



A Life in Limbo —

the use of prolonged unsuitable
accommodation for homeless
people in Scotland

September 2017



Together
we will end
homelessness

Introduction

Jamie's story¹

"Last time I was in a B&B in Edinburgh for 14 months, before I was offered permanent accommodation. There were three bathrooms, one on each floor, between 14 people and I only had access to the kitchen for three hours throughout the day. Plus there were cameras everywhere, in the stairs, the lobby, the kitchen.

"There was quite a high turnover of people with addiction or mental health issues, or that had just come out of prison and the different comings and goings of people had a real impact on how I felt in myself. My mental health deteriorated due to the stress, every day I was waiting for a phone call from the Council about moving me on."

Imagine having nothing to cook with but a kettle. Imagine having nowhere to keep food cold. Imagine being cut off from your family or not being able to leave where you're staying after a prescribed time. At Crisis, we are finding that Frank, and other single homeless people like him, often find

themselves in unsuitable temporary accommodation, such as unsupported hostels or B&Bs, for lengthy periods of time while they wait for more permanent solutions to be found by their local authority. These types of accommodation can be of low standard, have poor basic facilities, including inadequate access to toilet, washing and cooking facilities, and strict curfews are often set. In addition, people housed in B&Bs often have little access to support services, despite often having complex needs.

Crisis believes **all homeless people should be treated equally** and no one should be housed in unsuitable temporary accommodation without basic facilities, except in emergency circumstances and for as short a time as possible.

Using unsuitable temporary accommodation as a housing solution benefits nobody. And with a fast approaching annual £40 million funding shortfall for temporary accommodation², **the time to act is now**. With the introduction of the Scottish Government's new Homelessness and Rough Sleeping Action Group we have the chance to positively transform the use of unsuitable temporary accommodation. Our aim is to ensure that all homeless people have the same right to be moved on from unsuitable temporary accommodation within seven days.

¹ Jamie's story is real but his name has been changed as he is currently living in B&B accommodation.

² Association of Local Authority Chief Housing Officers (2016) Written evidence to the Local Government and Communities Committee Pre-Budget Scrutiny.

Setting the scene

During the 2016 Scottish Elections, our *Manifesto to End Homelessness*, received cross-party support. Within this, Crisis called for a time limit on how long all homeless people should stay in unsuitable temporary accommodation.

The law currently sets a time limit³ for how long pregnant women and families can be housed in unsuitable temporary accommodation, and as part of their 2016 election manifesto the Scottish Government committed to reducing this time limit from 14 to seven days — this will be implemented from October 2017⁴. This is a positive step forward, which Crisis welcomes.

However, there is no such legal time limit for the vast majority of homeless people who are placed in unsuitable temporary accommodation. In 2003, Scotland ambitiously decided to end prioritising need in the homeless system. So, this anomaly on unsuitable temporary accommodation means that single people and couples without children remain in unsuitable accommodation without basic requirements such as their own kitchen or bathroom for prolonged periods of time, making it harder to move on from homelessness.

We could have a much bigger impact and transform the lives of homeless people across Scotland in the longer term if we **extended this legal right to all**.

So let's come together and extend our ground-breaking 'universal rights' approach to homelessness. Let's change the law to restrict the time limit on the use of unsuitable temporary accommodation to seven days **for all**.

The problem

An increase in the use of unsuitable forms of temporary accommodation for homeless households

Scotland has some of the strongest homelessness rights in the world. In 2003, the Scottish Government introduced ground-breaking legislation, which widened entitlement to statutory homelessness support⁵, and came into full force at the end of 2012.

This legislation ended the historical distinction between those entitled to homelessness support from their council, such as families with children and other people who could prove they were particularly vulnerable, and those deemed not to be a priority, who often received little in the way of support to address their homelessness.

Today, people in Scotland who have become homeless have a right to permanent accommodation and if this is not available straight away then temporary accommodation will be provided to make sure people have a safe roof over their head. If they meet the criteria for homelessness support, they will continue in temporary accommodation until permanent accommodation is available.

Since the change in legislation, use of temporary accommodation has expanded considerably in Scotland, rising from around 4000 households in 2002 to a peak of over 11,000 households in 2011⁶. Since then numbers have levelled off to a little over 10,000 homeless households at any one time (see chart over). But this means that the proportion of households applying as homeless who are housed in temporary accommodation has risen from 1 in 10 in 2003 to 3 in 10 households in 2016.

