



Consultation Briefing: Temporary Accommodation

Background

Following recommendations from the [Homelessness and Rough Sleeping Action Group](#) (HARSAG) the Scottish Government has published a consultation on the use of temporary accommodation in Scotland. It proposes:

- Extending the Unsuitable Accommodation Order (UAO) to all homeless households;
- Updating voluntary standards for temporary accommodation in the short term; and
- Eventually introducing statutory minimum standards for temporary accommodation.

The Scottish Government has also drawn on the findings of a [report on temporary accommodation](#) published by Heriot Watt University which outlined considerable variation in the type and quality of accommodation offered in different areas and negative experiences for people staying in accommodation that was unsuitable for their needs.

As well as questions on the practicalities of implementing the proposed changes, the consultation includes a set of questions aimed at people who have experience of living in temporary accommodation asking how this could be improved.

The consultation is open until 14 August 2019 and the full document is [available online](#).

Extension of the Unsuitable Accommodation Order

The UAO restricts the amount of time that pregnant women and households with children can be placed in unsuitable accommodation. "Unsuitable" accommodation is defined under the [Homeless Persons \(Unsuitable Accommodation\) \(Scotland\) Order 2014](#). The definition covers:

- **Location** – it should not be outside the local authority area.
- **Physical standards** – it must be wind and watertight, have access to toilet and washing facilities for the exclusive use of

About this briefing - This is a new type of briefing exclusively for members. These briefings are designed to inform you about current consultations, highlight potential implications for the sector that you might want to consider in your own response and set out CIH Scotland's position.

the household as well as access to cooking facilities and a living room.

- **Facilities** – access to health and education within travelling distance.

Generally, the use of B&Bs is deemed to be unreasonable. The Order also sets out exemptions where the UAO does not apply.

The UAO was amended in 2017 to reduce the maximum stay allowable from 14 days to seven.

Despite the legal restrictions, there are frequent breaches in some areas which result in pregnant women and children staying in unsuitable accommodation for longer periods of time. Between April and September 2018 there were 345 reported breaches of the UAO.

The Scottish Government is proposing to extend the seven day limit to all homeless households. It is also seeking views on the current definition of unsuitable accommodation and how to deal with breaches of the UAO, including the possibility of issuing financial penalties to local authorities.

Advisory standards for temporary accommodation

The current situation on minimum standards can be unclear as there is no one standard for all temporary accommodation, they vary depending on the property type. The [Tolerable Standard](#) is the minimum for any living accommodation, the [Scottish Housing Quality Standard](#) applies to social sector homes, [HMO licensing](#) standards apply to B&Bs and hostels and the [Repairing Standard](#) applies in the private rented sector.

In 2011 CIH Scotland and Shelter Scotland published [Guidance on Standards for Temporary Accommodation](#). The guidance is not statutory but was developed to share and encourage best practice. The guidance covers:

- **Physical standards** – including space, security, cleanliness, energy efficiency, accessibility, furniture, cooking and washing facilities.
- **Suitability standards** – depending on the needs of the household and taking affordability into account.



- **Location and network standards** – close to facilities, support networks, workplaces and meeting cultural or religious needs.
- **Service standards** – support needs should be assessed and provided for.
- **Management standards** – including procedures for moving in and out of accommodation, provision of written occupancy agreement and explanation of rent charges and how they are paid.

To improve standards and consistency in the accommodation that is being used across Scotland, the consultation proposes using the guidance published by CIH Scotland and Shelter Scotland as the basis for new advisory standards for temporary accommodation. These standards would be included in the [Code of Guidance on Homelessness](#) which is currently under review and due to be published later this year.

It is not clear how local authorities would be encouraged to adhere to these standards and the consultation welcomes views on this.

Enforceable Standards for Temporary Accommodation

It is proposed that the introduction of advisory standards will be followed by a legally enforceable framework for temporary accommodation either through [Section 7 of the Housing \(Scotland\) Act 2001](#) (S7 Persons living in hostel and other short-term accommodation) or by creating further regulations under [Section 29 of the Housing \(Scotland\) Act 1987](#) (S29 Interim duty to accommodate in case of apparent priority need).

The new framework would outline existing legislative and regulatory mechanisms that cover housing standards and fill in any gaps to ensure consistently high standards are achieved across all temporary accommodation regardless of tenure.

It is proposed that the Scottish Housing Regulator would have a role in monitoring and assessing the performance of local authorities in meeting existing and new standards for temporary accommodation.

There is no indication of the timescale for introducing enforceable standards.

What does this mean for the housing sector?

Extending the UAO may place additional pressure on local authorities, particularly in areas where homelessness services are already in high demand. Local authorities have already set out how they plan to reduce the use of temporary accommodation in their Rapid Rehousing Transition Plans and will need to ensure that any further changes implemented as

a result of this consultation align with longer term plans.

Similarly, when considering how to improve the standard of homes used for temporary accommodation, consideration should be given to the long term viability of any accommodation being used that may not meet any new standards introduced.

The consultation sets out options for supporting compliance with any new measures introduced, including the use of financial penalties for local authorities found to be in breach of the UAO. Depending on the outcome of the consultation and the level of any proposed fine, this could have serious financial consequences.

What is the CIH position?

We support the ambition to transform the use of temporary accommodation with a view to eventually ending homelessness. However, we do have some concerns with the resources that will be required to achieve compliance. We strongly oppose the suggestion of financial penalties being introduced. As local authorities are already financially stretched, we do not see how this would be beneficial. Local authorities must be supported to make improvements, not punished where there is a lack of suitable or affordable homes available.

It is also important to note that these changes are not being proposed in isolation, local authorities are already working with partners to plan for the implementation of rapid rehousing and Housing First and the Scottish Government has recently consulted on further changes to homelessness legislation potentially removing the ability to make local connection referrals and the duty to assess for intentionality. It is vital that these issues are dealt with in a coherent way, not in isolation.

Have your say

CIH Scotland will be developing a response to this consultation. If you would like to contribute to the response, please send your feedback to scotland.contact@cih.org

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