

Consultation on Improving Temporary Accommodation Standards

Purpose

1. To update HPSG on the consultation on improving temporary accommodation standards and the Programme for Government commitment to extend the Unsuitable Accommodation Order (UAO) to all homeless households.

Consultation

2. The consultation on improving temporary accommodation standards was launched on 22 May and was split into three main parts:-

- Extending the UAO to all homeless households
- Incorporating advisory standards into the refreshed Code of Guidance
- Creating a legally enforceable standards framework

3. The consultation closed on 14 August. We received a total of 387 responses, including 65 direct responses with 24 from individual local authorities, 31 from organisations and 10 from individuals, 3 of whom had lived experience of homelessness. In addition, Crisis prepared and hosted a shortened version of the consultation on their website which generated a total of 322 responses, 26 of whom were from people with lived experience of homelessness.

4. We have commissioned a full independent analysis of the consultation responses which we expect to report in late October.

Extension of the Unsuitable Accommodation Order

5. It was announced in the Programme for Government last week that we will *'introduce legislation in the coming year to extend the Unsuitable Accommodation Order, with a view to it coming into force by the end of this Parliament.'* On a practical level this means that secondary legislation will be introduced in early 2020 and it will come into force by May 2021.

6. To enable this announcement to be made, Scottish Government officials have been conducting our own internal analysis of the consultation responses. This showed overwhelming support for an extension with 97% of respondents agreeing that the order should be extended. For organisations, including local authorities, the level of support was lower but still attracted a positive response from 80% of organisations.

7. For those that supported an extension, a wide range of views were expressed about when the extension should come into force, ranging from immediately to 2024 in order to align with the end point of Rapid Rehousing Transition Plans.

8. In 2018/19, Scottish Government statistics tell us that 15 of 32 local authorities did not use bed and breakfast accommodation at all and many more only did so on a handful of occasions. A breakdown by local authority is set out at Annex A.

9. We recognise that at present there are some local authorities who currently rely on the use of bed and breakfast accommodation and we will work with these local authorities to help them overcome any barriers they face and ensure they do not breach the Order. In addition, we know that for some local authorities there are such pressures in the local housing market that full compliance within the timescale may be difficult. In these special cases, we will seek to agree specific solutions that recognise the challenges as long as they clearly set out plans to initiate the transformational change required to ensure compliance as quickly as possible.

10. In advance of the introduction of the legislation early next year, SG officials will be speaking with individual local authorities and Housing Options Hubs so that we take into account views on the impact of the extension, which, along with the responses provided to the consultation, will help as we draft the legislation.

11. We also recognise that for some local authorities, there may be a need to adjust their Rapid Rehousing Transition Plan in order to work towards this new legislative requirement, and we will continue to provide ongoing support to local authorities to review the plans on a regular basis. Following the announcement, a joint letter from Mr Stewart and Councillor Whitham was issued to all Heads of Housing to communicate these changes, address the points of concern and provide Local Authorities with reassurance. This letter can be found in Annex B.

Temporary Accommodation Standards

12. As part of the consultation, we also asked about advisory temporary accommodation standards. Our initial analysis show that there was broad support for advisory standards based on the existing CIH/Shelter standards, developed in 2011.

13. There were however many suggestions about how these standards can be enhanced and brought up to date and we will be working through the responses in detail to take account of these suggestions. We are aiming to publish these as official SG advisory standards within a refreshed Code of Guidance in late October.

14. With the focus of our work at the moment being on the extension of the UAO and the development of the advisory standards, work will not commence on the introduction of a legally enforceable standard framework until after the full consultation analysis is completed in late October.

15. The first step in developing the standards framework will be to establish a Working Group to consider the consultation responses in detail and the current standards legislation in place across property types and tenures in order to identify what needs to change in order to ensure a consistent standard of provision within temporary accommodation.

Discussion

16. We would invite HPSG members to feedback their views on the PfG announcement on the extension of the UAO and ask them to consider how they can support the work to develop and implement the changes required.

Graham Thomson
SG Homelessness Unit

Annex A

B&B placements over 7 days in 18/19 by local authority

Aberdeen	107
Aberdeenshire	222
Angus	6
East Dunbartonshire	50
East Lothian	305
East Renfrewshire	9
Edinburgh	3160
Eilean Sar	12
Fife	43
Glasgow	825
Highland	204
Midlothian	31
Renfrewshire	5
Shetland	6
South Lanarkshire	7
Stirling	261
West Lothian	810
ALL	6063

Letter issued to Heads of Housing

Dear Heads of Housing

We are writing to advise you about a commitment that has been set out in today's Programme for Government about the extension of the Unsuitable Accommodation Order (UAO).