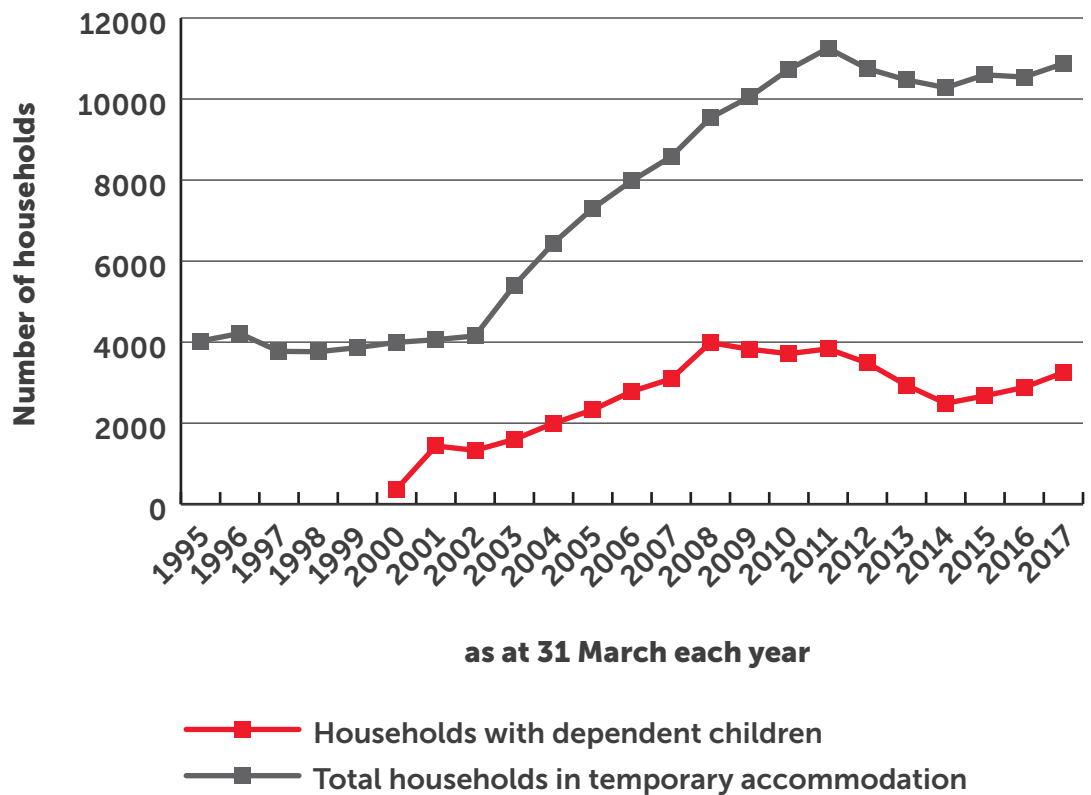
3 The Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014 <http://www.legislation.gov.uk/ssi/2014/243/made>

