
NORTH AYRSHIRE COUNCIL

05 December 2023

Cabinet

Title: Review of temporary accommodation

Purpose: To advise Cabinet of the outcome of the review of the North Ayrshire Temporary Accommodation policy and seek approval for the establishment of a Temporary Accommodation Fund to support students and people in employment who have no entitlement to Housing Benefit.

Recommendation: It is recommended that Cabinet:

- (i) considers the outcome of the Temporary Accommodation Review
- (ii) approves the creation of a Temporary Accommodation Grant Fund from 1 April 2024 to support students and people in employment who have no entitlement to Housing Benefit

1. Executive Summary

- 1.1 The Council has a statutory duty to assist applicants who are homeless or threatened with homelessness, as defined in the Housing (Scotland) Act 1987, as amended.
- 1.2 At the full Council meeting of 13 September 2023, it was agreed that officers would review the Policy and Management of Temporary Furnished Accommodation, and that a report would be submitted to Cabinet on how the policy should operate, including:
 - (i) consideration of any possible adaptations or improvements which could be made to it to alleviate hardship; and
 - (ii) details of any financial implications arising from any proposed changes to the policy.
- 1.3 The report detailing the outcome of the above review is attached at Appendix 1. The review determined that the current North Ayrshire temporary accommodation policy complies with statutory guidance and meets with best practice. It did, however, identify an opportunity to create a Temporary Accommodation Grant Fund to minimise the risk of financial hardship and reduce the impact that debt can have on people's mental wellbeing.

2. Background

- 2.1 The Council has a statutory duty to assist applicants who are homeless or threatened with homelessness, as defined in the Housing (Scotland) Act 1987, as amended. These duties include the provision of temporary accommodation until such time as the Council has determined the outcome of their homeless application.
- 2.2 The Ending Homelessness Together Annual Report, published on 26 October 2023, details the Scottish Government's ambition to reduce the use of temporary accommodation by 2026.

- 23 There has been a significant increase in demand for temporary accommodation in North Ayrshire over the last two years, with fewer homeless people being able to either stay within their current home for a temporary period or live with friends and family.
- 24 The Council owns and operates a 20-bed direct access hostel, which is utilised as interim accommodation for homeless customers until a temporary furnished property can be identified for them.
- 25 In line with best practice, North Ayrshire temporary accommodation comprises predominantly of temporary furnished properties dispersed across North Ayrshire, of which there are currently 242 in use. All of these properties are owned by the Council's Housing Revenue Account (HRA) and leased to the Homeless Service at the appropriate HRA rent charge, which is based on size and whether they are houses or flats.
- 26 The temporary accommodation rent charge is higher than the HRA rent charge as it includes the following additional costs:
- temporary accommodation staffing costs
 - excess repairs and maintenance beyond those covered in the rental payment to the HRA
 - void cleaning and garden maintenance
 - void rent loss and bad debt provision
 - relocation costs
 - administration costs
- 27 The report at Appendix 1 details the full outcome of the temporary accommodation review; below is a summary of the key findings:
- North Ayrshire temporary accommodation predominantly comprises of temporary furnished properties across the Council area
 - the Council has never breached the Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014, which sets out the standards expected of temporary accommodation
 - the management of the North Ayrshire Housing Support Service has been independently assessed by the Care Inspectorate as 'excellent'
 - customer satisfaction levels within temporary accommodation sits at 99%
 - Housing Support Officers are responsive to the needs of homeless people, neighbours and the wider community
 - For emergency presentations, initial placements are made in the direct access hostel, prior to sourcing a temporary furnished property within the community. In exceptional circumstances and subject to availability of suitable properties, homeless accommodation will be allocated in a specific area; this is usually where there are children within the household or a greater level of vulnerability, such as disability
 - on an annual basis approximately 22 homeless households are in full-time employment with income above the level of Housing Benefit entitlement
 - on an annual basis approximately six students approach the Council in need of homeless assistance and temporary accommodation
 - the current rent liability and the way in which the charges are managed can have an impact on people's mental wellbeing.
- 28 Options to minimise financial hardship for people in further education and employment who experience homelessness have been modelled, resulting in the proposal to create a Temporary Accommodation Grant fund. The fund will be available to students and

households who are in employment and have a rental liability in excess of the average North Ayrshire Council HRA rent.