The Scottish Government established the Homelessness and Rough Sleeping Action Group (HARSAG) to make recommendations to eradicate rough sleeping, transform the use of temporary accommodation and to end homelessness altogether two years ago. HARSAG's recommendations were designed to ensure that temporary accommodation acts as an emergency safety net. Drawing on evidence and the voice of lived experience, they told us that far fewer people should stay in temporary accommodation and their length of stay needed to be much shorter.

To achieve this, they recommended we reduce the need for temporary accommodation in the first place, placing greater emphasis on prevention alongside the transition to a rapid rehousing approach and the Scottish Government accepted their recommendations.

We wrote to you last June emphasising the importance of the rapid rehousing agenda, and we have been impressed by the level of work that has gone into these changes across all local authority areas. We remain committed to working in partnership to make rapid rehousing a reality for homeless households.

While being clear about the need for the reduction in temporary accommodation, HARSAG recognised that there will always be some requirement for temporary accommodation in emergency situations. Where this is the case, they were clear that support should be in place for homeless households from day one and that the quality and standard of temporary accommodation needs to meet the needs of the homeless household and support their move on to permanent settled accommodation.

In considering how to improve the standard of temporary accommodation, HARSAG recommended that the UAO be extended to all homeless households. When the Scottish Government and COSLA published the Ending Homelessness Together Action Plan in November last year we committed to implement the HARSAG recommendation to extend the UAO we also announced that we would consult on our plans to extend this restriction to all households experiencing homelessness and on the implementation timetable for the extension.

The Scottish Government launched a consultation on improving temporary accommodation standards in May which included consideration of when and how the UAO should be extended. The consultation closed on 14 August and

total of 387 responses to the consultation were received. This included 65 direct responses, including 24 from individual local authorities. Crisis prepared and hosted a shortened version of the full consultation on their website, which generated 322 responses.

The Scottish Government are in the process of commissioning a full independent analysis of the consultation responses, which we expect to be completed by late October, but initial Scottish Government analysis shows there is overwhelming support for the extension of the Order, with 97% of respondents agreeing that the order should be extended, including 80% of organisations (including local authorities).

For those that supported an extension, a wide range of views were expressed about when the extension should come into force, ranging from immediately to 2024 in order to align with the end point of Rapid Rehousing Transition Plans.

The Scottish Government is clear that we do not want people to stay in accommodation such as B&B, other than in emergency situations for very short periods of time. However, we do recognise that a change such as this cannot take place overnight and that local authorities need time to be able to prepare for this change. It is with all this in mind that we have announced in the Programme for Government that we will legislate to extend the Unsuitable Accommodation Order this parliamentary year and that it will come into force in this parliamentary term, by May 2021.

The initial analysis of the responses we received to the consultation tells us that for some local authorities this date will present challenges but if we are clear in our desire to improve the standard of accommodation provided for homeless households, the use of bed and breakfast must be restricted to emergency situations. In 2018/19, Scottish Government statistics tell us that 15 of the 32 local authorities did not use bed and breakfast accommodation at all and many more only did so on a handful of occasions.

We do recognise that there are some local authorities who currently rely on the use of bed and breakfast accommodation and we will work with these local authorities as we prepare to draft the legislation, and in the lead up to it coming into force, to help them overcome any barriers they face and ensure they do not breach the Order.

We further recognise that for some local authorities there are such pressures in the local housing market that full compliance within the timescale may be difficult. In these special cases, we will seek to agree specific solutions that recognise the challenges as long as they clearly set out plans to initiate the transformational change required to ensure compliance as quickly as possible. We will also work closely with these authorities to help bring about this change that will benefit all those at risk of homelessness.

We also recognise that for some local authorities, there may be a need to adjust their Rapid Rehousing Transition Plan in order to work towards this new legislative requirement, and we will continue to provide ongoing support to local authorities to review the plans on a regular basis.

We greatly appreciate the efforts and commitment of all local authorities and we believe that through continued partnership working, together we will be able to support the strong, concerted national effort to transform the use of temporary accommodation and focus on the implementation of the Action Plan ambitions.

Kind regards



**KEVIN STEWART
WHITHAM**

Minister for Local Government, Housing
and Planning
Scottish Government



COUNCILLOR ELENA

Community Wellbeing
Spokesperson
COSLA