**Provision of Temporary Accommodation**

There are a range of duties, obligations and responsibilities placed on social housing landlords by legislation and through statutory guidance.

Under section 31 of the Housing (Scotland) Act 2010, the Scottish Ministers, in the [Scottish Social Housing Charter](https://www.gov.scot/publications/scottish-social-housing-charter-april-2017/), (the Charter) set the standards and outcomes that all social landlords, including local authorities, should aim to achieve for their tenants and other service users when performing their housing activities. These include helping people who are homeless, duties around the safety of tenants’ homes, and promoting equality and human rights.

Social housing landlords also have requirements placed on them by other regulatory bodies, including the Office of the Scottish Charities Regulator, the Equality and Human Rights Commission, the Care Inspectorate, Audit Scotland and the Scottish Public Services Ombudsman. Landlords must ensure that they meet all of their legal duties and responsibilities and that they adhere to the relevant guidance and the requirements of other regulators, including meeting their statutory duties to prevent and alleviate homelessness.

Under the existing regulatory requirements social landlords, including local authorities, must submit a mandatory [Annual Assurance Statement](https://www.housingregulator.gov.scot/for-landlords/statutory-guidance/annual-assurance-statement) to the Scottish Housing Regulator to provide assurance that their organisation complies with the relevant requirements of [chapter 3 of the Regulatory Framework](https://www.housingregulator.gov.scot/for-landlords/regulatory-framework#section-3). This statement also sets out the way in which they are addressing any material non-compliance, including regulatory obligations that apply to all social landlords and the Standards of Governance and Financial Management that apply to Registered Social Landlords. The [mandatory guidance for social landlords](https://www.housingregulator.gov.scot/for-landlords/statutory-guidance) provides more detail on the relevant guidance applicable to landlords.

Prevention pathways are being developed and will be implemented with consideration of the groups at highest risk of rough sleeping and the highest proportion of people who become homeless. The particular needs of people, mainly women and children, fleeing domestic abuse is recognised and the need for a sensitive and targeted preventative pathway to be developed. In 2019 joint[[1]](#footnote-1) guidance, [Domestic abuse: a good practice guide for social landlords](https://womensaid.scot/wp-content/uploads/2019/08/Domestic-abuse-guidance-for-social-landlords-FINAL.pdf), was published to support social landlords to develop an informed response that:

• Prevents women’s and children’s homelessness;

• Supports victims of domestic abuse effectively; and

• Holds perpetrators to account.

**Temporary Accommodation Standards Framework**

The temporary accommodation standards framework should be applied by all social landlords to their temporary accommodation and also to any temporary accommodation stock from other providers. These standards relate to all types of temporary accommodation to ensure that the quality of temporary accommodation is of good standard and to meet the needs of the household.

The standards framework covers four main areas of standard levels that should be achieved by all social landlords, including local authorities: physical, location, service and management. The framework also covers assessment, monitoring and evaluation of performance.

A working group was established with a wide range of stakeholders to review the advisory standards published in the [Code of Guidance](https://www.gov.scot/binaries/content/documents/govscot/publications/advice-and-guidance/2019/11/code-guidance-homelessness-2/documents/code-guidance-homelessness-guidance-legislation-policies-practices-prevent-resolve-homelessness/code-guidance-homelessness-guidance-legislation-policies-practices-prevent-resolve-homelessness/govscot%3Adocument/code-guidance-homelessness-guidance-legislation-policies-practices-prevent-resolve-homelessness.pdf) on homelessness in November 2019. The revised set of standards below is the collaborative output of the working group, and promotes that a person-centred, trauma-informed, rights based approach should always be taken when assessing a household’s needs.

These standards will form part of the Charter which all social landlords should aim to achieve for their tenants. Social landlords will need to submit their performance against these standards as part of their Annual Assurance Statement.

**Physical standards**

The following details the physical standards that should apply across all tenures to ensure that temporary accommodation is an adequate, safe and secure space for the household.

