

Dumfries and Galloway Council

Homeless Service

Temporary Accommodation Policy

2018-2021

1. Introduction

This policy sets out how Dumfries and Galloway Council (the Council) will meet its responsibilities to provide temporary accommodation to people who are homeless or threatened with homelessness in Dumfries and Galloway.

This policy incorporates the aims and objectives set out in the Council's Homeless Strategy and Local Housing Strategy and aligns with Action Point 1 within Theme 3 of the Homeless Strategy to provide good quality affordable accommodation :
Develop a 3 year Temporary Accommodation Policy.

This policy is supported by a set of written procedures on the provision and management of temporary accommodation and a staff training programme.

2. Legal Framework

The Housing (Scotland) Act 2001 amended the Housing (Scotland) Act 1987 to require local authorities to provide temporary accommodation to all homeless applicants whilst either permanent accommodation is found, or, where someone is deemed intentionally homeless, information and assistance is provided to secure alternative accommodation. This duty to provide accommodation also applies pending assessment or appeal in respect of homeless applicants.

The Homelessness etc. (Scotland) Act 2003 removed the priority need distinction meaning all unintentionally homeless households are eligible for permanent accommodation. The act also includes powers to limit the use of bed and breakfast accommodation for families and children.

Subsequently, this power was used to introduce The Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014, which requires local authorities to ensure that homeless households with children and pregnant women are not placed in unsuitable temporary accommodation unless exceptional circumstances apply.

Unsuitable accommodation is defined in the order as accommodation which does not meet standards relating to the physical properties of the accommodation, its proximity to health and education services and its suitability to be used by children. Consequently the use of Bed and Breakfast accommodation is deemed unreasonable.

It is expected that all temporary accommodation should meet the nationally agreed performance standards (Performance Standard AS4.8) which states:

“When we arrange temporary or permanent accommodation, we treat homeless people fairly and appropriately in terms of tenancy provisions, quality of housing and location.”

The Rough Sleeping Action Group set up by the Scottish Government published initial recommendations in March 2018 in the interim report “Ending Rough Sleeping in Scotland”. These recommendations are currently being considered by the Scottish

Government. Any subsequent changes to legislation or government policy as a result of actions taken forward from this report will be reflected in any future reviews of this policy.

3. Strategic Aims

- To ensure provision of a wide range of temporary accommodation options for clients across Dumfries and Galloway which meets the needs of homeless households;
- To ensure that temporary accommodation provided is of an appropriate standard and quality to meet the needs of homeless households;
- To ensure effective management of temporary accommodation, which reflects service users views and ensures Best Value for Dumfries and Galloway Council;
- To ensure the appropriate information, support and contact is provided to homeless households in temporary accommodation.

4. Interim duty to Accommodate

If the Council has reason to believe that an applicant is homeless, the applicant has the right to temporary accommodation provided until a decision has been reached under the Council's interim duty to accommodate.

If the decision goes against the client and an appeal is lodged, the client will be provided with accommodation under the interim duty to accommodate up to a further 28 days whilst the appeal is being considered. We will, to the best of our ability, assist clients to make alternative arrangements.

The Council is committed to taking the personal circumstances of each applicant into account and will apply discretion around our duty to accommodate where this is appropriate.

5. Standards

Unsuitable accommodation

The Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014 states:

“If an applicant is pregnant, or living with a pregnant woman, or has dependent children, the temporary accommodation provided should meet the following accommodation criteria”:

- Be within the local authority area; and
- Have adequate and exclusive toilet and personal washing facilities; and
- Have adequate bedrooms, exclusive for the household use; and
- Have adequate cooking facilities and access to a living room; and
- Be useable by the household 24 hours a day; and

- Be within 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

The accommodation would also be deemed to be not suitable if it were not:

- Wind and water tight; or
- Suitable for occupation by children.

Many of our shared temporary accommodation units do not currently meet all these criteria.

Wherever possible this accommodation will not be used for applicants with children or are pregnant, unless in exceptional circumstances as specified below:

1. Homelessness occurs as result of an emergency; or
2. If the applicant is offered suitable accommodation but expresses a wish to be placed elsewhere; or
3. If the accommodation is a women's refuge; or
4. If homelessness occurs out of normal business hours; or
5. Where there is no other suitable accommodation available.

