Improving temporary accommodation standards: a consultation by the Scottish Government

Healthcare Improvement Scotland response

August 2019

Introduction

Healthcare Improvement Scotland’s aim is better quality health and social care for everyone in Scotland. Our priorities are aligned with the National Health and Wellbeing Outcomes which set out what health and social care partners are working to achieve through integration. We work in partnership with those delivering care including integration authorities, the third and independent care sector, housing organisations and NHS boards to make improvements in health and care services which are cost effective and sustainable.

Healthcare Improvement Scotland’s ihub provides support to health and social care organisations to redesign and continuously improve services to enable better health and wellbeing outcomes for people in Scotland. In 2017-18 we set up our new Place, Home and Housing Portfolio, which focuses on housing’s role in enabling independence and supporting improvements in health and wellbeing. The Place, Home and Housing portfolio supports improvements to strategic planning and housing services to provide people with a home environment that supports greater independence and improved health and well-being.

Our work currently includes:

- identifying and testing ways in which the housing sector can reduce the pressures on hospital services by offering new or improved services
- supporting housing providers to improve outcomes for people living with dementia
- building the capacity of housing organisations to use their role as community anchors to support improved health and wellbeing
- providing responsive improvement support for partners on housing-related issues, and
- gathering and sharing learning through networks, events, tools and reports.

We believe that transforming our health and social care and housing system so it is fit for the 21st century will require a focus on both system redesign and continuous improvement.

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 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.

Healthcare Improvement Scotland supports the Scottish Government’s ambition to improve the quality of temporary accommodation in Scotland. In particular where the type of temporary accommodation concerned is associated with contributing to worsening the health of households experiencing homelessness. This includes temporary accommodation provided in the form of bed and breakfast accommodation, hostels and temporary furnished flats.¹

However, we have no fixed view on which of the options above best supports the Scottish Government’s aim to reduce the use of unsuitable temporary accommodation.² Intelligence on this will largely depend on local factors and as a consequence the best stakeholders to offer opinion on this are local authorities and their partners, including the third sector and people with experience of homelessness. Consequently, our comments in this consultation response offer opinion on how best to support the shift away from unsuitable accommodation, and improve the overall quality of temporary accommodation for people who experience homelessness. This is based on our experience of supporting quality improvement across health and social care.³

Careful implementation of these provisions will be required to ensure that any restriction on unsuitable accommodation does not result in an inflexible provision of temporary accommodation. As has been acknowledged by various stakeholders accommodation that may be considered unsuitable, while not perfect, can be used positively and provide an essential lifeline for those in critical need.⁴ For example, some accommodation types can enable families to reside near to schools, health services and support networks.

Consequently, any move to extend the Unsuitable Accommodation Order to all people who make a homeless application should not result in a situation that unhelpfully restricts the availability of temporary accommodation in Scotland. This has the potential to make it more challenging for local authorities to meet their statutory duties in relation to homelessness, and restrict choice as to the location in which a person applying as homeless is able to reside temporarily.

When considering how best to reduce reliance on unsuitable accommodation and drive improvement, Healthcare Improvement Scotland is cautious about whether this can be achieved through the introduction of a legislative requirement alone. As noted in Heriot-Watt University, Temporary Accommodation in Scotland: Final Report, 2018

³ https://ihub.scot/improvement-programmes/
Watt University’s report on temporary accommodation, local housing market pressures are often at the root of why certain local authorities make use of unsuitable accommodation, such as bed and breakfast. In this context without additional help and support for local authorities it is likely that there will continue to be breaches of the Unsuitable Accommodation Order.

Therefore, in addition to extending the Unsuitable Accommodation Order, support could be provided to local authorities to enable them to improve both the commissioning of temporary accommodation and how local authority owned temporary accommodation is managed. Crucially this should follow a person-centered approach and be aligned to the National Health and Wellbeing Outcomes.

Quality strategic planning requires an understanding of need, trends, and patterns to support generation of options to improve outcomes. Support from government could include support to local authorities to fully understand the reasons for extended use of unsuitable temporary accommodation covering, for example, challenges around supply and structural issues within local authorities. From this actions could be identified to reduce the use of this kind of accommodation and improve outcomes for people experiencing homelessness.

Where appropriate support could also take the form of improvement support which utilises quality improvement methodologies.⁵

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

Local authorities and their partners will be best-placed to recommend a date for implementing any extension of the Unsuitable Accommodation Order.

