

# WEST DUNBARTONSHIRE COUNCIL

## Report by the Strategic Lead, Housing and Employability

Housing and Communities Committee: 14 August 2019

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**Subject: Scottish Government Consultation on Temporary Accommodation Standards**

### **1. Purpose**

**1.1** The purpose of this report is to provide an overview of West Dunbartonshire Council's response to the Scottish Government's consultation into Temporary Accommodation Standards for homeless households and seek Housing and Communities approval for the response to be submitted.

### **2. Recommendations**

**2.1** It is recommended that the Housing and Communities Committee:

- (i) Approve West Dunbartonshire Council's submission to the Scottish Government's consultation and instruct the Housing Development and Homelessness Manager to submit the full response to the consultative exercise attached as Appendix 1 to this report; and
- (ii) Consider the implications of the proposed changes to the current legislation and guidance relating to temporary accommodation standards and unsuitable accommodation orders.

### **3. Background**

**3.1** Following key recommendations from the short-life Homelessness and Rough Sleeping Action Group (HARSAG), the Scottish Government invited views on taking forward the commitment made in the High Level Action Plan published in November 2018, to transform temporary accommodation by:

- extending the definition of unsuitable accommodation so that it applies to all homelessness households;
- limiting the maximum time a person spends in unsuitable accommodation to 7 days for all households (subject to current exemptions);
- introducing new standards for all types of temporary accommodation; and
- enforcing and monitoring the new standards when they are introduced.

**3.2** The consultation period opened on 22 May 2019 and all responses must be submitted by 14 August 2019.

**3.3** The consultation is open to everyone and responses are encouraged from both service providers and service users with lived experience of temporary accommodation.

### **4. Main Issues**

- 4.1** The definition of what constitutes unsuitable accommodation currently only applies when the household includes dependent children or when someone within the household is pregnant. The unsuitability also then relates to the location of the accommodation, the quality of the accommodation and the facilities that are available there.
- 4.2** A property would be deemed as unsuitable if it was located:
- out-with the area of the local authority where the homeless presentation was made; or
  - away from facilities and services for the purposes of health and education which would be used by the household members.
- 4.3** A property would also be deemed as unsuitable if it:
- was not wind and watertight;
  - was unsuitable for occupation by children;
  - lacked adequate toilet and personal washing facilities for the exclusive use of the household;
  - lacked adequate bedrooms for the exclusive use of the household;
  - lacked adequate cooking facilities and use of a living room; or
  - was not usable by the household for 24 hours a day.
- 4.4** There are exemptions where the Unsuitable Accommodation Order does not apply:
- where the household has become homeless as a result of an emergency, such as flood, fire or disaster;
  - where a household has been offered alternative accommodation but wishes to stay in 'unsuitable' accommodation; or
  - where the accommodation is a women's refuge or is local authority supported accommodation, which provides services to a household for the purposes of health, child care or family welfare.
- 4.5** The exemptions for refuges and local authority supported accommodation exist to ensure that a barrier does not arise that may prevent a household accessing emergency accommodation, accessing supported accommodation or fleeing domestic abuse.
- 4.6** West Dunbartonshire Council has never breached the unsuitable accommodation order and has also only used of bed and breakfast type accommodation on 5 separate occasions since April 2016. Throughout Scotland, the most common type of accommodation which would be categorised as unsuitable accommodation is bed and breakfast type accommodation.
- 4.7** Our full consultation response is attached as Appendix 1 and some of the keys views included are outlined below:

