

The Homeless Persons (Unsuitable Accommodation) (Scotland) Amendment Order 2017

Shelter Scotland response to
review of time spent in
unsuitable accommodation

July 2017

Shelter Scotland welcomes the opportunity to respond to this consultation on the Homeless Persons (Unsuitable Accommodation) (Scotland) Order and the proposed amendment to reduce the time spent in unsuitable accommodation from 14 days to 7 days. Our response focuses primarily on questions 1, 2 and 6 of the consultation.

Question 1: Which is your preferred option?

Option 1: amend the Order Option 2: do not amend the Order

Shelter Scotland gives qualified support to amending the Order for a number of reasons. We recognise the positive intention of reducing the timescale from 14 days to 7 days, however believe that this measure would only have limited effect.

In our opinion, a more effective measure would be to improve the standards of temporary accommodation across the board, and understand that B&Bs and hostels can work as temporary accommodation for some groups for an interim period provided it is of good quality and properly managed. Temporary accommodation can be a valuable stepping stone towards permanent settled accommodation in a person's journey out of homelessness and has the potential to lead to positive outcomes, however it must be of good quality and provide the necessary supports.

The current lack of formal guidance on standards for temporary accommodation is one of Shelter Scotland's most pressing concerns and we have been campaigning for a significant period of time on the issue. Shelter Scotland and CIH Scotland jointly produced [guidance on temporary accommodation standards](#) in 2011, but we know that low-quality options without adequate facilities continue to be used across Scotland. The improvement of temporary accommodation also forms a core part of Shelter Scotland's [Homelessness: Far From Fixed](#) campaign, in which we call for a national overarching strategy to properly address all facets of homelessness in Scotland.

We know that local authorities are already under significant pressure to provide sufficient temporary accommodation and we are concerned that simply introducing a stricter time limit for unsuitable accommodation may lead directly to more breaches. We recognise that this measure may pose a specific problem for more rural local authorities with particularly limited temporary accommodation stock. We would therefore recommend that efforts are made to bring existing temporary accommodation units up to a higher standard so that there is no need to further limit the amount of time households should spend in this particular type of accommodation.

We recognise that bad quality temporary accommodation can have an adverse impact on families where there are children or pregnant household members, and are aware of several examples of this. However, we would also recommend that the Unsuitable Accommodation Order applies to all people using temporary accommodation, including single people. We know that 46% of homeless applications are made by single men alone, who in turn are the primary users of

B&B and hostel accommodation. We are aware of cases whereby single men have chosen to sleep rough rather than use the B&B or hostel they have been allocated due to the condition, lack of facilities or negative atmosphere in the unit. We suggest that maintaining use of but improving the standards of B&B and hostels that are used for temporary accommodation may lead to better outcomes for this group especially in regards to reducing rough sleeping and cases of “lost contact”. In short, no temporary accommodation which would be considered unsuitable should be used for any household.

We also wish to highlight the funding of temporary accommodation as a considerable and urgent issue which is relevant to this consultation. A number of local authorities charge exorbitant amounts for temporary accommodation, the cost of which is met by households themselves if they are working. [Recent research](#) commissioned by Shelter Scotland showed that some local authorities are charging up to 282% above the applicable LHA rate and this charging model was creating a perverse incentive for households to remain out of work so that these costs could be covered by housing benefit. From 2019, there will be changes to how housing benefit funds temporary accommodation, with significantly less money available for reimbursement. We anticipate this change to pose substantial challenges for local authorities in the funding of temporary accommodation.

Question 2: What is the likely impact for your organisation and its stakeholders of introducing a cap of 7 days for families with children and pregnant women living in B&B accommodation, unless there are exceptional circumstances.

While we would anticipate a small improvement in the experiences of our service users were the Order to be amended, we still have significant concerns as to how effectively the amendment would be implemented in practice. Additionally, we would anticipate that this measure would lead to increased demand for our helpline and legal resources, as we do not believe that local authorities would be able to manage such a demand.

Question 6: An Equalities Impact Assessment is being carried out for this amendment to the Order. Please comment on whether the amendment and alterations to the Order will impact positively, negatively, or have no impact on the Equalities groups below and give details of evidence where available.

We do not anticipate the amendment to the Order to have a particular effect on any of the equality groups listed in the consultation.

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Shelter Scotland helps over half a million people every year struggling with bad housing or homelessness through our advice, support and legal services. And we campaign to make sure that, one day, no one will have to turn to us for help.

We're here so no one has to fight bad housing or homelessness on their own.

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