In relation to point 4 and 5, the applicant may only occupy the accommodation for up to 7 days.

If an applicant is placed in emergency through the out of hours service during a weekend or holiday period wherever possible they will be placed in suitable accommodation on the first working day following the emergency placement.

As part of the Review of Temporary Accommodation, accommodation available for our out of hour provision will be explored to ensure that it meets the needs of clients across the region.

6. Physical Standards

All temporary accommodation will comply with the relevant standards set out in our Standards for Temporary Accommodation.

7. Types of Accommodation

As a stock transfer authority, Dumfries and Galloway does not own housing stock. Temporary accommodation is therefore procured from a variety of sources:

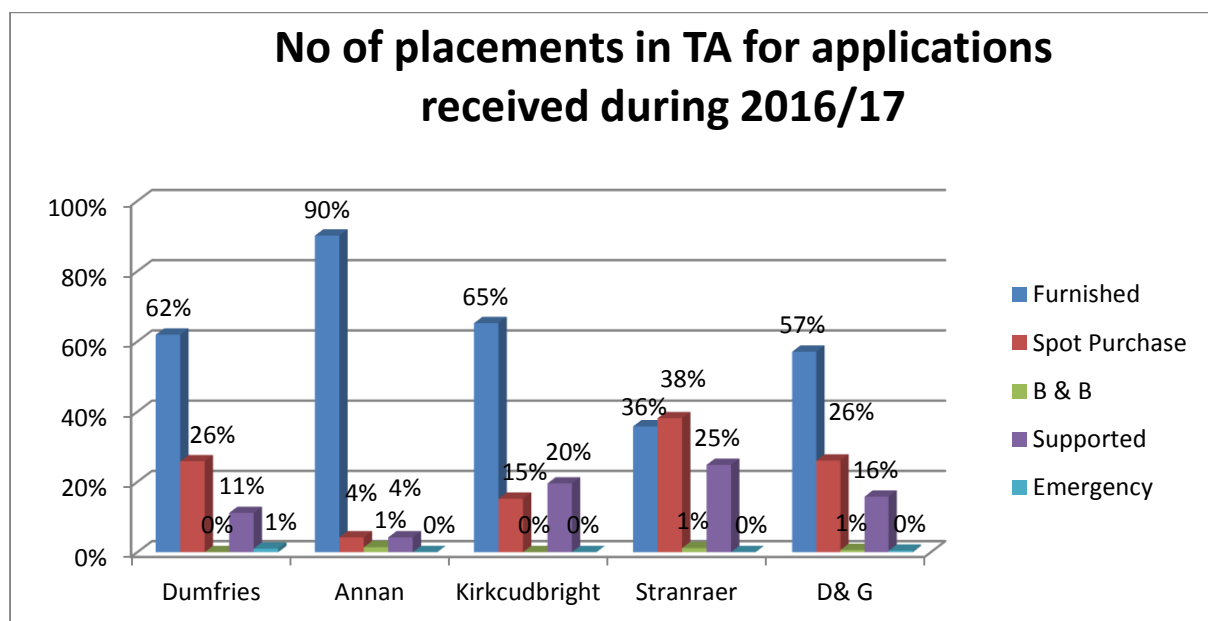
- Leased self-contained furnished units from Housing Association stock, the occupancy agreement are managed by the Homeless Service;
- Self-contained furnished units which are leased from private landlords, the occupancy agreement are managed by the Homeless Service;

- Shared accommodation where the applicant has sole access to their own bedroom and access to a shared kitchen and bathroom, procured on a spot purchase arrangement;
- Transitional accommodation provided under the Homeless Persons (Provision of Non-permanent Accommodation) (Scotland) Regulations 2010;
- Refuge accommodation.

The provision of unfurnished, self-contained units is being considered as part of the Review of Temporary Accommodation, due to the ongoing demand to store furniture from clients who access the service.

