

West Dunbartonshire Council  
Consultation Response:-  
Scottish Government Consultation –  
A Consultation on Improving Standards in Temporary  
Accommodation

August 2019



## **Introduction**

West Dunbartonshire Council welcomes the opportunity to respond to the Scottish Government's consultation - Improving the Standards in Temporary Accommodation.

In 2018/19 West Dunbartonshire Council had 602 households enter and exit temporary accommodation. Three quarters of those who were surveyed on the quality of the accommodation stated that they were either satisfied or very satisfied with the quality of the accommodation.

West Dunbartonshire Council agree that the existing standards provided by CIH Scotland and Shelter Scotland provide an appropriate basis for a Scottish Government advisory standards framework as these standards are comprehensive and robust. We believe that these standards are still relevant and fit for purpose

Extending the restriction of unsuitable accommodation orders to all homeless people will undoubtedly have a positive impact on homeless people as this is a fairer system and will ensure that all homeless people are treated equally in accessing temporary accommodation.

West Dunbartonshire Council would suggest that any changes made to either the unsuitable accommodation order or temporary accommodation standards are aligned with Rapid Rehousing Transition Plans and timescales to ensure that any changes to temporary accommodation compliments the work of Rapid Rehousing Transition Plans to support homeless households on their journey to settled accommodation

The following questions are seeking your view on some of the proposals presented above:

**1. Scottish Ministers have used their powers under the Homelessness etc. (Scotland) Act 2003 to limit the use unsuitable temporary accommodation for families and children to a maximum of 7 days via The Homeless Persons (Unsuitable Accommodation) (Scotland) Amendment Order 2017. HARSAG has recommended that this restriction be extended to all people experiencing homelessness. Do you think we should:**

OPTION A - Extend the restriction to all homeless people from an agreed date.

**OPTION B - Extend the restriction to all homeless people but introduced incrementally over a period of time.** ✓

OPTION C - Not extend the restriction to all homeless people.

**2. If the consensus for extension is option A what date would you suggest as the legal date for implementation?** 1<sup>st</sup> April 2024 – Aligns with end of RRTP transition period.

**3. If the consensus for extension is option B:**

**• What types of experiences, circumstances or characteristics would you prioritise in the incremental extension?**

At West Dunbartonshire Council, we would align an incremental introduction to the restriction of unsuitable accommodation to a maximum of 7 days with the transition to Rapid Rehousing. Therefore we would initially prioritise clients with complex needs, medium to high needs and our pathway groups before moving onto extending the restrictions to all homeless households in West Dunbartonshire.

**• Would you prefer a consistent national approach to the transition or for local authorities to take forward based on their own local circumstances?**

As we propose to align the restriction of unsuitable accommodation to our Rapid Rehousing Transition Plan we believe that a sensible approach would be to allow local authorities to take this forward based on their own local circumstances and their own individual transition plans. We also believe that there are widespread disparities between local authorities in relation to breaches of unsuitable accommodation orders meaning that it may be difficult for some local authorities to comply with a set national approach within a set timescale.

**• By what date do you consider it would be reasonable for all homeless households to be covered by the extended Order?** 1st April 2024 – Aligns with end of RRTP transition period.

**4. In your opinion is option A or B the best way to avoid an increase in the number of breaches of the Order? Please explain your answer.**

At West Dunbartonshire Council we support option B and believe this is the best option to avoid an increase in the number of breaches of the Unsuitable Accommodation Order. As previously stated we believe that there are widespread disparities between local authorities in relation to breaches of unsuitable accommodation orders, it may therefore be difficult for some local authorities to comply to a set national approach within a set timescale. We also believe that due to the disparities between local authorities that some local authorities will require more

support than others in order to achieve the extension of restrictions to all people experiencing homelessness even if this is applied incrementally.

