



Analysis of responses to a consultation on Improving Temporary Accommodation Standards



PEOPLE, COMMUNITIES AND PLACES

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Executive Summary

A national consultation on improving Temporary Accommodation Standards was undertaken between 22 May and 14 August 2019. It reflects the Scottish Government's (SG) ambition to progress the commitments made in the Ending Homelessness Together High Level Action Plan, published in November 2018.

The consultation contained forty-two questions that covered two key issues: the proposal that the use of unsuitable temporary accommodation should be limited to a maximum of seven days for all homeless households and the creation of a set of Scottish Government advisory standards and how these could be introduced as a legally enforceable temporary accommodation standards framework.

The consultation received 65 responses (62 via Citizen Space and 3 in non-standard format). A further 351 responses to subsets of questions were received from individuals via an organisation.

Unsuitable Accommodation Order

Respondents expressed their preference for one of three options to extend the 7 day restriction on the use of unsuitable temporary accommodation to all people experiencing homelessness. Views were mixed, with a slightly larger group preferring Option A (To extend the restriction to all homeless people from an agreed date) to Option B (To extend the restriction to all homeless people, with the extension to be implemented incrementally, over a period of time). Among those with lived experience virtually all indicated that the restriction should be extended.

When commenting on a legal date for implementation in the event of Option A, many suggested the implementation date should align with the end of the development of Rapid Rehousing Transition Plans (RRTP). Second most common were calls for the extension to be implemented 'as soon as possible', with a similar number calling for implementation within a year.

A range of perspectives were evident when respondents gave their views on timescales in relation to implementing Option B. Most frequent were references to RRTP. In this context, many suggested the implementation date should align with the end of this period, namely 1st April 2024.

There was an even split in preferences for two alternative approaches to implementation. A number of arguments for a consistent national approach were put forward. These included suggestions that it would: achieve consistency, equality and transparency in practice across local authorities; enable comparison of progress and implementation across Scotland; and provide clarity of expectations and consistent experiences for homeless households.

Those who advocated for a localised approach highlighted that the demands and availability of housing stock vary considerably by local authority area. There was mention that this would enable local authorities to tailor their approaches to developing and implementing local authority RRTPs, or utilise their insights into the specific support needs facing homeless households in their area.

When commenting on priorities for expansion, should Option B be implemented, prioritisation for young people and care leavers was a dominant theme. Second most common were calls for prioritisation of people who are most vulnerable or at risk of harm, or those with multiple or complex needs.

Most respondents identified both positive and negative impacts from the extension. Comments on positive impacts fell broadly into one or both of two categories. Firstly, impacts for individuals with frequent reference to fairness or equality and reflections on the improved likelihood of successful transitions to permanent housing. Secondly, a smaller group of respondents reflected on positive impacts for the housing sector, or Scotland more generally.

Most common among comments about negative impacts on the housing sector was a perception that the extension would result in an increase of breaches by housing providers who are unable to meet the new requirements in the short term. Linked to this, some expressed fears that housing providers will not be able to cover the costs of upgrading stock to meet requirements and a similar number of respondents suggested that the introduction could have an adverse impact on the implementation of RRTPs. Anticipated negative impacts for families included concerns that in order to avoid breaches housing providers might need to utilise stock across greater distances of the local authority area, increasing the likelihood that homeless households will be placed further away from important services or social networks.

Standards

Having been presented with the current definition of unsuitable accommodation, most of those who responded indicated 'there are factors I would like to see changed'. Most common were calls for the definition to recognise that accommodation should meet the specific needs of individuals or families, such as their vulnerabilities, size of family and age. Calls for more clarity in aspects of the definitions was also a prevalent theme. Respondents reflected on the importance of placements that enabled people to access crucial services. Another strong theme were expressions of agreement that the current definitions are still appropriate.

A majority of respondents agreed the definition should be extended to all households. Most supported the extension on the basis of equity or fairness.

All bar one of the respondents indicated they were in favour of the standards currently in use. Responses to this question highlighted the existing standards as comprehensive and robust, reflecting the physical and social aspects of temporary accommodation. Many respondents, however, suggested there is a need to enhance or update the standards. In these comments they described lessons learned from the implementation of the standards, or recent changes in the context of providing temporary accommodation.

When considering if additional standards are required, most prevalent within responses was a suggestion that no additional standards are needed. Second most common were calls for standards to include a requirement for the accommodation to meet the specific needs of people placed in temporary accommodation.

A common thread across responses to the question on other relevant legislative and regulatory mechanisms was that their inclusion within the new set of standards would be helpful. It was explained these would reinforce and raise awareness of the legislative and regulatory framework among housing providers, staff, other stakeholders and service users. The clear view from respondents was that the standards and guidance should be incorporated into a single document.

In relation to the operation of the Working Group many respondents argued it must include representation from people who have lived experience of homelessness to inform their work. Others felt it should have broad a cross section of stakeholders; not just housing providers, but those that deliver support and services that address the needs of homeless households, such as health or social care services.

Monitoring and regulation

It was evident that respondents considered a regulatory function to be necessary. There was general agreement that it is appropriate for the Scottish Housing Regulator (SHR) to continue in this role. No one argued for the creation of a new body to undertake this work. However, many different points of view were evident about the need for changes in the way SHR undertakes its work, and its powers.

Most respondents agreed with the approach outlined in the consultation for monitoring and enforcing new standards for temporary accommodation. Comments included that the proposed approach may be a quicker or more efficient, as it recognised existing legislation and frameworks, represented best use of resources and allowed for some flexibility for local variation.

A wide range of approaches were described by respondents when commenting on how local authorities currently monitor the standard of temporary accommodation. The most common theme was the use of visits, inspections and checks to properties. Second most common in comments on current monitoring practices were references to meeting existing standards. Another prevalent theme was the use of customer/tenant feedback or surveys.

Respondents were also invited to comment on other approaches or options which could be considered to ensure local authorities adhere to new temporary accommodation standards. The most common theme in responses was the need to provide additional funding or support to local authorities or registered social landlords to help them adhere to the new standards. Some also highlighted the need to involve service users or advocacy organisations. This included encouraging those with lived experience to inspect properties, with input from advocacy organisations.

Across comments on how local authorities could be supported to minimise breaches of the Unsuited Accommodation Order, most common were calls for additional resources to support local authorities to meet their requirements. These included financial resources and other types of support, such as sharing of best practice. Another prevalent theme in responses was of variation in local need. Respondents called for tailored interventions depending on the challenges that their area faces.

A number of themes were identified, in comments on how local authorities could be supported or encouraged to adopt the new standards for temporary accommodation. Most frequently mentioned were calls for guidance, the sharing of good practice and learning networks. This included suggestions for websites, guides, training, events or visits. The second most common theme included calls for an increase in housing stock or other non-financial support for housing providers.

Examples from people with lived experience highlight the challenges of raising issues or problems about the standards of temporary accommodation and of getting things fixed. Most indicated that, in their experience, this was 'not easy' and agreed that a set of Scottish Government standards for temporary accommodation would help them raise any problems with their accommodation.

Enforcement and sanctions

Respondents were invited to select 'yes' or 'no' to indicate their overall view on whether or not sanctions were an appropriate mechanism to encourage compliance with the extension of the UAO to all homeless households. Most of the 55 respondents who answered this question selected 'no'.

In relation to sanctions for new standards, a common theme across responses was that respondents did not believe sanctions were appropriate for local authorities failing to meet the new standards on the basis that fines or any form of financial penalties would be counter-productive. Some simply stated that fines could lead to a deterioration of services or limit the ability of local authorities to deliver services effectively.

In response to a question on effective approaches, there was a clear preference for Option B or an incremental approach as the best way to avoid an increase in the number of breaches of the Unsuitable Accommodation Order. The most common reason being the additional time and flexibility for local authorities to plan and respond to their local contexts. Some also commented that this would allow consistency with RRTPs.

Conclusions

The Scottish Government's key proposals were endorsed in principle. Most respondents supported an extension of the seven-day limit for use of unsuitable temporary accommodation to all homeless people. They also agreed the Scottish Government should create standards for temporary accommodation based on the guidance published by the Chartered Institute of Housing Scotland and Shelter Scotland. However, views on approaches to implementing these changes, and the likely impact of the proposals, differed.

Introduction

A national consultation on improving Temporary Accommodation Standards was undertaken between 22 May and 14 August 2019. It reflects the Scottish Government's (SG) ambition to progress the commitments made in the Ending Homelessness Together High Level Action Plan, published in November 2018. The recommendations aim to eradicate rough sleeping, transform temporary accommodation and end homelessness in Scotland.

The consultation contained forty-two questions that covered two key issues:

Firstly, the proposal that the use of unsuitable temporary accommodation should be limited to a maximum of seven days for all homeless households. Currently, this is the case for homeless families with children and pregnant women; the Scottish Government wished to understand the positive and negative implications of extending the Order to all homeless people. Suggestions were also sought on timeframes and exemptions.

Secondly, the creation of a set of Scottish Government advisory standards based on the adopted and updated Guidance on Standards for Temporary Accommodation published by the Chartered Institute of Housing (CIH) Scotland and Shelter Scotland and including additional standards suggested by key stakeholders and those with lived experience that responded to the consultation. Respondents were also to consider how the new advisory standards produced could be introduced as a legally enforceable temporary accommodation standards framework. Several questions explored whether existing CIH Scotland / Shelter Scotland standards could be used as the basis for an advisory framework, and whether legislation (or amendments to existing legislation and regulation) would be required to produce an enforceable standards framework.

In addition to exploring these issues, the consultation included a number of questions on the lived experience of temporary accommodation. These will provide further understanding to inform the process of making the changes outlined above.

Profile of respondents

The consultation received 65 responses (62 via Citizen Space and 3 in non-standard format). A further 351 responses to subsets of questions were received from individuals via an organisation, and are referred to as alternative format responses in this report

Of the 65 full responses, 10 were submitted by individuals and 55 responses came from organisations. The profile of organisations that took part in the consultation is as follows:

- 31 responses from the housing or health sector including local authorities; henceforth referred to as 'housing stakeholders'.
- 24 responses from advocacy, representative, legal and regional stakeholders including organisations that provide specialist housing provision such as refugees; henceforth referred to as 'advocacy stakeholders'.

Respondent categories within the 351 responses submitted by an organisation are shown below:

- 95 individuals with lived experience. These were people who described their experience as 'personal', 'relative' or 'friend'.
- 94 individuals categorised as being without lived experience. These were people who described their experience as 'professional', or 'none'.
- 162 individuals did not provide details of their homelessness status or experience.

Approach to analysis and reporting

This report presents the range of views expressed and trends amongst responses. The analyst team applied a qualitative coding framework based on a review of the consultation questions and sample of responses.

There was significant repetition of views within and across responses to the 42 questions. To improve readability and avoid duplication, the report is structured around themes, aligning questions or common themes in comments.