4 Scottish Government (2016) Fairer Scotland Action Plan <http://www.gov.scot/Resource/0050/00506841.pdf>

5 Homelessness etc. (Scotland) Act 2003

6 Scottish Government (2017) Homelessness in Scotland 2016/17.

Number of homeless households in temporary accommodation in Scotland



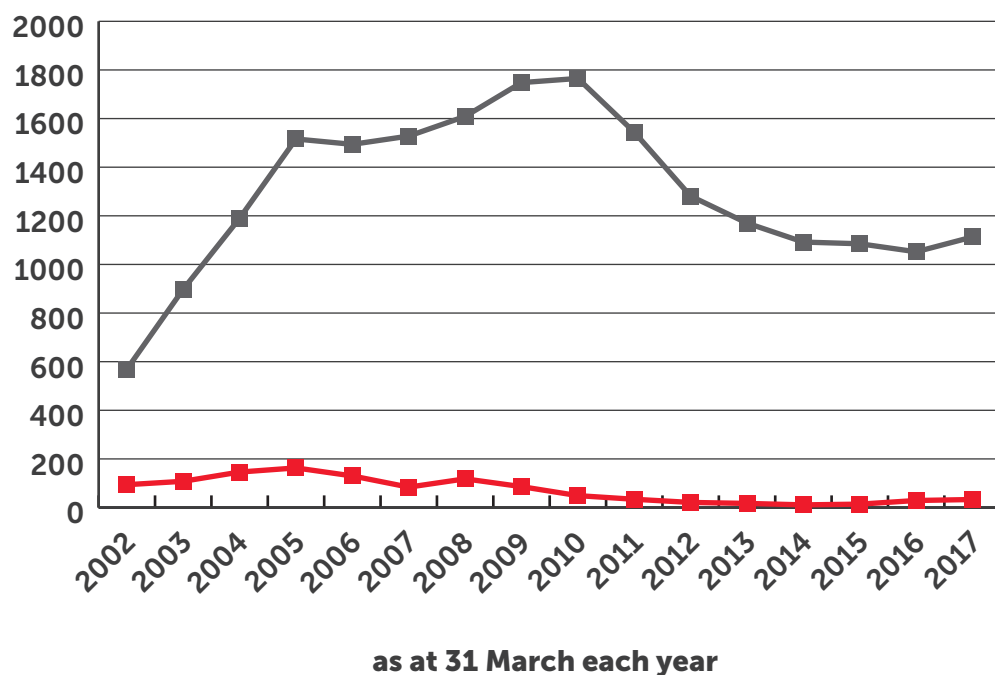
Source: Scottish Government (2017) Homelessness in Scotland 2016/17

Suitability of accommodation

We know that providing temporary accommodation to homeless people is an important first step to getting more secure and permanent accommodation. But the change in legislation has unfortunately led to more people living in temporary accommodation. In some parts of the country this means many people have become stuck in unsuitable accommodation such as unsupported hostels and B&Bs, without access to basic facilities, such as their own bathroom and kitchen, and with no support.

Around two-thirds (63%) of those in temporary accommodation are in housing provided by councils or housing associations. 16% are in hostel accommodation, and one in ten are in B&B accommodation (see chart over)⁷.

Homeless households in B&B over time



—■— No. households with dependent children in B&B
 —■— No. households in B&B

Sources: Operation of the Homeless Persons Legislation 2013/14 and 2015/16

Note: From 2006 households with children includes pregnant women

We know that these forms of emergency temporary accommodation are not suitable as a long-term option for people who are homeless. B&Bs, unsupported hostels and lodging houses⁸ are only suitable for use as an immediate and very short-term option in an emergency when someone is homeless and when no other accommodation is available.

The Scottish Government acknowledges that except in emergency situations living in a B&B is not a viable solution and has encouraged local authorities to reduce the use of B&B accommodation in Scotland in recent years. For families, it has been almost eradicated through

the introduction of legislation restricting its use for families with children and pregnant women to fourteen days⁹. In October 2016, the Scottish Government committed to reducing this limit further to a maximum of seven days¹⁰. This will come into force in October 2017 as the Homelessness Persons (Unsuitable Accommodation) (Scotland) Amendment Order 2017. With few breaches, and a Government commitment to reduce this time limit to seven days, this positive step forward is to be welcomed.

Many local authorities have either eliminated or significantly reduced their use of B&B as a first-stop

8 Note it is more difficult to analyse the use of other forms of unsuitable temporary accommodation such as unsupported hostels as this data is not collected separately, unlike data on B&Bs.

9 Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014. There are virtually no breaches of the 14 day limit – just one in the last three years up to 2016, and then three in 2017. Statistics are measured on 31 March each year.