Temporary accommodation should:

* Be accessible and able to meet the needs of any disabled person[[2]](#footnote-2) within the household;

• Comply with relevant housing quality standards including health and safety, hygiene, smoke, fire, furniture and electrical equipment legislation and regulations;

* Provide units that are secure with individual locks so people feel that their belongings are safe;
* Provide a facility to secure personal mail, where appropriate;

• Have sufficient bedroom space to meet the needs of the household in line with the [overcrowding](http://www.legislation.gov.uk/ukpga/1987/26/part/VII/crossheading/definition-of-overcrowding) and [HMO](https://www.gov.scot/policies/private-renting/regulation/) standards;

• Have adequate communal living space which includes, for example, space for children to play or do homework;

• Have adequate toilet and personal washing facilities for the exclusive use[[3]](#footnote-3) of the household;

• Have access to on site laundry facilities;

**•** Have access to adequate cooking facilities[[4]](#footnote-4) for the needs of the household;

• Have a suitable standard and minimum level of furniture to meet the household’s needs, where relevant;

* Have a good standard of cleanliness, adhering to enhanced cleaning measures as set out by [Public Health Scotland](https://publichealthscotland.scot/publications/covid-19-guidance-for-non-healthcare-settings/covid-19-information-and-guidance-for-non-health-and-care-settings-version-50/);

**•** Have a sufficient and affordable heating system at an acceptable efficiency rating in line with those published in the [Energy Efficiency Standard for](https://www.gov.scot/policies/home-energy-and-fuel-poverty/energy-efficiency-in-social-housing/)

 [Social Housing](https://www.gov.scot/policies/home-energy-and-fuel-poverty/energy-efficiency-in-social-housing/) and those for [Private Rented Property](https://www.gov.scot/publications/business-regulatory-impact-assessment-bria-private-rented-sector-regulations/#:~:text=Under%20these%20regulations%2C%20from%201,need%20to%20meet%20this%20standard.);

• Be accessible 24 hours a day with no curfews;

* Include a household assessment to consider whether the temporary accommodation being offered is affordable[[5]](#footnote-5) by the household;
* Allow access to digital technologies[[6]](#footnote-6), where possible, to increase households’ digital inclusion, enabling access to online facilities, e.g. welfare benefits, choice based letting systems, etc;
* Have the means to support people to maintain relationships with their pets[[7]](#footnote-7); and
* Have provision to allow visitors, including provision for visits from children, where possible.

**Location standards**

When considering offering a household temporary accommodation, it is important to discuss with the household the location of the property and its proximity to services and local amenities.

The following points should inform decisions on the location of temporary accommodation:

• The accommodation provided should be located so that the main essential services used by a household can be reached by foot, by public transport or by transport provided by a local authority, where possible[[8]](#footnote-8). Services include education/school/nursery, supermarket or convenience store, doctors, dentists, support or other health providers and advice agencies (where applicable);

• The location of the property should also take into account the needs of all household members in terms of reasonable access to place of employment and formal or informal support networks[[9]](#footnote-9);

• Cultural[[10]](#footnote-10) or religious need should also be identified and met through the location of accommodation where possible;

• The location of the accommodation also needs to take into account the social and economic needs of the household[[11]](#footnote-11); and

* An assessment of personal safety of the household, specifically households fleeing domestic abuse[[12]](#footnote-12) – predominately women – and whether the temporary accommodation being offered is in an area that is close to the perpetrator’s family and/or is too far from children’s school, social networks, etc.

**Service standards**

For some families a stay in temporary accommodation can be long term as they wait for suitable permanent property to become available. It is crucial that households receive a consistent standard of service delivery and housing support[[13]](#footnote-13) in order to sustain their temporary accommodation and facilitate a move into settled accommodation. All tenants should have their individual needs recognised, be treated fairly and with dignity and respect, and receive fair access to housing and housing services[[14]](#footnote-14).

