

# Angus Council

## Temporary Accommodation Policy

<b>Version Number:</b>	1.1	<b>Owner:</b>	Lynsey Dey
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1.0	31/5/2022	First draft	Lynsey Dey
1.1	7/7/2022	Reviewed following feedback from housing management team	Lynsey Dey

## **1. Introduction**

Angus Council (referred to as the Local Authority) has a duty to provide temporary accommodation for households that the Local Authority believes are homeless, and need accommodation, until the Local Authority discharges its duties to the household, as set out in the Housing (Scotland) Act 1987 (as amended).

This Policy covers:

- The Local Authority's temporary accommodation duties
- Temporary accommodation assessment process
- Temporary accommodation provision
- Temporary accommodation standards
- Flipping temporary accommodation
- Performance monitoring
- Appeals
- Legal and regulatory framework
- Policy review

When homelessness occurs, rapid rehousing should be the default position. Where possible, the Local Authority will aim to avoid the use of temporary accommodation and will support people to secure suitable settled accommodation. For people who require the emergency safety net of temporary accommodation, their time there should be as short as possible with minimal transitions and the accommodation should be of a good standard and in a location that, as far as possible, minimises disruption to their daily lives.

## **2. Related policies, protocols and operational guidance**

- Assessment policy (link to be inserted once reviewed and published)
- Advice and Assistance policy (link to be inserted once reviewed and published)
- [Common Allocations Policy](#)
- [Supported Housing Assessment and Allocations Protocol](#)
- [Housing First Operational Guidance](#)

- [Housing Domestic Abuse Policy](#)
- [Angus Prison Protocol](#)

## **2. Temporary accommodation duties**

Under section 29 of the 1987 Act, if the Local Authority has reason to believe a person is homeless and they require accommodation at that time, it has a duty to provide temporary accommodation until it has reached a final decision on the application. This duty continues during an appeal, if one is requested.

Where the Local Authority's decision is that it has a duty to provide permanent accommodation, the duty to provide temporary accommodation continues until the duty to provide permanent accommodation is discharged.

Where the household is assessed as being intentionally homeless, the Local Authority has a duty to provide temporary accommodation for such a period as will give the household a reasonable opportunity to find alternative accommodation. These applicants must also be given advice and assistance to support them to find alternative accommodation, as set out in the Homeless Persons Advice and Assistance (Scotland) Regulations 2002.

The [Homeless Persons \(Unsuitable Accommodation\) \(Scotland\) Order](#) was extended to all homeless households. This means that the maximum number of days that the Local Authority can use unsuitable accommodation for any homeless person is 7 days.

In the Order, in all circumstances, accommodation is unsuitable if it does not meet basic standards. The accommodation is always unsuitable if it is:

- Not wind and watertight; or
- Does not meet minimum accommodation safety standards.

Subject to exemptions set out below, accommodation will also be unsuitable if it does not meet the following physical and location standards. The accommodation is unsuitable if it:

- Is out with the local authority area;
- Is not in the locality of facilities and services for the purposes of health and education which are being used, or might reasonably be expected to be used, by members of the household, unless those facilities are reasonably accessible from the accommodation, taking into account the distance of travel by public transport or transport provided by the local authority;

- Lacks adequate bedrooms and adequate toilet and personal washing facilities within the accommodation for the exclusive use of the household;
- Does not have use of adequate cooking facilities;
- Does not have use of a living room;
- Is not usable by the household for 24 hours a day;
- Is not in the locality of the place of employment of a member of the household, taking into account the distance of travel by public transport or transport provided by the local authority;
- Is not suitable for visitation by a child who is not a member of the household but where a member of the household has parental rights.

Local authorities may use unsuitable accommodation which do not meet the physical and location standards if one or more of the following exceptions applies:

- The household is homeless as a result of an emergency such as a flood, fire or other disaster;
- The household expresses a wish to stay in that particular accommodation;
- Where temporary accommodation is provided to a household who is homeless as a result of domestic abuse and the accommodation is managed by an organisation which is not a public authority or a local authority, and does not trade for profit;
- Where the accommodation is owned by a local authority and services relating to health, child care or family welfare are provided to households accommodated there.

### **3. Temporary accommodation assessment process**

A comprehensive assessment is completed for all households that approach the Local Authority as homeless or threatened with homelessness. This allows Officers to determine the appropriate housing pathway and support that is required to meet a household's needs. Officers should adopt a person-centred approach to deliver a response tailored to the needs of the individual applicant, taking into account the availability of resources.

For households with additional support needs, the assessment will be completed in partnership with other services and support providers. Information may also be provided by other services to inform the assessment.

In assessing whether temporary accommodation is suitable for a homeless household, the local authority must take account of the needs of each member of the household, including employment and education needs, affordability, availability of transport including public transport, access to health and social care services and other supports.

If suitable accommodation cannot be identified or there are concerns relating to the suitability of accommodation or support required, the relevant managers of the services working with the household will be notified. If a solution cannot be agreed, this will be escalated to the relevant service managers.

If the individual has complex care and support needs and requires a health and social care led response, beyond housing with support or Housing First, the relevant service manager within health and social care will be notified and will convene a multi-agency meeting to discuss and agree a response.