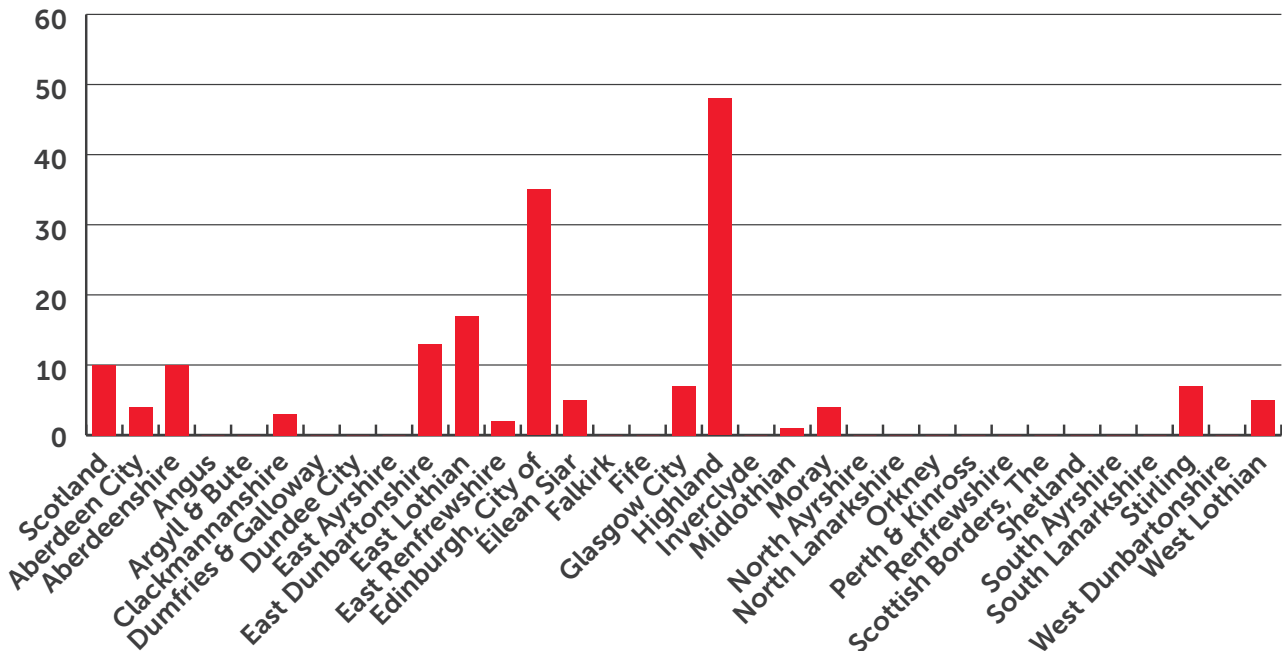
10 Scottish Government (2016) Fairer Scotland Action Plan <http://www.gov.scot/Resource/0050/00506841.pdf>

for people making presentations as homeless. But in some parts of the country, where there is a particular shortage of temporary accommodation, local authorities have come to rely on B&B accommodation in order to meet their statutory duty. For example, the City of Edinburgh Council spends more than £6 million per year on B&B accommodation¹¹ – diverting essential funding from alternative forms of accommodation and support.

Additionally, statistics published by Shelter Scotland¹² following a Freedom of Information request, showed that two local authorities report 50% of their temporary accommodation provision is spent in hostels and B&Bs compared to a 29% average across Scotland.

Recent figures reveal around 1000 people a year continue to be housed in B&B accommodation¹³. These people, almost exclusively single households, are particularly concentrated in five or six locations in Scotland. In Highland, 67% of single homeless people, and in Edinburgh 49%, are housed in B&B (see chart below). And in the past year, we have seen a 6% increase in the use of B&Bs as temporary accommodation¹⁴.

Use of B&B as % of all households in temporary accommodation



Source: Operation of the Homelessness Legislation 2015/16

- 11 Edinburgh City Council, Finance and Resources Committee, 4th June 2015 http://www.edinburgh.gov.uk/download/meetings/id/47284/item_710_-_temporary_accommodation_framework_-_award_of_contract
- 12 Shelter Scotland (2017) The use of temporary accommodation in Scotland - 2016 http://scotland.shelter.org.uk/professional_resources/policy_library/policy_library_folder/the_use_of_temporary_accommodation_in_scotland_-_2016
- 13 *Op. cit*
- 14 From table 20, Scottish Government (2017) Homelessness in Scotland 2016/17

As a result, this accommodation which was intended for emergency use, has ended up becoming a medium to long-term housing solution. This means, unintentionally a new system of priority need has been created in parts of Scotland that have a shortage of good quality temporary accommodation. So, while families rightly get placed into more suitable accommodation, single people are left in unsuitable accommodation for longer periods of time.

Jamie said: "I had a little bit of solace because my room was away, up in the attic and I never saw my neighbour, so I could disappear up the backstairs and there'd be like a little bit of relief, you know but the day-to-day, it was insecure, that's the way I'd describe it."

"Being able to go out and visit friends kept me sane but if the Council had found out I was breaking curfew I'd have been kicked out."

"I tried to stick to as normal a routine as I could. Some people slept all day. Boil it all down, it's survival mode I suppose you'd say. It's not enjoying life."