While qualitative analysis of open-ended questions does not permit the quantification of results, we signify the weight of a particular view, using the following framework. Where there are several themes, we have indicated which are the most common or prevalent across responses:

- Dominant or 'the most common' - the most frequently identified theme within responses to a question.
- Many/Several/Prevalent/Common - a reoccurring theme, not mentioned by all.
- Some/a few - a minor theme.
- A small number - infrequent mention by more than one respondent, not common.
- One - issue raised by one respondent.

Where appropriate, quotes have been included to illustrate key points. Quotes provide useful examples, insights and contextual information, but may not always represent the views of entire groups. If respondents gave permission for their responses to be published, we have quoted directly, however minor spelling or grammatical errors have been corrected to improve readability.

Respondents' responses to the consultation, where permission for publication was granted, can be found on the Scottish Government's website.

Report Structure

The Lines Between was commissioned to provide an independent and robust analysis of the responses to the consultation. This report is set out as follows:

- This first chapter closes with a quantitative summary of responses; number of responses to each question and any breakdown of quantitative questions, for example yes/no responses.
- The Executive Summary and Introduction sections provide background and an overview of the report contents.
- Chapter 1 presents analysis of responses to questions around the Unsuitable Accommodation Order.
- Chapter 2 presents analysis of responses to questions around standards. Relevant parts of responses from people with lived experience are included in this section to provide background and context.
- Chapter 3 presents analysis of responses to questions around monitoring and regulation. Relevant parts of responses from people with lived experience are included in this section to provide background and context.
- Chapter 4 presents analysis of responses to questions around enforcement and sanctions. Relevant parts of responses from people with lived experience are included in this section to provide background and context.
- Conclusions are set out in Chapter 5.

Wherever relevant, responses from people with lived experience are included in with each chapter to provide insight, background and context.

Quantitative Summary

The following tables present the results of the quantitative questions included in the consultation. Please see Appendix 1 to reference the questions in full.

Responses from Section 2 Question 1 are shown below.

Do you think we should:	Total
Option A: Extend the restriction to all homeless people from an agreed date.	27
Option B: Extend the restriction to all homeless people but introduced incrementally over a period of time.	22
Option C: Not extend the restriction to all homeless people	9
Not answered	7

The table below gives a quantitative summary to the questions that prompted a yes/no response.

QUESTION		Total		
		Yes	No	Not answered
S2 Q4	In your opinion is option A or B the best way to avoid an increase in the number of breaches of the Order?	26	9	30
S2 Q8	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?	44	12	9
S2 Q9	With the extension of the Order to all homeless households, should these exemptions still apply?	45	9	11
S2 Q10	Would sanctions provide an appropriate mechanism to encourage compliance?	19	36	10
S2 Q11	Would you like to see the SHR gain any enhanced responsibilities in order to effectively monitor and assess the implementation of the extended Order?	26	27	12
S3 Q1	Please confirm whether you agree that the existing CIH Scotland/Shelter Scotland standards provide an appropriate basis for a Scottish Government advisory standards framework.	53	1	11
S3 Q2	Do you think these standards are still relevant and fit for purpose?	51	3	11
S3 Q4a	Please tell us if you agree that it would be appropriate to include new standards for temporary accommodation within the refreshed Code of Guidance.	49	4	12
S3 Q4b	Do you think that the new standards should also be published elsewhere?	36	9	20
S3 Q6	Do you agree that a reference to these other legislative and regulatory mechanisms is made within the new set of accommodation standards?	51	0	14
S4 Q1	Do you agree with this approach?	43	5	17
S4 Q3	Do you think that there should be sanctions, such as penalties or fines applied to those local authorities failing to meet the new standards?	17	34	14
S4 Q5	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?	39	6	20

1. Unsuitable Accommodation Order

Proposed changes and actions around the Unsuitable Accommodation Order were a key focus of the consultation paper. This chapter presents analysis of the responses to questions about the Order:

- Views on extending the Order, including:
 - Timelines for extensions
 - A localised or national approach
 - Priorities for incremental extensions
- Potential impacts of extending the Order
- Exemptions to the Order
- The lived experience of temporary accommodation

This chapter addresses responses to the following consultation questions:

Views on extending the Order

Consultation question 1 explained that the use of unsuitable temporary accommodation for families and children is currently limited to a maximum of 7 days.

Section 2 Question 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.

Views were mixed across the 58 respondents who responded to this question. A slightly larger group, which included representatives from each of the four main stakeholder groups, preferred Option A over Option B. Advocacy providers were the dominant subgroup who had this preference. There was also cross-sectoral support for Option B, with housing providers the dominant subgroup who preferred this option. Option C was preferred by a minority, which included a small number of stakeholders from housing, one organisation from the advocacy sector and one person without lived experience.

Lived Experience Question 10: Currently the Unsuitable Accommodation Order means that local authorities must not house families and pregnant women in unsuitable accommodation for more than 7 days. Do you think that this should be changed so that everyone is covered by the Unsuitable Accommodation Order?

Among those with lived experience, including those contributing to the alternative format responses submitted via an organisation, there was overwhelming support for the restriction to be extended. Virtually all respondents indicated that this should be the case.

The very small number who indicated the restriction should not be extended cited two specific negative impacts. These included the additional pressure on resources due to increased demand, and that extending to all would include some for whom homelessness was a short-term, resolvable issue which would put additional pressure on the system and housing stock.

Timelines for the extension

Respondents were asked for their views in relation to different scenarios for extending the restriction.

Section 2 Question 2: If the consensus for extension is option A what date would you suggest as the legal date for implementation?

If the consensus for extension is option B: By what date do you consider it would be reasonable for all homeless households to be covered by the extended Order?

Most frequent in response to this question were references to the Rapid Rehousing Transition Plans (RRTP), typically raised by housing providers. In this context, many suggested the implementation date should align with the end of this period, namely 1st April 2024. These respondents noted such a timeframe would provide local authorities with a chance to prepare their housing stock and internal processes for the increased demand in temporary accommodation. A small number of respondents within this group noted that an earlier implementation date would be acceptable, but asked that any breaches linked to the extension be held off until the conclusion of the RRTP. Some respondents asked the Scottish Government to consider a localised approach to implementation, reflecting the readiness or otherwise of each local authority.

Conversely, second most common were calls for the extension to be implemented 'as soon as possible'. This group included some advocacy stakeholders and individuals with lived experience of homelessness. There was some diversity of opinion about what this meant in practice. Some respondents suggested implementation should happen immediately; one of these specified there should be no exemptions or exceptions. A few acknowledged that such a change would have a significant impact on housing providers and were more flexible, suggesting for example implementation take place '*as soon as reasonably practicable*'.

A similar number called for implementation within a year. Almost all of these simply provided a suggested date or timescale for implementation, for example '*6-12 months*'.

One reflected that such a timescale would be manageable if an ‘advisory’ breach system was adopted until the conclusion of the RRTP.

A few suggested that a two-year period would be acceptable. Again, most simply provided a suggested date or timescale for implementation without discussing the rationale. One highlighted that they were calling for a two-year implementation period specifically in relation to the use of B&Bs.

Other comments, each from small numbers of respondents, included:

- Concerns about the potential for fast introduction of changes to result in an increase of breaches by housing providers, with calls for flexible approaches, depending on the capacity of local authorities to respond to this requirement.
- Reflections on the likely resource implication of the implementation for housing providers.
- Mention of other changes that may also affect the demand for temporary accommodation, including forthcoming adjustments to local connection and intentionality rules.
- A suggestion that the preparations and planning arrangements for each local authority’s RRTP be reviewed on an annual basis, and for this review to inform decisions on when to implement the extension.
- A call from one respondent for the change to be introduced by 2022; they did not, however, provide an explanation for suggesting this timescale.
- A general observation from one respondent that they did not have a view on the timescale but felt it important that appropriate support be put in place to assist households experiencing homelessness at the earliest opportunity.

Secondly, respondents were asked for their views on timescales in relation to Option B: an extension of the restriction to all homeless people, implemented incrementally, over a period of time. Again, a range of perspectives were evident in the responses to this question, echoing those described above.

Most frequent were references to the RRTPs. In this context, many suggested the implementation date should align with the end of this period, namely 1st April 2024.

Other themes in the responses to questions on preferred options and timescales included calls for implementation within a year; the same number suggested a two-year period would be acceptable. A small number urged the Scottish Government to introduce the change as soon as possible or within a one-year period.

Other comments, each from a small number of respondents, included:

- Calls for flexible approaches to implementation, depending on the capacity of local authorities to respond to this requirement.
- An observation that infrastructure and housing stock would need to be in place to facilitate this change.

- Mention of the challenges of implementing the extension in the short term and reflections on the range of changes that the housing sector is undergoing at present.
- Concern that the changes might encourage some households to use the homeless system to secure a tenancy, reflecting a lack of alternative housing options available through mainstream routes.

Perceptions of the timescales in which any extension should be applied were broadly similar among those who responded to lived experience questions and those who contributed to the alternative format consultation responses submitted via an organisation. The most common response was that it should be extended as soon as possible, with variations on this including small numbers stating it should be implemented immediately, or as soon as local authorities can manage. Other options – extending incrementally or from an agreed date – were mentioned less frequently. Of those indicating a preference for incremental change, several argued this was necessary to ensure the Order was extended to different groups, reflecting their needs. A small number argued it was needed to ensure the supply of accommodation is in place.

A national or localised approach

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

There was an even split in preferences for each of the two options. Advocacy stakeholders were the largest presence in the group calling for a consistent national approach. Conversely, housing providers dominated the calls for a localised approach.

A number of arguments for a consistent national approach were put forward. These included suggestions that it would: achieve consistency, equality and transparency in practice across local authorities; enable comparison of progress and implementation across Scotland; and provide clarity of expectations and consistent experiences for homeless households. It was suggested a national approach could bring parity across service provisions and areas, reducing the practice of placing families beyond their preferred education or health locality. Additionally, a small number expressed fears that if it were not a national requirement, some local authorities would not comply.

“For fairness and equality it should be implemented in the whole of Scotland at the same time. The Government could help with making sure all local authorities have what they need to implement the changes especially with financial support.” [Individual with lived experience]

Those who advocated for a localised approach highlighted that the demands and availability of housing stock vary considerably by local authority area.

Some housing providers mentioned that a local approach would enable local authorities to tailor their approaches to developing and implementing local authority RRTPs, or utilise their insights into the specific support needs facing homeless households in their area. It was also suggested that a localised approach would still be able to reflect nationally determined objectives.

Other comments, from a small number of respondents, outwith the themes of a local or national approach, included descriptions of the lived experience faced by homeless households living in unsuitable accommodation. There were calls for this change to be supported with strategy, national leadership and sufficient resources, some comments on inconsistent practice across local authorities and a call for any guidance published to consider 'The Care Review 12 Intentions'.

Priorities for incremental expansion

Respondents were asked for their views on priorities for expansion, should Option B – an incremental approach – be implemented.

Section 2 Question 3: If the consensus for extension is option B:

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

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

Prioritisation for young people and care leavers was a dominant theme in the responses to this question. Comments included reflections on the negative impacts of homelessness for young people including social exclusion and poor mental health. A small number of respondents shared examples of people becoming homeless immediately on leaving the care system, with housing providers not recognising the needs or experiences of this protected group.

