

Scottish Government:
A Consultation on Extending Restrictions in Unsuitable Temporary Accommodation
August 2019

Introduction

The Programme for Government announced by the First Minister on 5 September 2017 set out a new commitment to eradicate rough sleeping, transform the use of temporary accommodation in Scotland and end homelessness. The Homelessness and Rough Sleeping Action Group (HARSAG) was subsequently established to initiate these transformational changes and provided 70 recommendations to Scottish Ministers, including extending the Unsuitable Accommodation Order from pregnant women and families with children to all homeless households and introducing a legally enforceable standards framework.

The Scottish Women's Convention (SWC)

The Scottish Women's Convention (SWC) is funded to engage with women throughout Scotland in order that their views might influence public policy. The SWC uses the views of women to respond to a variety of Parliamentary, Governmental and organisational consultation papers at both a Scottish and UK level.

The Scottish Women's Convention engages with women using numerous communication channels including Roadshow events, Thematic Conferences and regional contact groups. This submission provides the views of women and reflects their opinions and experiences in a number of key areas relevant to the issues set out in terms of housing and homelessness.

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 a period of time.

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

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

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

In consultation with women who have been placed in temporary accommodation and recognising the challenges that these individuals face, the overwhelming response would be to introduce this restriction to all homeless people as soon as is possible.

It must be noted that a major reason behind homelessness for women is a wide variety of complex needs including mental health issues and violence against women. Extension of the restriction of this criteria to all women is indicative of the vulnerabilities and unique challenges many may face when in this precarious situation. The rise in young, single women making homelessness applications means that restriction of unsuitable temporary accommodation must take this into account. Currently, waits for settled housing for this group coupled with high rents means that many face extended stays in unsuitable properties or face the risk of having to take on properties they simply cannot afford.

A number of other factors play a part disproportionately to women that leave them open to vulnerability and exploitative situations when placed in unsuitable accommodation which should be taken into account including:

- Ongoing cuts to welfare reform and further roll outs of Universal Credit which disproportionately impact on women.
- The nature of work including part time, precarious contracts leaving many women at odds when it comes to affording rent, particularly in the private rental sector.
- The current demand placed on social housing which sees many women forced to pay high private rents whilst awaiting this.
- Exploitative and abuse situations which has the potential to force many women into poverty and harm.

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

In terms of women who currently do not fall under the restriction at present, extension of this has the potential to stop many *“falling through the cracks”*. Women often face unique situations in terms of homelessness and temporary accommodation that can leave them privy to abuse and exploitation. Fundamentally, usage of such an extension may be beneficial for women with complex support needs who are currently temporarily housed in hostel accommodation which may be unsuitable and detrimental to their health and wellbeing.

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

A major issue which may occur if this is not applied correctly may be longer waiting times for those women who already fall under the current seven day restriction at present due to high volume of demand. Collaborative working and wraparound support which ensures temporary accommodation is used infrequently and for the smallest amount of time possible is key.

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.

Whilst this is appropriate, guidance should also be updated to include problems with the current Universal Credit roll out and ongoing welfare cuts. It is crucial that the tests for definitions of unsuitable accommodation continue to be flexible and take into account an individual's own needs and preferences, including connections for work and education as well as social and economic needs. At the heart of this process, women placed in both temporary and settled accommodation must not be excluded from the narrative and be part of the decision making process.

[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. The definition should apply to all women who are made or are at threat of being made homeless.

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

[• What additional support should be in place for local authorities to minimise the number of breaches of the Order?](#)

The complex nature of those submitting homeless applications must always be kept at the forefront with holistic, wraparound care available from day one. Current budgetary restraints facing local authorities at present, however, infer that challenges may arise.

The ongoing demand placed on local authorities amidst budgetary and staff cuts has seen a shrinkage in what the public sector can offer, having to do much more with much less. Extra funding and mitigation must be in place to ensure UAO's are a last resort.

Mainstreaming and providing a consistent approach across all guidance and legislation is crucial to ensure potential breaches are kept to a bare minimum. This should include awareness of the different nature of local authority areas across Scotland and the features of the temporary accommodation used in each.

[• Would sanctions provide an appropriate mechanism to encourage compliance?](#)

Given the relative newness of The Homeless Persons (Unsuitable Accommodation) (Scotland) Amendment Order 2017, alongside a potential extension of this to any individual making a homeless application, sanctions should not be seen as the most appropriate way of encouraging compliance. Rather, guidance and training including streamlining processes within the move to a Housing First and Rapid Rehousing approach should take priority.

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 published by CIH Scotland and Shelter Scotland to produce an advisory standards framework for all types of temporary accommodation.

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

Yes. Presently, the distinction that drives suitable and unsuitable temporary accommodation fails to take into account that this type of property should not be seen as a long term solution to homelessness. Many women, including those with children, are often placed in this type of accommodation for lengthy periods of time which can have severe impacts on employment and community links.

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.

Yes. As mentioned previously, Local Authorities are facing a particularly trying time with cuts to budgets coupled with an increase in homelessness applications. With the criteria for extending the seven day restriction potentially changing, a standards framework would possibly be the most beneficial way in which to ensure standards are consistently met across all local authority areas and across all different types of temporary accommodation.

Fundamentally, this approach must incorporate all Government and Local Authority Departments that have a stake in the way frameworks would operate, including health and social care. Adopting such a strategy would also mean working closely with LA's to recognise the unique and diverse nature of both their population and geographical structure in providing suitable temporary and settled accommodation for women.

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.

Whilst the ongoing move to Housing First and Rapid Rehousing as a preventative strategic priority within the Scottish context is extremely beneficial, it is crucial to note the effect this

will have on the support that LA's may be able to offer. Placing undue extra pressure would not be seen as appropriate. Rather, a heightened emphasis on the vulnerabilities of all women that make homelessness applications would instead be beneficial with Equality Impact Assessments carried out at all stages of the process.

Conclusion:

Extending restrictions for the length of time spent in unsuitable temporary accommodation is crucial for women's safety and wellbeing. It is crucial that support for all needs and vulnerabilities is set in place from day one with ensuring secure, affordable housing that meets women's support criteria an essential objective. Failure to put forward such mechanisms not only has the potential to push many women into poverty and possibly homelessness, but also fails to take into account structural gender inequality that women face.

For further information, please contact

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The Scottish Women's Convention engages with women using numerous communication channels including Roadshow events, Thematic Conferences and regional contact groups. This submission paper provides the views of women and reflects their opinions and experiences in a number of key areas relevant to employment and the National Living Wage.

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