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

Local authorities and their partners will be best-placed to recommend how the Unsuitable Accommodation Order is to be extended should Option B be selected.

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.

Option B is likely to be the best way to avoid an increase in the number of breaches of the Order as it contains within it more scope for local flexibility and control than Option A. This

would be consistent with the approach taken in relation to the formation of Rapid Rehousing Transition Plans which were developed by local authorities. These plans and the local analysis contained within them should guide any roll out of the extension of the Unsuitable Accommodation Order.

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

With enough support and resource for local authorities alongside careful implementation it may lead to a greater number of people being placed in higher quality accommodation which better meets their housing, health and social care needs.

If achieved this would ensure people who make a homeless application are placed in more appropriate accommodation. Furthermore, the negative impact of people spending long periods of in poor quality temporary accommodation would be reduced.

However, it is difficult to predict the precise impact that extending the restriction to all homeless people will have without first testing the approach through small tests of change and monitoring the impact locally. It is important to recognise that local context is key for all improvement and the principles of learning from testing will need to be adapted for use in different areas as one size does not fit all. Following this approach would evidence whether this change to legislation will have the desired effect of reducing the use of unsuitable accommodation and improving overall quality.

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

There is a risk that temporary accommodation providers are removed from the homelessness system without alternative arrangements being put in place. One scenario which might flow from this is an increase in the number of people who approach their local authority for homelessness assistance but are not offered potentially unsuitable, but emergency, temporary accommodation.

In addition, in line with our comments in our answer to question 5 above, the impact of this intervention will be hard to predict without first testing the intervention.

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.

Accommodation and its proximity to high quality services which meet people’s needs is often a key success factor in meeting the health and social care needs of people who experience homelessness. Given the importance of meeting these needs in a coordinated way to improve health and wellbeing outcomes for all members of a household, Healthcare

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6 Glasgow Homelessness Network, Rapid Rehousing transition plans guidance, 2018
https://www.ghn.org.uk/rapid-rehousing-transition-plan/
Improvement Scotland recommends the addition of ‘access to social care services’ to Art. 5(b) of the Order, which references the proximity of temporary accommodation to facilities and services for the purposes of health and education.

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.**

In the interests of equity the same definition should apply to all homeless households.

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?**

It is our understanding that it would be unhelpful if the exemptions to the Unsuitable Accommodation Order relating to women’s refuges were to be removed with immediate effect. This is because many refuges consist of shared accommodation and would therefore fall foul of the Unsuitable Accommodation Order. In addition, there is currently an insufficient supply of refuges to meet demand.

This underlines the importance of pursuing a locally led approach to improving the quality of temporary accommodation and providing support to local authorities to assist them, and where appropriate local service providers, with any transition to a new regulatory arrangement.

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.**

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

If the Unsuitable Accommodation Order is extended two additional measures to minimise the number of breaches of the Order that could be considered are support to improve commissioning and improvement support which follows the three step improvement framework for Scotland’s public services.8

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We would caution against the use of financial sanctions as a measure to reduce the use of unsuitable forms of temporary accommodation as the evidence on the effectiveness of these kinds of measures is mixed.\(^9\) While sanctions often do have an impact on performance, the precise nature of this impact can be hard to predict.

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?

Directing the Scottish Housing Regulator to focus on the Unsuitable Accommodation Order alone has the potential to be unhelpfully narrow. Therefore a more general focus on standards of temporary accommodation may be a better use of the expertise and oversight the regulator can bring, if the legislative framework enables it.

Section 3: Proposed Changes and Questions on Advisory Temporary Accommodation (TA) standards

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 CIH/Shelter guidance on standards for temporary accommodation in full: 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.

The temporary accommodation standards published by CIH Scotland and Shelter Scotland provide an appropriate basis for an advisory standards framework.

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?

The standards are still relevant but would benefit from review to ensure that they are fully up to date with the current context. For example, the integration of health and social care

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\(^9\) The use of sanctions and rewards in the public sector, National Audit Office, 2008
has taken place since the standards were published. Any new standards should fully reflect
the landscape of health and social care following integration.