Second most common were calls for prioritisation of people who are most vulnerable or at risk of harm, or those with multiple or complex needs. These included mention of people with a history of offending, veterans and people with alcohol or substance dependencies. Some made broad references to 'vulnerable people'; one called for the Scottish Government to apply a definition from the homelessness recording form (HL1) 'special household characteristics'.

There were also calls for priority status to be awarded to people fleeing abuse or harm, and older people were also identified as a priority group. A small number of respondents suggested people with a repeat history of homelessness could have priority status.

Other priorities for the Scottish Government to consider were also identified in comments. These included:

- For the least suitable accommodation to be redeveloped or closed as a priority.
- For priority action to be focused in specific geographies, such as a rural areas or cities that are struggling to meet demand.
- To address specific issues as a priority, such as the overuse of B&Bs, placements that do not meet the needs of people who are disabled, or those which provide shared facilities.

In their comments a few respondents highlighted issues with an incremental approach to extension. These included concerns that single homeless households could be left behind if the change is not rolled out unilaterally, or conversely, a fear that expanding the extension will put an intolerable pressure on housing services, and for the prioritisation of families to continue.

Other comments included mention of changes underway in the housing sector, requests for flexibility in implementation and a call for the Scottish Government to implement national minimum standards for Temporary Accommodation.

Potential impacts of extending the Order

Respondents were asked for their views on the potential positive or negative impacts of extending the restriction to all homeless people. These questions generated complex, rich and detailed responses. Most respondents identified both positive and negative impacts from the extension.

Section 2 Question 5: Please tell us about positive impacts that extending the restriction to all homeless people may have.

Comments on positive impacts fell broadly into one or both of two categories. Firstly, impacts for individuals; the focus of most responses. Secondly, a smaller group of respondents reflected on positive impacts for the housing sector, or Scotland more generally.

Most common in the responses to the question on positive impacts for individuals was mention of fairness or equality. Respondents described a need for parity of rights among people who are homeless, often observing that the current system has negative outcomes for people who are not listed as a priority. The experiences of single homeless households were often highlighted, with examples shared of individuals being placed in unsuitable accommodation for several months or longer.

Another prevalent theme was reflections on the improved likelihood of successful transitions to permanent housing. In these comments, respondents described the importance of stability, of spending less time in temporary accommodation, experiencing fewer disruptions, and of moving on to suitable temporary or permanent accommodation that meets their needs. Some highlighted that enabling people to stay within the reach of their social and family support networks would make it more likely for them to make a successful transition.

“Suitable temporary accommodation will enable individuals who find themselves in homelessness to take action and make plans and maintain their day to day lives without disruption to employment, education, health care, links to family and community. Essential for everyone but paramount for young people and families with children, in a country which aims to be a good place to grow up.” [Organisation]

Many respondents suggested that extending the restriction would address some of the factors that contribute to poor mental or physical health for those in unsuitable

accommodation. These included stress, anxiety about the future, isolation from support networks, poverty and exposure to harmful social influences.

Greater safety for homeless households was also described by respondents. The comments on safety included mention of exposure to harmful social influences or substances such as alcohol and drugs in unsuitable accommodation.

There was also mention of the potential for more effective delivery of tailored support. Some reflected that greater stability for homeless households would render them better able to engage with support.

The positive implications for dignity and rights were highlighted. This included an acknowledgement that the extension would provide an enforceable right to adequate temporary accommodation. Some praised the proposal as a way to reduce disruptive impacts for children in homeless families, noting the well-recognised long-term effects of Adverse Childhood Experiences.

Other reflections on positive impacts from smaller numbers of respondents included that the change would end the ghettoization of homeless households; prevent the social isolation experienced by people in unsuitable temporary accommodation; and support families to maintain important relationships, for example enabling single fathers to spend time with their children. It was also suggested that the extension would increase the likelihood of homeless households sustaining or engaging with employment or training opportunities; lower costs for homeless households who find the unsuitable accommodation rents unaffordable; and end an over-reliance by local authorities on B&B accommodation.

Themes in the comments on positive impacts for the housing sector, from a few respondents, included reflections that it would achieve greater consistency of approach across local authorities and less use of expensive B&B accommodation, saving housing providers' money to reinvest in other services and support.

Other suggestions included a belief the expansion would drive a shift towards better quality accommodation across temporary housing providers, that the expansion activities will assist local authorities to develop their RRTPs, the homelessness system would process people faster, and that there would be fewer people sleeping rough and lower levels of repeat homelessness.

Section 2 Question 6: Please tell us about any negative implications that may result from us extending the restriction to all homeless people.

Responses to the question on negative impacts were broad ranging, spanning impacts for the housing sector and for homeless households. There were no notable variations by respondent subgroup; key themes were evident in responses from the main groups of stakeholders.

Most common among comments about impacts on the housing sector was a perception that the extension would result in an increase of breaches by housing providers who are unable to meet the new requirements in the short term. This view was shared by housing providers, advocacy organisations and individual respondents without lived experience of

homelessness, such as staff. Some shared fears that local authorities do not have the resources to cover financial penalties linked to breaches.

“There may be some significant cost implications for some local authorities to adequately resource this change. There is also likely to be implications in terms of staff time, acquiring new sources of homeless accommodation and other resources a homeless service has to rely on in order to discharge their duty. We are concerned that there may be too much change at the same time taking place within homelessness for each of the welcomed changes to be effectively rolled out”. [Organisation]

Linked to this, some respondents expressed fears that housing providers will not be able to cover the costs of upgrading stock to meet requirements or noted other concerns about the resource implications for local authorities. One called for the need for lead-in time for any changes implemented.

A similar number of respondents suggested that the introduction could have an adverse impact on the implementation of RRTPs. Many of these comments highlighted that attempts to meet the new requirements in the short term would absorb staff time and housing provider resources, shifting attention from the medium-term activity that RRTP would require.

Some expressed fears that private accommodation providers, such as B&B owners, might close their businesses, reducing the availability of stock that housing providers rely upon to meet demand.

A small number of respondents observed that the new system may have some unintended consequences. These included (i) people presenting as homeless in the belief that this would be a faster route to permanent housing and (ii) housing staff refusing applications from eligible homeless households.

A few suggested that the impact of the changes might differ, depending on the local authority in question. For example, some respondents noted that they did not see any difficulties in implementing the expansion but were aware that other local authorities would face significant challenges.

Conversely, some respondents said that they could not foresee any negative impacts. Some reiterated positive impacts they had described elsewhere in their response, saying these would outweigh negatives in the longer term.

Anticipated negative impacts for families included concerns that in order to avoid breaches housing providers might need to utilise stock across greater distances of the local authority area, increasing the likelihood that homeless households will be placed further away from important services or social networks. It was also suggested that homeless households could be moved multiple times so that they do not exceed more than 7 days in unsuitable accommodation.

Linked to the points above, some expressed fears that support agencies would lose contact with homeless householders faster.

A few respondents suggested that the waiting lists for permanent accommodation would grow longer, as the housing stock would be reallocated to replace unsuitable temporary accommodation. A small number of respondents anticipated lower quality of services, resulting from the need to make quick decisions about allocation.

It was suggested by some that housing providers would lose the capacity to offer temporary accommodation that does not align with the requirements, for example, that which offers shared spaces, but nevertheless meets the needs of service users.

The alternative format responses submitted via an organisation also collected individuals' views on the potential impact of extending the Order. Of those who provided an answer, virtually all believed there would be a positive impact. Most specifically cited the positive impact on the mental health of people living in unsuitable accommodation.

A smaller proportion talked more generally about the positive impact – often in relation to health, but also in terms of people being able to 'get on with life'. Many also noted the potential for cost-savings to be made by councils.

However, concerns were also raised about whether the resources needed to make the changes – specifically the volume of housing stock required, or the money needed to make any necessary improvements – are available.

Less common themes were the positive impact on the ability of people living in unsuitable accommodation to be in employment, and general comments about extending the Order having a positive impact by making society fairer.

Exemptions to the extension of the Order

Section 2 Question 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?

Most of the respondents who responded to this question agreed exemptions should continue. Analysis by respondent subgroups showed a large majority of the housing providers and advocacy organisations who participated in the consultation believed the exemptions should continue. People with lived experience were evenly split in terms of agreement or disagreement with the extension. Among the small number of individuals without lived experience (for example, members of the public), slightly more disagreed than agreed with the proposal.

“Certain types of supported accommodation (like refuges) benefit from being shared spaces as the therapeutic support includes peer support and these should be exempt, for example young mothers supported accommodation. Other exemptions that could be considered could be young people flat sharing who have their own toilet/washing facilities but who share a kitchen and living space”. [Organisation]

Responses were considered in relation to whether or not people agreed the extension exemptions should still apply to all homeless households. As noted above, a majority of respondents agreed.

Most common were suggestions of additional types of exemptions for the Scottish Government to consider. These included models of shared temporary accommodation facilities, including hostels; supported accommodation delivered by private providers; the flexibility to use accommodation that meets the specific needs of the homeless household; emergency accommodation; and exemptions if the placement would present a significant risk to the homeless household, or others.

Second most common were reflections on the value of the exemptions in place or concerns about what could be lost if exemptions are withdrawn. Respondents shared examples of expertise in delivering support for homeless households, including engaging with individuals who have complex needs, or trauma-informed activities with families that have experienced domestic violence. A few respondents reflected on the value of shared accommodation arrangements including peer support and social inclusion.

Several reflected on the practical need for exemptions, based on the high level of demand for temporary accommodation. A small number expressed general agreement with the existing exemptions but did not expand on this.

Other comments from a small number of respondents included a call for a programme of investment in national standards for the level and quality of refuge accommodation. One respondent shared an observation that weather-related housing emergencies are increasing and suggested support arrangements for displaced households affected by climate change should be reviewed.

Comments from the small number who disagreed with a continuation of exceptions varied. A small number suggested that removal of the exemptions would be a driver for improved standards across all forms of temporary accommodation. A small number stated they disagreed with the exemptions but did not explain why. One suggested that the location of the accommodation should be the only factor considered eligible for exemption, not the standard of the facilities.

The lived experience of temporary accommodation

Lived Experience Question 1: When you first became homeless were you given access to temporary accommodation immediately by your council if you required it?

Lived Experience Question 2: What type of temporary accommodation were you placed in? (B&B, hostel, furnished flat etc.)

Lived Experience Question 4: How many different temporary accommodations were you placed in? Why was this the case? What impact did this have on you?

Those with lived experience were asked to indicate whether they had been given access to temporary accommodation immediately by their council when they had first become homeless. Of the small number who gave a response, the vast majority indicated that they had not.

This group also gave some details of the types of accommodation they had been placed in. Bed and Breakfasts were most common, followed by flats, accommodation provided by advocacy organisations and hotels and hostels. A small number also commented on the unsuitability of that accommodation, with issues including lack of furnishings, presence of people with addiction issues and mixed-sex accommodation. One respondent raised the stigma of being placed in what was known locally as 'the homeless flat'.

