

Shelter Scotland briefing: The Homeless Persons (Unsuitable Accommodation) (Scotland) (Modification and Revocation) (Coronavirus) Order 2021 (SSI 2021/10) motion to annul

We have significant concerns about the Scottish Government's latest SSI, which further delays the full implementation of the Unsuitable Accommodation Order (UAO), allowing Local Authorities to put people in poor and inadequate living conditions, at a time when it is more important than ever to protect people's rights and to ensure they are kept safe. We are therefore calling for the SSI to be annulled.

We detailed our key concerns about extending the exemptions to the [Housing Minister](#)¹ and to the [Local Government and Communities Committee](#)². These letters shone a light on the fact that delaying the full implementation of the UAO yet again would put many people who are the most in need of support and a suitable home at significant risk of harm.

Nearly one year on from when the pandemic started, we believe that not enough priority has been given to providing the suitable temporary accommodation required. Emergency measures at the start of the pandemic were welcomed, but we would argue there has been enough time to ensure that people are not stuck in a hotel room or a B&B. There are serious questions over what the Scottish Government and local authorities have done with the time they bought with the previous delay to implementing the full UAO in September 2020, to ensure the provision of suitable temporary accommodation.

What we are calling for:

We are calling for this SSI to be annulled, and instead we are asking the Scottish Government to fulfil the commitment made in spring last year to extend the Unsuitable Accommodation Order to all households. Local Authorities should be provided with the appropriate support in order to comply with this new legislation. This was the promise made to homeless individuals in May last year, and it is only right that it is fulfilled – particularly given the previous delay.

In addition to this we are calling for:

- **more social rented housing lets to be offered to homeless people**
- **the Housing Minister to set up a National Temporary Accommodation Taskforce to take a national view of the demand and supply of temporary accommodation and consider ways to secure more tenancies from Registered Social Landlords as a top priority.**

Key issues:

- 1) The Scottish Government should not be placing the burden of Scotland's housing emergency and the public health emergency onto the backs of some of the most at-risk individuals in our society. The Scottish Government pledged to bring in the full UAO by the end of this parliament. In the wake of Covid-19, they then pledged to bring it forward to October last year. They then moved this back to the end of January 2021. They are now pushing this back even beyond the end of this parliamentary term. Continually moving the goalposts on people's rights is unacceptable.
- 2) The choice facing the Scottish Government and local authorities, and the choice now coming before the Local Government and Communities Committee, is not a straight choice between hotels and B&Bs or being on the streets. That has never been the case, and it is wrong to portray it as such. There are homes available for people to move into – hotels, B&Bs and unsuitable temporary

¹ [Letter from Shelter Scotland to the Housing Minister](#), 12 January 2021.

² [Letter from Shelter Scotland to the Local Government and Communities Committee](#), 15 January 2021.

accommodation are not the only options. A hotel room is not a home and we cannot, in good conscience, support keeping hundreds of people long term in a harmful situation solely due to a lack of political will to secure the suitable temporary accommodation required. We must utilise the affordable homes that exist in the system and make them available to those who need them most.

The Housing Minister has rightly emphasised how important it is for social sector allocations to go to homeless households. But according to recent Scottish Housing Regulator stats, on average only 39% of allocations are going to homeless households. This is despite the Housing Minister telling the Committee in September that he has:

“asked local authorities and RSLs to ensure that 80 to 90 per cent of allocations go to homeless people, folks who have fled domestic violence and other vulnerable people.”³

There is clearly a blockage in the system – and homeless households are being forced to pay the price for this with long stays in unsuitable temporary accommodation. People need homes, not B&Bs and hotel rooms.

The fact that the recent budget did not see a commitment to further funding for temporary accommodation suggests that this long-term issue is not being given the priority it needs.

- 3) It is our belief that there is a fundamental lack of understanding of the conditions people in unsuitable temporary accommodation face – and that these extensions do not just mean somebody has to live in a hotel room for a short while before getting a permanent home.