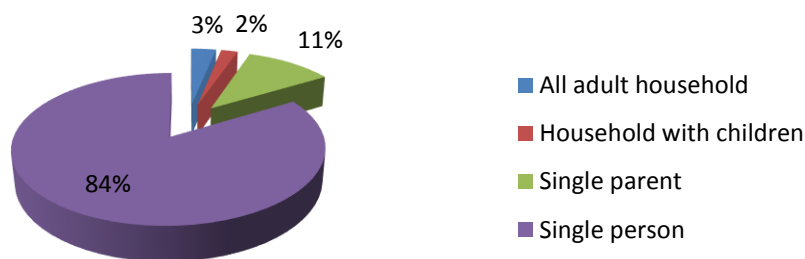
8. Temporary Accommodation Demand

During the financial year 16/17, there were 487 placements of households into temporary accommodation across the region. The following chart shows the distribution of placements across the region by type of accommodation.



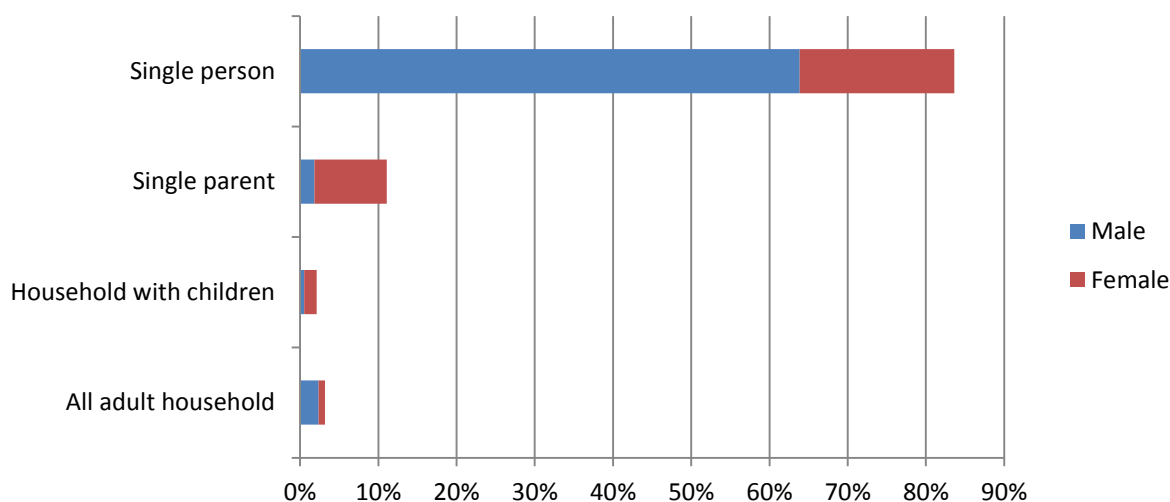
84% of all placements were for single person households:

TA Households Dumfries & Galloway 16/17



The percentage of under 35s being placed is 51% of the total placements with single, under 35, males accounting for 39% of all placements, The following chart shows the % of placements by household type and gender for the 2016/17 financial year:

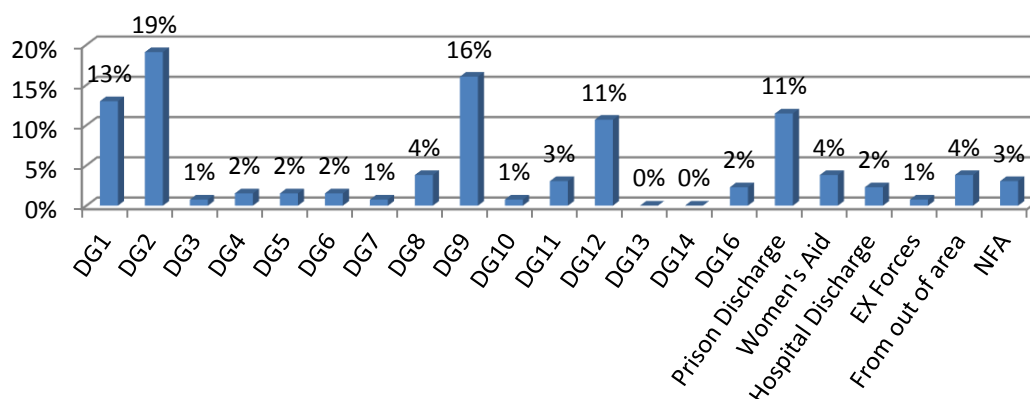
% of placements in TA by household type and gender 16/17



To provide an illustration of demand, a sample of applicants who approached the service during January to March 2017 and were placed within Temporary Accommodation was reviewed.

