

Briefing

Raising the standards of temporary accommodation

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Shelter

Raising the standards of temporary accommodation

Summary

Temporary accommodation in Scotland is under considerable pressure. There has been a dramatic rise in the number of families and individuals staying in temporary accommodation and waiting longer for a permanent home. The introduction of minimum standards for temporary accommodation will help to ensure there is a consistent quality of housing and service delivery for these households.

- The current logjam in temporary accommodation has happened for a number of reasons. It is in part due to increased rights for homeless people with all homeless people being given the right to temporary accommodation in the Housing (Scotland) Act 2001 as well as the widening of the group of people eligible for housing by the Homelessness etc (Scotland) Act 2003. In our view, however, it is primarily a result of a decline in lettings of social housing which has created a backlog of people waiting for a permanent home.
- The provision of more permanent housing to deal with the backlog will not happen overnight meaning there will be a continued need for temporary accommodation for some years to come. So, if we cannot move people out of temporary accommodation as fast as we would like we need to do more to make sure their time in temporary accommodation is a more positive one.
- The standard of temporary accommodation currently varies widely and there needs to be a level in place which ensures a consistent standard across Scotland. While some housing standards do already exist they do not offer equal coverage to all types of households or all types of temporary accommodation.
- Shelter argues for a consolidation of existing standards, and development of new ones to create a constant quality of housing and service delivery for households in temporary accommodation. Any standards introduced need to be realistic and achievable, particularly in relation to costs, but yet meaningful in terms of ensuring a level of quality for households. This report begins to list some of the areas a minimum standard should cover.
- Shelter believes there is some appetite in the Scottish Government to take forward the development of minimum standards using section 7 of the Housing (Scotland) Act 2001.
- The final content of the standards, their implementation and the regulation process should all be developed in consultation with individuals with experience of living in temporary accommodation, housing professionals and providers of temporary accommodation.

Introduction

The use of temporary accommodation has increased dramatically in Scotland since around 2002. Some argue that this is the consequence of increased rights for people, and there is some truth in that. All homeless people were given the right to at least temporary accommodation in the 2001 Housing (Scotland) Act. Scotland has also embarked on a path to equalise all homeless rights by 2012, which is increasing the number of people who are eligible for housing.

But more fundamentally the rise in temporary accommodation, in our view, is a result of a decline in lettings of social housing – both council and registered social landlord (RSL) homes. This results in a logjam as people sit for longer in temporary accommodation waiting for a permanent home. It is bad for families and individuals who end up in limbo, and it is bad for the tax-payer too. Most of the money spent on temporary accommodation would be better spent on building new homes.

In Shelter's view the main answer to the temporary accommodation problem is the provision of more permanent accommodation. However, we appreciate that this cannot happen overnight and such a backlog has grown up that it will take years to address. Temporary accommodation will be part of the housing landscape for some time to come. So this paper asks what we can do to improve the temporary accommodation that is in use. If we cannot move people out of temporary accommodation as fast as we would like, can we do something to make sure that their time in temporary accommodation is a more positive one, and see what can be done to take the 'sting' out of temporary accommodation?

Earlier work by the Chartered Institute of Housing (CIH) in Scotland made the case for, and demonstrated significant support for temporary accommodation standards.¹ Building on CIH's work, this paper argues for a consolidation of existing standards, and development of new ones, to ensure that homeless households placed in temporary accommodation receive a consistent quality of housing and services irrespective of geographical area, type of household or type of temporary accommodation. The standards proposed go beyond just focusing on physical standards to also cover service, management and location standards.

