

Temporary Accommodation standards: campaign briefing

Shelter Scotland recently launched our Christmas 2013 emergency appeal to help the 4,847 children¹ who will wake up on Christmas day without a home. In addition to asking the public to support our work to support families experiencing bad housing or homelessness, we are calling for action from the Scottish Government to guarantee minimum standards for families in temporary accommodation.

Shelter Scotland is asking the Scottish Government to:

1. Officially endorse and support non-statutory guidance on standards in temporary accommodation (TA).

-This would build on guidance Shelter Scotland and the Chartered Institute of Housing in Scotland produced in 2010² which addresses physical standards but also good practice in terms of location, service and the management of TA. Standards would apply to every household in TA.

- We recommend that the Scottish Government convene a working group to revise/streamline this guidance before publishing and formally linking it to the Code of Guidance.

2. Introduce a legislative amendment to the existing Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2004 to add clause(s) relating specifically to physical standards for families with children or pregnant women in temporary accommodation.

-This would seek to replicate the right to repair that Scottish secure tenants (SST) and those in the private rented sector (PRS) have, but limited to families with children and pregnant women in TA rather than more generally.

¹ All statistics: Scottish Government, Annual Homelessness Statistics 2012/13 (Tables 35-40)

<http://www.scotland.gov.uk/Topics/Statistics/Browse/Housing-Regeneration/RefTables/adhoc-analysis/annualreferencetables201213>

² Temporary Accommodation Guidance (Shelter Scotland/CIH Scotland 2010)

http://scotland.shelter.org.uk/professional_resources/policy_library/policy_library_folder/temporary_accommodation_guidance

Why is Shelter Scotland asking for this?

This campaign and the policy proposals that underpin it, stem directly from the experiences of Shelter Scotland service users who access our community hubs in Glasgow, Edinburgh, Dundee and Aberdeen and the 20,000 calls from across Scotland to our helpline. It is through this work that we see vulnerable households in temporary accommodation, many of whom are struggling with poor conditions.

Accessing quality temporary accommodation (TA) is an integral part of delivering the 2012 commitment, and the crucial first step away from homelessness. For that reason, it is vital that the **10,471 households** in temporary accommodation across Scotland get a good and consistent service and that time spent in temporary accommodation is a positive move away from crisis. It should be well managed with tailored support where necessary and in many cases it is.

It is apparent however, from our case work that poor physical standards, insufficient communication with homeless households and a lack of support are prevalent in some areas. We must do more to support vulnerable people who find themselves in temporary housing that doesn't meet their needs. Our recommendations also aim to make most efficient use of what is an extremely expensive resource for local authorities³.

Shelter Scotland believes that given the high numbers of people in TA and the cost to local authorities, we need two things:

1. A consistent minimum standard for all temporary accommodation (for single households and children), and
2. Recourse for individuals if those standards are not met.

What is the problem?

Homeless people in need of TA have little or no choice over the type, quality and location of accommodation they accept. Isolating households from their family/friend support and social networks if they are placed in a new area can set people up to fail. Households in temporary accommodation can feel disconnected from the permanent community, unable to settle in and make the accommodation a home.

³ The impact of the Coalition Government's Welfare Reforms are impacting on households in TA and Shelter Scotland is involved in a number of pieces of work to try and influence national policy and mitigate the impacts. In particular, as part of our 'Bedroom Tax Monster' campaign <http://www.thebedroomtaxmonster.co.uk/> we are asking the UK Government to exempt TA from the bedroom tax because of the extreme and disproportionate impact that it is having in Scotland because of the specifics of TA provision here as opposed to in England and Wales. The welfare reforms make the calls for a standard even more timely.

The cost of providing TA is significant for local authorities and demand remains high, despite a reduction in overall recorded homelessness in recent years. Considering the time and resource that goes into providing TA it is critical that it delivers positive outcomes for people and we have a common standard for what good temporary accommodation looks like. The need for standards is part of the need for local authorities to make TA part of homelessness prevention activity and a stepping stone away from, rather than simply a response to homelessness.