Geographically, the highest demand areas are lower Nithsdale (DG1 and DG2) 32% and Wigtownshire (DG8 and DG9) 20%. 4% of applicants came from out with the area and 3% were of no fixed abode. 11% of applicants were applying upon discharge from prison:

Homeless applicant accessing TA by postcode



This information will demand information will be used to inform the re-profiling of temporary accommodation stock over the next 3 years.

9. Use of Bed and Breakfast Accommodation

The Scottish Government's amendment to the Homeless Person (Unsuitable Accommodation (Scotland) Order 2014 underpins their commitment to the use of bed and breakfast accommodation **only in exceptional circumstances** when temporarily housing families with children or pregnant women.

In line with the aim of this legislation the Council will only place an applicant in bed and breakfast accommodation, where there are special social, medical, employment or family issues and no temporary accommodation available to meet those needs.

Table 1 shows the number of Bed and Breakfast placements by the Council against the Local Authority Average for the past 3 years:

	2014/15	2015/16	2016/17
Dumfries and Galloway	92	34	10
LA Average	347	330	292

Table 1 *source Scottish Housing Network, Performance Analysis for D & G August 2017(ARC return)

The Council will continue to keep the use of bed and breakfast accommodation to an absolute minimum through effective management of the temporary accommodation portfolio available. If bed and breakfast accommodation is used it will be for the shortest time possible.

10. Temporary Accommodation Portfolio

The Council will actively monitor and review the temporary accommodation portfolio at least on a yearly basis to ensure that it continues to meet the needs of all clients and provides Best Value for the Council.

There will be proactive work with accommodation providers to ensure the following:

- regular rotation of stock within the leased, self-contained furnished units from Housing Association stock;
- Reduction in the use of Private Sector leased stock for furnished accommodation;
- where appropriate; 10% of accommodation within new build projects funded through the Strategic Housing Improvement Plan (SHIP) is allocated for use by the Homeless Service (older stock to be rotated back to the provider on a case by case basis);
- Sufficient stock is available across the region to meet the needs of specific client group's e.g. disabled clients, elderly etc.;
- All accommodation offered meets the standards set out in our Council's Standards for Homeless Temporary Accommodation;
- Where appropriate, the use of shared tenancies to suit individual circumstances;
- Where circumstances dictate, the consideration of changing the client to the appropriate tenancy with the RSL landlord (property to be replaced within the homeless stock by the landlord on a like for like basis). This may include support as appropriate;
- Alternative means of housing clients, dependent on circumstances, such as the use of a Housing First Model.

11. Allocation of Temporary Accommodation

In allocating vacant temporary accommodation the following priorities will be applied:

- Applicants that the Council has a duty to provide temporary accommodation to under the current legislation, who are currently living in unsuitable temporary accommodation as defined in the regulations, will be given priority over all other categories of applicant;
- Applicants who have dependent children;
- Applicants that the Council has a duty to provide temporary accommodation to under the legislation, who previously lived within the local community or living out with the area but have a local connection as defined in the legislation;
- All other applicants who the council has a duty to provide temporary accommodation to;
- All applicants who the council has an interim duty to provide temporary accommodation to.

12. Offers and Refusals

Offers of temporary accommodation will be made verbally to the applicant, and any refusal will be requested in writing.

All offers, and subsequent refusals, will be recorded and reported to the Scottish Government through a HL3 return.

An applicant will receive **one reasonable offer** of temporary accommodation. When considering an offer to a client, the client's circumstances will be taken into account including any necessary health & safety checks and required risk assessments are undertaken in relation to the property and its environment.

Where needed the requirements of clients from minority groups will be taken into account in line with the Equality Act 2010.

A reasonable offer of accommodation is considered to be accommodation that meets the household's needs and any identified health and safety or risk issues based on the information held in relation to the applicant's homeless application at the time of allocation.

13. Right to appeal allocation of temporary accommodation

The applicant has the right to appeal an offer of temporary accommodation. If the applicant appeals an offer which is considered to be reasonable, they will continue to reside in the temporary accommodation provided until their appeal has been completed.

If an applicant wishes to appeal their temporary accommodation allocation, they will be asked to put this in writing, along with their reasons for appeal. This will be done in line with the procedure set out in our Managing Temporary Accommodation Procedures.