**5. Please tell us about positive impacts that extending the restriction to all homeless people may have.**

Extending the restriction of unsuitable accommodation orders to all homeless people will undoubtedly have a positive impact on homeless people as this is a fairer system and will ensure that all homeless people are treated equally in accessing temporary accommodation.

**6. Please tell us about any negative implications that may result from us extending the restriction to all homeless people.**

Extending the restriction of unsuitable accommodation orders to all homeless people may create a risk to local authorities in avoiding breaches of the unsuitable accommodation order. Reducing the use of accommodation such as hostels and Bed and Breakfast will place pressure on local authorities to have readily available temporary accommodation which meets the criteria set out by the Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014. It is likely there will be a surge in breaches of this order if temporary accommodation is not readily available as under the current rules of applying the restrictions to families with children and pregnant women only, only a small proportion of homeless applicants are protected with the vast majority of homeless applicants being single persons.

The extension may also have an adverse impact on local authorities' transition to rapid rehousing which aims to reduce the need for and therefore the availability of temporary accommodation. We would therefore suggest that the transition to rapid rehousing and the associated timescales are given consideration if extending the restriction of unsuitable accommodation orders to all homeless people.

**7. Do you believe the current definition of unsuitable accommodation set in 2004 as set out in legislation (Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014), which focusses on the location of the accommodation and the facilities the accommodation offers, is still the most appropriate or are there any factors you would like to see changed? Please explain.**

We believe that the current definition of unsuitable accommodation set in 2004 as set out in legislation (Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014), which focusses on the location of the accommodation and the facilities the accommodation offers, is still the most appropriate definition. We feel that this definition is robust and sets out clear guidance as to when accommodation would be unsuitable for use as temporary accommodation for homeless people. In addition, the current definition allows for exemptions where the Unsuitable Accommodation Order does not apply and we believe that these exemptions are appropriate and should still apply.

**8. In extending the Order do you think the same definition should apply to all homeless households as it currently does to families with children and pregnant women? If not, please provide an explanation of how you feel the definition should be amended to take account of the extension.**

Yes

**9. The Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014 contains exemptions for certain types of refuges and supported accommodation.**

**With the extension of the Order to all homeless households, should these exemptions still apply and do you think any other exemptions should be considered?**

We believe these exemptions are appropriate and should still apply.

**10. We have already outlined that some local authorities have breached the current UAO, so that may mean it is likely that some local authorities will face challenges in meeting the extension of the UAO to all homeless households. We are interested to hear your views on whether additional measures should be introduced to help ensure local authorities do not continue to breach the UAO.**

**• What additional support should be in place for local authorities to minimise the number of breaches of the Order?**

It is our view that local authorities tend to breach the unsuitable accommodation order due to a lack of suitable temporary accommodation, therefore support to avoid these breaches should centre around the availability of suitable accommodation. This could be in the form of increasing a pool of temporary accommodation stock for homeless households to access or by increasing the number of transitions to secure and affordable accommodation for homeless households thus freeing up temporary accommodation more frequently. Local authorities who are experiencing difficulties in minimising breaches could be given support to assist their homeless clients in widening their options beyond social housing and accessing other forms of affordable housing, such as private lets and shared ownership.

We also believe that the introduction of Rapid Rehousing Transition Plans will impact on the challenges faced by local authorities in meeting the extension of the Unsuitable Accommodation Order as this aims to reduce the need for, and therefore the availability of, temporary accommodation by moving homeless people into settled accommodation more quickly.

**• Would sanctions provide an appropriate mechanism to encourage compliance?**

We do not believe that sanctions are an appropriate mechanism to encourage compliance with the order. It is our view that breaches of the order do not occur through choice but rather as an unavoidable consequence of a lack of access to suitable, affordable housing in the local authority area. In addition it is our opinion that monetary sanctions imposed on local authorities who breach the order would have a detrimental knock-on effect on the local authorities' service provision, potentially leading to further breaches of the order.