- 29 Officers will assist the homeless applicant to apply for the Temporary Accommodation Grant, ensuring that there is a clear understanding that grant funding will be applied to the applicant's rent account to ensure that the maximum rent due is capped at the average Council HRA rent.
- 210 An information leaflet detailing the rent calculation process and how the homeless applicant will be supported to apply for both benefit and grant funding will be developed and given to anyone who requires temporary accommodation.
- 211 The Temporary Accommodation Grant will ensure temporary accommodation is affordable for all homeless people, minimising the risk of financial hardship and supporting the Council's wider financial inclusion work.

Financial Implications of creating a Temporary Accommodation Grant Fund

- 212 The fund will be available to students and households who have a rent liability above the average Council HRA rent.
- 213 The average duration of homelessness is 26 weeks; annually approximately 22 people have no entitlement to Housing Benefit. This will result in a requirement to have annual grant funding available of £160,000.
- 214 On an annual basis there are approximately six students residing in temporary accommodation; this would require grant funding of £56,000.
- 215 Currently, where tenants are unable to pay the temporary accommodation rental charge, the bad debt is written off in accordance with the Council's Corporate Write-Off Policy. The Council has a bad debt provision and write-off provision within the budget to account for this.
- 216 It is envisioned that if this approach was taken the bad debt provision would reduce over time so that no net additional funding would be required overall. However, there will be a requirement for initial funding of £216,000 to set up the Temporary Accommodation Grant Fund.
- 217 The Housing General Fund will be utilised to set up the Temporary Accommodation Grant Fund.
- 218 The creation of a Temporary Accommodation Grant will ensure that temporary accommodation is affordable for all homeless people.

3.0 Proposals

It is proposed that Cabinet:

- I. considers the outcome of the Temporary Accommodation Review
- II. approves the creation of a Temporary Accommodation Grant Fund from 1 April 2024 to support students and people in employment who have no entitlement to Housing Benefit

4. Implications/Socio-economic Duty

Financial

- 4.1 It is anticipated that the creation of a Temporary Accommodation Grant Fund will enable a reduction in the homeless bad debt provision over time, so that no additional funding will be required overall. However, there will be a requirement for initial funding of £216,000 to set up the Temporary Accommodation Grant Fund. The Housing General Fund will be utilised to set up the Temporary Accommodation Grant Fund.

Human Resources

- 4.2 The creation and administration of the Temporary Accommodation Grant Fund will be managed within current staffing resources.

Legal

- 4.3 None

Equality/Socio-economic

- 4.4 The Temporary Accommodation Grant will ensure temporary accommodation is affordable for all homeless people, minimising the risk of financial hardship.

Climate Change and Carbon

- 4.4 None

Key Priorities

- 4.5 The matters referred to in this report support the delivery of the Council Plan Wellbeing priority: tackling inequality by maximising access to and uptake of benefits, entitlements, and financial advice.

Community Wealth Building

- 4.6 None

5 Consultation

- 5.1 Consultation with officers providing support, advice and assistance to homeless households was undertaken to inform the review of temporary accommodation.

RUSSELL McCUTCHEON
Executive Director (Place)

For further information please contact **Janeine Barrett, Senior Manager (Homelessness and Community Safety)** janeinebarrett@north-ayrshire.gov.uk 01294-314600

Background Papers

1 Review of Temporary Accommodation and Management Report

Review of Temporary Accommodation and Management

Janeine Barrett (Senior Manager / Homeless & Comm Safety)

December 2023

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1. Review of temporary accommodation

Background

The Council has a statutory duty to assist applicants who are homeless or threatened with homelessness as defined in the Housing (Scotland) Act 1987, as amended. These duties include the provision of temporary accommodation until such time as the Council has determined the outcome of their homeless application.