14. Length of Stay

Where there is an interim duty to accommodate, applicants will be provided with temporary accommodation until:

- The investigation into their homeless application is complete;
- The outcome of any review is known.

Where there is a duty to secure permanent accommodation applicants will be provided with temporary accommodation until:

- They have been assisted to secure permanent/settled accommodation;
- They have secured their own permanent accommodation;
- The outcome of any appeal against an offer of permanent accommodation is known.

Where there is a duty to provide temporary accommodation and advice and assistance applicants will be provided with temporary accommodation until they have had a reasonable opportunity to secure their own accommodation taking into account the local housing conditions and the personal circumstances of the applicant.

Household

The applicant's household is everyone who normally lives with them, in the place the previously stayed, and who is to be re-housed with the applicant. It does not matter whether the people who normally live with applicant are related to them or not. Someone who stays with the applicant two or three nights a week, would not automatically be included as part of the household.

Split Households

If the applicant has grown-up children (16 years or over) who currently live independently and who wish to be re-housed with them, they should complete their own housing application form, stating they want to live with the applicant. Unless the adult children are also currently statutorily homeless, they will not be considered to be part of the applicant's household in relation to the provision of temporary accommodation. Alternative temporary accommodation will not be a priority in this instance, but the adult children will be included in the assessment of the applicant's future housing needs.

If the applicant has a partner who does not live with them at the time of the homeless application, and who is not statutorily homeless, the temporary accommodation offered will be to meet the needs of the applicant only. If the applicant and their partner wish to live together in this temporary accommodation, and it is suitable for them to do so, the Council will not unreasonably refuse permission for this to happen. Alternative temporary accommodation will not be a priority in this instance. The partner will be included in the assessment of the applicant's future housing needs.

Larger Temporary Accommodation Vacancies

Applicants can be considered for a larger property where there are vacancies in their preferred housing areas if there are no other homeless applicants who meet the size criteria of the accommodation.

Medical Needs

An application may be considered for larger temporary accommodation if they have medical needs, which mean they need additional rooms or additional space. Appropriate medical advice will be sought by the Homeless Service from medical professionals when assessing the bedroom requirements.

Access to Children

The temporary accommodation offered, will where possible, take into account the needs of any applicant who has access to children who do not live with them all of the time (for example, children from a previous relationship).

The size of the accommodation offered will depend on the type, frequency and duration of the access.

Shared Accommodation

Applicants will normally only be considered for shared accommodation if they do not have children, or access to children.

There are additional pressures placed on applicants living in shared accommodation. Any concerns raised by the applicant should be considered fully when offering a placement in shared accommodation.

15. Inspections

Inspections will be carried out at least annually of all temporary accommodation to ensure that it meets the standards as set out in the Standards for Temporary Accommodation Policy.

16. Size of Property

The size of furnished temporary accommodation the applicant will be considered for depends on the number of people in their household. There are a limited number of temporary accommodation vacancies at any one time, but every effort will be made to ensure that each person is considered for the number of rooms as shown below:

Household	No of bedrooms
Single Adult	1
Couple	1
Household with one child	2
Household with 2 children of the same sex, under 16 years with age difference less than six years	2
Household with children of different sexes over 4 years of age	1 each
Household with 2 children of the same sex, under 16 years with age difference more than six years	1 each
Adult (over 16 – or dependent child over 15)	1 each

For example: a household containing a couple with one child aged 15 and one child aged 8 would be placed, where possible in a three bedroom property. There may be exceptions to this where there is a medical need.

17. Services in Temporary Accommodation

The Homeless Service has a set of standards for the services within the accommodation it provides as Temporary Accommodation.

These are set out in a separate document: Standards for Homeless Temporary Accommodation and forms part of our Managing Temporary Accommodation Procedures.

18. Tenancy/Occupancy Agreement

The correct tenancy/occupancy agreement will be used, depending on the nature of the temporary accommodation and the Council's duty to the applicant. As part of our Review of Temporary Accommodation, our occupancy agreements will be reviewed to ensure they are appropriate and in line with the policies set out in this document.

The occupancy agreement sets out both the Council and client responsibilities in terms of the occupancy including information on the recharges a client can expect to pay in the event of damage to the property.