**• If so, what sanction would you consider to be an appropriate one?**

We do not support the use of sanctions being imposed on local authorities who breach the order and instead believe these authorities should be subject to greater scrutiny and review in order to establish causes of breaches and support the authority to avoid breaches in future.

**11. The performance of local authorities against their obligation to comply with the UAO will continue to be monitored, including any extension if introduced,**

by the Scottish Housing Regulator (SHR) as part of its role in assessing performance on discharging of their statutory duties.

**Would you like to see the SHR gain any enhanced responsibilities in order to effectively monitor and assess the implementation of the extended Order?**

**Please explain your answer.**

We would support the continued monitoring of the performance of local authorities by the Scottish Housing Regulator (SHR) including any extension of the Unsuitable Accommodation Order if introduced. However, we feel that the current powers of SHR are sufficient in order to perform this task, where local authorities breach the unsuitable accommodation order the SHR should seek assurance of the authority's willingness to comply and steps being taken to achieve this through the use of engagement plans.

### Section 3:

The following questions in this section are seeking your view on some of the proposals mentioned above:

**1. HARSAG recommended that we build on the existing standards and to work with stakeholders to produce new standards for temporary accommodation to ensure a consistent standard of provision across the country. As a first step in this process we are looking to adopt and update the standards contained within the guidance CIH/Shelter guidance on standards for temporary accommodation in full: published by CIH Scotland and Shelter Scotland to produce an advisory standards framework for all types of temporary accommodation.**

**Please confirm whether you agree that the existing CIH Scotland/Shelter Scotland standards provide an appropriate basis for a Scottish Government advisory standards framework. If not, please explain your answer.**

At West Dunbartonshire Council, we feel that the existing standards provided by CIH Scotland and Shelter Scotland are comprehensive and robust, including both physical and social aspects of daily living within temporary accommodation. We therefore agree that these standards provide an appropriate basis for a Scottish Government advisory standards framework.

**2. A summary of the standards that we propose to include in the advisory framework is shown earlier in this section with further detail contained with the CIH Scotland/Shelter guidance. Do you think these standards are still relevant and fit for purpose and explain your answer?**

As previously stated, at West Dunbartonshire Council, we agree that the existing standards provided by CIH Scotland and Shelter Scotland provide an appropriate basis for a Scottish Government advisory standards framework as these standards are comprehensive and robust. We believe that these standards are still relevant and fit for purpose.

**3. Please tell us whether there are any additional standards that you consider should be added to this framework and explain your reasons.**

We would suggest that access to technology should perhaps be included in any updated standards. This is due to an increased need to be able to access services such as Universal Credit online, homeless households should not therefore be penalised whilst living in temporary accommodation.

**4. On page 15 of this document we suggest that it would be appropriate for the agreed new standards for temporary accommodation to be included in the refreshed Code of Guidance on Homelessness which is due to be published later this year.**

**Please tell us if you:**

**• Agree that it would be appropriate to include new standards for temporary accommodation within the refreshed Code of Guidance and explain your answer;**

At West Dunbartonshire Council we believe that it would be sensible to include the new standards for temporary accommodation within the refreshed Code of Guidance this is because the Code of Guidance is aimed at homeless services. The Code of Guidance would therefore provide a practical “capture-all” resource for homeless professionals to refer to.

**• Think that the new standards should also be published elsewhere and explain your answer.**

**5. Do you have suggestions on how local authorities could/should be supported or encouraged to adopt the new standards for temporary accommodation?**

As previously stated, we do not agree that sanctions will encourage compliance in avoiding breaches of the unsuitable accommodation order and would therefore suggest that a more supportive role is also taken in encouraging local authorities to adopt the new standards for temporary accommodation. We would suggest that funding to provide suitable accommodation that meets the new standards should be considered, this could be manifested in a variety of ways such as adjustments to the Local Housing Allowance, levelling/capping of private sector rents or an increase in mid-market rents in pressurised areas to make the private rental market more affordable to those on low incomes, a bigger commitment from private house builders to provide a portion of affordable housing and renovation grants to bring properties currently failing the new standards up to standard including technological standards.