At the full Council meeting of 13 September 2023, the Council agreed:

- (a) that officers review the Policy and Management of Temporary Furnished Accommodation; and
- (b) that a report be submitted to the Cabinet on how the policy should operate, including (i) consideration of any possible adaptations or improvements which could be made to it to alleviate hardship and (ii) detail any financial implications arising from any proposed changes to the policy.

This report summarises the outcome of the above review and is submitted to the Cabinet for approval.

Legislative position

***Interim Duty to Accommodate (Section 29 of the 1987 Act, as amended by Section 9 of the 2003 Act)*¹**

Where the local authority has reason to believe an applicant is homeless there is an interim duty to secure accommodation until a final decision on their application has been reached.

Where the authority has a duty to provide an offer of permanent accommodation under Section 31 of the Act, the interim duty continues until the duty is discharged.

The Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014 (UAO)

The Scottish Government has enacted the Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014² which details the standards which temporary accommodation for households with children and pregnant women must meet. The purpose of this Order is to put an end to the routine use of B&B's and other unsuitable accommodation for these households.

Under this Order, local authorities cannot put households with children and pregnant women into "unsuitable" temporary accommodation unless exceptional circumstances apply. Exceptional circumstances are intended to give flexibility to councils when meeting their new duty, as well as giving families the ability to exercise choice in whether to stay in unsuitable accommodation beyond 7 days.

¹[Homelessness etc. \(Scotland\) Act 2003 \(legislation.gov.uk\)](#)

²[The Homeless Persons \(Unsuitable Accommodation\) \(Scotland\) Order 2014 \(legislation.gov.uk\)](#)

North Ayrshire Council has never been in breach of the unsuitable accommodation order.

When carrying out functions under the Housing (Scotland) Act 1987 with respect to a homeless person, local authorities are required to have regard to the Code of Guidance on Homelessness 2019³.

Advisory Standards for Temporary Accommodation

The Temporary Accommodation Standards Framework April 2023⁴ sets out advisory standards in relation to temporary accommodation and addresses:

- physical standards
- location standards
- service standards
- management standards

The Ending Homelessness Together Annual Report, published on 26 October 2023, details the progress made over the last 12 months by national government, local government and third sector partners towards ending homelessness in Scotland.

The report details the Scottish Government's ambition to reduce the use of temporary accommodation by 2026, and the guidance being developed on how national acquisition plan funds can be used to purchase empty and private sector homes and alleviate the pressures in temporary accommodation.

The report further details Scottish Ministers' aspirations for a greater proportion of social rented homes to be allocated to homeless households. North Ayrshire Council has increased its allocation to homeless people from 25% to 41% over the last five years.

North Ayrshire temporary accommodation

There has been a significant demand for temporary accommodation in North Ayrshire over the last two years, with fewer homeless people being able to stay either within their current home for a temporary period, or live care of friends and family.

The Council owns and operates a 20-bed direct access hostel which provides interim accommodation until temporary furnished accommodation can be identified. The hostel was upgraded during 2021/22 to ensure that all rooms, with the exception of two emergency rooms, are fully self-contained, each with their own kitchen and bathroom. With the refurbishment of the hostel, this accommodation does not breach the UAO.

In line with best practice, the North Ayrshire temporary accommodation comprises predominantly of temporary furnished properties dispersed across North Ayrshire, of which there are currently 242 units.

³ [Code of Guidance on Homelessness: Guidance on legislation, policies and practices to prevent and resolve homelessness \(www.gov.scot\)](https://www.gov.scot/publications/code-of-guidance-on-homelessness/pages/1-introduction.aspx)

⁴ [Temporary accommodation standards framework - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/temporary-accommodation-standards-framework/pages/1-introduction.aspx)

The above arrangements allows officers, where possible, to place homeless households within their town of preference where they have access to their own social networks, school, GP and wider support provision.

