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Designation	Head of Development
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REPORT TO: Members' Library Service

MEETING DATE:

BY: Head of Development

SUBJECT: Scottish Government Consultation on Improving Temporary Accommodation Standards

1 PURPOSE

1.1 To advise members of the proposals being consulted on by the Scottish Government to implement the Homelessness and Rough Sleeping Action Group (HARSAG) recommendations to eradicate rough sleeping, transform the use of temporary accommodation in Scotland and end homelessness. The Scottish Government consultation invited views on taking forward the commitment on transforming temporary accommodation by:

Extending the Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014, seven-day restriction on time spent in unsuitable temporary accommodation to all people experiencing homelessness; and

Introducing a legally enforceable temporary accommodation standards framework.

2 RECOMMENDATIONS

2.1 Members are asked to note the contents of this report and the Council's response to the proposals set out in the Consultation Paper. A link to the response can be accessed at 7.2 of this report.

3 BACKGROUND

3.1 The Scottish Government established the Homelessness and Rough Sleeping Action Group (HARSAG) in October 2017 to provide recommendations to Scottish Government Ministers on the actions and

solutions needed to eradicate rough sleeping and transform the use of temporary accommodation in Scotland.

In June 2018, HARSAG completed their work, producing a comprehensive set of 70 recommendations aiming to secure strategic changes at both the national and local level which would help support delivery on the front-line. All 70 recommendations have been accepted by the Scottish Government in principle and translated into the [Ending Homelessness Together High Level Action Plan](#), published by the Scottish Government and COSLA in November 2018.

The Plan sets out the actions the Scottish Government will take in partnership with others to realise shared ambitions to end rough sleeping and homelessness. It sets out a commitment to transforming temporary accommodation and prioritising settled housing for all.

In accordance with this, the Scottish Government published a consultation on 22nd May 2019 on a proposal to extend the Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014 to all homeless households and to introduce a legally enforceable national standard for temporary accommodation. The [Consultation](#) closed on 14th August 2019.

3.2 The HARSAG recommended the following action in respect of standards of temporary accommodation:

- Extend the 7-day restriction on unsuitable temporary accommodation to all homeless people.

In line with the HARSAG recommendation the Consultation is proposing to extend the Unsuitable Accommodation Order to all homeless households. The Consultation also seeks views on whether an incremental extension would help local authorities manage the transition by realigning their provision, adjusting their Rapid Rehousing Transition Plans and avoiding further breaches of the order. The Consultation suggests that one way of doing this would be to extend the order to groups of homeless people within the Order, in the same way that families with children and pregnant women are currently prioritised.

In extending the Order, the Consultation also sought views on whether the current definition of 'unsuitable accommodation' would be fit for purpose when extending the Unsuitable Accommodation Order beyond families with children and pregnant women. The current definition is set out in Section 1 of the consultation document: <https://www.gov.scot/publications/consultation-improving-temporary-accommodation-standards/>

The Consultation sought views of whether the current exemptions for refuges and supported accommodation should still apply, and whether or not an extension to all homeless households would mean that any other exemptions would be needed.

The Consultation sought views on compliance with the Order. This included considering whether additional sanctions could be introduced in addition to

measures undertaken by the Scottish Housing Regulator and Scottish Ministers to insure that local authorities comply with the extended Order.

3.3 The HARSAG recommended the following actions in respect of standards of temporary accommodation:

- Build on existing standards work, co-produce new standards for temporary accommodation with stakeholders.
- Work with the Scottish Housing Regulatory to explore options for enforcing new standards.
- Review relevant data collections to ensure that the new standards can be monitored and their impact assessed.

In line with the HARSAG recommendation the Consultation is proposing a two stage process. In Phase 1 the Scottish Government will create advisory standards which is proposed to be based on the adopted and updated Guidance on [Standards for Temporary Accommodation](#) published by CIH Scotland and Shelter Scotland in 2011. The Consultation proposes that the refreshed advisory standards will be published in the [Code of Guidance](#) on Homelessness later in 2019, which is currently being reviewed.