#### 4. Temporary accommodation provision

Most of the temporary accommodation in Angus is provided by the local authority in mainstream, furnished properties across the main towns of Angus. There are currently 116 dispersed furnished properties designated as temporary accommodation provided by the Local Authority and 13 flats, across three homeless persons' units provided and managed by Hillcrest Homes. Hillcrest also provide 15 interim supported homeless accommodation units for people with significant support needs and Angus Council provides six supported interim accommodation units for Care Leavers. Angus Women's Aid provide seven units for refuge accommodation.

There is no hostel type accommodation in Angus.

Accommodation	Provider	Capacity
<b>Local Authority Dispersed Accommodation</b>	Angus Council	116
<b>Millgate/Weavers Close, Arbroath</b>	Hillcrest Housing Association	6
<b>North Grimsby, Arbroath</b>	Hillcrest Housing Association	15
<b>Direct Access, North Grimsby</b>	Hillcrest Housing Association	1

<b>Glenmoy Terrace, Forfar</b>	Hillcrest Housing Association	7
<b>Millgate Loan, Arbroath</b>	Angus Council	6
<b>Women's Refuge</b>	Angus Women's Aid	7

Interim accommodation can be provided in supported accommodation (where there is availability) for individuals with appropriate care and support needs or to help facilitate a hospital discharge.

Bed & Breakfast accommodation is only used in exceptional circumstances when all other accommodation options have been exhausted.

Where possible, the Local Authority will aim to avoid the use of temporary accommodation and will support people to secure suitable settled accommodation within its own housing stock, with partner social housing providers or within the private rented sector.

## **5. Temporary accommodation standards**

Across all the different types of accommodation legislation exists that relate to physical standards of accommodation which are largely tenure specific. These include the Tolerable Standard which applies to all tenures, the Scottish Housing Quality Standard and Energy Efficiency Standard for Social Housing (EESHS) which apply to social rented properties, Houses in Multiple Occupation (HMO) Licencing for some bed and breakfast and hostel type accommodation and the Repairing Standard in the private rented sector.

The Homelessness Code of Guidance provides a set of [advisory standards](#) to be applied by local authorities to their temporary accommodation and also to any temporary accommodation sourced from other providers. These standards relate to all types of temporary accommodation including Bed and Breakfast, to ensure that the quality of temporary accommodation is of a good standard and meets the needs of the household. The standards cover physical and location standards, service delivery and management of temporary accommodation.

While every effort will be met to meet the advisory standards for temporary accommodation, this will be dependent on availability of accommodation at that time. Angus is a rural authority and accommodation is spread across its seven main towns, with some areas experiencing significant pressures in terms of supply and demand. Where accommodation cannot be provided in an individual's desired location, we will support the household to explore

alternative housing options or provide assistance to mitigate the impacts of being out of their preferred area, for example, request assistance from education to support transport to school.

## **6. Flipping temporary accommodation**

If a household is appropriately housed in temporary accommodation (as per the Common Allocations Policy), content living there and there are no tenancy issues, consideration will be given to 'flipping' the accommodation to a Scottish Secure tenancy (SST). Where 'flipping' is agreed, a formal offer will be made to the tenant and the tenant will be able to keep the furniture if they wish.

## **7. Performance Monitoring**

Scottish Social Housing Charter indicators (reported annually)

- Offers, refusals, average duration in temporary accommodation, satisfaction

Scottish Government indicators (reported quarterly)

- HL2 – how many in temporary accommodation by type at end of quarter with/without children
- HL3 – temporary accommodation duration, breaches of the unsuitable accommodation order

## **8. Appeals**

If an applicant is unhappy about a decision made relating to temporary accommodation, they can appeal. All appeals are considered by independent officers that had no part in the assessment or offer of temporary accommodation.

An appeal must be made within 21 days of the decision or offer of accommodation. Appeals should be in writing but if applicants have difficulties reading or writing, or their first language is not English, they can contact us by phone.

We aim to make a decision on an appeal within 21 days. Applicants can ask for help from Shelter, the Angus Citizens Advice Bureaux or other legal representation if they need further support.

Write to:

Housing Strategy

Performance and Access Team

Angus House

Orchard Bank Business Park

Orchard Loan

Forfar

DD8 1AN

Call: 03452 777 778

Email: [HOUSINGQPP@angus.gov.uk](mailto:HOUSINGQPP@angus.gov.uk)

## **9. Legal and regulatory framework**

- Code of Guidance on Homelessness
- Part II of the Housing (Scotland) Act 1987, as amended.
- Section 37 (1) of the 1987 Act, which requires Local Authorities to have regard to the Code of Guidance issued by the Scottish Executive in the exercise of homeless functions
- Homeless Persons Advice and Assistance (Scotland) Regulations 2002.
- The Homelessness etc. (Scotland) Act 2003.
- Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2020
- The Homeless Persons Interim Accommodation (Scotland) Regulations 2002
- Data Protection Act 2018
- The Children (Scotland) Act 1995
- Management of Offenders etc (Scotland) Act 2005

## **10. Policy review**



We will review this policy every three years or where new policy guidance; good practice or legislation requires it or where complaints or other information indicate that the policy requires to be changed.