Possible adaptations or improvements which could be made:

The above approach is in line with best practice; therefore, no changes are proposed

2. Management of temporary accommodation

Accommodation type and duration

The direct access hostel is owned and managed by North Ayrshire Council. It operates 24 hours per day, 365 days per year and has three members of staff on a rotating shift rota. The day-to-day management of the hostel is undertaken by the Homelessness and Community Safety Coordinator responsible for temporary accommodation.

All temporary furnished properties are North Ayrshire Council houses or flats, which are owned by the HRA and leased to the Homeless Service at the appropriate rent. The properties are managed by the Team Leader – Temporary Accommodation, supported by a team of Property Officers. In addition, the Housing Support Team manage the support needs of homeless people residing within the properties and respond to issues arising within the neighbourhood resulting from any negative behaviour being perpetrated by the homeless household.

These properties are used as temporary accommodation for a period of approximately five years. Where there have been no issues within the community, the duration of use as temporary accommodation may be extended. Where there is an excessive level of complaints, consideration will be given to returning the properties back to the mainstream housing stock after three years.

Possible adaptations or improvements which could be made:

There is discretion as to the duration that a property is utilised as temporary accommodation, and a process in place to ensure on selecting accommodation that it is sustainable; therefore, no changes are proposed.

Allocation process

Where a household presents to the Council as homeless and advises that they have no accommodation available to them, they will be offered a placement within the direct access hostel until a temporary furnished property becomes available.

Where a household refuses accommodation, an officer will ascertain where they are going to stay on an interim basis, and they are asked to contact the Council again when accommodation is required.

Where a household is provided with temporary accommodation and is asked to leave because of their behaviour, alternative accommodation will be provided.

Council Officers have piloted different ways of allocating temporary accommodation. This includes utilising waiting lists and using the hostel as a longer stay provision to try and free space in furnished properties.

Possible adaptations or improvements which could be made:

For emergency presentations, initial placements are made in the direct access hostel, prior to sourcing a temporary furnished property within the community. In exceptional circumstances and subject to availability of suitable properties, homeless accommodation will be allocated in a specific area; this is usually where there are children within the household or a greater level of vulnerability, such as disability.

Support in Temporary Furnished Accommodation

Every temporary furnished property has a dedicated Housing Support Officer who delivers services aligned to the national support standards which is scrutinised independently by the Care Inspectorate⁵. North Ayrshire Council has consistently received a five-star rating for the quality of support provision within temporary accommodation.

In addition to working with homeless households to prepare for independent living and resettlement into mainstream housing, Support Officers liaise with partner agencies in response to the needs of their client.

Where issues arise within temporary accommodation the Housing Support Officer will work with the tenant, neighbours, support services and other agencies, for example Police Scotland, to try and resolve arising issues. Where issues cannot be resolved, the support officer will arrange to have the household moved to alternative accommodation.

Possible adaptations or improvements which could be made:

The North Ayrshire Temporary Accommodation Housing Support Service has been independently assessed as an excellent provision. The customer satisfaction levels within temporary accommodation sits at 99%.

Officers are responsive to the needs of neighbours and the wider community; therefore, no changes are proposed.

Cost of Temporary Furnished Accommodation

The cost of temporary accommodation varies across Scotland from that of a standard council rent up to that of £480 per week. The level of service provision also varies in terms of whether a property is furnished, supported, has a property management team etc.

As detailed above, North Ayrshire Council provides 242 fully furnished properties dispersed across North Ayrshire.