- Support for the key proposal to extend the Unsuitable Accommodation Order so that it applies to all homeless households;
- Support for the proposal that this extension should be introduced incrementally to allow LA's to realign their provision and in line with our own transition to Rapid Rehousing.
- Support for the proposal to continue to limit the maximum time a household spends in unsuitable accommodation to 7 days (this was reduced in 2017 from 14 days);
- Support for the view that the current definition of unsuitable accommodation remains appropriate, as do the current exemptions;
- Opposition to the suggestion of sanctions for local authorities that breach the unsuitable accommodation order as this could have a detrimental knock-on effect for service provision; (the type of sanction proposed is to limit housing development funding to local authorities found to be in breach of the order, this would limit the ability to provide new housing and could as a result exacerbate a homelessness problem)
- Support for the view that the existing standards provided by CIH Scotland and Shelter Scotland are an appropriate basis for a Scottish Government advisory standards framework, as they are comprehensive and robust, including both physical and social aspects of daily living within temporary accommodation; and
- Support for the proposition that the Scottish Housing Regulator should take a more active role in the monitoring and enforcing the new temporary accommodation standards through the Annual Return of the Charter and Engagement Plans.

## **5. People Implications**

- 5.1** It is not anticipated that the proposed changes will require any changes to current staffing arrangements.
- 5.2** There is a potential for additional training for staff to raise awareness of, and ensure compliance with, any changes made to temporary accommodation standards and unsuitable accommodation orders.

## **6. Financial and Procurement Implications**

- 6.1** There is a potential for an increased need for temporary and supported accommodation, including the decoration and furnishing of temporary and supported accommodation, in order to avoid the use of unsuitable accommodation for all homeless households. However, due to West Dunbartonshire's previous success at limiting the use of these types of accommodation and having never breached the unsuitable accommodation order, West Dunbartonshire is well placed to adhere to the proposed changes to temporary accommodation standards.

## **7. Risk Analysis**

- 7.1** There are financial and regulatory risks associated with any changes to temporary accommodation standards and these will need to be managed when implemented.

- 7.2 Specifically, there is financial risk if there is a requirement to provide additional or different temporary accommodation and / or accommodation to a standard will have a significant cost implication, however this is mitigated by funding from the Scottish Government as part of the annual settlement,
- 7.3 There are regulatory risks associated with not meeting any changes made to temporary accommodation standards and unsuitable accommodation orders as a result of this consultation. These will be managed by the Housing Development and Homelessness Team.
- 8. Equalities Impact Assessment (EIA)**
- 8.1 This consultation response does not propose changes to any service provision and does not require an Equalities Impact Assessment.
- 9. Consultation**
- 9.1 There has been extensive consultation in terms of our response to this consultative exercise through our Housing Solutions Partnership.
- 9.2 Glasgow Homelessness Network (GHN) have received funding from the Scottish Government in order to carry out a survey with service users with lived experience of temporary accommodation as part of the consultation process.
- 9.3 We are currently working with GHN in order to facilitate a survey in West Dunbartonshire, this will include carrying out face to face or telephone questionnaires with our clients regarding their experience of temporary accommodation and will contribute to the overall service user response.
- 10. Strategic Assessment**
- 10.1 Having considered the Council's strategic priorities, this report contributes significantly to all strategic priorities.

**Peter Barry**  
**Strategic Lead, Housing and Employability**

**Date: 31 July 2019**

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**Appendices:** Appendix 1 West Dunbartonshire Council's Draft response to Scottish Government Consultation on Temporary Accommodation Standards

**Background Papers:** West Dunbartonshire Homelessness Strategy More Than a Roof 2017-2021 [More Than A Roof](#)

West Dunbartonshire Rapid Rehousing Transition Plan 2019-2024 [Home at the Heart](#)

A Consultation of Improving Temporary Accommodation Standards, May 2019 <https://consult.gov.scot/housing-services-policy-unit/a-consultation-on-temporary-accommodation-standard/>

Section 24 of the Housing (Scotland) Act 1987

Section 9 of the Homelessness etc. (Scotland) Act 2003

Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014

Article 2 of the Homeless Persons (Unsuitable Accommodation) (Scotland) Amendment Order 2017

CIH/Shelter guidance on standards for temporary accommodation in full:  
[https://scotland.shelter.org.uk/\\_data/assets/pdf\\_file/0009/322677/Temporary\\_Accommodation\\_Guidance.PDF/nocache](https://scotland.shelter.org.uk/_data/assets/pdf_file/0009/322677/Temporary_Accommodation_Guidance.PDF/nocache)

**Wards Affected:** All