Increased information and guidance could also be provided to both homeless services and service users in order to ensure that all parties are aware of the new standards and create greater accountability in achieving the new standards.

This consultation paper also discusses the role of the Scottish Housing Regulator in the monitoring and enforcement of temporary accommodation standards and breaches along with a working group to take forward the production of a new standards framework, we would suggest that local authorities are supported and encouraged to adopt the new temporary accommodation standards through robust monitoring by the Scottish Housing Regulator who should seek assurances from

local authorities who are not meeting the new standards as part of their engagement plans.

Lastly we would also suggest that any changes made to either the unsuitable accommodation order or temporary accommodation standards are aligned with Rapid Rehousing Transition Plans and timescales to ensure that any changes to temporary accommodation compliments the work of Rapid Rehousing Transition Plans to support homeless households on their journey to settled accommodation.

**6. Page 9 of this consultation advises that there are already a number of other legislative standards relating to housing, that can apply to some or all types of temporary accommodation. Do you agree that a reference to these other legislative and regulatory mechanisms is made within the new set of accommodation standards? Please explain your answer.**

We agree that reference should be made to other legislative and regulatory mechanisms within the new set of accommodation standards in order to ensure full awareness of the various other legislative standards relating to housing is achieved. At West Dunbartonshire we also believe that recognition of legislative standards relating to housing is a “two-way-street” and therefore by highlighting this it will also create greater communication and transparency between the various areas of legislation that inter-relate to housing and temporary accommodation.

#### Section 4

**1. HARSAG recommended we work with the Scottish Housing Regulator to explore options for enforcing new TA standards. In order to enforce standards it is likely this will need to be achieved through the introduction of legislation. We propose that rather than trying to create legislation that seeks to set a uniform standard across all types and tenures of temporary accommodation, that we develop a standards framework that recognises the existing legislation and regulation and seeks to fill in the gaps, utilising appropriate legislative mechanisms.**

**Do you agree with this approach? Please explain your answer.**

We support the Scottish Housing Regulator’s in enforcing new Temporary Accommodation Standards and suggest that the SHR should seek assurances from local authorities that are not meeting the new standards through the use of engagement plans. However we feel that developing a framework that seeks to fill gaps whilst taking account of current legislation has the potential to become piecemeal and laborious, and therefore not achieving the intended outcome creating a uniform standard.

**2. We want to better understand how local authorities currently monitor the standard of temporary accommodation that is used to place homeless households.**

**Please can you tell us what sort of processes and procedures are in place to:**

- **assess the standards of these types of property;**



At West Dunbartonshire Council our temporary accommodation/ support staff currently carry out regular visits to our temporary accommodation to assess the condition of the property and ensure it continues to meet the desired standard whilst occupied by a homeless household. We also carry out checks to each property after a homeless household has exited to assess for any necessary remedial work to bring it back up to a lettable standard, these checks are carried out again before any homeless household enters the property.

In addition to this, our temporary accommodation is dispersed within the community to ensure that our homeless clients are able to remain with communities that they have links and support in. We discuss location of temporary accommodation available with all clients before issuing any accommodation and provide our clients with a copy of their lease advising them of their rights and responsibilities in relation to the property.

Furthermore, as our temporary accommodation is dispersed within the community, and we recognise that temporary accommodation standards cross over with other areas of legislation, we therefore ensure effective communication between departments in order to ensure our temporary accommodation is of a good quality and standard.

We also survey all clients leaving temporary accommodation and monitor refusals of temporary accommodation to gauge satisfaction levels and to ensure that our temporary accommodation meets the needs of our clients.

Our service is also registered with the Care Commission which sets a standard that our service must adhere to and this is also taken into consideration when assessing the standard of our temporary accommodation.