The detrimental impacts of poor standards in TA are particularly severe for the **4,847 children** living there, and impact on their physical and mental health and their educational attainment. For example:

- ***Homeless children are two to three times more likely to be absent from school than other children due to the disruption caused by moving into and between temporary accommodation⁴.***
- ***Homeless children are three to four times more likely to have mental health problems than other children⁵.***
- ***Ninety per cent of respondents to a Shelter survey said their children had suffered through living in temporary accommodation. The longer families had lived in temporary accommodation, the more likely they were to attribute their worsening health to their accommodation⁶.***

Given the research around outcomes for children in TA, it is critical that a minimum standard is introduced, regardless of the type or location of the accommodation.

The long-term cost to education, health and social work services of the negative impacts of poor temporary accommodation – particularly on children – could be far higher than the provision of good quality housing in the first place.

Currently there are no general enforceable legal standards for temporary housing from either the Scottish Government or the Scottish Housing Regulator (SHR).

Legislation does however define ‘unsuitable’ temporary housing for families with children and pregnant women only. The Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2004⁷, read in conjunction with the Scottish Government’s Code of Guidance on Homelessness⁸, means that households with children and pregnant women should not be placed in unsuitable accommodation, unless exceptional circumstances apply. ‘Unsuitable’

⁴ (Vostanis P, Grattan E, Cumella S, Winchester C (1997) Psychosocial functioning of homeless children Journal of the American Academy of Child and Adolescent Psychiatry, 36 (7), 881-889; Vostanis P and Cumella S (1999) Homeless children: problems and needs)

⁵ British Medical Association (2003) Housing and Health, building for the future

⁶ Shelter Temporary Accommodation Survey (2004), quoted in Sick and Tired, Shelter (2004)

⁷ The Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2004

<http://www.legislation.gov.uk/ssi/2004/489/contents/made>

⁸ Scottish Government, Code of Guidance on Homelessness, 2005

<http://www.scotland.gov.uk/Publications/2005/05/31133334/33366>

is defined in this order as accommodation which does not meet standards relating to the physical properties of the accommodation, its proximity to health and education services and its suitability to be used by children. As a result of this legislation the use of B&B accommodation is now deemed unreasonable for such households.

What is the solution?

Shelter Scotland wants to see homeless people have the power to take action when they are placed in unsuitable accommodation. To achieve this we want to see:

1. A minimum physical standard for children and pregnant women.
2. Good practice standards for everyone placed in TA.

1. A minimum physical standard for children and pregnant women.

In 2004 the Scottish Parliament decided that children and expectant mothers should not be living in B&B accommodation and set a legislative standard that would prevent this. Shelter Scotland argues that any poor quality TA is equally unsuitable for these groups whether it is technically classified as a B&B/hostel or not. In 2013 the Scottish Government should ensure that children are not placed in accommodation that is in poor physical repair by adding a minimum level of physical quality to the Unsuitable Accommodation Order.

In our experience, some temporary accommodation can be damp, dangerous and in disrepair but still be deemed 'suitable' under existing provisions. This is why we need:

- **A legislative amendment to the existing Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2004 to add a clause(s) relating specifically to minimum physical standards for families with children or pregnant women in temporary accommodation.**

This amendment to existing legislation would seek to replicate the right to repair for those with a Scottish secure tenancy (SST) and those in PRS have, but would be limited to households with children in TA rather than more generally. It would help to ensure that no families with children are forced to stay in TA which is of an unacceptable standard. This amendment does not presuppose that the majority of households are in substandard accommodation, but some, most certainly are. Shelter Scotland has worked recently with a number of families housed in shockingly bad accommodation across Scotland, many with young families struggling in damp and dangerous conditions, some with inadequate heating and chronic disrepair.