The temporary accommodation rent charge is higher than the HRA rent charge as it includes the following additional costs:

⁵ [Introduction - National Care Standards: Housing Support Services - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/introduction-national-care-standards-housing-support-services/pages/1-1-introduction.aspx)

- temporary accommodation staffing costs
- excess repairs and maintenance beyond those covered in the rental payment to the HRA
- void cleaning and garden maintenance
- void rent loss and bad debt provision
- relocation costs
- administration costs

When considering the rental charge for temporary accommodation North Ayrshire Council follow the Code of Guidance which states, “In deciding what is reasonable, the local authority should take account of what the applicant can pay in the longer term. If an applicant is being asked to pay for accommodation provided by the local authority, then the applicant should be:

- informed in advance of the cost of the accommodation
- assisted when applying for benefit to cover the cost of such accommodation
- and advised of the likely level of benefit when considering charges”

The Scottish Social Housing Charter⁶ sets out standards including those which tenants and homeless people can expect from social landlords. Outcome 14 states:” Social landlords set rents and service charges in consultation with their tenants and other customers so that:

- a balance is struck between the level of services provided, the cost of the services and how far current and prospective tenants and service users can afford them

Where it is identified that a person is homeless and in need of temporary accommodation, a Housing Advice Officer will explain the rent charging process and undertake a rental calculation to ascertain any rent charges that the applicant may be liable for.

The applicant is advised of the estimated rental charge and the assistance that can be provided based on the income detail provided. It is explained that the Housing Support Officer will assist with a Housing Benefit application on booking into accommodation.

The current rental charge for a temporary furnished property is £358.82 per week; these costs are fully met by Housing Benefit for households who qualify. Where an applicant is working, they will be advised to pay a standard amount of £80 per week (this is comparable with council rental charges for mainstream tenancies). The balance will accrue as rent arrears on their account. Officers try to reassure the tenant not to be concerned about this as they can enter an affordable repayment agreement when they are rehoused. Where it is determined that the arrears are unaffordable the debt will be written off as bad debt.

As well as assisting the applicant to submit an application for Housing Benefit, the Housing Support Officer will also assist those with a rent liability to apply to the Social Welfare Fund for a Discretionary Housing Benefit payment to assist with the rent costs.

⁶ [Scotsh Social Housing Charter November 2022 - gov.scot \(www.gov.scot\)](http://www.gov.scot)

Where the household income exceeds the qualifying level for Housing Benefit, an income and expenditure assessment is completed to determine an affordable rental charge, with the maximum amount of £80 per week set to reflect the average HRA rent.

When a household moves out of temporary accommodation, any arrears they have accrued will be transferred to 'former tenant' arrears. Any outstanding debts are pursued in line with the Former Tenant Arrears Management Policy. Where all avenues for recovery have been exhausted or due to the amount outstanding, further action is uneconomical, consideration will be given to write off the debt in accordance with the Council's Corporate Write-Off Policy. The Council has a bad debt provision and write off provision within the budget to account for this.

Current overview of homeless applicants within dispersed/direct access accommodation.

There is currently one person residing in temporary accommodation in full time employment with no entitlement to Housing Benefit.

Officers have reviewed our records of the last six months and have determined that there have been 96 people residing in temporary accommodation who had a rental charge, of which 11 had no entitlement to Housing Benefit. On an annual basis this would mean that approximately 22 households would have no entitlement to Housing Benefit.

Students within temporary accommodation

There are currently no students residing within temporary accommodation. However, on an annual basis, the Council receive approximately six approaches from people who are studying.

Most (but not all) full-time students are not entitled to Housing Benefit; this is dependent on the level of course and the age of the student.