In Phase 2, the Scottish Government will consider how to develop the advisory standards into a Temporary Accommodation standards framework and ensure it is implemented by all local authorities to guarantee that all temporary accommodation is of a consistently high quality.

HARSAG believed that better standards could be achieved through the introduction of legal mechanisms to ensure that all temporary accommodation used by local authorities reaches a certain standard.

The Consultation states that a Scottish Government Working Group will be set up in 2020 who will help to produce a new standards framework, identify legislative changes needed and advise on how these could be regulated and enforced.

The Consultation sought initial views on how the legislative framework should be shaped and developed.

3.4 The Council's response is clear in stating that it does not support plans to extend the Order to all homeless households. With proposed legislative change including Local Connection and Intentionality proposals, pressure to deliver on rapid rehousing and limited resources, it is unclear how East Lothian Council can continue to avoid breaching the Order as it currently stands.

The response sets out that despite the widely acknowledged adverse effects living in temporary accommodation can bring, any benefits of extending the order will be dependent on the ability of local authorities to

implement the proposed changes to the Order in practice. Without the necessary resources to achieve its implementation, it is likely that extending the Order will be detrimental, as additional permanent housing stock will be required for use as temporary accommodation to replace unsuitable accommodation and this will create further blockages in the system to the allocation of permanent housing.

The response clearly stated that sanctions should only be used where it can be clearly evidenced that the local authority has actively sought to breach the Order. Given the widely recognised housing pressure and the challenges which will be faced by East Lothian Council, it is believed to be counterproductive to sanction a local authority which is struggling to meet the Order.

- 3.5 In response to the proposed changes on advisory Temporary Accommodation Standards, while East Lothian Council agrees with the plans being based on the current framework, the new standards will require a large amount of resources over and above what has been allocated in the RRTPs. The response states that the Scottish Government must support local authorities to improve the standards by providing long term funding.

In response to the proposed introduction of Enforceable Temporary Accommodation Standards, it is clearly stated that the Scottish Government must guarantee long term financing to local authorities to ensure the standards can be met. The response clearly states that it is imperative that the Rapid Rehousing Transition Fund is viewed separately and finance is provided in addition to this.

4 POLICY IMPLICATIONS

- 4.1 There are no policy implications directly arising from this Consultation. Further consultation is expected in relation to legally enforceable standards in Temporary Accommodation later in 2019. A revised Code of Guidance is expected in October/November 2019, setting out advisable Temporary Accommodation Standards. The Scottish Government Ending Homelessness Together High Level Action Plan sets out a commitment to transform Temporary Accommodation in Scotland by 2023.

5 INTERGRATED IMPACT ASSESSMENT

- 5.1 The consultation seeks views on the potential impact of the proposed changes on people with protected characteristics including potential impacts for people who are homeless or at risk of homelessness.
- 5.2 The consultation included questions for individuals with lived experience of homelessness and a number of organisations including Shelter Scotland, Crisis Scotland and the Homelessness Network provided support for individuals wishing to complete this part of the consultation.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – None, although there is likely to be a resource implication following the commencing of provisions and extension of the Order. This will include increased spend on temporary accommodation and associated administrative and support costs.
- 6.2 Personnel – none
- 6.3 Other – none

7 BACKGROUND PAPERS

- 7.1 The East Lothian Council response is attached as an appendix to this report.