Respondents described a huge variety of experiences in temporary accommodation placements. Most commented that they had been in between one and three placements, but there were mentions of nine, ten or 'hundreds' of accommodations. A few described the reasons for the moves, which were due to lack of accommodation, leaving temporary accommodation and then re-presenting later, or issues with mental health. Some described the impact of repeated moves, including wasted time, feeling judged or stigmatised and negative impacts on mental health.

An advocacy organisation reported on their own consultation among 38 people with lived experience of homelessness. In this group hostels were the most common placements, followed by B&Bs and flats in equal number. Those who were not immediately allocated temporary accommodation were required to sleep rough, sofa surf or return to unsafe circumstances. On average, this group reported spending 3 years in temporary accommodation.

In the alternative format responses submitted via an organisation, people with lived experience of temporary accommodation, as well as relevant professionals, described temporary accommodation and its impact. Their reflections covered a wide range of themes.

Most common were the range of negative descriptors used to describe experiences. These included: 'soul-destroying', 'terrible', 'horrific', 'traumatic', 'never likely to be forgotten' and 'humiliating'.

The second most common theme was the impact on mental health. Many commented on the negative impact on mental health generally, but specific issues noted ranged from depression, anxiety, insecurity, distress, and stress.

There were also several comments on issues related to safety. These included concerns about personal safety, exposure to anti-social behaviour and people with addiction issues, being offered drugs and feelings of intimidation. Another theme within this was safety of personal possessions, with food and possessions being stolen.

Several described a detrimental impact on physical health, with a few commenting on the negative impact on diet due to lack of access to adequate cooking facilities.

Some discussed how the experience left people in temporary accommodation feeling isolated and lonely. This was related to the restrictive nature of placements. People cited the curfews and restrictions on visitors as making them 'feel like a prisoner'.

Other issues raised by smaller numbers of respondents included:

- Poor treatment by staff in temporary accommodation.
- The unsettling nature of being unable to plan for the future.
- Difficulties faced by those trying to find or sustain employment.
- Impacts on families; and the financial impact of food being stolen or changes in benefits.

2. Standards

Section three of the consultation paper focuses on the proposed changes and actions around Temporary Accommodation Standards. This chapter presents analysis of the responses to questions centring on standards including:

- Views on whether current standards are appropriate and fit for purpose
- Improvements to temporary accommodation
- Proposed new standards
- Additional standards
- Other standards
- Where standards should be included and referenced
- Working Group considerations
- A comparison of temporary accommodations
- An overview of what is considered unsuitable by those with lived experience and improvements to temporary accommodation

The assessment of current definitions of standards and whether these are appropriate and fit for purpose

Section 2: Question 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.

The question on the definition of unsuitable accommodation contained two sections. Part one asked respondents to select a preferred option in relation to the definition. Of the 52 respondents who responded to this question, most selected 'there are factors I would like to see changed'. The remainder felt the current definition is 'still the most appropriate'.

Analysis by respondent subgroup showed that those desiring change were dominated by organisations with an advocacy role. Housing providers, such as local authorities, more commonly believed that the current definition is still most appropriate.

Part two asked for respondents' comments on the current definition. Dominant themes in the responses to this question, ranked from most prevalent to least prevalent, are described below.

Most common were calls for the definition to recognise that accommodation should meet the specific needs of individuals or families. Examples of needs to consider included their health, vulnerabilities, size of family and age. A small number of respondents described the needs of people with specific experiences, such as being a recent care leaver.

Many respondents shared examples of issues with the current definitions. These included descriptions of overcrowding of temporary accommodation.

A lack of clarity in definitions was also a prevalent theme in comments. Examples include:

- What 'reasonably accessible' services means.
- The language making it difficult for people to understand their rights.
- A need for clarity in relation to locality.
- For guidance in applying exemptions or exclusions.
- Calls for the guidance to outline how to determine the adequate number of bedrooms. A small number of respondents suggested that exemption reasons are overused.

Some respondents with lived experience shared examples where the type or location of temporary accommodation caused adverse impacts such as isolation, poverty and disruption for individuals, families or children.

Another theme in comments were expressions of agreement that the current definitions are still appropriate. However, many of these comments also included examples of issues in implementation, or other issues for the Scottish Government to consider when revisiting its guidelines in relation to unsuitable accommodation.

Respondents reflected on the importance of placements that enabled people to access crucial services. Some of these called for a needs or risk assessment to link service users with appropriate support. In another strand of related comments, some respondents highlighted the importance of location in relation to sustaining engagement with agencies that service users are already engaged with, such as the Department for Work and Pensions, social care or medical services.

A number of examples were provided of allocation challenges in certain geographies or specific local authorities, such as a lack of available housing stock, or where stock is dispersed across large rural areas.

Some respondents proposed changes for the Scottish Government to consider, or reflected on other contextual developments that might have an impact on policy or approaches related to temporary accommodation. These included:

- For the definition of unsuitable accommodation to mirror the standards proposed for temporary accommodation.
- For the definition to allow the use of small scale shared temporary accommodation.
- Sufficient implementation timescales to be established.

Other less frequently identified themes in comments included calls for housing providers to consider specific issues such as:

- Availability of Wi-Fi; provision of access to specific amenities, such as a fridge.
- Greater enactment of service users' rights including security of tenure.

- Closer involvement of service users in decisions about their placements.

Section 2 Question 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.

The consultation question on extending the definition to all homeless households contained two sections. Part one asked respondents to select 'yes' or 'no' to express agreement or not with the extension of the definition to all homeless households. Most of the 56 respondents who responded to this question agreed the definition should be extended to all.

Analysis by stakeholder type showed a majority of agreement within all stakeholder groups, except one. More housing providers, advocacy organisations and people with lived experience agreed than disagreed with the extension. However, among individuals without lived experience (for example, members of the public), slightly more disagreed than agreed with the proposal.

Responses were considered in relation to whether or not people believed the extension should be applied to all homeless households. As noted above, a majority of respondents agreed the definition should be extended to all households. Most respondents supported the extension on the basis of equity or fairness.

However, there were mixed views about accommodation requirements. Some suggested needs might vary depending on the make-up of the household; those without children having different needs and potentially, being more flexible in terms of their requirements. However, others suggested a consistent approach across all households is important, for example to make the transition manageable, or to achieve equity.

A small number of respondents identified practical advantages of extending the definition. These included streamlining procurement processes, as properties will be required to meet the same standards; and achieving consistency, as the variability quality of accommodation aligns to meet the same standards.

Some noted their agreement with the principle but expressed fears that housing providers would be unable to meet any new requirements in the short term. They highlighted local authorities have undergone a number of significant changes related to housing policy.

Among the small number of respondents who did not believe the definition should be extended, the following concerns were identified:

- Some expressed a view that single individuals or adult households have different needs to those with children. Within these comments were a number of suggestions that the accommodation offered for households without children might vary and could be more flexible. For example, one suggested that the reference to suitability for children within the 2014 Order should be removed for households without children.

- A small number accepted an extension of the definition in principle, but said they did not support it at this stage because of the practical challenges of meeting the anticipated demand for housing, should the definition be extended to all homeless households.
- Calls for priority to be given to needs of families with children and pregnant women were made by small number of respondents.
- One organisation did not provide a yes/no response to the question, but commented they would only support the extension should a sufficient time be provided for the transition.

Existing CIH Scotland/Shelter standards as a basis for advisory standards

Section 3 Question 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.

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.

Section 3 Question 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?

All but one of the respondents indicated they were in favour of the standards currently in use. Some viewed them as being adequate in their current form. Responses to this question highlighted the existing standards as comprehensive and robust, reflecting the physical and social aspects of temporary accommodation. Others highlighted the practical benefits of using existing standards as the basis of an advisory standards framework.

Many respondents, however, suggested there is a need to enhance or update the standards. Respondents from housing providers and advocacy organisations described lessons learned from the implementation of the standards, or recent changes in the context of providing temporary accommodation.

Requests for further guidance, or clarification, included:

- More guidance on how to judge if cultural needs are being met.
- How local authorities should meet the needs of EU nationals seeking temporary accommodation who are not entitled to benefits.
- Details on how to ensure that people who experience homelessness have their health and social care needs met in a coordinated way.

Other comments within the responses that asked for clarification or guidance included calls for the standards to define 'affordable'. For example, one respondent noted changes in social security policy have impacted on the affordability of temporary accommodation. One respondent asked how a 'sufficient, safe and secure space' is defined. A small number suggested the standards to be clearer on the standard of repair, observing that wind and watertight is not a sufficient description and that the definition could draw on the expectations of the repairing standard or SHQS.

It was suggested by a small number of respondents that the standards could differentiate between accommodation types. For example, in shared accommodation, to acknowledge there will be shared cooking/laundry and WC/bathroom facilities. There was a call from a small number of respondents for more detail about what constitutes a 'suitable standard of furniture to meet the household's needs'. Respondents raised questions such as whether or not this included items such as bedding, towels, cooking implements and essential infant equipment where required.

One respondent reflected that in rural, remote or island locations, housing may not be located close to a supermarket or a doctor's surgery. They said the standards note that services could be 'reasonably' accessed by public transport but in some areas public transport may be across a stretch of water, and called for further clarification on this basis.

Proposed new standards

Lived Experience Question 17: We propose that standards cover the following areas:

- **Physical: safe and secure, access to proper cooking, washing facilities, suitable for disabled people, clean, enough living space etc.**
- **Suitability: affordable and meets your needs.**
- **Located near services: schools, medical facilities**
- **Support: you can get the support you need from a range of services**
- **Management: your possessions are protected, you have a written occupancy agreement, you are involved in discussions about your stay and there are processes for moving in and out, you get a rent statement**

**Do these cover the right areas to improve standards in temporary accommodation?
Is there anything missing?**

Those responding to the lived experience section of the consultation were presented with a list of areas covered by the proposed new standards and asked if these were the right areas, or if they felt anything was missing. This question was also included in the alternative format response submitted via an organisation.

There was no indication of disagreement with the proposed list of areas to be covered. However, some respondents shared comments or gave suggestions for additional points for inclusion.

Comments on physical standards included that the space should be family friendly and have enough bedrooms or sleeping spaces for everyone being accommodated. One person noted the need for Wi-Fi. Another noted that it should include stipulations for decoration and maintenance.

A small number expressed their support for including within the location standard for the accommodation to be 'located near services', with one commenting on the importance of location being an in area that people want to stay in (especially for women and children).

With reference to the management standard, a few reiterated the importance of including security of personal possessions, and two also commented on the need to ensure personal safety by preventing alcohol and drug misuse and anti-social behaviour in shared accommodation.

*"I always hated the shared letterbox as 25% of my post went astray especially around Christmas. Landlords sometimes ask one tenant to dish out the electric cards and get played upon. Fellow residents come to the room door drunk or with other problems including their loneliness."
[Individual with lived experience]*

One respondent highlighted a need for support to read and understand any signed agreements.