The positive impact of the Unsuitable Accommodation Order has been demonstrated by a year on year fall in the number of reported breaches⁹. It has been instrumental in changing practice around

⁹ Scottish Government, Homelessness Annual Reference Tables, Table 39, 2012-13
<http://www.scotland.gov.uk/Topics/Statistics/Browse/Housing-Regeneration/RefTables/adhoc-analysis/annualreferencetables201213>

how TA is used for families with children and in turn driving up good practice and standards. The Unsuitable Accommodation order has successfully ended the use of B&B accommodation for children, we now want this to now be extended to stop children having to live in **any** temporary accommodation that is substandard.

2. Good practice standards for everyone placed in TA

In 2011 Shelter Scotland and the Chartered Institute of Housing in Scotland produced voluntary guidance on best practice in temporary accommodation¹⁰. This framework lays out a comprehensive best practice guide to temporary accommodation focusing on:

- physical standards
- location standards
- service standards
- management standards

While the Scottish Government has stated it is “*supportive of a minimum standard for temporary accommodation*”¹¹ and has encouraged local authorities to adopt the guidance, it has not been officially endorsed. Shelter Scotland now wants:

- **The Scottish Government to officially endorse and support non-statutory guidance on standards in temporary accommodation. This would build on the guidance Shelter Scotland/CIH Scotland produced in 2011 but be a streamlined version produced by an expert advisory group to be convened by the Scottish Government.**

We know the Scottish Government and local government partners are committed to making sure temporary accommodation across Scotland is of a good quality, and that people get the help and support they need during this time.

Margaret Burgess MSP, Minister for Housing and Welfare, has stated that “*It is absolutely unacceptable that anyone should reside in a cold and rundown property, and all the more so when there is a young child involved... That is why this Government are working hard to increase housing supply across Scotland, and to address issues like this surrounding the use and standards of temporary and permanent accommodation*”¹².

We would like to see the Scottish Government produce new guidance with input from experts and practitioners across the housing and homelessness sector which addresses the key elements of the Shelter Scotland/Chartered Institute of Housing guidance and lays out a minimum standard that all TA should be achieving. This should be used by local authorities

¹⁰ Temporary Accommodation Guidance (Shelter Scotland/CIH Scotland 2010)
http://scotland.shelter.org.uk/professional_resources/policy_library/policy_library_folder/temporary_accommodation_guidance

¹¹ Letter from Keith Brown MSP (then Minister for Housing) to Graeme Brown, Director, Shelter Scotland (31/01/12)

¹² December 2012 (The Daily Record)

as a good practice standard and linked to the statutory Code of Guidance¹³ available through the Scottish Government website. This guidance, and the clear signal that official Scottish Government endorsement would give, is particularly imperative at a time when the UK Government's welfare reform changes are threatening to undermine the quality of TA that local authorities provide.

Long term change

In the long term only effective homelessness prevention service and a radical increase in the supply of quality affordable housing will secure the change needed.

The number of people living in TA can be reduced through effective homelessness prevention activity and strong partnerships across all housing providers and public services, to offer effective interventions before crisis happens. There are a number of ways to do this:

- By preventing homelessness wherever possible. This could be through tenancy sustainment, targeted mediation services, reducing evictions or mortgage repossessions. Improvements across all these areas will help to ensure that fewer people need to move into TA in the first place.
- Councils need to look at their administrative systems to make sure that there are no unnecessary delays in dealing with homelessness applications.

In the longer term there is a vital need to increase the provision of socially rented housing to meet the increasing demand. We know that there are hundreds of thousands of people on the waiting lists for social housing, along with those who are forced to make a homeless application. With the impacts of welfare reform being felt, people are struggling to manage very limited household budgets and some are being forced to move home. We need to ensure that socially rented housing is available for those who need it and Shelter Scotland is asking the Scottish Government to commit to building 8,000 socially rented homes a year, as a stepping stone to a target of 10,000, to increase supply and meet demand.

- **The Scottish Government must commit to increasing the supply of permanent accommodation available, so that people in temporary housing are able to move on to a permanent home more quickly.**

¹³ Scottish Government, Code of Guidance on Homelessness, 2005 <http://www.scotland.gov.uk/Topics/Built-Environment/Housing/homeless/las/guidance>