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DATE	30 August 2019

Response ID ANON-ANDW-7QP2-M

Submitted to **A consultation on improving Temporary Accommodation Standards**

Submitted on **2019-08-14 18:18:05**

Section 2: Proposed Changes and 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 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 C - Not extend the restriction to all homeless people

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

Date::

N/A

3 If the consensus for extension is option B:

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

N/A

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

N/A

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

N/A

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

No

Please explain your answer.:

Option A is considered to be preferable to Option B. With the exception of households with access to children, care experienced individuals and age (vulnerable older people or young people), it is unclear which experiences, circumstances and / or characteristics would be appropriate to prioritise in terms of vulnerability. Individuals with highly complex needs whose health and wellbeing would be further reduced by a stay in Unsuitable Accommodation could be prioritised i.e. individuals with a mental health condition, physical disability, learning disability and / or substance misuse issues. However some of the above conditions are easier to evidence than others and some individuals may have evidence readily available to substantiate the above while others do not. Obtaining information in support of an application can be time consuming (Option B is likely to create significant bureaucracy around the Order) and it is unlikely that evidence will be available in relation to all individuals within a 7 day period from the date of initial assessment. Ultimately, this could potentially lead to a perception of discriminatory local policy, which is what the proposed extension of the Order is seeking to move away from. Similarly, it could be difficult to prioritise between and / or evidence domestic violence, harassment from outwith the home and anti-social behaviour within a 7 day period, which could lead to challenge.

The operation of local policy on this could also be difficult to implement, particularly where neighbouring authorities are operating differently i.e. if one authority implements the extension of the Order to all homeless households and another operates an incremental system, this could result in increased demand in areas where the extension of the Order is fully operational, particularly within a context of changes to local connection.

In summary, it is considered an incremental approach (Option B) could be construed as breaching equalities legislation and human rights legislation, could potentially result in significant challenge and pose difficulties with regard to implementation. Given this, it is considered that Option A is preferable.

Notwithstanding the above, it is the view of East Lothian Council that both Option A and Option B will result in an increase in the number of breaches of the Order. While there have been no breaches of the order since 2017/18, the Council is close to breaching the Order on a regular basis. To provide some context, there are currently circa 3,400 applicants on the Council's housing list in housing need, with a maximum of 500 allocations per annum. The most recent South East Scotland Housing Need and Demand Assessment (SESplan HNDA2) evidences a requirement for an additional 370 units of affordable housing per annum in East Lothian over a twenty year period to meet identified need. This is likely to be further compounded by an increase in demand as a result of proposed change to local connection and intentionality and the pressures of transforming to a rapid rehousing approach by 2024. In addition, with homelessness predominantly a structural problem in East Lothian, it is of concern that capital funding requirements identified for system transformation will not be met through RRTPs. East Lothian Council submitted a detailed, robust and credible RRTP in December 2018 which evidenced a requirement for a total of £7.221m, including £5.225m capital funding. It is unclear how transformation can be achieved in East Lothian without this additional finance. Implementing rapid rehousing as per the RRTP will be challenging and requires full support and funding, however despite the unique homelessness position faced in East Lothian, a total allocation of £160k has been agreed for 2019/20. Assuming a similar proportion of funding for the remaining allocation, in the region of 80% of the identified resources to deliver the RRTP could remain unfunded. This will have a direct impact on the ability of East Lothian Council to avoid breaches. In addition, any change to local connection will see East Lothian incredibly challenged from Edinburgh's acute homelessness problems and this too must be recognised in the Scottish Government's resource planning.

With proposed legislative change, pressure to deliver on rapid rehousing and limited resources, it is unclear how East Lothian Council can continue to avoid breaching the Order as it currently stands. Rapid rehousing will be challenging to deliver in itself given the shortage of affordable housing in the area and it is

considered that the extension of the Order will significantly compromise the ability of the Council to achieve the outcomes set out in the East Lothian RRTP 2019-24. Until RRTPs are fully resourced and implemented, East Lothian Council considers that neither OPTION A - Extend the restriction to all homeless people from an agreed date or OPTION B - Extend the restriction to all homeless people but introduced incrementally over a period of time, will result in avoiding an increase in the number of breaches of the Order in East Lothian.