Additional standards

Respondents were asked to share their thoughts on whether or not additional standards are required, in the following question:

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

Themes in the responses to this question, ranked from most prevalent to least prevalent, are set out below. There were no notable variations by respondent subgroup; key themes were evident across responses from stakeholders.

Most prevalent within the responses to the question was a suggestion that no additional standards are needed. This view was expressed by respondents from advocacy organisations and housing providers. The comments in this theme varied; roughly half contained a short statement to the effect that no other standards were required. Others reflected positively on the existing standards in different ways, for example describing them as 'fit for purpose', but also suggesting that aspects of guidance be refined or clarified.

Second most common were calls for standards to include a requirement for the accommodation to meet the specific needs of people placed in temporary accommodation. This view was expressed by respondents from advocacy organisations, housing providers and one individual with lived experience of homelessness. A small number expressed the view that staff working with homeless people should be trained in trauma-informed delivery. One respondent suggested the Scottish Government introduce a Code of Guidance for those allocating placements, so that staff better understand the varied needs

of individuals and families. Specific considerations mentioned in responses included disabilities, people with multiple and complex needs and families with infants and children.

Calls for a standard linked to the affordability of accommodation were also identified in some comments from advocacy organisations and housing providers. They included general observations that the accommodation should be affordable for tenants, and more than one called for an affordability assessment to be carried out before assigning an individual or family their temporary placement.

Some respondents reflected on conditions of residence, suggesting that the standards should promote greater rights for people placed in temporary accommodation. Descriptions of unwelcome restrictions included curfews, and lack of permission to host visitors or keep pets.

Reference to the quality of the physical environment, including furniture and other household items were identified in a small number of responses.

Enforcement of standards were also called for. In these comments, respondents suggested that without enforcement, standards could be meaningless. A small number of respondents highlighted the role of partner agencies in securing the ambitions inherent in the advisory standards. These included work delivered by health and social care partners to support people housed in temporary accommodation.

Three respondents highlighted guidance or sources of information which they believed could usefully inform the development of standards. These have been signposted to the Scottish Government for reference.

Other minor themes across comments included:

- For the standards to be developed after further consultation with people who have lived experience of homelessness.
- To position the standards within an equality and human rights-based framework,
- For safety matters to be considered when allocating placements to individuals or families; to create clear guidance for landlords,
- To establish explicit legal protection for tenants,
- For greater clarity on the term 'habitable' to avoid overcrowding accommodation,
- To facilitate digital access for tenants,
- For tenants to be able to personalise their place of stay, for example to use their own furniture.

Incorporation of other standards that apply to temporary accommodation

Section 3 Question 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.

A common response to the question on other relevant legislative and regulatory mechanisms was that their inclusion within the new set of standards would be helpful. It was explained these would reinforce and raise awareness of the legislative and regulatory framework among housing providers, staff, other stakeholders and service users.

However, some respondents called for this to be handled with care, to avoid confusion. They emphasised a need to ensure that people understand their rights. One respondent explained: *'We are concerned that this may be confusing, particularly as the standards relate to different types of tenure and may or may not always be applicable. Therefore, it is essential that these mechanisms are explained clearly and in simple language so that people can quickly and easily identify and understand their rights'*.

A common concern was the complex nature of this work, in which many stakeholders collaborate together. Respondents described a need to avoid conflict in different legislative frameworks, as well as for the framework to recognize any gaps in standards under the current system.

Where standards should be included and referenced

Section 3 Question 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;**
- **Think that the new standards should also be published elsewhere and explain your answer.**

Lived Experience Question 16: As a first stage, we want to put the standards into a refreshed Code of Guidance, which local authorities are expected to follow. These will be known as Advisory Standards and will allow us to do something quickly. The second stage will be to introduce Enforceable Standards but this will be a longer process as we need to consider all of the existing legislation that covers permanent housing standards to make sure that temporary accommodation meets all of these. Do you have any comments about this approach?

The vast majority of respondents felt that the standards and guidance should be incorporated into a single document. Respondents typically suggested that combining the standards and guidance into one document would make them more accessible to all stakeholders. Conversely, one respondent suggested that 'given that the Code of Guidance focuses on how homelessness applications are received and processed and the framework would focus on temporary accommodation standards there may be value in keeping these as separate, but linked, documents.

In comments on publishing the document, themes included calls to foster awareness of these new standards amongst both homeless people and the general public. It was suggested that the publication of an accessible document would support homeless households to understand their rights and, in doing so, challenge local authorities when things go wrong.

Comments on accessibility included calls for standards to be explained clearly, in simple language, with details of complaints processes and information about how to challenge decisions or seek redress when rights are breached.

Many called for the development of a leaflet to be promoted in common areas of temporary accommodation or other places that deliver services for homeless households, and tenant information packs. It was suggested the standards should also be explained by staff that signpost people to enter temporary accommodation. A small number suggested the standards should be included in tender documentation for housing providers.

Finally, it was suggested by one respondent that the standards are published on a range of public websites including the Scottish Government, local authority sites, Citizens Advice Scotland and homeless charities.

Only a small number of comments were made by those with lived experience in relation to the proposed two stage approach (a first stage where local authorities follow standards in a refreshed Code of Guidance, and a second stage of enforceable standards). A common concern among those who commented was that an initial stage of advisory standards was unlikely to result in any change. They argued that moving to enforceable standards straight away, or as soon as possible, would be more effective.

Working Group considerations

Section 4 Question 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?

Lived Experience Question 18: We will set up a Working Group to develop the new standards framework for temporary accommodation. Is there anything you think this group should do or take into account as they do this?

A number of suggestions were offered in relation to the operation of the Working Group. Many respondents argued it must include representation from people who have lived

experience of homelessness to inform their work. Respondents from all of the key stakeholder sectors suggested the Working Group should have broad a cross section of representation; not just housing providers, but those that deliver support and services that address the needs of homeless households, such as health or social care services.

Another frequent theme in the responses to this question was for the Working Group to give due weight to local authorities' implementation of Rapid Rehousing Transition Plans. Respondents reiterated points made elsewhere in their consultation response, for example, that many local authorities will be dealing with multiple priorities, with limited resources at their disposal. A small number argued that the Working Group should quantify the financial impact of meeting the revised standards framework and produce recommendations as to how Local Authorities will be supported to meet the new temporary accommodation standards. One called for the Working Group to provide clarity on timescales for the implementation on any mandatory actions required.

Specific tasks suggested for the Working Group included the development of guidance on temporary accommodation factors, such as the location in relation to essential services and places of work, the physical arrangements of accommodation, the number of bedrooms required in any given property.

It was also suggested the Working Group could ensure the system is attuned to varying challenges faced by Local Authorities and the different models of temporary accommodation and tenure types on offer. A small number of respondents asked the Working Group to consider the enhanced role of health and social care partnerships in temporary housing models.

A role for the group in relation to monitoring and reporting was also mentioned in some comments. This included to monitor and report on the housing and support needs of people experiencing homelessness; the availability and affordability of accommodation for local authorities to use as temporary accommodation; how temporary accommodation is allocated and managed; support for tenants to sustain temporary accommodation; and the impact of changes in the welfare system

Most common within references to the skills and experience of the Working Group were calls to ensure that the individual needs and circumstances of people are taken into account. For example, one asked for members of the Working Group to be *'empathetic to the experiences, backgrounds, and/or trauma of the people who stay in temporary accommodation and not be judgemental of them'*.

One respondent suggested that the Working Group visit or use temporary accommodation to understand the issues. Another highlighted the need to be aware of the different pressures being faced by different local authorities.

In terms of specific areas of focus, one respondent commented on the need to consider the gendered nature of homelessness, particularly in relation to domestic abuse, and other equality issues. Beyond this, around half of those contributing to the alternative format response submitted via an organisation gave both specific points and general comments around temporary accommodation for the Scottish Government to review.

What is considered unsuitable by those with Lived Experience

Among the small number of respondents who responded to the lived experience questions in the consultation, all agreed that it was common to live in unsuitable accommodation of the type outlined in the consultation. Most agreed that it was 'very common'. There was also a clear consensus with most indicating that Bed and Breakfast accommodation was more likely to be unsuitable.

The lived experience section of the consultation included several questions which asked respondents to reflect on their experiences of unsuitable temporary accommodation.

Lived Experience Question 3: What do you need from temporary accommodation to make it suitable for you?

Lived Experience Question 5: We are making changes to the Unsuitable Accommodation Order so no-one has to stay in 'unsuitable' accommodation for more than 7 days. What does unsuitable mean for you?

Lived Experience Question 6: Legally, suitable accommodation currently means that you:-

- **Are housed where people in your household can access schools and medical services in the local area**
- **Have adequate bedrooms for members of your household**
- **Have exclusive use of toilet and washing facilities for members of your household**
- **Have access to your own or shared cooking facilities and use of a living room**
- **Can stay in the accommodation at all times, with no curfew and are allowed visitors**

Is there anything else you would add to the above list or take away?

Lived Experience Question 11: We want to improve the standards in temporary accommodation across Scotland. Thinking about your experience(s) of living in temporary accommodation, what types of things would make/have made your stay more positive or pleasant?

Respondents were also provided with a list of the current legal requirements of suitable temporary accommodation and asked to comment on the list. Similarly, the alternative format response submitted via an organisation provided a list of factors which determine if a property is unsuitable and asked respondents to comment.

In general, no objections or disagreement were raised with the list of requirements for suitable accommodation (or the alternative format responses definition of unsuitable accommodation). Rather, responses tended to reiterate the existing requirements while often highlighting instances where they not been met. Some suggested where the requirements need to be expanded or to include specific points or improvements.

Most common were comments on cooking facilities. These included mention of lack of facilities and the problems this causes, requests for storage including fridges and freezers, and calls for everyone to have their own cooking facilities.

Second most common in responses to this question was mention of unwanted curfews or other curtailments and restrictions. Respondents suggested this can be restrictive and isolating, or made them feel like a criminal. One respondent highlighted that curfews can be prohibitive to people employed in hospitality or shift-work. Related to this were calls for visitors to be allowed, to avoid social isolation and one call for pets to be allowed.

The need for accommodation to be clean and in a good state of repair was another prevalent theme in comments. For example, in response to the question on what respondents viewed as unsuitable, respondents shared descriptions such as 'squalidly' 'odorous', 'unclean', 'shabby' 'filthy' and 'dirty' 'cockroaches and other insects'; conversely respondents asked for accommodation that is 'clean', 'fit for living in relation to hygiene standards'.

There were also comments about staff, which fell into two key strands:

- Calls for staff in temporary accommodation to be welcoming and considerate; some described experiences of feeling judged or having their problems dismissed as 'just complaining'. There were also calls for the staff to be trained, understand and be empathetic to the circumstances and needs of people who are temporarily homeless.
- Other comments focussed on the housing officers. There were similar calls for being treated with dignity and respect, but also for better and more frequent communication about what was being done to progress peoples' cases.
- A washing machine was commonly mentioned as required for accommodation to be suitable.