A full-time student who is already in receipt of Housing Benefit at the point of homelessness can continue to get Housing Benefit as a student if they meet one of the following conditions:

- receive Income Support (IS) or income-based Jobseeker's Allowance (JSA) or income-related Employment and Support Allowance (ESA)
- are a lone parent or a member of a couple who are responsible for a child and they are both full-time students
- are a lone foster carer with a child formally placed with them by a local authority or voluntary agency
- receive Disability Living Allowance (DLA), Personal Independence Payment (PIP), Adult Disability Payment Scotland or Attendance Allowance, the disability or severe disability element of Working Tax Credit or a War Pensioner's Disability Supplement
- they or their partner are registered blind

- have been unable to work due to sickness or disability for at least 28 weeks
- qualify for a Disabled Student's Allowance because they are deaf
- take time out from their course because of illness or caring responsibilities in certain circumstances
- are under 21 on a non-advanced course - age can sometimes be extended to 22
- are over 66 are not getting Income Support, income-based Jobseeker's Allowance or income-related Employment and Support Allowance (ESA). If they qualify for guaranteed Pension Credit, they will receive maximum entitlement to Housing Benefit.

On review of this process, it was recognised that the accrual of debt can have a significant impact on people's mental wellbeing.

Possible adaptations or improvements which could be made:

It is proposed that the Council sets up a Temporary Accommodation Grant fund which will be available to households who are in employment and have a rental liability more than the average weekly Council rent.

At the initial interview when the rental calculation is completed, applicants will be advised that the maximum they will need to pay is the standard weekly rent charge, currently set at £80.

We will assist the applicant throughout the process to complete the necessary paperwork to ensure that the full Housing Benefit due is claimed to support the Temporary Accommodation Grant process.

We will develop an information leaflet which clearly details the rent calculation process and how we will support the applicants through this.

It is envisioned that if this approach was taken the bad debt provision would reduce over time so that no additional funding would be required. However, there will be a requirement for initial funding of £216,000 to set up the Temporary Accommodation Grant Fund.

A review of non-employee expenditure and income budgets across the Housing General Fund will be undertaken in order to identify appropriate underspends or over-recovery of income which can be utilised to set up the Temporary Accommodation Grant Fund.

Financial implications

The fund would be available to students and households who have a rent liability above the average Council HRA rent, with no entitlement to Housing Benefit.

The average duration of homelessness is 26 weeks and there are approximately 22 people on an annual basis with no entitlement to Housing Benefit. This would result in a requirement to have grant funding available of £160,000 for these applicants.

On an annual basis there are approximately six students residing in temporary accommodation, this would require a grant funding of £56,000.

It is envisioned that if this approach was taken the bad debt provision would reduce over time so that no additional funding overall would be required. However, there will be a requirement for initial funding of £216,000 to set up the Temporary Accommodation Grant Fund.

A review of non-employee expenditure and income budgets across the Housing General Fund will be undertaken in order to identify appropriate underspends or over-recovery of income which can be utilised to set up the Temporary Accommodation Grant Fund.

The creation of a Temporary Accommodation Grant would ensure that temporary accommodation is affordable for all homeless people.

3. Current position

Leaving temporary accommodation

Local authorities' duty to secure accommodation for unintentionally homeless people is fulfilled by a single offer of housing, even if this is refused by the applicant, provided that the offer was a reasonable one.

Applicants have the right to request a review of any decision made in relation to their application which includes the offer of housing. There is a robust appeals process in place and independent advocacy services to assist with an appeal where an applicant believes the offer of housing to be unsuitable.

Housing Support

The Housing (Scotland) Act 2010 introduced a duty, under Section 32B of the 1987 Act⁷, on local authorities to conduct a housing support assessment for applicants who are unintentionally homeless or threatened with homelessness and who they 'have reason to believe' need housing support.