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

Comments::

There is a common perception that the current Order is potentially a breach of human rights and equalities legislation. Extending the restriction to all homeless people would end any sensitivities around the possibility of legislative discrimination and provide the basis for a fairer, more reasonable and unbiased approach. Aligned to this, currently there is a lack of consistency across Scotland in respect of how the Order is applied to parents with access to children. Extending the restriction to all homeless people would ensure local authorities are less exposed and not open to challenge on this.

It has been widely researched that living in unsuitable temporary accommodation can have significant adverse effects on an individual's health and wellbeing. Extending the restriction would in theory enable reduced time in unsuitable accommodation and promote improved physical and mental health, i.e. reducing stress, depression and anxiety; feelings of isolation; risk of accidents and likelihood of offending and substance misuse. It would potentially increase confidence and self-esteem, improve safety, the ability to retain employment and increase household income. However this is dependent on the ability of local authorities to implement the proposed changes to the Order in practice. The extension of the Order in itself, without the necessary resources to achieve its implementation, will not necessarily achieve the well-known positive impacts of suitable accommodation. In East Lothian and in other areas where homelessness is considered to be predominantly a structural problem, it is likely that extension of the Order will be detrimental, as additional permanent housing stock will be required for use as temporary accommodation to replace unsuitable accommodation and this will create further blockages in the system to the allocation of permanent housing. Until RRTPs are fully resourced and priority outcomes delivered, East Lothian Council cannot contemplate an extension of the restriction to all homeless people.

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

Comments::

- Extending the restriction to all homeless people will impact upon the ability of East Lothian to comply and is likely to lead to a significant number of breaches on a regular basis.
- Currently, East Lothian Council is focussed on avoiding breaches of the Order where possible. Extending the restriction to all homeless people will result in a more heightened focus on avoiding breaches of the Order. With limited resources, this is likely to detract from a focus on rapid rehousing, negatively impact upon the ability to transition to a rapid rehousing approach and significantly compromise the ability to achieve outcomes set out in the East Lothian RRTP 2019-24.
- Homelessness in East Lothian is predominantly a structural problem. Extending the restriction will require increased use of temporary accommodation for homeless households, as B&B use declines. As more temporary accommodation is required, this will remove potential permanent housing stock from the housing system, further compounding the problem. This is entirely at odds with a rapid rehousing approach and will consequently compromise our ability to deliver on rapid rehousing. Homeless people will require longer stays in temporary accommodation as we will potentially need to use family-sized accommodation for more homeless applicants (to avoid breaches) bringing with it all the negative impacts for families/children around education, health, employment etc.
- A move away from the use of unsuitable accommodation will require the development of additional suitable temporary accommodation to ensure permanent housing is not used for temporary accommodation (as above). With the removal of capital costs from RRTPs, it is unclear how the gap in resources identified as being required, will be met.

The specific challenges pertaining to East Lothian are widely recognised. Despite high levels of housing allocations to homeless households, the length of time spent in temporary accommodation remains relatively high in relation to other areas. A report commissioned by Social Bite on behalf of HARSAG states 'Temporary accommodation pressure is extraordinarily high in East Lothian with 71% of those owed a duty during the year remaining in temporary accommodation at the end of the year, suggesting acute blockages in the 'flow' of households through temporary accommodation'. In a similar vein, a report by Crisis focuses on the seven Scottish Council areas with the highest use of 'unsuitable temporary accommodation', which includes East Lothian.

7 Do you believe the current definition of unsuitable accommodation set in 2004 asset 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.

Please explain::

The current definition as set out in 2004 is still appropriate. The location and the facilities of the accommodation remains important to ensure that individuals experiencing homelessness remain close to their support networks. There are no other factors which should be added.

In order to ensure Local Authorities are able to utilise their housing stock and provide reasonable options to individuals, there must be consideration of toilet facilities for the exclusive use of the household. It is suggested that this is revised to allow temporary accommodation flat-shares with 2-3 non-relating individuals to share a bathroom. In deeming this unsuitable accommodation, the Scottish Government would be limiting a viable housing option which resolves rooflessness.