To further improve the standards there should be greater focus on how temporary
accommodation fits within the context of health and social care services, referencing the
National Health and Wellbeing Outcomes.\textsuperscript{10}

This is important given that many people who experience homelessness also experience
poor health. Evidence shows that people who experience homelessness have higher levels
of interactions with some healthcare services than the general population. These
interactions often peak at the point of a homelessness application.\textsuperscript{11} There is, then, an
opportunity to ensure that the health and social care needs of homeless households are
comprehensively met in the period immediately following a homelessness application. This
should dovetail with efforts to meet the housing, health and social care needs of people
who may be at risk of homelessness prior to a homelessness application being necessary.

Consequently, the framework on temporary accommodation standards should contain
within it provisions on how to ensure that people with experience of homelessness have
their health and social care needs met in a coordinated way. To ensure that this is reflected
in any new framework representatives from health and social care should form part of any
working group formed to update the CIH Scotland and Shelter Scotland standards.

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

Pathway UK’s ‘Homeless and Inclusion Health standards for commissioners and service
providers’\textsuperscript{12} will be a useful reference point for drafting any new framework.

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.

Local authorities are best placed to offer opinion on how the standards and the Code of
Guidance are presented. However, given that the Code of Guidance focusses on how
homelessness applications are received and processed and the framework would focus on

\textsuperscript{10} Scottish Government, National Health and Wellbeing Outcomes,
https://www2.gov.scot/Topics/Health/Policy/Health-Social-Care-Integration/National-Health-
WellbeingOutcomes

\textsuperscript{11} Scottish Government, Health and homelessness in Scotland: research, 2018
https://www.gov.scot/publications/health-homelessness-scotland/

\textsuperscript{12} Pathway, ‘Homeless and Inclusion Health standards for commissioners and service providers’, 2018
https://www.pathway.org.uk/standards/
temporary accommodation standards there may be value in keeping these as separate, but linked, documents. To ensure that the framework is as user friendly as possible it should be made available as an editable word document.13

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

As previously mentioned local authorities could benefit from support with commissioning and improvement support to assist them in meeting the standards. Improvement support should follow the three step improvement framework for Scotland’s public services.14 In the ihub’s experience improvement is most likely to succeed where it is driven by local teams who have the support of senior management. This provides the space and time to take ownership of how best to secure improvement that is sustainable in the longer term.

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.

In the interests of clarity these should be referenced to set out the legislative context in which any new standards will sit.

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

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.

Healthcare Improvement Scotland supports this approach to driving improvement in the standards of temporary accommodation. The approach taken by the ihub’s Focus on Dementia team in supporting improvements in specialist dementia units may be of relevance here.15 This followed a participatory approach involving people with dementia, their carers and staff to embed improvements within specialist dementia units.

13 See here for similar resources created by the ihub’s Focus on Dementia team to support quality improvement for post-diagnostic support in Scotland: https://ihub.scot/improvement-programmes/focus-on-dementia/improving-diagnosis-and-post-diagnostic-support/quality-improvement-framework/


15 Healthcare Improvement Scotland, Improvement Hub, Focus on Dementia portfolio, specialist dementia units https://ihub.scot/improvement-programmes/focus-on-dementia/specialist-dementia-units/
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.

N/A

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.

As mentioned in our answer to Question 10 in section 2 of this consultation we caution against the use of sanctions, such as penalties or fines, to drive performance improvement due to limited evidence on their effectiveness.\(^\text{16}\) In our view emphasis should instead be placed on support with commissioning and improvement support which follows the three step improvement framework for Scotland’s public services.\(^\text{17}\)

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.

Learning can be drawn from the ‘Our Voice’ initiative led by the Scottish Health Council in relation to seeking the views of people who are placed in temporary accommodation.\(^\text{18}\)

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.

In addition to any expansion of the Scottish Housing Regulator’s role in relation to performance there should also be a broader discussion on how best to support local authorities, and the housing sector in general, to drive improvements in the services they deliver.

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

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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?

As mentioned in our answer to Question 3 in section 3 we recommend that any Working Group includes representation from health and social care. Linked to this, the group should consider how the temporary accommodation standards fit within the landscape of health and social care. This is particularly important given evidence which demonstrates that for many people who experience homelessness, a homelessness application coincides with a peak in interactions with health services.\textsuperscript{19} It follows that there is an opportunity to address someone’s health and social care needs in a coordinated way in the days and weeks following a homelessness application, including during stays within temporary accommodation. The potential to support this should be explored by the Working Group developing any new standards framework.

\textsuperscript{19} Scottish Government, Health and homelessness in Scotland: research, 2018
https://www.gov.scot/publications/health-homelessness-scotland/