¹ See CIH Scotland (2007) *Action Plan: A Standard for Temporary Accommodation for Homeless Households*, December; CIH Scotland (2008) *A Standard for Temporary Accommodation: results of the CIH Scotland Survey*, March. Referred to hereafter as CIH Scotland (2007) and CIH Scotland (2008) respectively

With numbers in temporary accommodation rising and people’s duration of stay increasing it is important to ensure temporary accommodation is a stepping stone, rather than a hindrance, into a permanent let in the future. A standard is an opportunity to address that. Living in temporary accommodation should not worsen a household’s situation or impede their improvement but rather be used as an opportunity to prevent repeat homelessness and make sure a household is ready and able to main a permanent tenancy when the opportunity arises. The introduction of minimum standards is necessary to ensure that temporary accommodation is of a decent standard, well managed and accompanied by access to support.

What is temporary accommodation?

Temporary accommodation is provided, in a variety of circumstances, to households who apply under the homelessness legislation: during the initial period when assessment is being made; as a final outcome for households assessed as non-priority or intentionally homeless; and as a ‘holding’ solution for those who are owed a duty of permanent accommodation but are waiting for this is to be made available.²

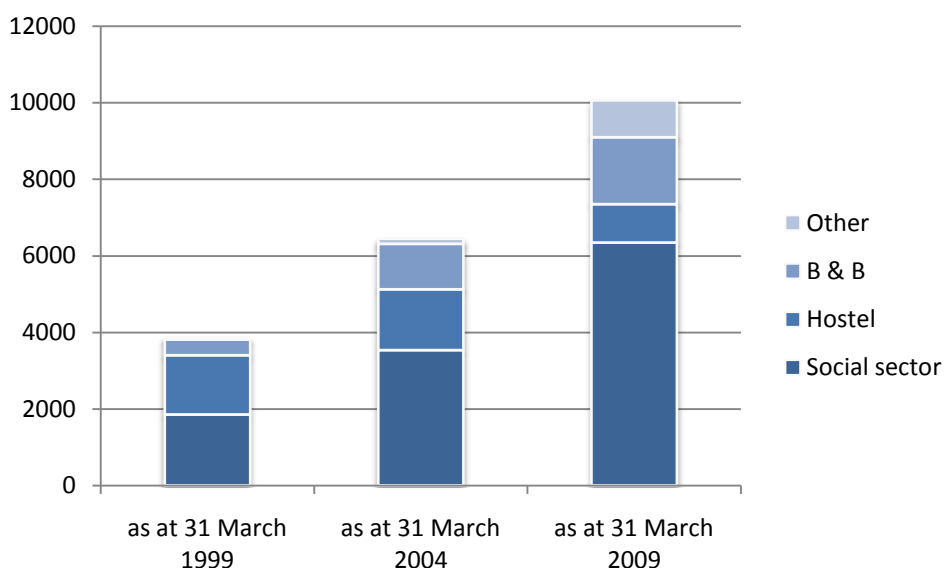


Figure 1: Number of households in temporary accommodation from 1999 to 2009

There has been a considerable rise in the number of households in temporary accommodation in recent years, with a 160 per cent increase in the last ten years – on 31 March 2009 there were 10,053 households in temporary accommodation compared to

² These include interim or transitional accommodation

3,864 on 31 March 1999 (see Figure 1).³ There were a total of 6,268 children living in temporary accommodation on 31 March 2009. Families with children made up 38 per cent of all households in temporary accommodation.⁴

There are several different types of temporary accommodation provided by local authorities, housing associations, and the voluntary and private sectors. These include bed and breakfast hotels, hostels, furnished and unfurnished accommodation, and supported accommodation. The majority of households in temporary accommodation are in local authority or housing association accommodation (63 per cent), while 10 per cent are in hostels and 17 per cent in bed and breakfast hotels.⁵ A further 10 per cent are in private rented accommodation, which is a marked increase on the one per cent placed in the private rented sector in 1999. There has been a rise in the use of all types of accommodation apart from hostels.

Households are also spending more time in temporary accommodation as a result of councils taking longer to discharge their duties towards homeless households from the point when they present as homeless. Households in 2007-08, waited an average of 23 weeks from application to discharge while in 2006-07 it took an average of 17 weeks.⁶

Why are standards necessary?