19. Settling in Visit

In all cases, a post tenancy visit will be arranged and completed within a two week period of the tenancy commencing. The rent account will be checked before this visit is carried out and if regular payments are not being made, this will be addressed with the applicant. It is much easier to prevent arrears being built up if problems are dealt with at the earliest opportunity and a regular payment pattern established.

Within the Managing Temporary Accommodation Procedures, there is an arrears management procedure which sets out how arrears recovery will be managed.

20. Ongoing contact

Furnished Accommodation

Temporary Accommodation and Wellbeing Officers will arrange contact and/or visit clients every 4 weeks while they are living in temporary accommodation as a minimum. More frequent visits should be agreed with the applicant as required.

Any breaches of occupancy will be discussed and referrals made for support if needed.

Shared Accommodation

A weekly clinic is held by the responsible Temporary Accommodation and Wellbeing Officer at each of the shared properties. The day and time of this will be provided to the application when placed in a property.

The Officer will discuss any breaches of occupancy and make any referrals for support as necessary.

The ongoing contact is an opportunity to build a positive relationship with the applicant, review support needs and make early referrals where additional housing or support is needed, ensuring the tenancy is maintained and that any problems the

tenant has with their temporary accommodation or neighbours can be addressed at an early stage.

Access

Staff will not access a tenants' temporary accommodation unless they are present (apart from health and safety reasons). Written notice of a visit must be given at least 24 hours in advance. Any period less than 24 hours will be mutually agreed with the tenant.

If the tenant refuses an authorised person entry, the Council has the right to make forcible entry provided the tenant has been given every reasonable opportunity to let the Council, or another authorised person in voluntarily. If the Council has to make forcible entry, the tenant will be liable for the costs of any damage reasonably caused.

Where the tenant cannot be contacted and emergency access is needed, for example a burst pipe or fire, the Council has the right to make forcible entry to the house without notice.

Access can be obtained to communal area at any reasonable time.

Notice of routine and planned visits, will be notified and displayed on noticeboards within shared accommodation.

21. Police Access

Police must not be given access to individual tenanted rooms or properties unless a warrant has been obtained, or the police advise they are exercising their power to enter the subjects without a warrant because a delay in obtaining a warrant would be likely to defeat the ends of justice, for example if they believe that evidence will be removed or destroyed. The police can also make entry if they are in close pursuit of someone who has committed a serious offence, to quell a disturbance, to enforce an arrest warrant or to provide assistance if they hear cries for help. From time to time, they may also request access on the grounds of a welfare check on a vulnerable client. In any of these circumstances where entry is not based on a warrant then staff can only open the tenant's room when the police have stated that they intend to effect a forcible entry and only for the purposes of avoiding damage to the Council's property.

22. Location

The aim of the service is to ensure:

- Accommodation provided is located so that the main services used by a household can be reached by foot or by public transport. Services include supermarket or convenience store, doctors, dentists or other health care providers and advice agencies (where applicable);
- The location of the premises will take into account the need of all household members in terms of reasonable access to place of employment and formal or informal support networks, and, for households with children, easy access to school or nursery. This may not necessarily be the same service provider as the household currently access (i.e. school, medical practice) but mainstream provision will be available;
- The location of the accommodation takes into account the social and economic needs of the household;
- Cultural or religious need are identified and met through the location of the accommodation.

23. Area of Choice

In line with the commitment within the Homeless Customer Service Standards, if someone is placed in temporary accommodation the service will make sure that:

- suitable temporary accommodation is arranged

This includes, as far as possible, endeavouring to provide suitable accommodation in an area of preference for the household.

However, a limited number of temporary properties become available at any one time. For this reason, the applicant will, at a very early stage, be advised that it may not be possible to meet their preferences in relation to temporary accommodation and, whilst any preference will be taken into account, it will not always be possible to fulfil the applicant's request.

24. Rent and Charging Policy

Rents and charges for temporary accommodation are set taking into account the cost to run the service and the available government funding. The rents are set based on the size and type of property and are consistent across the region. Rents and service charges will be reviewed on an annual basis.

The Rent and Charging Policy sets out how rents due are collected, what other charges may be levied and the Council position in recovering these charges.

25. Pets

In self-contained furnished accommodation, a tenant can request written permission to keep one dog or cat, or a reasonable number of small domestic pets such as hamsters, guinea pigs or tropical fish.