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

Please explain::

East Lothian Council recommends that the same definition should apply to all homeless households as it currently does to families with children and pregnant

women. In providing alternative definitions, the Scottish Government risks moving backwards towards “priority need”. It should also be recognised that some of society’s most vulnerable individuals come through the homelessness route, and that they should be granted the same rights and standards as children and pregnant women. However, until RRTPs are fully resourced and priority outcomes delivered, East Lothian Council cannot contemplate an extension of the restriction to all homeless people.

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

Do you think any other exemptions should be considered?:

Yes. As refuges and supported accommodation are covered by Scottish Housing Regulator, they should still apply. A further exemption should be where “significant risk would occur to the individual or individuals surrounding them due to their placement”.

To ensure all temporary accommodation is streamlined, it should be ensured that there are sufficient common areas and bathrooms within refuges and supported accommodation to the ratio of tenants. This is perhaps more important for those in supported accommodation as they are likely to stay in the accommodation for a longer period of time.

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?

No

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

Sanctions should only be used where it can be clearly evidenced that the local authority have actively sought to breach the Order. Given the widely recognised housing pressure and the challenges which will be faced by East Lothian Council, City of Edinburgh Council etc it would seem counterproductive to sanction a local authority which is struggling to meet the Order.

It is proposed that an adequate response to a local authority failing to meet the obligations is given the necessary support and guidance to ensure compliance at the soonest possible date.

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

Historically, homelessness in East Lothian is predominantly considered a structural issue, with a lack of affordable housing supply across the county, limited land supply and substantial costs required for infrastructure. Despite an ambitious new build programme, maximizing opportunities to accelerate affordable housing and actively taking forward a range of innovative solutions with key partners to increase the supply of affordable housing, housing need remains high at an estimated 370 affordable units per annum over a 20 year period as evidenced in SESplan HNDA2. It is evident that success with regard to minimising the number of breaches of the Order will be premised to a significant extent on increasing the supply of affordable housing. Delivering on the proposed extension to the Order for all homeless households, alongside the pressures to deliver on rapid rehousing and likely additional demand from proposed changes to local connection and intentionality, within the context of uncertainty around subsidy for affordable housing beyond 2021 is of significant concern and support would be welcome in respect of this.

East Lothian Council in common with many other local authorities is facing significant pressures with regard to implementing RRTPs and the extension of the restriction has not been factored into resource planning for RRTPs, covering the period 2019-24. East Lothian Council submitted a first iteration of the RRTP in December 2018, with a corresponding bid for £7.221m, comprising £5.225m capital funding and £1.996m revenue funding. Given that homelessness is predominantly a structural problem in East Lothian, it remains a key concern that the capital costs identified as required to deliver a transformation to rapid rehousing are not applicable in respect of RRTP funding allocations. The methodology used to allocate RRTP funding for 2019/20 is also a key concern for East Lothian Council, with the allocation of £160k falling significantly short of the required finance and failing to take account of the issues and evidence pertaining to supply and demand pressures locally. It is imperative that adequate resources are provided in order to meet the requirements of the extension, while also transforming to a rapid rehousing approach. Indeed, it is unclear how transformation can be achieved in East Lothian without this additional finance. Implementing rapid rehousing as per the RRTP will be challenging and requires full support and funding. In addition, any change to local connection will see East Lothian incredibly challenged from Edinburgh’s acute homelessness problems and this too must be recognised in the Scottish Government’s resource planning and corresponding support to local authorities.

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?

No

Please explain your answer.:

SHR have adequate powers to monitor and assess the implementation of the extended Order.

Section 3: Proposed Changes and 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.

Yes

If not, please explain your answer:

Yes. The existing CIH Scotland / Shelter Scotland standards provide an adequate basis for the advisory standards.