Regulation 2 of The Housing Support Services (Homelessness) (Scotland) Regulations 2012⁸ prescribes four types of housing support services which apply for the purposes of the duty. These are for advising or assisting a person:

- with personal budgeting, debt counselling or in dealing with welfare benefit claims
- to engage with individuals, professionals or other bodies with an interest in that person's welfare

⁷ [Housing \(Scotland\) Act 1987 \(legislation.gov.uk\)](#)

⁸ [The Housing Support Services \(Homelessness\) \(Scotland\) Regulations 2012 \(legislation.gov.uk\)](#)

- in understanding and managing their tenancy rights and responsibilities, including assisting a person in disputes about those rights and responsibilities
- in settling into a new tenancy

The Housing Support Officer will work with the household throughout their period of homelessness in preparation for independent living. The support includes an assessment of the requirement for furniture. At the point of allocation of a tenancy, where a household has no furniture, the Housing Support Officer will assist the applicant to apply to the Social Welfare fund for grant funding to assist with basic furniture and essential goods for the home. If the applicant has been offered a North Ayrshire Council tenancy, they can also apply for a furnished tenancy grant which will provide beds, bedding, a refrigerator, and a microwave.

Every household allocated a tenancy following a period of homelessness will be provided with resettlement support for a period of six weeks. In addition, the housing support service will be available to them for the first twelve months of their tenancy to maximise tenancy sustainment.

Possible adaptations or improvements which could be made:

Officers will undertake a review of the timescales to be awarded grant funding from the Scottish Welfare Fund to ensure homeless people can access appropriate financial support at the point of allocation to enable them to move into their new home timeously.

Review of Temporary Accommodation and Management

Janeine Barrett (Senior Manager / Homeless & Comm Safety)

December 2023

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1. Review of temporary accommodation

Background

The Council has a statutory duty to assist applicants who are homeless or threatened with homelessness as defined in the Housing (Scotland) Act 1987, as amended. These duties include the provision of temporary accommodation until such time as the Council has determined the outcome of their homeless application.

At the full Council meeting of 13 September 2023, the Council agreed:

- (a) that officers review the Policy and Management of Temporary Furnished Accommodation; and
- (b) that a report be submitted to the Cabinet on how the policy should operate, including (i) consideration of any possible adaptations or improvements which could be made to it to alleviate hardship and (ii) detail any financial implications arising from any proposed changes to the policy.

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Legislative position

***Interim Duty to Accommodate (Section 29 of the 1987 Act, as amended by Section 9 of the 2003 Act)*¹**

Where the local authority has reason to believe an applicant is homeless there is an interim duty to secure accommodation until a final decision on their application has been reached.

Where the authority has a duty to provide an offer of permanent accommodation under Section 31 of the Act, the interim duty continues until the duty is discharged.

The Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014 (UAO)

The Scottish Government has enacted the Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014² which details the standards which temporary accommodation for households with children and pregnant women must meet. The purpose of this Order is to put an end to the routine use of B&B's and other unsuitable accommodation for these households.

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² [The Homeless Persons \(Unsuitable Accommodation\) \(Scotland\) Order 2014 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

North Ayrshire Council has never been in breach of the unsuitable accommodation order.

When carrying out functions under the Housing (Scotland) Act 1987 with respect to a homeless person, local authorities are required to have regard to the Code of Guidance on Homelessness 2019³.

Advisory Standards for Temporary Accommodation

The Temporary Accommodation Standards Framework April 2023⁴ sets out advisory standards in relation to temporary accommodation and addresses:

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- service standards
- management standards

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The report further details Scottish Ministers' aspirations for a greater proportion of social rented homes to be allocated to homeless households. North Ayrshire Council has increased its allocation to homeless people from 25% to 41% over the last five years.

North Ayrshire temporary accommodation

There has been a significant demand for temporary accommodation in North Ayrshire over the last two years, with fewer homeless people being able to stay either within their current home for a temporary period, or live care of friends and family.

The Council owns and operates a 20-bed direct access hostel which provides interim accommodation until temporary furnished accommodation can be identified. The hostel was upgraded during 2021/22 to ensure that all rooms, with the exception of two emergency rooms, are fully self-contained, each with their own kitchen and bathroom. With the refurbishment of the hostel, this accommodation does not breach the UAO.

In line with best practice, the North Ayrshire temporary accommodation comprises predominantly of temporary furnished properties dispersed across North Ayrshire, of which there are currently 242 units.