The tenant must ensure that keeping the pet is not prohibited by the Dangerous Dogs Act 1991, or by any other law.

The repair of any damage caused to the property by pets will be recharged to the tenant by the Council. The Council may require the removal of the pet if it is causing nuisance or damage.

No pets are allowed within shared accommodation provided by the Homeless Service. Clients should make alternative arrangements for their pets for the duration of their stay in shared accommodation. There are a number of organisations which can help in these circumstances including the Pet Fostering Service Scotland, Dumfries and Galloway Canine Rescue Centre and the SPCA.

26. Change in circumstances

Any change in circumstances that affects the applicant's need in relation to temporary accommodation will be considered on case-by-case basis.

If the change in circumstances increases the duty towards the applicant e.g. a homeless applicant who becomes pregnant, this will lead to a review of their application.

Changes in circumstances that make the temporary accommodation unsuitable, in relation to the 'unsuitable temporary accommodation order', will be given priority for a move to alternative temporary accommodation.

If the applicant's circumstances significantly change prior to the Council discharging its duty to them, for example, the applicant receives a long term custodial sentence; the council may review their duty towards the applicant.

27. Custodial Sentences

If a tenant of temporary accommodation is charged with an offence, the outcome of which may be a custodial sentence, the Housing Options and Assessment Officer should contact the applicant to discuss options in relation to their current temporary accommodation and homeless application. They will also provide advice in relation to what their housing options will be on discharge from prison. If a custodial sentence is likely the tenant will be asked to terminate the temporary occupancy agreement but advised that the Homeless Service will retain its duty to provide temporary accommodation on release as laid out in the **Scottish Quality Standards – Housing Advice, Information and Support for People on Remand or Serving a Short Term Sentence Sustainable Housing on Release for Everyone (SHORE)**.

If the tenant does not terminate their tenancy and subsequently receives a custodial sentence, steps will be taken to terminate the tenancy at that point. Dependant on the length of sentence, the homeless application may remain open, and housing options should be considered close to the applicant's release date in line with the SHORE guidance.

28. Protection of Property

The Council has a prescribed duty to protect the property of those applicants it believes to be homeless and has provided temporary accommodation for. This includes applicants who are 'homeless at home'. Where necessary, the Council will assist clients to consider which belongings need to be stored, and assist with the arrangements to store any items for applicants. Any costs associated with the storage of goods may be charged to the client by the Council. Information and responsibilities around this are set out within our Storage of Goods Guidance.

29. Ending Temporary Occupancy Agreements/Tenancies

If an applicant has been provided with temporary accommodation for a reasonable period and has been provided with advice and assistance to assist them to secure their own alternative accommodation, but they have not made any efforts to do so, they will be issued with a minimum 28 days' notice. The applicant will be advised of their legal rights. If the applicant fails to vacate by the appropriate date, formal eviction action will be instigated.

30. Abandonments

Where an applicant who has been allocated temporary accommodation subsequently abandons the property without any prior notice, and contact cannot be re-established, the homeless service will take appropriate action to re-possess the property. Any items of value left by the client will be stored for six months if it is safe to do so and may thereafter be sold. Any income from the sale of goods will be set against any outstanding charges due by the client.

31. Monitoring

The service will monitor performance against targets in relation to the use of temporary accommodation on monthly basis and take corrective action as required.

This will include:

- Length of time property has been void;
- Use of B & B Accommodation;
- Use of furnished accommodation;
- Use of shared accommodation;
- Use of supported accommodation;
- Tenant arrears;
- Unsuitable Accommodation Order;
- Customer Satisfaction.

The service will also be responsible for monitoring the numbers (by type and size) and geographical distribution of temporary accommodation against any targets set within the Council's Housing Options and Homeless Strategy.

Feedback will be sought from households who use temporary accommodation as described in the Customer Engagement Strategy. The information will be used to assist in reviewing the provision, policies and procedures and to inform improvement activities.

Performance information for the service is published on the following websites:

Dumfries and Galloway Council: <http://www.dumgal.gov.uk/performance>

Scottish Housing Regulator: <https://www.scottishhousingregulator.gov.uk/>

32. For further information please contact us at:

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Our offices are open Monday to Friday 9am to 5pm