Safety and security were referenced in different ways. Some simply called for temporary accommodation to be a 'safe place', and for it to be located in a safe area. A small number commented on the importance of personal possessions being secure. One person raised the need for single sex accommodation.

Related to this, a few described antisocial behaviour of other residents. They noted it can feel threatening and some called for there to be no drugs or no people with addiction issues housed in the accommodation.

The choice of area was important to many, with the main concern being that people are housed in an area which is familiar to them. In responses to this question some highlighted the value of being close to existing support services and networks. Others reflected on the need to be close to day-to-day services, particularly schools for households with children. One person raised the need to be close to good transport links.

A small number of respondents also called for financial support, but this tended to be money to help finance travel between existing networks such as schools and areas where they are housed.

Comments on the importance of accommodation meeting the needs of residents covered three areas. Firstly, to give consideration to any physical barriers or disabilities experienced by residents. Respondents reflected on being placed in high-rise buildings, needing to climb several flights of stairs or lacking accessible bathing facilities. Secondly, to be aware of any mental health concerns and ensure homeless households are not placed in accommodation which could exacerbate any existing conditions. Finally, two respondents commented on religious requirements in relation to sharing food preparation areas (eating pork, halal meat etc.).

A number commented on the need for greater support to be available within temporary accommodation, particularly in relation to supporting those with mental health needs or addiction issues.

The remaining comments focussed on aspects of the facilities offered by temporary accommodation. These included for an adequate number of bedrooms to accommodate all those present, and the need for beds and for clean bedding and calls for private toilet and bathroom facilities.

Some requested a living room or similar communal space, with a few highlighting the value of this in reducing any feelings of loneliness or isolation within the setting.

A small number of respondents mentioned disparate issues such as provision of a TV, Wi-Fi, control over heating, adequate portions of food and basic furnishings which should be ready when someone moves in.

Comparisons between temporary and permanent accommodation

Lived Experience Question 12: How would you compare the standard of temporary accommodation with the standards of any permanent accommodation that you have experienced?

A small number of respondents reflected on experiences of temporary accommodation compared with permanent accommodation. These views varied considerably; a few felt there was no difference, but on balance permanent accommodation was seen as better. Reasons for this were highlighted as being able to settle in an area, being able to have your own furniture and decorate, and a lack of curfews and security concerns. Two negatives mentioned about permanent accommodation were unscrupulous landlords and the lack of furnishings. One respondent pointed out a potential benefit from the communal, supportive environment of supported accommodation as opposed to social isolation resulting from permanent accommodation.

“Like 'night and day'. The permanent accommodation that I have lived in previously was in a place I wanted to stay. I had enough space for me and my children to live in (comfortably). We could see our friends and family regularly and whenever we wanted. My kids could go out and play etc. I didn't have to share any of the accommodation. I didn't have to worry about my stuff being stolen or workers going into my room when I wasn't there. I didn't have to pay for travel for my children to attend school etc. I was able to buy shopping in bulk not on a day to day basis. I could do my laundry when I needed to. I could come and go as I pleased. I didn't have

to worry about getting back to the accommodation by a certain time. If I wanted friends or family to come round and sometimes stay over, they could. I could stay out overnight if I wanted, there was no threat of losing the accommodation etc.” [Individual]

3. Monitoring and regulation

This chapter covers responses to the questions on proposed approaches to monitoring and regulation of Temporary Accommodation Standards. It covers:

- The role of the housing regulator
- Monitoring approaches
- Supporting local authorities to comply with standards
- Experiences of raising issues and seeking solutions

The role of the housing regulator

Section 2 Question 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.

Section 4 Question 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.

Across responses it was evident that respondents considered a regulatory function to be necessary. There was also general agreement that it is appropriate for SHR to continue in this role. No respondents argued for the creation of a new body to undertake this work. However, many different points of view were evident about the way SHR undertakes its work, and its powers.

Responses to the quantitative question on enhanced responsibilities for the regulator showed a roughly even split in terms of whether or not respondents felt these were necessary. The most common response to this question was that the SHR currently has the powers it needs to fulfil the required remit. Within responses to this question, several called for the SHR to take more action and utilise its existing powers. For example, one noted that the SHR had not, so far, been used to ensure that all temporary accommodation met current legal standards and felt this pointed to a need for change in the way it operates.

A smaller but sizeable number of respondents felt that changes to the remit of SHR and its regulatory powers were needed to undertake this role effectively. Several commented on the self-monitoring approach currently in place, suggesting this would need to evolve. One respondent used this as the basis of an argument for greater powers for the SHR 'which would enable them to appropriately monitor, assess and most importantly, take affirmative action when local authorities fail to fulfil their duties'.

Some said they needed more information about what the proposed role would entail before coming to a view.

Different monitoring approaches

In considering monitoring and enforcing new standards for temporary accommodation, respondents were provided with an outline of the proposed approach, shown below:

Section 4 Question 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.

Section 4 Question 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;**
- **address issues where standards are not being met;**
- **monitor ongoing issues.**

Respondents were firstly asked to indicate whether they agreed with this approach or not. Most respondents agreed, with only a few disagreeing and the remainder not answering the question. The same pattern was evident across all types of stakeholders.

Secondly, respondents were invited to explain their answer. Most common among those who agreed with the approach was support for the proposals as being the most appropriate approach to reach the desired goal. Within this, comments included that it may be a quicker or more efficient approach, as it recognised existing legislation and frameworks, represented best use of resources and allowed for some flexibility for local variation.

Many provided comments on other actions which they believed were required to achieve the desired changes. These included a need to ensure the framework guarantees a high standard of temporary accommodation and to consider how to communicate the changes in a clear and accessible way. A small number noted local authorities would need time adapt to changes; that new standards should join up with other relevant standards; and that there should be a clear enforcement process.

A few raised potential problems with the suggested approach. Three local authorities described the challenges of complying with standards in rural areas, the potential for the process of developing standards to become 'piecemeal and laborious' and the potential for the new standards to be counter-productive should additional time and resource be required implementing the standards. Contrary to these views, another concern – raised by an advocacy organisation – was that the current issue is the failure of local authorities to implement standards, rather than the standards themselves.

Reasons given by those who disagreed with the approach included a fear that a standards framework was not sufficient, and a call for one standard to be created. There were some suggestions for further actions to drive change, including for the incorporation of the standards into legislation and subject to further consultation.

Current monitoring practices

In order to better understand how local authorities currently monitor the standard of temporary accommodation, respondents were asked to explain the process and procedures they were aware of. A wide range of approaches were described.

The most common theme was the use of visits, inspections and checks to properties. These take a number of forms. For example, many mentioned regular monitoring of properties. Respondents referred to regular, cyclical, monthly or quarterly or monitoring, with a few referencing how these inspections highlight issues which are then fed into performance management frameworks. A small number also highlighted differences by type of accommodation e.g. routine inspections for B&Bs and weekly checks for repairs in hostels and supported accommodation.

Many also highlighted the role of more formal annual or other inspections by staff. Similarly, these are used to highlight repair issues including the replacement of white goods and for health and safety checks.

Related to this, several discussed exit or void checks. Where discussed, respondents outlined the use of these to assess state of repair, decoration standards, quality and condition of furniture and fittings, cleanliness and safety. Finally, a small number mentioned the inventory process and property checklists.

Second most common in comments on current monitoring practices were references to meeting existing standards, including Scottish Housing Quality Standard, Energy Efficiency Standard for Social Housing and Shelter standards.

Another prevalent theme was the use of customer/tenant feedback or surveys. Where specified, these tended to be conducted on leaving the property, rather than during the stay.

Related to this, a few also highlighted engaging with tenants or ensuring that staff support tenants. These included regular meetings with representatives from services connected to homelessness, a culture of regular feedback and approachable staff, giving notice of access requirements and supporting people as they move on to permanent accommodation.

Some also discussed the role of specialist local authority staff. These included housing management teams who procure, manage and maintain the stock, building repairs and maintenance teams and mentions of temporary accommodation and homelessness teams. A few also mentioned HMO licensing.

Other minor themes mentioned by a small number of respondents included: the role of the Care Inspectorate in inspecting relevant properties; the complaints process and investigating complaints on standards; meetings and reviews with contractors to ensure

compliance; the role of the SHR; and reflections on variation across different local authorities, and that they should be entrusted to ensure their own arrangements are in place and effective.

Other approaches to ensuring new standards are implemented

Section 4 Question 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.

In addition to outlining existing processes and procedures, respondents were also invited to comment on other approaches or options which could be considered to ensure local authorities adhere to new temporary accommodation standards. Most respondents responded to the question. A small number of these referred to their previous answer in relation to existing processes.

The most common theme in responses was the need to provide additional funding or support to local authorities or registered social landlords to help them adhere to the new standards.

Some also highlighted the need to involve service users or advocacy organisations. This included encouraging those with lived experience to inspect properties and a potential role for advocacy organisations in co-ordinating this, seeking service user feedback and employing people with lived experience or a knowledge of homelessness. One person gave the example of the Scottish Health Council's 'Our Voice' initiative.

Some reflected on the role of the SHR in relation to inspections. Within this one respondent mentioned registering temporary accommodation with the Care Inspectorate.

Related to this, a few mentioned the role of the Scottish Housing Regulator in a scrutiny role, with one noting that for them to do this in a robust manner there is a need for physical inspections and meeting with service users. A few also mentioned the need for sufficient time to make changes.

Other themes mentioned by small numbers of respondents included sharing good practice and the need for flexible approaches depending on local context. Two local authorities referred to RRTP – one that the implementation of new standards should be incorporated into RRTPs and the other that this seen as a separate exercise. Two respondents suggested a committee and/or the housing minister should have powers to hold local authorities to account.

Singular responses included moving away from private sector provision so that resources can be invested in the longer term, identifying new accommodation supplies including community hosting, a review of data collected by homelessness and temporary accommodation forms HL1 and HL3, and changing the definition of unsuitable accommodation. One advocacy organisation made the specific point that the current route for enforcement of the existing standards is through judicial review, and recommended an alternative route, suggesting a role for the Housing and Property Tribunal. A local authority commented that current approaches and sufficient.

Supporting local authorities to adopt new standards

Section 3 Question 5: Do you have suggestions on how local authorities could/should be supported or encouraged to adopt the new standards for temporary accommodation?

The consultation invited respondents to comment on how local authorities could be supported or encouraged to adopt the new standards for temporary accommodation. A number of themes were identified, some of which echoed suggestions for encouraging compliance with the Unsuitable Accommodation Order.

Most frequently mentioned were calls for guidance, the sharing of good practice and learning networks. This included suggestions for websites, guides, training, events such as CIH forums and roadshows, and visits to local authorities who are excelling in adopting the new standards. There was also a suggestion for a single point of accountability for local authorities. One advocacy organisation suggested the SHR convenes a Temporary Accommodation task force where local authorities can access this advice and share best practice.

The second most common theme included calls for an increase in the housing stock or other non-financial support for housing providers. Some of these comments highlighted the differing challenges for local authorities and the need for support to help them plan to meet their specific local contexts.