An update to the standards would be to ensure that there was access to internet in the accommodation. This is in recognition of the changing landscape where internet access is becoming increasingly essential for navigating systems and processes.

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

Please explain your answer::

Please see answer to question 1.

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

Please explain your answer::

Please see answer to question 1.

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

Please explain your answer::

Yes. The Code of Guidance is a sensible place for the refreshed standards to be published. However, as a multi-agency response is increasingly regarded as the correct response to homelessness, and where support is specifically mentioned within the standards, it seems necessary for the refreshed Code of Guidance to be circulated wider and to include Health and Social Care Partnerships.

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

Yes

Please explain your answer.:

Please see answer to question 4a.

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

Please explain your answer::

Adopting the new standards for temporary accommodation will require a large amount of resources, over and above what has been allocated in the Rapid Rehousing Transition Plans. The Scottish Government must support local authorities to improve the standards by providing long term funding.

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

Please explain your answer.:

Yes. It is important to consider that regulation already exists for other types of temporary accommodation. It is also important to consider the improvements within the context of the recent consultation to extend HMOs. It is important to set out all the standards which relate to some or all types of temporary accommodation in one place.

Section 4: Consultation Questions on Enforceable Temporary Accommodation (TA) standards

1 Do you agree with this approach?

Yes

Please explain your answer.:

Yes. As with the response to question six in the above section, it is important that legislation and standards are streamlined. This includes building upon existing legislation and regulation to avoid confusion.

2 We want to better understand how local authorities currently monitor the standard of temporary accommodation that is used to place homeless households. Please can you tell us what sort of processes and procedures are in place to:

Assess the standards of these types of property::

At present, the Temporary Accommodation Team worked with Environmental Protection to pull together a survey which is used to monitor and maintain standards. The 'Temporary Accommodation Team' conduct inspections every 6 months, with regular meetings in between if there are ongoing issues.

address 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?

No

Please explain your answer.:

It is proposed that an adequate response to a local authority failing to meet the standards is giving the necessary support and guidance to ensure compliance at the soonest possible date. Within a context of restricted funding and a pressurised housing market, applying fines to local authorities would be counterproductive.

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.

Comments::

It is vital that the Scottish Government guarantee long term financing to local authorities to ensure that the new temporary accommodation standards are met. Local Authorities will not be able to meet these standards within the current financial context, and it is imperative that Rapid Rehousing Transition Fund is viewed separately and finance is provided in addition to this.

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

Please explain your answer.:

East Lothian Council believes that SHR are in an ideal position to monitor and assess the performance of local authorities in meeting the new standards. As the SHR have monitored and assessed the performance in local authorities bringing Gypsy/Traveller Sites up to minimum standards, it would make sense that their existing powers are extended to cover Temporary Accommodation.

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?:

The group need to take into account wider changes within the housing sector. In order to ensure that temporary accommodation is brought up to standard and maintained, local authorities must be given adequate time and resources to be able to do this.

Lived Experience Questions

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

Not Answered

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

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?

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?

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?

Comments::

6 Legally, suitable accommodation currently means that you:-

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?

Not Answered

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

Not Answered

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

Not Answered

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?

Not Answered

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?

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?

Not Answered

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

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?

Not Answered

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

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.

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?

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?:

About you

What is your name?

Name:

Rebecca Pringle

What is your email address?

Email:

rpringle@eastlothian.gov.uk

Are you responding as an individual or an organisation?

Organisation

What is your organisation?

Organisation:

East Lothian Council

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

Publish response only (without name)

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Yes

Evaluation

Please help us improve our consultations by answering the questions below. (Responses to the evaluation will not be published.)

Matrix 1 - How satisfied were you with this consultation?:

Very satisfied

Please enter comments here.:

Matrix 1 - How would you rate your satisfaction with using this platform (Citizen Space) to respond to this consultation?:

Very satisfied

Please enter comments here.: