations, to mobilise the necessary resources and partnership arrangements to implement this legislation (Homelessness Taskforce 2002).

The reliance of local authorities on other housing partners is a direct result of the growth in whole stock transfer: another policy priority of the first administration of the Scottish Parliament. Because of the stock transfer of public sector housing to RSLs, some cities, such as Glasgow, now have no council housing, and are thus reliant on housing providers in both the voluntary and private sectors to discharge their

homeless responsibilities. The Housing (Scotland) Act 2001 introduced a duty on RSLs to comply with requests from local authorities to accommodate unintentionally homeless households in priority need, and also to give homeless households 'reasonable preference' in their allocation policies (Fitzpatrick 2004). This has exacerbated tensions between RSLs, located in the voluntary sector, and central government, with landlords frustrated at government dictating to them how they should manage their housing (McKee 2008).

The key recommendations of the Taskforce were embodied in the Homelessness etc. (Scotland) Act 2003, with some of their initial findings also incorporated in the Housing (Scotland) Act 2001. Overall, this landmark and progressive legislation is internationally recognised as being at the forefront of tackling homelessness by extending the rights offered to homeless households (Anderson 2009; Shelter 2007). Whilst the centre piece of the 2003 Act was its ambitious 2012 target, it also made provisions to soften the 'intentionality' and 'local connection' tests, and required landlords and lenders to notify the local authority of any pending eviction or repossession. As Fitzpatrick (2004: 192) emphasises:

“the ‘vision’ ... enacted in the 2003 Act is that by 2012, everyone who is homeless in Scotland will be entitled to permanent re-housing, except for a small number of intentionally homeless people for whom this right will be suspended temporarily”.

Whilst much policy analysis concentrates on the 2003 Act, it is important not to overlook the earlier provisions of the Housing (Scotland) Act 2001 which also strengthened the rights of individual homeless households in a number of important

ways. For example, the 2001 Act required local authorities to provide interim accommodation pending inquiries to *all homeless applicants*; to provide *permanent accommodation* to unintentionally homeless people in priority need; and a right to temporary accommodation for non-priority homeless applicants. These measures effectively brought, “the rights of those non-priority applicants in line with those of intentionally homeless households in priority need”, and from a resource perspective place an “onerous new demand on local authorities ... to provide interim and temporary accommodation to non-priority groups” (Fitzpatrick 2004: 189).

These tensions highlight the paradoxical nature of the homelessness legislation in Scotland. Whilst the extension of homeless people’s rights on the one-hand is to be welcomed, this landmark legislation nonetheless puts pressure on the social housing system. Despite the demands it makes on social housing allocations, the 2003 Act has not been matched by any significant increase in housing supply, other than restrictions to the Right to Buy, coupled with support for some small-scale new building, as mentioned earlier in this chapter. This has resulted in an increased emphasis on the private rented sector in order to meet statutory obligations with regards to homelessness.

Failure to attend to the issue of housing supply is critical. Analysis of the SCORE lettings data highlights that the proportion of households accessing social housing through the statutory homelessness route has more than doubled since the legislation was introduced post-devolution (SCORE 2010, 2003). Any increase in the number of homeless households that local authorities have a responsibility to rehouse, ultimately limits the availability of social housing lettings for other potential tenants not coming through the homeless route.

As will be explored in more detail in the next section, this has the effect of restricting access to social housing to the most vulnerable groups in society, exacerbating existing concentrations of poverty within the sector. It also compounds the sector's role as welfare housing, precluding any kind of radical alternative. Despite the potential social (in)justice implications of these policy tensions, there was little opposition to the homelessness legislation in the first term of the Scottish Parliament, and the SNP government has largely continued with the homeless agenda set out by the previous Labour-Liberal Democrat coalition. The establishment of what Fitzpatrick (2004: 192) terms an "inalienable right to (some type of) accommodation and support" is a radical departure not only from the previous Scottish position, but from what is happening in other parts of the UK.

Progress towards meeting the 2012 target has nonetheless been mixed (Wilcox *et al* 2010; Anderson 2009, 2007; Nolan and Maclean 2008). Under an interim target set by the Scottish Government, local authorities should have halved the percentage of households assessed as not being in priority need by 2009. Whilst the majority of local authorities are now meeting this, research by Pawson *et al* (2007) suggests that homelessness prevention should be given greater importance as Scotland moves towards the 2012 target (as has been the case elsewhere in the UK). This is because extending 'rights to housing' does not address the social and economic causes of homelessness (Anderson 2009). Focusing the homelessness agenda on housing-led solutions may also downplay the equally important issue of support. Without sufficient support and service structures to maintain the tenancy formerly homeless households may simply drift back to the streets (see for example, Atherton and McNaughton Nicholls 2008).

Social Housing and Social Mix

Increasing homeless households' rights to access social housing - whilst a laudable aim - nonetheless reinforces the expectation that social housing exists only to cater for those in the most severe housing need. A key criticism of social housing reforms under devolution is that they have failed to envision any radical future for the sector as a mainstream tenure of choice, and have instead largely accepted its role as welfare housing for the most vulnerable sections of society. Social housing has always been the 'wobbly pillar' of the welfare state as it has never provided the same universal provision as other public services, such as comprehensive education or the National Health Service (Malpass 2010). Nonetheless, at its peak in the early 1980s it housed half the Scottish population and historically there has never been the same stigma attached to renting from a social landlord in Scotland as compared to other parts of the UK. This was because it was traditionally a larger tenure that housed a more general cross-section of the population. It was quite 'normal' for working families in the 1970s and 1980s to live in social housing (or council housing as it was more commonly known then).

Analysis of current housing policies however highlights an unwillingness to return to this wider role, with allocation policies remaining very much focused on supporting those in extreme housing need, such as the homeless. Despite the SNP's professed commitment to tenure-neutrality, in policy terms they continue to think of social housing as simply welfare housing and a tenure of last resort, as opposed to a more mainstream tenure that individual households may positively choose to opt-into. In *Firm Foundations* the Scottish Government actually describes social landlords as "the providers of homes for the most vulnerable in society" (SG 2007: 25), and conceives the sector as a residual tenure that supports people at particular times in

their lives, offering a “safety net at a time of personal crisis” or “first home before entering owner-occupation” (SG 2007: 34). However, as long as the sector remains solely the preserve of the poorest, most vulnerable sections of society then aspirations around social cohesion and social mix are going to be difficult to achieve. Allocating social housing on the basis of most extreme need ultimately leads to greater concentrations of poverty and disadvantage. Analysis of the SCORE (2010) interim lettings data for 2010/11 highlights that a third of households in the social rented sector are unemployed, sixteen per cent retired, and nine per cent long term sick or disabled. Given these high levels of economic inactivity, it is perhaps not surprising that the average weekly household income for social renters in Scotland is only £207, and over two-thirds are reliant on some form of housing benefit. Combined these figures relating to unemployment and household income reflect the type of households that tend to be concentrated within the sector: older households (17 per cent), single parent households (19 per cent), and single adult households (37 per cent). Moreover, 28 per cent of those households allocated a social rented property during the reporting period came through the homeless route. This figure underlines how the homelessness route is now the only mechanism to access social housing in many areas, resulting in households strategically presenting themselves as ‘homeless’ to jump the waiting list queue.

Such concentrations of poverty and disadvantage have a knock-on effect on housing management, for if social housing is only a welfare safety-net for people with no other choices, then it becomes a much more difficult sector to manage. The homelessness legislation is a good example of this. Prior to the 2001 Act RSLs were able to reject households on the grounds of their past behaviour in order to protect the social order of their local communities (Kintrea 2006). Now they can do this much

less easily, for removing the rules on 'intentionality' means that those households who have lost their home through anti-social behaviour now have rights to rehousing through the homeless route. This not only contradicts Ministers' tough rhetoric on anti-social behaviour, but makes housing management at the community level much more challenging (Kintrea 2006; Flint 2004). This is a frustration expressed not only by landlords, but increasingly by social housing tenants themselves, who not only feel powerless in the process of social housing allocations, but also angry at its outcomes, for the system is perceived to act against 'hard working families' who wish to remain in their local area close to their existing kin networks (Anderson 2009; McKee 2009b; 2008; Nolan and Maclean 2008). This sentiment reflects the heterogeneity of social housing estates, and the way in which tenants themselves make moral judgements about other tenants, in the same way that welfare professionals have historically always made distinctions between the 'deserving' and 'undeserving' poor (Johnston and Mooney 2007; Ravetz 2001).

As Kintrea (2006: 198) observes, it seems that "social justice for some is being bought at the expense of access to housing for slightly less badly off groups". Whilst the Housing (Scotland) Act 2001, and other subsequent reforms, have focused on improving the quality of social housing, and making the sector even more accessible to homeless people, the limits of the devolution settlement perhaps precludes a more radical vision. Many of the key mechanisms that structure the housing system and the attractiveness of particular tenures lie outside the scope of the Scottish Parliament, such as housing benefit and the tax system (McKee 2010a; Kintrea 2006; Gibb 2004).

Given these tensions within the devolution settlement, the Scottish Government, like the Scottish Executive before them, have pursued a policy of tenure-mix in order to

tackle concentrations of poverty. The policy objective here is to both attract more affluent households and retain 'successful' local households, within areas traditionally dominated by social housing, and in doing so increase social-mix and the role model effect at the neighbourhood level. Creating a better balance of tenure, house types and incomes is deemed pivotal not only in tackling concentrations of deprivation, but also in realising government aspirations for more cohesive, sustainable communities (SG 2011, 2010, 2007; SE 2005). This is important in the Scottish housing policy context given spatial concentrations of poverty within social housing estates. Nonetheless, not only does this policy objective assume that public housing estates have failed, but it also ignores that the evidence base for mixed-communities remains highly contested (see for example, van Ham and Manley 2010; Graham *et al* 2009; Lupton and Fuller 2009). To develop this argument further, the next section will explore the way this tenure-mix agenda has been delivered in Scotland through low-cost homeownership initiatives. It is argued this represents a shift in government priorities from social to affordable housing, and further supports the 'normalisation' of homeownership.

From Social to Affordable Housing

A central aspect of Scottish housing policy in recent years has been tenure-mix through low-cost homeownership, which the Scottish Government (2007) has branded as LIFT (Low-Cost Initiatives for First-Time Buyers). Increasing homeownership amongst low and middle income groups has emerged here as an important strand of housing-led regeneration (McKee 2010b; McIntyre and McKee 2009). Policy vehicles to encourage this include for example, GRO-Grants to support owner-occupation in areas with little private housing; the inclusion of

affordable housing in new private housing developments using planning gains; and the promotion of shared ownership, and more recently shared equity, intermediate housing products (see for example, McKee 2010a, 2010b; Bramley *et al* 2007; Munro 2007; Wallace 1998). Uniting this plethora of different schemes and policy initiatives is a political ambition to help people realise their aspirations for homeownership, with a particular emphasis on first-time-buyers, especially those currently living in the rental sector or with relatives. As such, these schemes build on previously successful low-cost homeownership initiatives such as the Right to Buy (see for example, Newhaven Research 2005).

Although not new, these initiatives are a small but increasingly important segment of the housing market as affordability problems are exacerbated by the economic downturn. A key impact of the recession has been that mortgage finance is now more heavily constrained, with larger, more onerous deposit requirements proving to be a particular barrier for young households trying to access the housing-ladder for the first-time. As figures from the Council for Mortgage Lenders highlight (2009) the average deposit requirement for first-time-buyers in the UK is now 25 per cent, with the average age of a first-time buyer without parental support now 37 years (cited in SG 2010: 10). At the same time, the new era of fiscal austerity and public sector budget cuts announced by the UK coalition government at Westminster has put social housing budgets under threat. Housing is not a protected area of public spending in the same way as education and health, as reflected in the recent Scottish Comprehensive Spending Review. Consequently, the idea of social housing is now being re-imagined as affordable housing. This represents an important and significant departure from the traditional model of social *rented* housing, towards housing for *sale* through low-cost homeownership initiatives.

Whilst this policy shift is couched in the language of meeting individual aspiration, it is important to note the public cost of low-cost homeownership is significantly less than for traditional social rented housing, and represents a considerable saving to the public purse. Such schemes also shift responsibility for housing provision downwards from the state to the individual consumer, representing a further example of rolling back the state.

Continuing to promote homeownership to low income groups at a time when the economy is struggling is however neither risk free nor unproblematic (McIntyre and McKee 2009; Newhaven Research and the University of Glasgow 2008). Some of the most popular low-cost homeownership initiatives, such as shared equity³, are more bureaucratically administered and restrictive than traditional social housing tenancies; at the same time low-income purchasers are paying more for their borrowing due to limited availability of mortgage products (McKee 2010b). Evidence also suggests purchasers are becoming trapped in an intermediate tenure that they cannot move out of (McKee 2010b; Wallace 2008). Despite being sold the dream of homeownership, becoming a 'full' homeowner in the conventional sense is financially not within their reach. These research findings, combined with current restrictions on public sector spending, raise the question of whether it is appropriate for government to concentrate scarce resources on housing for sale, at a time when social housing waiting lists continue to grow.

Instead of pursuing tenure-mix at the expense of marginalising the social rented sector perhaps the Scottish Government could use the downturn as a positive opportunity to rethink its attitude to tenure and adopt truly tenure-neutral policies, which would enable the social rented sector to play a greater 'social' role during these difficult economic times. Promoting affordable housing at a time when what

the country arguably needs is more social housing not only further marginalises and stigmatises the sector, but ultimately compounds its role as a welfare safety net for the most vulnerable. Moreover, social housing policies which favour those in extreme need are in direct opposition to aspirations for social mix. As Arthurson (2008: 15) argues, “the resultant stigma attached to a residualised social housing tenure makes social interaction across different housing tenures even less likely”.

Historically, social (and more specifically council housing) in Scotland has housed a much broader section of the population than this. It has the potential to do so once again through policy initiatives such as mid-market rent, or more radically by re-thinking how we allocate social rented housing and prioritise different groups in housing need. In contrast to most other European countries and English speaking nations there is currently no income test requirement to access social housing in the UK. In principle then, the allocations policy could be adapted to diversify the social characteristics of new tenants entering the sector. Not least because genuine social mix at this micro (street) level is more likely to deliver the positive social interactions and role-model effects described by the literature, than at the meso (neighbourhood) level (Arthurson 2008). Nonetheless, it could be argued that tenure-mix, even where it is successful, only ever addresses the symptoms rather than the causes of structural inequalities. Housing policy on its own cannot resolve the problems (often referred to as neighbourhood effects) that are caused by concentrated poverty.

Conclusion

Two key policy objectives of housing reforms since devolution have been social justice and social cohesion. Whilst the former has been achieved by extending the rights of homeless households to access social housing through the provisions of the

Housing (Scotland) Act 2001 and the Homelessness etc. (Scotland) Act 2003, the latter is brought into focus through the shift from social to affordable housing via low-cost homeownership initiatives, currently branded as LIFT. At one level both these policy objectives have delivered positive housing outcomes: the homelessness legislation is progressive and internationally renowned, whilst low-cost homeownership schemes offer one route to tackle the problem of housing affordability, and also encourage greater tenure-mix at the neighbourhood level in regeneration areas.

On the other hand, both these policies are in constant tension and not necessarily mutually compatible. Whilst the homelessness legislation in Scotland certainly delivers social justice for a very vulnerable group in society, as Kintrea (2006) has observed it does so at the expense of other slightly-less well off groups who would also like to access social housing. As a nation, if we are interested in social justice, should we not be pursuing social justice for all, instead of social justice for some? The more social housing that is allocated to statutory homeless households then the less there is available to let to the wider population who would also like a social housing tenancy: unless we build more social housing that is. The current situation not only exacerbates concentrations of poverty and disadvantage in the social rented sector, undermining aspirations for social mix, but also compounds the sector's role as a marginal tenure, as opposed to a proactive and positive choice. Social housing's residual status has been further underlined by the rhetoric of affordable housing, which is currently being emphasised at the expense of traditional social rented housing.

The implicit and explicit policy discourse underpinning both the homelessness legislation and low-cost homeownership initiatives is that homeownership is the

natural, tenure of choice: those who can afford to buy should be encouraged to do so, with social rented housing being reduced to a welfare safety net for those who cannot. The question remains however, is that what we want the future of social housing to be? Given Scotland prides itself on a commitment to social justice, should the Scottish Parliament not have bigger ambitions for the social rented sector? It once housed over half of Scottish households, and given the increasingly difficult mortgage market, not to mention the precarious labour market situation many Scottish families are in, is now not the time to be embracing and promoting the positive social contribution the social rented sector can make? Whilst this would mark a significant departure from housing policy developments elsewhere in the UK, is that not the whole point of devolution: to pursue distinctly Scottish policy agendas? Although the current devolution settlement imposes a number of restrictions on the Parliament, there is scope for Members of the Scottish Parliament to act and think differently on these important social justice and social policy questions. This in turn opens up the possibility for the introduction of more tenure-neutral policies, which would support a greater role for social housing, such as funding for significant new social housing developments, and a rethink of the current social housing allocations policy to encourage greater social mix within the tenure. At present however, social housing policy in Scotland remains largely focused on homelessness and meeting the 2012 target. Whilst there is much to admire about this legislation, not least its political commitment to improving the rights of a very vulnerable group within society, there seems to be little critical discussion of the impact it undoubtedly has on the social rented sector more broadly. The future of social housing in Scotland can be transformed, but only if there is the political will and a commitment of public resources to allow this transformation to happen.

Endnotes

¹ Housing stock transfer refers to the sale of housing from public sector landlords (i.e. local authority or Scottish Homes) to not-for-profit landlords located in the voluntary sector (i.e. housing associations or co-operatives).

² Registered Social Landlord is an umbrella term for not-for-profit landlords who provide affordable housing for rent to households in 'need'. This includes housing associations and co-operatives. In contrast to local authority housing providers, RSLs are located in the third sector as opposed to the public sector.

³ Shared equity effectively acts like an interest free loan. Purchasers buy a smaller stake in the property (normally between 60-80 per cent), with this smaller mortgage equating to a smaller deposit requirement and a lower monthly mortgage payment. After two years purchasers have the option to increase their stake up to 100 per cent; however, they are the legal owner and responsible for all repair and maintenance. When the property is sold both the purchaser and the developer (normally an RSL) split any equity gains.

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