Service delivery standards include:

• Providing services identified by an assessment of the needs of all household members to be undertaken when the household first enters temporary accommodation. This should be followed up with referrals and support to engage with the relevant housing, health, education, social care services and independent advice services;

* To assist the tenant’s understanding of their right to support, the availability and quality of service provision should be specified in a variety of formats and the tenant assisted to exercise these rights if the support they are entitled to is not realised;
* Support to access different types of accommodation to be allocated on the basis of gender identity, especially where households are fleeing domestic abuse and the accommodation is mixed sex and/or is only staffed by a single gender;
* Staff in homeless and support services should receive domestic abuse training and single sex accommodation should be provided for households fleeing domestic abuse;

• Support to access flexible and ongoing needs led support, specifically where households have multiple and complex needs, and a case coordination approach adopted for households where various services are involved;

• Support to access the necessary information of the appropriate services including counselling, addictions, mental health, medical, dental, optical and money/welfare advice to signpost the household to relevant and available support;

• Staff have appropriate training in identifying overdoses and how to administer Naloxone, and know the relevant bodies which to notify in such instances;

* Psychologically Informed Environments, where appropriate, and if required, ensuring staff have been trained in trauma informed care to ensure person- centred needs are met;
* Regular reviews of household’s needs on a case by case basis, agreed by the household, and taking into account any change in circumstances;

• Regular and sustained home visits by allocated officers to identify any unmet needs of the household; and

• The social landlord ensuring there is ongoing communication with the household with easy access to housing officers to discuss issues, ensuring that any information provided is available in different formats and an interpreter is provided where necessary.

**Management standards**

The following standards will ensure that a resident is aware of their rights and responsibilities during their stay in temporary accommodation, including any procedures that they need to follow. The household should be provided with relevant information at the time of moving in or relocating to alternative temporary accommodation, and supported to understand the information. Ensuring that people’s rights are realised in practice with easy routes to redress and dispute resolution can help to ensure the best possible outcome for the household.

This includes ensuring:

• A written occupancy agreement is in place and has been explained to the household which includes an agreed minimum amount of notice (at least 24 hours) that a landlord must give before accessing a person’s property/unit and under what circumstances they would give such notice;

• There should be clear communication about tenants’ rights and what tenants can expect, to ensure people have redress. This includes advising or assisting a person in understanding and managing their tenancy rights and responsibilities[[15]](#footnote-15), including assisting a person in disputes about those rights and responsibilities;

• Ensure that prescribed housing support services[[16]](#footnote-16) are provided to homeless applicants, irrespective of whether a homelessness assessment has taken place or the applicant is waiting on a decision on their homelessness application, to ensure a consistent approach is taken to the provision of rights advice;

* Information on any house rules has been provided, including an appropriate set of procedures to demonstrate that anti-social behaviour will not be tolerated, especially in shared accommodation;

• Information on the social landlord/local authority repairs procedure has been provided, including on how to report a repair, and the timescales within which a repair should be carried out. Tenants should be included in any consultation on the repair timescales for their property;

• The household is provided with, or can access, all relevant information applicable to the household’s requirements whilst in temporary accommodation, and this information is available in different formats;

• Information on the notice period to end an occupancy agreement, including the right to appeal, is provided;

• Procedures are in place to ensure there is minimum disruption to the household when moving in and out of the accommodation and the household is made aware of any support available to help with the move;

• Procedures are in place to protect personal possessions and provide support, advice and information on storage where necessary;

• That residents are involved in all discussions surrounding their needs, including relocation and changes to occupancy agreements;

• That households are aware of their social landlord’s/local authority’s complaints procedure, which should be clear and in various formats. The way in which households access this information should be included in the local authority’s occupancy/tenancy agreement, which is provided to the tenant when they are offered accommodation;

• That staffing levels match those required to meet the services of the household and all staff have been appropriately trained to understand the needs of the household; and