An inconsistent quality of temporary accommodation

The standard of temporary accommodation varies widely and there needs to be a level in place which ensures a consistent standard across Scotland. The quality of temporary accommodation and services received by homeless households should not be a lottery.

A recent report by the Scottish Housing Regulator (SHR) found that many local authorities are falling down in inspections due to issues such as an over reliance on bed and breakfast accommodation and breaches of the unsuitable accommodation order.⁷ Only 4

³ Own calculations using Scottish Executive (1999) *Operation of the Homeless Persons Legislation in Scotland 1988-89 to 1998-99: National and Local Authority Analyses*; Scottish Government (2009) *Operation of the Homeless Persons Legislation in Scotland: 2008-09*, September

⁴ Scottish Government (2009) *Operation of the Homeless Persons Legislation in Scotland: 2008-09*, September. Referred to hereafter as Scottish Government (2009)

⁵ Scottish Government (2009)

⁶ Audit Scotland (2009) *Profiles 2007/08: Housing* Available at:

<http://audit-scotland.gov.uk/performance/docs/2008/service/profHous08.pdf>

⁷ Scottish Housing Regulator (2009) *Social Landlords in Scotland: Shaping up for improvement*, July. Available at

http://www.scottishhousingregulator.gov.uk/stellent/groups/public/documents/webpages/shr_shapingupforimprovement.pdf Referred to hereafter as Scottish Housing Regulator (2009)

of the 28 local authorities (14 per cent) inspected by SHR were delivering good or excellent services for homeless households.⁸ Having a minimum standard would also help protect and uphold tenants' rights to quality housing. As noted by SHR, tenants require explicit standards setting out what they can expect and to help them in holding their landlords to account.⁹

Standards	Type of standard	Included	Relevance to households in temporary accommodation (TA)
Scottish Housing Quality Standard (SHQS)	Physical	Local authority and registered social landlords to meet by 2015	Relevant to all TA provided by the LA or an RSL. Does not include hostels, bed and breakfast hotels or private rented sector
Houses in Multiple Occupancy (HMO) Licensing	Physical and safety	Housing for 3 or more unrelated people, including bedsits, B+B's, hostels and some supported housing Includes fit and proper person test	Not relevant to TA for family groups, couples or single households
National Care Standards for housing support services	Service and management	Supported accommodation such as hostel and scattered dwellings with floating support	Only relevant to TA/services registered with the Care Commission
Unsuitable Accommodation Order	Physical and safety	Temporary accommodation for children and pregnant women	Only relevant to households with children or pregnant women
Tolerable Standard	Physical	All	Not particularly relevant since few homes fall below tolerable standard
Overcrowding	Physical	All	The overcrowding standard is very old and distant from contemporary expectations of housing. But of most relevance to larger households in TA

Table 1: Housing standards and their relevance to households in temporary accommodation

⁸ Scottish Housing Regulator (2009)

⁹ Scottish Housing Regulator (2009)

Fragmentation of existing housing standards

Although a number of standards exist in relation to housing in Scotland, they do not offer consistent coverage to all households in temporary accommodation and apply differently to seemingly similar situations for homeless households. Outlined in table 1 are the existing standards related to housing, which are of varying relevance to households in temporary accommodation. They are mainly focused on physical standards. There is a need to consolidate and build on these standards so that homeless households have equal access to suitable temporary accommodation and support.

More people are spending longer in temporary accommodation

The quality of temporary accommodation is of particular relevance now because of the year on year rise in the numbers of people staying in temporary accommodation and the fact households are spending longer in temporary accommodation.

The pressure on accommodation is likely to continue with 2012 commitment

With the widening of priority need status to cover all homeless households under the 2012 commitment there may be a continued, and rising, demand for temporary accommodation unless the number of permanent lets is increased. There is a risk that this rising pressure will lead to the use of poor quality accommodation to house homeless households.

