

Legal action against council proves successful for homelessness family

Street Legal has successfully challenged The City of Edinburgh Council on behalf of a homeless family with six children, winning a case heard in the Court of Session.

Street Legal is a partnership between Clan Childlaw and Shelter Scotland which combines the legal expertise of both bodies. The legal advice is provided free in cases of housing and homelessness.

The organisation challenged The City of Edinburgh Council's refusal to accept a homeless application from Abdelwahab-Kaba Dafaalla and his family consisting of his wife and six children who had applied as homeless in 2015 but had then not taken permanent accommodation which the council offered them. Two offers of accommodation were refused.

In 2020 the family was evicted from temporary accommodation by the council. They had nowhere else to go and applied to the council again for assistance under the homelessness laws. Their application provided new facts including Covid-19 and Mr Dafaalla's medical condition. The council refused to consider the application, saying the family's situation had not changed, and that they had already had help from the council.

The family consulted Street Legal and the court decided the council's approach was wrong. The decision said that the

council has a duty to accept a new application, and that the essential part of homelessness laws is to provide accommodation to those who are homeless.

This case may well set a precedent for any future cases as it is a decision from the highest Scottish civil court. The local authority must consider the personal circumstances of homelessness applicants and check whether there has been a change which means that a new application should be accepted.

Trudy Gill, Solicitor at Shelter Scotland, said: "This decision is not only a welcome outcome for our client but is equally important for homeless law in Scotland as a whole. Not only does the decision give some much needed clarity to the approach to be taken when a new or repeat homeless application is made in Scotland, it is a further step forward in protecting the rights of homeless people.

Homelessness can be traumatic for those who need to rely on homeless assistance and more often than not, is required by some of the most vulnerable people of our society. We should not lose sight of the importance of protecting those rights and how important they are to homeless people at critical times in their lives."

The full written decision is [here](#).



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