According to data collected by the Scottish Housing Regulator, the average stay in B&B is 32 days and the maximum stay is 75 days¹⁵. Data collected by Shelter Scotland¹⁶ using Freedom of Information requests found that the average stay in B&B is 41 days per placement. However, Crisis is aware of situations in parts

of Scotland where people have spent several years living in B&B accommodation.

Anecdotal evidence from Crisis members in Edinburgh and the wider homeless community, along with discussions with homelessness organisations and local authorities, shows that there are a number of common problems with stays in unsuitable B&Bs that make it an unacceptable solution for responding to homelessness. These include:

- No access to basic amenities such as refrigeration, cooking and laundry facilities
- Poor access to rights, meaning people may be asked to leave with just a few hours' notice, and strict curfews mean they may not be able to come and go freely, or to stay away from their home overnight
- Isolation, especially where B&B provision is far from family and friends
- Lack of support from homelessness services
- Uncertainty about the future
- Non-resident parents not being allowed to invite their children to visit
- Feeling threatened or risking a return to destructive lifestyles especially if several people are housed in one place by the council.

¹⁵ Scottish Housing Regulator (2016) National report on the Scottish Social Housing Charter

¹⁶ Shelter Scotland (2015) The use of temporary accommodation in Scotland http://scotland.shelter.org.uk/_data/assets/pdf_file/0006/1052565/The_use_of_temporary_accommodation_in_Scotland_FINAL.pdf/_nocache

Jamie continues: “There was a dining room where you were supposed to eat your breakfast but no access to the kitchen at all, not even a microwave, so you got your breakfast and then that was you for the day as far as they were concerned.”

“Some of the people who were there had a lot of needs and a lot of issues and they should not be in a bed and breakfast, they should be somewhere suitable with trained staff and support staff.”

“The staff were pleasant if you didn’t break the rules and that was fine for me. But you felt like one wrong move and they would punt you out.”

Crisis Skylight Edinburgh staff, who are trying to help homeless people move on from unsuitable temporary accommodation, are seeing homeless people’s well-being deteriorate and self-esteem plummet as they struggle to live without basic facilities, isolated from their families and friends and distanced from the job market.

Unsuitable temporary accommodation is not only destructive for homeless people who find themselves in limbo without support, it is also costly. Using B&B to accommodate homeless people is very expensive, both for the public purse, and for individuals if their housing benefit does not meet the full cost of their rent. This is often a particular problem for homeless people who are in work.

What needs to change?

Scotland has already given all homeless people a legal right to accommodation. We believe that this accommodation must be suitable to

live in. No one should be housed in unsuitable accommodation without basic facilities, except in emergency circumstances. We believe all homeless people should be treated equally and so we want a change in the law that reduces the time limit on the use of unsuitable temporary accommodation to seven days for families **and** single people.

Using unsuitable temporary accommodation as a long-term housing solution benefits nobody. It causes hardship for those placed there for long periods, preventing people from moving on from homelessness. For local authorities, it has considerable cost implications; creating a false economy by diverting much needed resources into a temporary accommodation housing market and away from preventing and tackling homelessness in a more strategic way. As Jamie says:

“It totally strips your ability to be like a normal citizen.”

Crisis is calling on the Scottish Government to:

- Change the law to give parity to all people experiencing homelessness and to ensure nobody is forced to live in unsuitable temporary accommodation for more than seven days.
- Require local authorities who use unsuitable temporary accommodation regularly to develop plans to reduce and then its use, except in exceptional circumstances.

Some parts of Scotland are leading the way on eliminating the use of B&B to house homeless people and during roundtable discussions, that Crisis held with the sector earlier this year, some local authorities said they could easily meet a new legal requirement with little effort. However, for those that remain reliant on using B&Bs and other

unsuitable temporary accommodation for long periods of time, clear strategic planning to change practice will be required.

How could we achieve this?

