

Consultation response

Draft guidance on the use of temporary accommodation and framework for a temporary accommodation strategy

From the Shelter policy library

31/01/2007

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Shelter

Draft guidance on the use of temporary accommodation and framework for a temporary accommodation strategy

Introduction

Shelter welcomes the development of guidelines for the use of temporary accommodation and a framework for temporary accommodation strategies, as recommended by the Homelessness Task Force.¹ Temporary accommodation is the single biggest part of the homelessness services provided by local authorities and meeting these duties continue to be among the hardest for councils to achieve. The use of temporary accommodation has doubled in that last five years² and yet local authorities are still not meeting the requirements of the Housing (Scotland) Act, 2001.³ The increase in temporary accommodation use cannot wholly be explained by legislative changes to entitlement. The number of families with children in temporary accommodation has increased at almost the same rate and their entitlement to temporary accommodation has not changed. Local authorities need to improve the way that such accommodation is managed, and provide more of the right sort of accommodation and support to continue to meet the needs of people who find themselves in housing crisis. In order to achieve this, more funding needs to be made available for local authorities to invest in finding extra temporary accommodation, and there needs to be more permanent accommodation for people to move on to. In our submission to the 2007 Comprehensive Spending Review, Shelter is calling for a programme of no less than 10,000 additional rented homes per year over 10 years to alleviate the urgent need for more affordable housing in Scotland.

Guidance on the use of temporary accommodation, as an addition to the Code of Guidance on Homelessness, should be a useful tool for local authorities in managing temporary accommodation. Shelter expects that developments and innovations that become best practice in the use of temporary accommodation will be incorporated into future reviews of the Code of Guidance. Shelter intends to produce a paper to accompany the guidance that would give examples of good practice in providing temporary accommodation.

¹ Homelessness Task Force (2002) Helping Homeless People, An Action Plan for Prevention and Effective Response.

² There were 8,000 people in temporary accommodation in March 2006, double the number in 2001. Source: Scottish Executive Statistics (September 2006) Operation of the Homeless Persons Legislation in Scotland: National and Local Authority Analysis 2005-06

³ Communities Scotland: Regulation and Inspection Reports (June 2005) Key Themes from Inspections: Homelessness.

In a detailed report on temporary accommodation in Scotland published in 1996⁴, Shelter highlighted the importance of taking a strategic approach to the provision of temporary accommodation. We welcome the introduction of a framework for temporary accommodation strategies, and would recommend that these be developed as part of the process for overall homelessness strategies.

Shelter held a seminar in November 2006 looking at the current challenges being faced by local authorities and partner organisations in meeting the duty to provide temporary accommodation to all homeless households. Many of our comments below draw on views collected at this seminar. Shelter's response to each of the draft documents in turn is set out below. All comments on producing a temporary accommodation strategy have been made in relation to the draft accommodation framework, although many of them will be relevant to the section of the draft guidance that refers to producing a strategy.

Draft guidelines on the use of temporary accommodation

Time spent in temporary accommodation and monitoring outcomes

Local authorities need to reach a balance between setting procedures and standards, and encouraging homeless officers to be flexible and responsive to individual needs. The guidelines refer to this balance, but we would like to see a greater stress on the importance of providing temporary accommodation which is suitable for each applicant, both in the type of accommodation, its location, and the length of time an applicant remains in it before a permanent solution is found to their housing need. There is a further tension between minimising the amount of time an applicant has to spend in temporary accommodation, and providing good quality accommodation for as long as it is needed. The experience of our clients suggests that strictly limiting the time a person spends in temporary accommodation in order to meet targets or ensure the accommodation is made available for reuse is not always in their best interests. This is particularly the case for applicants who have been found not to be in priority need or intentionally homeless. Where the local authority has a duty to find permanent accommodation, the situation can be reversed and applicants may spend long periods of time in temporary accommodation while a suitable offer of permanent accommodation is found. In these circumstances we would like guidance to recommend that good practice is to conduct a review after a period of, for example, six months, and discuss the situation with the applicant.

We would like to see more detailed guidance on performance management that emphasises the importance of qualitative information alongside quantitative information on the outcomes achieved for applicants. Qualitative information would enable the local authority to monitor the reasons behind decisions that a person stays in or leaves their

⁴ Hector Currie and Hal Pawson (1996) Temporary Accommodation for Homeless Households in Scotland: A study of local policies and provision. Shelter

temporary accommodation, and how closely that met their needs, rather than just simple figures for the time spent in accommodation. This is an instance where examples of good practice to illustrate what constitutes a 'reasonable time' in temporary accommodation may be useful.

Advice and information

It is important that the duty to provide advice and information to applicants who have been found to be intentionally homeless or not in priority need is emphasised in the guidance. The experience of our clients suggests that there is a variable interpretation of this duty among local authorities, and that in some cases, applicants have been told that advice and assistance is not routinely given. Shelter welcomes the recommendation in the guidance that all advice and assistance given should be documented at every stage. The importance of this is two-fold: both to monitor performance and outcomes for applicants (quantitative), and to provide a source of information about what advice and assistance is most beneficial (qualitative).

Making better use of local authority stock

Over the last two decades the amount of furnished accommodation that councils provide has grown significantly. This has come about partly from councils' own funding and partly from central funding. Furnished Tenancy Grants provided by the Scottish Executive have been an important factor in the development of council stock into temporary accommodation. Typically accommodation is taken out of mainstream stock for a period of up to three years. Councils using this option are keen to ensure that flats and houses are dispersed across a wide area to ensure homeless households are placed communities across a wide area. The guidance should recommend that local authorities make full use of the Furnished Tenancy Grant that is available to maximise the supply of local authority furnished lets, for both temporary and permanent accommodation. Funding for the Furnish Tenancy Grant is due to run out in 2008. Any decision to withdraw central funding should be based on an assessment that local authorities can continue to fund the establishment of furnished tenancies themselves.

Turnover of local authority owned accommodation

We support the principle in paragraph 15 that local authority units should be replaced or changed on a regular basis to avoid it being 'stigmatised' as accommodation for homeless households. We are aware of examples where local authorities have achieved this through a flexible approach to turning a temporary unit into a permanent tenancy where it is in the best interests of the person or family placed there. The guidance should reflect that this can be a positive solution both to the housing need of the applicant and to good management practice of temporary accommodation.

Couples in local authority and voluntary sector hostels

The requirement that local authority hostels should only accommodate single people may be problematic. There could be circumstances where a couple that are found to be intentionally homeless get a SSST and do not manage to sustain this tenancy. They would then only be entitled to Section 7 accommodation under the Housing (Scotland) Act 2001. There is still some uncertainty about what constitutes Section 7 accommodation, but in these circumstances hostel accommodation may be an appropriate or the only option. The Code of Guidance states that families should not be split up because of their homelessness, and so for couples for whom the best option is hostel accommodation, limiting hostel occupancy to single people may conflict with the Code of Guidance. This adds increased urgency to the need to finalise regulations under Section 7, which remains a grey area since a public consultation was held in December 2004.

Use of private sector stock as temporary accommodation

Using private sector housing as temporary accommodation through private sector leasing schemes could be a valuable additional source that has a number of advantages. The main advantage of using private sector accommodation is that it does not reduce the pool of accommodation available for permanent lets. In addition, private lets are likely to be dispersed around a local authority and can often be in areas where social rented housing isn't found. This can give better options for emergency and temporary accommodation, particularly for households in rural areas, since a better spread of temporary accommodation could enable them to be housed closer to support networks and their usual schools. In cities, a private sector home can mean a fresh start away from the usual type of local authority emergency accommodation.

We would like to see a better reflection of the positive aspects of using private sector stock, but for that to be balanced by mentioning that it may not be suitable for all people. The model of private sector leasing, where it has been used so far in Scotland, shows that it works well as more medium term or interim accommodation. In addition to this, management costs increase the 'below market level' rent that is paid to landlords to make the total rent charged to tenants very high. Although in most cases this is met by housing benefit, it may act as a benefits trap to someone who spends any period of time in it, preventing them from getting back to work. Guidance should also mention that another way of getting private sector stock into the pool of available temporary accommodation is through a lead tenancy scheme. Lead tenancy schemes were set up to refurbish empty private properties which can be leased to a RSL to provide temporary accommodation.

Reducing the use of B&Bs and improving funding of temporary accommodation

Guidance should recommend that minimising the use of B&Bs is a cost-effective option for most local authorities since many of the alternatives are significantly cheaper and the

housing benefit subsidy available on accommodation leased from RSLs and private landlords is substantially higher. The guidance should recommend a range of options that local authorities could consider to minimise the use of B&B's. For example, 'Spend to Save' Schemes are an innovative approach to reallocating money from B&B budget to be reinvested for any purpose that prevents homelessness or a long stay in B&B. Among the uses this money is put to are ideas such as interest free payments to tenants in rent arrears to prevent eviction, recruiting more staff to provide outreach housing support and purchase of stock on the open market to convert to temporary accommodation.

The best interests of children

More detailed guidance is needed on the best interests of children when allocating temporary accommodation. In particular, guidance for temporary accommodation should reinforce the Code of Guidance and for circumstances where a care for a child is shared between different members of the family, allocation of accommodation should take into account proximity to the care providers.

Getting the support right

Participants at a Shelter Seminar on Temporary Accommodation in November 2006 highlighted that support given to homeless households while they are in temporary accommodation is vital to give them the best chance of sustaining a permanent lease. Using the period of time that people are in temporary accommodation can help people to learn skills about tenancy management and give opportunities for families who have been through a chaotic period to stabilise and move on. To achieve this goal, resources should be targeted at providing support to people in temporary accommodation and enabling homeless advice workers design care plans to help people access support. The guidance should emphasise that support should be given to everyone placed in temporary accommodation at a level appropriate to their needs. We are pleased to see that an emphasis on support is made in dealing with antisocial behaviour, especially in terms of maintaining high levels of contact with households in temporary accommodation in order to intervene early to prevent more serious problems developing.

Duty to accommodate following an eviction

In most cases, where a person is evicted from their temporary accommodation the local authority would still have a legal duty to accommodate that person under Section 29 and Section 31 of the Housing (Scotland) Act 1987 (as amended). The guidance should reflect this and recommend that the person be referred back to local authority homelessness services by the accommodation provider. Further consideration should be given to where the threshold lies for when a duty to accommodate would cease for an applicant who had been evicted following serious or repeated misbehaviour. For example: can the duty to accommodate ever lapse (there is no case law on this)? What factors should a local

authority take into account and what should a local authority do when they make such a decision, for example, issuing a decision letter, referring them to Shelter or a solicitor? When should a new application be taken if the person ends up rough sleeping?

Draft framework for a temporary accommodation strategy

Embedding temporary accommodation strategies within homelessness strategies

In its report on temporary accommodation in Scotland published in 1996⁵, Shelter highlighted the importance of taking a strategic approach to the provision of temporary accommodation. We welcome the introduction of a framework for temporary accommodation strategies, and would recommend that these be developed as self-contained sections within overall homelessness strategies, and linked closely to Local Housing Strategies more generally.

Temporary accommodation projects and initiatives should be guided by a coherent overall strategy. Since problems with managing shortages temporary accommodation may be better tackled by addressing wider policy, a strategy for temporary accommodation should form an integral part of the broader homelessness strategy, and be linked to wider housing policy documents. For example, increasing the priority given to homeless applicants in an allocations policy is an effective way of reducing the amount of time homeless applicants spend in temporary accommodation. To ensure that the allocations policy works effectively to house homeless people, the number of lets to homeless households should be monitored on an ongoing basis. Where it is felt that the current system of allocation, for example, is not allowing an adequate proportion of lets to homeless households, then consideration should be given to changing allocation policy.

Strategic planning – linking property with support

Provision of temporary accommodation is a vital part of responding to immediate housing crisis, but it should not just be about providing a roof. A strategy for temporary accommodation should encompass how the provision and use of the short term housing will contribute to finding the best long term housing outcome for the household. To achieve this, the strategy should consider not just the supply and demand for units, but also the provision and availability of support and advice and information for households. Planning for good quality support will require a needs assessment of the support and advice and information that will be required, as well as an assessment of what is currently available. We envisage that this element of the temporary accommodation strategy should link closely with the homelessness strategy, and that supply and demand for temporary accommodation units should directly inform the planning for accompanying support services.

⁵ Hector Currie and Hal Pawson (1996) Temporary Accommodation for Homeless Households in Scotland: A study of local policies and provision. Shelter

Performance management

As was discussed above in relation to the draft guidance on the use of temporary accommodation, performance management within a temporary accommodation strategy should include elements of user involvement and feedback in the form of qualitative information to complement the quantitative targets that are set. The benefits of this approach is to enable performance to be judged by more than just a set of numerical targets, and to support and encourage individual approaches to meeting needs. For example, an individual's needs may best be met by staying in their temporary accommodation for a longer period than a target might recommend, or accommodation standards may not be suitable for an individual family's needs, but still meet the target set by the local authority. Good quality performance management should reflect this complexity in addition to providing information on more standard performance targets.

The content of a temporary accommodation strategy

In 1996 Shelter produced a wide-ranging report into the provision of temporary accommodation for homeless households.⁶ Research into local strategies concluded that there are a number of elements that should be considered. The draft framework includes some of these elements, but we would like to see it amended to include the following:

- The **aims and objectives** of a temporary accommodation strategy
This should articulate the approach the local authority is taking to temporary accommodation. There should be a commitment to the promotion of an integrated approach to planning and provision of services, and to minimum standards of accommodation and service.
- An identification of **partnership and interagency collaboration**
The strategy should recognise that each local authority has to rely to a greater or lesser extent on other accommodation, management or service providers in meeting their temporary accommodation duties. There should be an identification of potential local partners and arrangements to provide services or accommodation. The strategy should also identify areas where partnerships should be improved through better formal or informal relationships, and set out what can be done to achieve this.
- The **types** of temporary accommodation required
As well as an assessment of the demand for temporary accommodation, we would like to see more detail in the framework about assessing the type of accommodation required. This should not simply be a matter of anticipating the number and size of units required, but an assessment of the type of accommodation, (whether it be flats, houses, units with a range of support) and the location of units required. Although, as

⁶ Hector Currie and Hal Pawson (1996) Temporary Accommodation for Homeless Households in Scotland: A study of local policies and provision. Shelter

the framework document identifies, it is difficult to predict future demands on the service, it is possible to take into account any previously identified shortfalls or gaps in provision and plan to address them.

- An analysis of the **impact of wider stock management policies** on the use of temporary accommodation

Allocations, voids and repairs policies influence the demand for temporary accommodation. Their impacts should be evaluated and the steps identified and taken that would reduce any negative influences and pressures on temporary accommodation.

- An assessment of **organisational requirements**

Temporary accommodation must be effectively managed. A clear plan of the management and staffing arrangements is required along with the skills, training and resources needed to deliver the strategy.

Financial costs and benefits

The detailed financial and business plan should recognise the costs and benefits that different sorts of accommodation can have. For example, the short term expense of establishing new units may be compared to the longer term costs of high levels of B&B hotel use. The charges for homeless applicants for temporary accommodation and the employment disincentives of very high rents in some forms of accommodation should also be taken into account.

Minimum standards

The framework already identifies that standards should be drawn up which reflect both the physical condition of the property and housing support services. Shelter would like to see this section expanded to include residency standards for access to accommodation and for privacy within accommodation. We would also like to see standards for communicating with residents particularly about where to, and when, they will be moving on or rehoused.

Conclusion

The introduction of guidelines for the management of temporary accommodation and a framework for developing temporary accommodation strategies come at a critical time in the reform of services and rights for homeless people in Scotland. The responsibilities of local authorities to provide accommodation and support for homeless households is in the process of being expanded, and local authorities are being required to ensure a high level of service and ensure better long term outcomes for people in housing crisis. The guideline and framework will encourage a focus not only on the quality and provision of temporary accommodation, but on the central role it plays as the foundation of homelessness services.