- **address issues where standards are not being met;**

Due to close internal working relationships at West Dunbartonshire Council we are able to address any issues where standards are not being met quickly and efficiently. In addition to this, as our temporary accommodation is dispersed throughout our existing housing stock, clients in temporary accommodation are able to access many services in a similar way to all other tenants.

- **monitor ongoing issues.**

We report internally on the satisfaction levels of our clients leaving our temporary accommodation, we also monitor refusals of temporary accommodation to gauge customer satisfaction levels and any issues raised are dealt with quickly and efficiently.

In addition to this, as our service is also registered with the Care Commission we are also monitored by the Care Commission to ensure that we are abiding by the standards and guidelines that they set.

**3. It is possible that some local authorities may not be able to meet new standards on temporary accommodation when introduced. Do you think that there should be sanctions, such as penalties or fines applied to those local authorities failing to meet the new standards? Please explain your answer.**

At West Dunbartonshire Council we agree that some local authorities may experience challenges in achieving the new temporary accommodation standards when introduced, however we do not agree that sanctions such as penalties or fines will resolve this issue. Instead we feel that local authorities who are failing to meet the new standard should be supported in order to achieve the desired standard. In addition, we would be concerned that penalties or fines will have an adverse impact on the local authority's ability to deliver their service thus further preventing the authority from reaching the desired standard of temporary accommodation.

**4. Please tell us about any other approaches or options that you consider are appropriate to implement to ensure that local authorities adhere to new temporary accommodation standards.**

We would consider it more appropriate to carry out reviews and audits of authorities who are failing to meet the desired standard of temporary accommodation to establish why they are failing and address the root causes as opposed to simply inflicting penalties or fines. Penalties and fines may be more appropriate if an authority has not taken note of guidance or supports put in place in order to achieve the new standards and continues to breach the new standards.

Furthermore, we would suggest that the Scottish Housing Regulator take a more active role in this process of monitoring and enforcing the new temporary accommodation standards through the Annual Return of the Charter Report and engagement plans.

We would also suggest that local authorities register their temporary accommodation with the Care Commission where applicable to ensure that standards are being met in relation to the guidance issued by the Care Commission.

**5. In line with the HARSAG recommendation, we also envisage a role for the Scottish Housing Regulator (SHR) in monitoring and assessing performance in meeting new standards.**

**Do you agree that it would be appropriate for SHR to take on this role utilising their current powers or by extending their current powers? Please explain your answer.**

As previously stated, we would suggest that the Scottish Housing Regulator take a more active role in this process of monitoring and enforcing the new temporary accommodation standards through the Annual Return of the Charter Report and engagement plans. However, we feel that the SHR's current powers are sufficient in order to allow them to monitor performance in meeting the new standards and seek assurances through engagement plans where the new standards are not being met. In addition to this, we would also suggest that there is a joint role for the Care Commission in ensuring that standards of temporary accommodation are being met where the service has been registered with the Care Commission.

**6. In establishing up a Working Group to take forward the production of a new standards framework we will set terms of reference which will define their purpose, aims and objectives. In setting the remit of the group, what do you**

**think the Group need to take into account as they develop a new standards framework for temporary accommodation?**

In setting the remit of the Working Group to take forward the production of a new standards framework we would strongly suggest they take Rapid Rehousing Transition Plans into consideration as any changes to unsuitable accommodation orders and standards of temporary accommodation should not undermine Rapid Rehousing Transition Plans or an authority's ability to achieve their transition to rapid rehousing.

In addition, we would also suggest that they take into consideration local authority groups such as ALACHO or the Housing Options Hubs as each local authority area will have different demographics leading to different challenges and resources meaning that they would benefit from local solutions for local problems under a new standards framework.

We would also suggest that the Working Group also take into consideration the views of service users when producing a new standards framework to ensure that the new standards framework is fit for purpose and delivers what is important to service users.