Reducing the use of unsuitable emergency accommodation must go hand in hand with a focus on increasing the supply of suitable housing stock available to homeless people. An effective strategy to reduce reliance on, for example B&B accommodation as a long-term housing option is likely to require a variety of approaches:

- Reducing the need for temporary accommodation by **preventing homelessness** occurring in the first place must be our chief goal. The Housing Options approach¹⁷ of preventing homelessness has led to a significant reduction in the number of homelessness applications over recent years, although providing more focused individual help where this is needed would increase the effectiveness of this approach¹⁸. There is also an opportunity to improve co-ordination across services which may come in to contact with people at risk of homelessness, in order to prevent people from reaching an accommodation crisis.
- Increasing the **availability of suitable temporary accommodation** could address supply issues. However, we must also offer homeless people a permanent solution to their situation as quickly as possible. Reducing reliance on all forms of temporary

accommodation is becoming more important as forthcoming changes to the social security system are estimated to create an annual shortfall of £40 million in the funding of temporary accommodation¹⁹.

- After many decades of minimal investment in housing stock, the current Scottish Government has committed to a building programme of 50,000 **new affordable and social homes** over the course of the current parliamentary session. This goes a long way to meet the predicted need of 12,000 affordable homes each year²⁰, and will provide for around two-thirds of the expected increase in households in Scotland during that period. However, this is not a 'quick fix' and will not support everybody currently in need. In the longer term, continued investment in new affordable and social homes will be necessary to meet demands.
- The **private rented sector** (PRS) has grown considerably as a proportion of housing tenure in Scotland over recent decades²¹. It can provide great flexibility particularly in terms of location, and Crisis works successfully with local authorities and other partners across Scotland and the UK to support homeless people into the PRS. There is more potential for the private sector to be developed as a permanent housing option for homeless people²². A new model Scottish tenancy comes into effect in December 2017²³, which will give tenants much greater security of tenure, and a range of other measures will also make the private

17 <http://www.gov.scot/Topics/Built-Environment/Housing/homeless/HomelessnessPrevention/hubs/options>

18 Fitzpatrick et al (2015) *The homelessness monitor Scotland 2015*. Crisis

19 Association of Local Authority Chief Housing Officers (2016) *Written evidence to the Local Government and Communities Committee Pre-Budget Scrutiny* http://www.parliament.scot/S5_Local_Gov/Inquiries/20161025_Budget_ALACHO.pdf

20 Powell, R. et al (2015) *Affordable housing need in Scotland* http://scotland.shelter.org.uk/___data/assets/pdf_file/0009/1190871/7909_Final_Housing_Needs_Research.pdf/_nocache

21 Fitzpatrick et al (2015) *The homelessness monitor Scotland 2015*. Crisis

22 Fitzpatrick et al (2015) *The homelessness monitor Scotland 2015*. Crisis

23 Scottish Government information about private tenancies <https://beta.gov.scot/policies/private-renting/private-tenancy-reform/>

sector more appropriate as a long-term home.

- In some cases, people are in B&B accommodation because they have complex needs and have not been able to sustain other temporary placements. B&B is clearly not suitable for people with more complex needs who require support services. Rapid rehousing models such as **Housing First** are showing great success in providing sustainable accommodation and support for people with particularly complex needs. Each area should consider how Housing First can contribute to meeting the needs of people who need higher levels of support.

Summary and next steps

Scotland has led the way in tackling homelessness. But if we are to truly live in a fairer Scotland, then there is more work to be done.

The Scottish Government ambitiously ended priority need for homeless people. The Homeless Persons (Unsuitable Accommodation) Order 2014, however, currently only offers a legal time limit on unsuitable temporary accommodation, such as B&Bs, for families with children and pregnant women.

We welcome the Scottish Government's commitment to restrict this legal time limit from 14 to seven days. But we also believe that nobody should be housed in unsuitable temporary accommodation except in emergency circumstances.

We want to see parity in the law between single people and families and are calling for the Scottish Government to extend their 'universal rights' approach to impose a seven-day restriction on the use of unsuitable temporary accommodation for all homeless people.

Many local authorities have already managed to successfully reduce their use of B&Bs, or other unsuitable forms of unsupported temporary accommodation, significantly or have eliminated it completely. We want to see the use of unsuitable temporary accommodation across all local authority areas in Scotland for all homeless people reduced so it is no longer perceived as a housing solution. We believe the necessary culture shift can only be upheld by a change in the legislation.

The time is ripe to end the use of unsuitable temporary accommodation, especially B&Bs for homeless people. With the right plans in place, we believe that this is not only possible to achieve, but it would be fundamentally wrong not to provide the same legal protections for all homelessness people.

We are committed to working with our partners, as well as national and local government, to change the law and make sure that all homeless people have the same rights and are able to move on from B&B accommodation and move forward with their lives.

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