Related to this, many also called for increased financial resources. This included both funding to increase the volume of housing stock and to improve the standard of existing accommodation.

One response from a local authority gave a number of options for how additional funding could be sourced, including 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.

One respondent made the specific point that local authorities should not pass the cost of meeting the standards back to service users and increase the cost of temporary accommodation.

Several respondents commented that plans to adopt the new standards should be incorporated in, or aligned with, RRTPs. However, a small number of comments raised the issue of timescales of doing this.

Several also highlighted the need for enhanced or appropriate regulation. Respondents often cited the role of the Scottish Housing Regulator, with a small number calling for them to have a robust regulation regime which includes inspection and speaking to service users. The role of Audit Scotland and Scottish Government were also mentioned.

A small number expressed a view that including the standards within the Code of Guidance will be enough to encourage local authorities to adopt them. There were also comments from local authorities which expressed confidence that the standards would be achieved given their compliance with existing standards.

Another minor theme mentioned by a small number was calls for sufficient time for implementation. One singular response was that the standards need to be enforceable.

Lived experience of raising issues and seeking solutions

Lived Experience Question 13: How easy was it to raise any issues or problems about the standard of your accommodation and get things fixed?

A) Very easy

B) Quite easy

C) Not easy

Lived Experience Question 14: Would having a set of Scottish Government standards for temporary accommodation help you raise any problems you face with your accommodation?

- **Would sanctions provide an appropriate mechanism to encourage compliance?**
- **If so, what sanction would you consider to be an appropriate one?**

Examples shared by people with lived experience highlighted the challenges of raising issues or problems about the standards of temporary accommodation and of getting things fixed. Most indicated that, in their experience, this was 'not easy'. Most of those with lived experience agreed that a set of Scottish Government standards for temporary accommodation would help them raise any problems with their accommodation.

Respondents suggested that such an approach would ensure high standards are set and maintained and would provide a useful reference point. One individual highlighted a need for an independent body to deal with complaints. Another described the anxiety of being young and homeless and said they were unsure of the value of a set of standards in helping those in need to seek assistance.

4. Enforcement and sanctions

Section four focuses on enforcement. This chapter presents analysis of relevant responses, covering:

- The role of sanctions in relation to an extension of the Unsuitable Accommodation Order, effective and appropriate sanctions and how breaches can be avoided.
- The role of sanctions in relation to new standards.

The role of sanctions in relation to an extension of the Unsuitable Accommodation Order

Section 2 Question 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.

- **Would sanctions provide an appropriate mechanism to encourage compliance?**
- **If so, what sanction would you consider to be an appropriate one?**
- **What additional support should be in place for local authorities to minimise the number of breaches of the Order?**

The consultation paper acknowledged that some local authorities would face challenges in meeting the extension of the UAO to all homeless households. It asked respondents for views on whether additional measures should be introduced to help ensure local authorities did not breach the UAO.

Firstly, respondents were invited to select 'yes' or 'no' to indicate their overall view on whether or not sanctions were an appropriate mechanism to encourage compliance. Most of the 55 respondents who answered this question selected 'no'.

Analysis by respondent subgroup showed a divergence of views, depending on the sector. Almost all housing providers disagreed with sanctions; whilst the majority of advocacy organisations expressed support for sanctions. More people with lived experience of homelessness agreed than disagreed with sanctions. Among the small number of individuals without lived experience (for example, members of the public), slightly more disagreed than agreed with sanctions.

Secondly, respondents were asked what sanctions would be appropriate. Most common in these responses were comments on the potential impact of sanctions on local authorities, and how best to support housing providers to avoid sanctions. Second most common were calls for the Scottish Housing Regulator or Scottish Government to play a role in supporting local authorities to meet housing needs.

Smaller numbers of respondents reflected on sanctions as an effective way to hold local authorities to account or advocated for financial measures such as fines for local authorities, or compensation for tenants. A similar number suggested that legal mechanisms could be used to achieve compliance and a few called for the creation of a tiered system of sanctions, including a process of interventions or support to assist local authorities to comply with requirements.

Some highlighted that they did not believe financial sanctions were appropriate and focused their comments on other types of interventions they believed would be most effective, as discussed in the previous chapter.

A small number of respondents suggested sanctions could be supported by a more holistic approach at a national level, including a stronger focus on preventing homelessness, increases to the housing stock or provision of opportunities for local authorities to learn from best practice elsewhere.

One called for local authorities to have the flexibility to explore other forms of temporary accommodation, such as community hosting, social letting agencies, social tenancies, use of resident landlords and other lodging arrangements. They also suggested categories of Temporary Accommodation could reflect the Order, so that reporting of breaches is accurate.

Many of those who did not support sanctions took this opportunity to explain their reasoning. The most common themes across these responses was concern that the desire to avoid sanctions could have unintended consequences such as (i) placing homeless households further away from their local area (ii) increasing the likelihood that local authorities will reject applications for temporary accommodation.

Across responses, there were references to the financial constraints housing providers already face and concern that sanctions will diminish existing resources. Linked to this were acknowledgements that housing providers are already navigating complex changes in relation to homelessness and do not have the capacity to successfully deliver additional proposals in the short term. A small number suggested that the ongoing changes should be implemented and evaluated before further adjustments are instigated.

Some described a fear that some local authorities will breach because they do not have sufficient housing stock and will need time and resources to expand their accommodation options.

There were also a few calls for alternative approaches, including (i) for the housing regulator or Scottish Government to play a role in supporting local authorities to meet housing needs or (ii) to offer incentives instead of sanctions. It was also suggested that sufficient timescales will be needed to achieve successful transitions.

Respondents were invited to comment on how local authorities could be supported to minimise breaches of the Unsuited Accommodation Order. Within responses to this question, most common were calls for additional resources to support local authorities to meet their requirements. These included financial resources and other types of support, such as sharing of best practice. Another prevalent theme in responses to this question was of the variation of local need. Respondents called for tailored interventions depending

on the challenges that their area faces; for example, lack of housing stock, high levels of demand or dispersal across a wide rural area.

Several referenced the implementation of RRTPs in their response. This was mentioned both in terms of a process that will achieve the Scottish Government's aims in the longer term, and as process might be jeopardized should other changes to housing policy absorb the attention of the housing sector, in the interim. There were calls for incremental approaches to any sanctions or interventions and for an acknowledgment that the sector is undergoing significant change.

Another common theme were suggestions that local authorities be supported to pursue alternative approaches to increasing the available housing stock. Examples included seeking greater allocations from Registered Social Landlords, greater use of private rented sector accommodation or shared ownership models.

Many repeated the examples of alternative (non-financial) sanctions they had described in their response to a previous question.

A small number raised other issues for consideration in their response. These included:

- Calls for investment in training so that staff are better able to support and engage with homeless households.
- For the Scottish Government to think more broadly about how to meet their goals including greater investment in preventative work to address the root causes of homelessness.
- Improvements to IT systems, to speed up temporary accommodation procurement, allocation and management.

The role of sanctions in relation to new standards

Section 4 Question 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.

Lived Experience Question 15: Do you think councils should be penalised (for example, through a fine) if the accommodation they provide does not meet these standards?

The consultation also explored the potential role for sanctions in upholding any new standards which are introduced, asking respondents for their view on sanctions, such as penalties or fines for local authorities failing to meet the new standards.

Firstly, respondents were invited to select 'yes' or 'no' to indicate their overall view on whether or not sanctions were appropriate in such situations. Most of the 51 respondents who answered this question selected 'no'.

Analysis by respondent subgroup showed the same balance of views as was noted above for sanctions in relation to encouraging compliance with UAO. Almost all housing providers

disagreed with sanctions, whereas a majority of advocacy organisations expressed support for sanctions. Those with lived experience of homelessness were equally split on whether or not sanctions were appropriate.

Among those who did not believe that sanctions were appropriate, a variety of reasons against were provided. The most prevalent theme across these responses was a view that introducing fines or any form of financial penalties would be counter-productive. Some simply stated that fines could lead to a deterioration of services or limit the ability of local authorities to deliver services effectively. Many, however, raised the same issue as noted earlier which is the impact on financial resources at a time when these are already limited.

Many argued for the need for engagement and intervention in a process to support local authorities to resolve any issues and meet the standards. This included support in the form of dialogue, improvement planning and additional resources. There was some mention of the role of the regulator; that utilising their powers should be sufficient and that they have a role to play.

A small number cast doubt on the likelihood of new standards being achieved. They referenced time needed for local authorities to improve their stock or situations where a local authority does not own their temporary accommodation. There were also questions around whether exemptions would apply in situations where the location standards were not being met as a result of housing stock simply not existing e.g. in rural areas.

Other comments included two respondents who indicated a strong belief that local authorities would be able to meet the standards and therefore sanctions would not be required. Two noted a need for monitoring of compliance and a process to deal with non-compliance but did not elaborate on what these could be. Two gave specific suggestions for other approaches which were to 'link to the new temporary accommodation standards to the Annual Return of the Charter Report and engagement plans' and references to the Tribunal in the private rented sector and how a similar system could make it easier for local authorities to be held accountable.

Among those who supported the introduction of sanctions aligned to new temporary standards, most common was simply a call for their introduction.

Those who explained the basis of their support suggested that sanctions would bring about change in practice, hold local authorities accountable and speed up the proposed changes. To support this view, a small number gave examples of local authorities which are currently breaching standards and not being held accountable.

Many of the respondents who supported sanctions nevertheless caveated their support by raising the same issues as those who did not support them. These included the potential for them to be counter-productive and result in financial challenges, the need to work alongside and support local authorities, the use of sanctions only as a last resort, the challenges some local authorities might face in implementing the standards and the time needed to do so.

A small number provided further suggestions. These included that any fines should be paid to the affected tenant as compensation, and that performance reports should be published and with a registered responsible person named.

A majority of the small number of respondents with lived experience agreed that councils should be penalised if the accommodation they provide did not meet a proposed set of Scottish Government standards for temporary accommodation. Follow-up comments expressed a range of singular views including: a suggestion the approach would be 'robbing Peter to pay Paul'; that fines or similar financial penalties would result in change; and for a more collaborative approach rather than fines.

One advocacy organisation expressed their service users' views that reviews, fines, disciplining staff, enforcing standards, and serious sanctions all had a role to play.

How breaches can be avoided

Section 2 Question 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.

Respondents were also asked to indicate which of the options outlined in the consultation they believed would be the best way to avoid an increase in the number of breaches of the Unsuitable Accommodation Order.

- Option A – To extend the restriction to all homeless people from an agreed date
- Option B – To extend the restriction to all homeless people, with the extension to be implemented incrementally, over a period of time

Many of the 47 people who answered the question shared general comments which did not indicate a view. Among those who referenced either option, there was a clear preference for Option B.

Most of those who indicated a preference either explicitly stated Option B, or clearly stated a desire for an incremental approach. The vast majority of this group were representatives of the housing and health sector including local authorities. A number of reasons were given for this preference, most common being the additional time and flexibility available to local authorities to plan and respond to their local contexts. Some also commented that this would allow consistency with RRTPs.