* That households are provided with a rent statement of charges and how they are paid.
1. Association of Local Authority Chief Housing Officers (ALACHO), the Chartered Institute of Housing (CIH), the Scottish Federation of Housing Associations (SFHA), Shelter Scotland, Scottish Women’s Aid and supported by COSLA. [↑](#footnote-ref-1)
2. A disability can relate to physical or mental impairments as set out in section 6 of the [Equality Act 2010](https://www.legislation.gov.uk/ukpga/2010/15/section/6). Social landlords/local authorities should address the needs a household has as a result of any impairment when carrying out their functions under the [Public Sector Equality Duty](https://www.equalityhumanrights.com/en/advice-and-guidance/guidance-scottish-public-authorities) to ensure the accommodation is suitable. [Guidance](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/570382/Equality_Act_2010-disability_definition.pdf) on matters to be taken into account in determining questions relating to the definition of disability may be helpful here. [↑](#footnote-ref-2)
3. Except where the household is in Shared Tenancy Accommodation, Community Hosting and Rapid Access Accommodation. In most cases, toilet facilities in these types of accommodation will be shared with the other residents who have agreed to share the accommodation. [↑](#footnote-ref-3)
4. [Scottish Housing Quality Standards](https://www.gov.scot/publications/shqs-technical-guidance-for-social-landlords/) and [Tolerable Standards](https://www.mygov.scot/landlord-repairs/tolerable-standard). [↑](#footnote-ref-4)
5. No-one should be excluded from temporary accommodation on the grounds of affordability, however, affordability means different things to different households. Single parent households, of which the majority are women, are the most likely household type to live in the social rented sector, and relative poverty after housing costs is highest for single mothers. Temporary accommodation also needs to be just as affordable for working households as it is for households claiming housing benefit. [↑](#footnote-ref-5)
6. For example, WiFi and digital devices (either the provision of these or signposting to where they are publicly accessible, such as libraries and locality offices). The provision of mobile top-ups could also be considered. [↑](#footnote-ref-6)
7. Simon Community Scotland in partnership with Dogs Trust has funded the [Paws for Thought](https://www.simonscotland.org/our-initiatives/paws-for-thought/) initiative. [↑](#footnote-ref-7)
8. In less densely populated areas, most permanent accommodation is not necessarily in close proximity to supermarkets, schools, health services, etc. nor is it well served by public transport. [↑](#footnote-ref-8)
9. It can be challenging for rural social landlords/local authorities to place people close to family and social networks due to the location of available properties. The risk assessment conducted as part of the housing allocation process will inform the offers of accommodation made. [↑](#footnote-ref-9)
10. [Improving Gypsy/Traveller Sites - Guidance on minimum site standards, and site tenants’ core rights and responsibilities (www.gov.scot)](https://www.gov.scot/binaries/content/documents/govscot/publications/advice-and-guidance/2015/05/improving-gypsy-traveller-sites-guidance-minimum-sites-standards-site-tenants/documents/00477976-pdf/00477976-pdf/govscot%3Adocument/00477976.pdf) [↑](#footnote-ref-10)
11. The impact on different genders should be considered as part of this assessment. For example, lone parents and working-aged women with no children are the least likely groups to own any property, single women are more likely to be recipients of housing benefit and women also spend a higher proportion of net income on housing (and fuel and food). [↑](#footnote-ref-11)
12. [Equally Safe: A Delivery Plan for Scotland’s Strategy to prevent and eradicate violence against women and girls](https://www.gov.scot/binaries/content/documents/govscot/publications/strategy-plan/2017/11/equally-safe-delivery-plan-scotlands-strategy-prevent-violence-against-women/documents/00528064-pdf/00528064-pdf/govscot%3Adocument/00528064.pdf?forceDownload=true) states domestic abuse competence should be incorporated in commissioned training resources for staff working in housing services to ensure an appropriate, safe and consistent response to people who have experienced gender based violence. [↑](#footnote-ref-12)
13. The [National Care Standards](https://www.gov.scot/publications/national-care-standards-housing-support-services/pages/1/) provides more detail on housing support. [↑](#footnote-ref-13)
14. The [Scottish Social Housing Charter’s](https://www.gov.scot/binaries/content/documents/govscot/publications/regulation-directive-order/2017/03/scottish-social-housing-charter-april-2017/documents/00515058-pdf/00515058-pdf/govscot%3Adocument/00515058.pdf) outcome for what social landlords, by complying with equalities legislation, should achieve for all tenants, regardless of their protected characteristics. [↑](#footnote-ref-14)
15. [Shelter Scotland information on tenants’ rights and responsibilities](https://scotland.shelter.org.uk/housing_advice/renting_rights/about_your_tenancy_rights/overview_of_rights_and_responsibilities). [↑](#footnote-ref-15)
16. [Housing Support Services](https://www.gov.scot/publications/housing-support-duty-homeless-households-guidance-local-authorities/pages/2/) guidance. [↑](#footnote-ref-16)