Progress so far

CIH Scotland has undertaken some work on what a standard for temporary accommodation could look like and conducted a survey to gauge support among housing professionals for a national standard.¹⁰ It found there was widespread support for such a standard (97 per cent) with the majority in favour of standards which cover both the physical aspects of temporary accommodation as well as service delivery.¹¹ CIH also ran a conference in January 2009 to encourage discussion and debate on developing and introducing a minimum standard.

We understand that there is some interest in using section 7 of the Housing (Scotland) Act 2001 to make legislative changes to introduce minimum standards of temporary accommodation. Despite the publication of draft regulations and a consultation in December 2004, by the then Scottish Executive, section 7 has yet to be implemented. The

¹⁰ CIH Scotland (2007); CIH Scotland (2008)

¹¹ CIH Scotland (2008)

purpose of the section 7 draft regulations were ‘to clarify and enshrine in legislation the minimum rights of people living in hostels and other insecure accommodation’.¹²

We would encourage the Scottish Government to look at using section 7 to make a statutory set of minimum standards. One area that would need to be looked at in more detail is whether the use of section 7 risks limiting the temporary accommodation covered, as the legislation stipulates section 7 would not be applicable to households with a short Scottish secure tenancy (SSST), which some households in temporary accommodation have. If this is found to be a difficulty then there may be opportunities to change this via the Housing Bill going to parliament in early 2010.

What should the standards look like?

It is important that any standards introduced are realistic and achievable, particularly in relation to costs, yet meaningful in terms of ensuring a level of quality. It will be a challenge to ensure we can achieve a standard that will make a difference to people’s experience of temporary accommodation, but not at such a cost as to make them prohibitive.

The standards should outline what types of accommodation would be covered to avoid any misunderstanding. One way to group the standards would be under the following headings: physical standards, standards of service delivery, location or proximity standards and management standards.

The following lists some of the areas that a minimum standard could cover, as a way of starting discussions. It could be that those which are easier to implement – likely to be the physical standards – are earmarked to be met at an earlier stage and those that are more complex and demand more resources could be given a longer lead in time.

Although the list may appear daunting, it is important to remember that, as previously mentioned, some of these standards already exist for particular types of households such as those with children or pregnant women, or are standards included in the Homelessness Code of Guidance. So in a sense, the introduction of standards merely requires a widening and consolidation of current standards.

¹² Scottish Executive (2004) *Consultation on regulations under Section 7 of the Housing (Scotland) Act 2001: Rights and responsibilities in temporary accommodation*, December. Available at <http://www.scotland.gov.uk/Publications/2005/01/20532/50065>

Physical standards

- **Physical condition:** Accommodation to be clean, safe, secure, comply with all health and safety, hygiene and fire legislation and regulations, and the Scottish Housing Quality Standard.
- **Facilities:** Accommodation to be suitably furnished, with adequate communal living space, including space for children to play and do homework, as well as cooking and laundry facilities, and individual bathroom/toilet facilities for a household.
- **Bedroom space:** Accommodation to have sufficient separate bedroom spaces to meet the needs of the household, with single occupancy rooms for single person households and a double bed standard for couples.
- **Privacy and access:** Accommodation and facilities to be accessible 24 hours a day, with access to mail, a telephone and to personal possessions. There should be secure locks on individual household's doors, with an agreed notice period before a landlord can gain access to accommodation (such as 24 hours) written into the occupancy/tenancy agreement, with any exceptions also included.
- **Disability:** Accommodation to meet any physical or sensory disability requirements of any members of the household.

Service standards

- **Flexible and needs led services:** Services to be shaped by an assessment of the needs of all members of the household, followed up with referrals to, and support to engage with, relevant housing, health, education and social care services.
- **Access to services:** Households to be supported to access relevant and clear information, advice and advocacy services.
- **Regular review:** Periodic review of a household's needs to ensure their needs are being met and take account of any change in circumstances.
- **Home visits:** Regular and sustained home visits by allocated officers.

Location / proximity standards

- **Proximity to services:** Accommodation to be located so that the main services that are used or might reasonably be expected to be used by household members are located in easy reach by foot, public transport or transport provided by the local authority.
- **Location to take into account the needs of all household members:** The location should mean that household members have reasonable access to their work places, to facilities they access regularly and to formal and informal support networks. The location also needs to ensure families with small children can easily access

accommodation with pushchairs and that there is easy access to children's schools and play spaces.

- **Dispersed accommodation within the local authority area:** Accommodation to be spread across the local authority area to allow for a representative mix of residents in areas. Households should be placed within the local authority area unless there is a reason not to be, such as threats of violence.

Management standards

Regular reviews and monitoring: There need to be regular reviews of the accommodation to monitor whether the standards are being met. The reviewing process should involve tenants and staff to assess their satisfaction and views on the standard of accommodation and support.

- **Repairs:** Clear procedures and timelines for dealing with repairs including emergency and urgent repairs.
- **Written agreement:** A written occupancy or tenancy agreement to be explained to the households in order to clarify a household's expectation of the accommodation and the rules and regulations. The agreement should include procedures covering health and safety, hygiene, fire safety, extent of services provided and access to other services, repairs, the procedure for making complaints, outline of unacceptable behaviour and notice period for termination of occupancy.
- **Notice period:** The introduction of a minimum agreed notice period to end a tenancy or occupancy agreement (such as 28 days). There needs to be clear guidelines outlining when it may be appropriate to provide a minimum notice period, for example due to extreme dangerous behaviour, and how the notice period in such situations should be decided. Notice periods should only end in the daytime with no-one being evicted during the night. The provider must also inform the local authority of their actions to ensure re-accommodation and access to advice services. Households need to have right to appeal a notice, should they wish to do so.
- **Information and advice:** The provision of a handbook / information leaflets in formats appropriate for household's requirements.
- **Adequate numbers of trained and supported staff:** Staffing levels need to match those required to meet the services and support for individuals, as outlined in the occupancy/tenancy agreement. Staff should be well supported and supervised, with the provision of training to ensure they are equipped to do their jobs and can meet requirements of the standards.
- **Moving in or relocating:** Changes in temporary accommodation need to be limited to times when a full assessment of the situation finds that a move is in the best interests of the household. Likewise there may be situations when a household may not be ready to move into permanent accommodation. Where a move is required there need

to be procedures to minimise disruption to the household including procedures for the introduction and handover of information and referrals for additional services.

- **Personal possessions:** Accommodation providers must be able to retain goods or provide storage space for a period of time if there is not sufficient room in temporary accommodation for tenants' belongings, as well as for tenants who have left, to give them the opportunity to organise for their belongings to be moved.
- **Involvement of households:** Households need to be involved in discussions for example about what their needs are, where they are placed and what their priorities are.

Taking forward the standards

We believe that there is some appetite in the Scottish Government to take forward the development of a minimum standard for temporary accommodation, possibly using Section 7 of the Housing (Scotland) Act 2001. The final content of the standards and the implementation and regulation process should be developed in consultation with homeless households, housing professionals and providers of temporary accommodation.

There could be a staggered introduction of the standards, with a core set of standards being expected to be met initially and a move to the higher standards within a reasonable timescale. This approach would give accommodation providers time to plan and budget for the implementation of standards. It will also help reduce the risk of places closing because they cannot meet the standards, a situation which could potentially put homeless households in an even worse situation than they would have been in previously.

There is also the question of what mechanism should be used to ensure accommodation providers implement standards and check their progress, and which body should undertake this activity.

Shelter welcomes feedback and comments on the above proposal. For further discussion or information please contact Jessie Crawford, Children's Service Policy and Practice Coordinator, at Jessie.Crawford@shelter.org.uk or on 0344 515 2472.