Through our helpline and community hubs, we hear from people day in, day out about the horrendous conditions they are facing in some temporary accommodation such as B&Bs and hotels – from the poor quality of the accommodation, lack of space, lack of access to facilities, to the imposition of arbitrary curfews that can impact on people’s ability to earn a wage. Often it is a chaotic environment with anti-social behaviour that none of us would feel comfortable being around.

Our services have also seen cases of individuals being stuck in this temporary accommodation for significant lengths of time – and suffering as a result. “**Brutal**”. “**Horrendous**”. “**Soul-destroying**”. That is what some of our service users have told us about their experiences of temporary accommodation.

When people report that **they feel safer sleeping rough, even in winter, rather than being in this temporary accommodation** – it is very clear that some temporary accommodation is not fit for purpose and leaves people at high risk of harm. This is the reality of unsuitable temporary accommodation and by extending the UAO exemptions yet again, this gives a green light to local authorities to put more homeless people into these precarious situations.

- 4) The problems with unsuitable temporary accommodation did not emerge during the Coronavirus pandemic and it is disingenuous to portray these delays as measures to mitigate against the further spread of Coronavirus. The Scottish Government has been planning to extend the UAO to all households for some time, and Local Authorities have been aware of these plans throughout the process. The reality is that we face a choice between strengthening the rights of thousands of severely at-risk individuals across the country, who need the support of local and national government now more than ever, or continuing to force these individuals to pay the price for decades of failings in Scotland’s housing and homelessness systems.

³ [Official Report](#), Local Government and Communities Committee meeting, 23 September 2020.

- 5) Providing suitable temporary accommodation is not a new problem for some local authorities, who have consistently failed in their legal duty to prioritise housing need and therefore ensure the provision of safe suitable temporary accommodation. Supply of temporary accommodation has therefore been limited in some areas since before the coronavirus pandemic, however, homeless households' rights have never before been contingent on this.

Being placed in unsuitable temporary accommodation can have a significant impact on people's mental and physical health and wellbeing, and we would argue that in the current situation we should be ensuring that people's rights are strengthened.

Shelter Scotland regularly relies on the Unsuitable Accommodation Order to enforce households' rights to suitable accommodation, and the inclusion of an additional exemption, which allows LAs to use unsuitable temporary accommodation if they do not have enough suitable temporary accommodation, directly undermines our ability to do this. **It is our belief that the inclusion of temporary accommodation supply issues, with no time limit, in secondary legislation, places the resources of local authorities as of greater importance than the rights of homeless individuals.**

Questions for the Minister:

- 1) What concrete steps have been taken to date by the Scottish Government to ensure local authorities are able to comply with the new Order, as extended in May 2020? What has been done by Local Authorities and the Scottish Government to bring temporary accommodation stocks up to the required standard or acquire more?
- 2) Can the Minister confirm the level of allocations going to homeless households, how can this be improved and LAs be supported to ensure people are getting out of temporary accommodation as soon as possible?
 - a. Have LAs taken sufficient steps to increase their supply of suitable temporary accommodation? Have they provided evidence of this and what the level of need is?
 - b. Is the Minister satisfied that the said evidence justifies the extension of the coronavirus exemptions to 30 June 2021?
- 3) Can the Minister confirm that the rights of families and pregnant women to suitable temporary homeless accommodation will not be diluted?
- 4) Will all reasonable steps be taken to start assessing the impact of unsuitable accommodation on disabled homeless persons?
- 5) Can the Scottish Government confirm that in order to address the issues with temporary accommodation that allocations to homeless households will be prioritised and increased?
- 6) The guidance for the UAO was published on 31st January 2021, but there has also been a suggestion that there will also be publication of 'user-friendly' guidance for local authority practitioners. Would the Minister outline when he expects this to be published, and whether key stakeholders such as Shelter Scotland will be consulted on this?