Some expressed a preference either explicitly for Option A or from an agreed date, for a variety of reasons. A few mentioned that either planning for this was already underway or that agreeing a date with sufficient lead time would allow local authorities to be ready. A small number commented that an agreed date would be easier for local authorities to focus on and plan for than spreading resources across administering a series of incremental dates. Related to this, a small number also argued that the agreed date should be aligned with the end of the RRTP process so as to not distract from that work.

Three respondents gave mixed responses. Two commented that B would be preferable, but that there would be no breaches if local authorities were given sufficient time to plan and make improvements before the agreed date in Option A. One – a local authority – expressed a preference for Option A as they had concerns that an incremental introduction where different groups are prioritised could be construed as breaching equalities legislation and human rights legislation. However, they concluded their response

by stating that neither option would reduce the number of breaches in their area until RRTPs are fully resourced and implemented.

Several general comments were made by respondents in response to this question. These included the following themes:

- That extending the number of people who can be classed as a breach will ultimately lead to more breaches, putting additional pressure on the system.
- Challenges faced by local authorities in improving standards and finding suitable alternative stock.
- The need for time to act, recognition of local contexts and support for local authorities to plan and implement changes.
- The positive impact of the proposed changes on refugees.

5. Conclusions

A range of informed stakeholders took part in the consultation. They appeared to be highly-engaged and knowledgeable about relevant matters, including planning and delivering housing services, supporting homeless households or representing the experiences of groups who have accessed temporary accommodation. Many people also shared rich insights into their experiences with temporary accommodation, through material submitted in an alternative format via an organisation. Together, these responses provided a useful evidence base for the Scottish Government to draw upon in the development of new approaches.

The Scottish Government's key proposals were endorsed in principle. Most respondents supported an extension of the seven-day limit for use of unsuitable temporary accommodation to all homeless people. They also agreed the Scottish Government should create standards for temporary accommodation based on the guidance published by the Chartered Institute of Housing Scotland and Shelter Scotland. However, views on approaches to implementing these changes, and the likely impact of the proposals, differed.

Themes across responses included numerous examples of poor experiences with temporary accommodation, which reinforced the case for change. Many expressed awareness that some local authorities may struggle to manage transitions in the short term. There were numerous reflections on the changing context for housing services, including drivers for demand and supply, and emerging approaches to delivering effective housing provision and associated support.

Across their comments many housing providers voiced concern about the cost, rate and extent of imminent and actual transformation underway. These included fears that the proposed changes may absorb resources, detracting from a local authority's capacity to achieve the longer-term Rapid Rehousing Transition Plans (RRTP) they are already committed to.

Some divergent views were also evident, reflecting varied perspectives among stakeholders. These include:

- Calls from some respondents for changes to be implemented as soon as possible, while others urged for a longer time frame for implementation.
- Views that a national, consistent approach is required, versus comments on the value of flexible approaches to improvements.
- For a focus on the needs of specific groups, for example care leavers, with calls for these to be prioritised; others favoured a uniform approach to the implementation of change.
- Different views on the likely impact of changes. While many of the responses to this question focused on positive impacts, some unwelcome consequences for the permanent housing sector were described.

At a broader level, it was suggested that the changes will reinforce a rights-based approach to housing provision. There were also calls from a small number of respondents for the Scottish Government to support these proposals by moving towards a holistic approach that addresses the root causes of homelessness.

Appendix 1.

Consultation Questions

Questions on the Unsuitable Accommodation Order (UAO)

1. Scottish Ministers have used their powers under the Homelessness etc. (Scotland) Act 2003 to limit the use of 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 time
- OPTION C – Not extend the restriction to all homeless people

2. If the consensus is for option A what date would you suggest as the legal date for implementation?

3. If the consensus is for option B:

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

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

By what date do you consider it would be reasonable for all homeless households to be covered by the extended Order?

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

- Yes
- No

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

6. Please tell us about any negative implications that may result from us extending the restriction 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?

- This is still the most appropriate.
- There are factors I would like to see changed.

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
- No

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?

- Yes
- No

Do you think any other exemptions should be considered?

10. We have already outlined that some local authorities have breached the current UAO, so that it 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. Would sanctions provide an appropriate mechanism to encourage compliance?

- Yes
- No

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

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

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

- Yes
- No

Questions on Advisory Temporary Accommodation (TA) standards

1. Please confirm whether you agree that the existing CIH Scotland/Shelter Scotland standards provide an appropriate basis for a Scottish Government advisory standards framework.

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 adopt and update the standards contained within the [guidance](#) published by CIH Scotland and Shelter Scotland to produce an advisory standards framework for all types of temporary accommodation

Yes

No

If not, please explain your answer.

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?

Yes

No

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

4a. 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.

Yes

No

4b. Do you think that the new standards should also be published elsewhere?

Please 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?

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?

- Yes
- No

Please explain your answer.

Questions on Enforceable Temporary Accommodation (TA) standards

1. Do you agree with this approach?

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.

- Yes
- No

Please explain your answer.

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:

Address the issues where standards are not being met:

Monitor ongoing issues:

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?

- Yes
- No

Please explain your answer.

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.

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?

Yes

No

Please explain your answer.

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?

Lived Experience Questions

1. When you first became homeless were you given access to temporary accommodation immediately by your council if you required it?

Yes

No

2. What type of temporary accommodation were you placed in? (B&B, hostel, furnished flat etc.)

3. What do you need from temporary accommodation to make it suitable for you?

4. How many different temporary accommodations were you placed in? Why was this the case? What impact did this have on you?

5. We are making changes to the Unsuitable Accommodation Order so no-one has to stay in 'unsuitable' accommodation for more than 7 days. What does unsuitable mean for you?

6. Legally, suitable accommodation currently means that you:-

- Are housed where people in your household can access schools and medical services in the local area
- Have adequate bedrooms for members of your household
- Have exclusive use of toilet and washing facilities for members of your household
- Have access to your own or shared cooking facilities and use of a living room
- Can stay in the accommodation at all times, with no curfew and are allowed visitors

Is there anything else you would add to the above list or take away?

7. In your experience how common is it to stay in unsuitable accommodation like this?

- Very common
- Quite common
- Not common

8. What types of accommodation are more likely to be unsuitable?

- Bed and breakfast
- Hostel
- Furnished flat

9. Would you change the description of suitable accommodation in any way?

- Yes
- No

Please explain your answer:

10. Currently the Unsuitable Accommodation Order means that local authorities must not house families and pregnant women in unsuitable accommodation for more than 7 days. Do you think that this should be changed so that everyone is covered by the Unsuitable Accommodation Order?

- Yes
- No

11. We want to improve the standards in temporary accommodation across Scotland.

Thinking about your experience(s) of living in temporary accommodation, what types of things would make/have made your stay more positive or pleasant?

12. How would you compare the standard of temporary accommodation with the standards of any permanent accommodation that you have experienced?

13. How easy was it to raise any issues or problems about the standard of your accommodation and get things fixed?

- Very easy
- Quite easy
- Not easy

14. Would having a set of Scottish Government standards for temporary accommodation help you raise any problems you face with your accommodation?

15. Do you think councils should be penalised (for example, through a fine) if the accommodation they provide does not meet these standards?

Yes

No

Don't know

16. As a first stage, we want to put the standards into a refreshed Code of Guidance, which local authorities are expected to follow. These will be known as Advisory Standards and will allow us to do something quickly. The second stage will be to introduce Enforceable Standards but this will be a longer process as we need to consider all of the existing legislation that covers permanent housing standards to make sure that temporary accommodation meets all of these.

Do you have any comments about this approach?

17. We propose that standards cover the following areas:

- Physical: safe and secure, access to proper cooking, washing facilities, suitable for disabled people, clean, enough living space etc.
- Suitability: affordable and meets your needs
- Located near services: schools, medical facilities
- Support: you can get the support you need from a range of services
- Management: your possessions are protected, you have a written occupancy agreement, you are involved in discussions about your stay and there are processes for moving in and out, you get a rent statement

Do these cover the right areas to improve standards in temporary accommodation?
Is there anything missing?

18. We will set up a Working Group to develop the new standards framework for temporary accommodation. Is there anything you think this group should do or take into account as they do this?

Responses to subset questions from individuals

There were two sets of questions asked by an organisation. There were 317 responses to the following set of questions. The first three are based on questions 1, 2, 3 and 5 under 'Questions on the Unsuitable Accommodation' order from the consultation. The fourth does not directly relate to anything from the consultation.

1. The Scottish Parliament has time limited the use of unsuitable temporary accommodation for families to a maximum of 7 days, but this doesn't apply to other people experiencing homelessness. **Do you think Government should extend the same legal 7 day limit to all people experiencing homelessness?**
2. **How quickly should the 7 day restriction should be extended to all homeless people? Should it be extended from an agreed date, or introduced incrementally by certain groups over a period of time?**
3. **What are the potential impacts of extending the 7 day restriction to all homeless people?**
4. **This question is optional. Do you know anyone who has experienced living in this kind of accommodation? What kind of impact do you think it has had on their life?**

153 respondents answered all four questions, 125 answered three questions, 17 answered two questions and 22 answered one question

There were also 18 responses to the following set of questions, which are loosely based on the Lived Experience Questions from the consultation. Questions 3, 4, 5 and 6 are taken more or less directly from the consultation with minor rephrasing, whilst the first two cover much of the rest of it.

1. **Tell us about your experience of living in unsuitable emergency accommodation**
2. **What makes temporary accommodation unsuitable to live in and how could it be made better?**
3. Currently the law says that local authorities only must not house homeless families and pregnant women only in unsuitable accommodation, such as B&Bs, for more than 7 days. **Do you think that the law should be extended to everyone experiencing homelessness, and if so, why?**
4. A property is defined as 'unsuitable' if:
 - It is away from facilities and services for the purposes of health and education which are being used by the household members;
 - It is not wind and watertight;
 - It is not suitable for occupation by children;
 - It Lacks adequate toilet and personal washing facilities for the exclusive use of the household;
 - It lacks adequate bedrooms for the exclusive use of the household;

- It lacks adequate cooking facilities and use of a living room; or
- Is not usable by the household for 24 hours a day.

Is there anything that you would add or remove from the list above and why?

5. It is proposed that standards for temporary accommodation cover the following areas:

- Physical: safe and secure, access to proper cooking, washing facilities suitable for disabled people clean enough living space etc.
- Located near services: Schools, medical facilities
- Support: you can get the support you need from a range of services
- Management: your possessions are protected you have a written occupancy agreement, you are involved in discussions about your stay and there are processes for moving in and out. You get a rent statement

Do these cover the right areas to improve standards in temporary accommodation? Is there anything missing?

6. A Working Group will be established to develop the new standards framework for temporary accommodation. What do you think the Group need to take into account as they develop a new standards framework for temporary accommodation?

14 respondents answered all six questions, 2 answered five questions and a further 2 answered four questions.



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