³ [Code of Guidance on Homelessness: Guidance on legislation, policies and practices to prevent and resolve homelessness \(www.gov.scot\)](https://www.gov.scot/publications/code-of-guidance-on-homelessness-2019/pages/1-introduction.aspx)

⁴ [Temporary accommodation standards framework - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/temporary-accommodation-standards-framework/pages/1-introduction.aspx)

The above arrangements allows officers, where possible, to place homeless households within their town of preference where they have access to their own social networks, school, GP and wider support provision.

Possible adaptations or improvements which could be made:

The above approach is in line with best practice; therefore, no changes are proposed

2. Management of temporary accommodation

Accommodation type and duration

The direct access hostel is owned and managed by North Ayrshire Council. It operates 24 hours per day, 365 days per year and has three members of staff on a rotating shift rota. The day-to-day management of the hostel is undertaken by the Homelessness and Community Safety Coordinator responsible for temporary accommodation.

All temporary furnished properties are North Ayrshire Council houses or flats, which are owned by the HRA and leased to the Homeless Service at the appropriate rent. The properties are managed by the Team Leader – Temporary Accommodation, supported by a team of Property Officers. In addition, the Housing Support Team manage the support needs of homeless people residing within the properties and respond to issues arising within the neighbourhood resulting from any negative behaviour being perpetrated by the homeless household.

These properties are used as temporary accommodation for a period of approximately five years. Where there have been no issues within the community, the duration of use as temporary accommodation may be extended. Where there is an excessive level of complaints, consideration will be given to returning the properties back to the mainstream housing stock after three years.

Possible adaptations or improvements which could be made:

There is discretion as to the duration that a property is utilised as temporary accommodation, and a process in place to ensure on selecting accommodation that it is sustainable; therefore, no changes are proposed.

Allocation process

Where a household presents to the Council as homeless and advises that they have no accommodation available to them, they will be offered a placement within the direct access hostel until a temporary furnished property becomes available.

Where a household refuses accommodation, an officer will ascertain where they are going to stay on an interim basis, and they are asked to contact the Council again when accommodation is required.

Where a household is provided with temporary accommodation and is asked to leave because of their behaviour, alternative accommodation will be provided.

Council Officers have piloted different ways of allocating temporary accommodation. This includes utilising waiting lists and using the hostel as a longer stay provision to try and free space in furnished properties.

Possible adaptations or improvements which could be made:

For emergency presentations, initial placements are made in the direct access hostel, prior to sourcing a temporary furnished property within the community. In exceptional circumstances and subject to availability of suitable properties, homeless accommodation will be allocated in a specific area; this is usually where there are children within the household or a greater level of vulnerability, such as disability.

Support in Temporary Furnished Accommodation

Every temporary furnished property has a dedicated Housing Support Officer who delivers services aligned to the national support standards which is scrutinised independently by the Care Inspectorate⁵. North Ayrshire Council has consistently received a five-star rating for the quality of support provision within temporary accommodation.

In addition to working with homeless households to prepare for independent living and resettlement into mainstream housing, Support Officers liaise with partner agencies in response to the needs of their client.

Where issues arise within temporary accommodation the Housing Support Officer will work with the tenant, neighbours, support services and other agencies, for example Police Scotland, to try and resolve arising issues. Where issues cannot be resolved, the support officer will arrange to have the household moved to alternative accommodation.

Possible adaptations or improvements which could be made:

The North Ayrshire Temporary Accommodation Housing Support Service has been independently assessed as an excellent provision. The customer satisfaction levels within temporary accommodation sits at 99%.

Officers are responsive to the needs of neighbours and the wider community; therefore, no changes are proposed.

Cost of Temporary Furnished Accommodation

The cost of temporary accommodation varies across Scotland from that of a standard council rent up to that of £480 per week. The level of service provision also varies in terms of whether a property is furnished, supported, has a property management team etc.

As detailed above, North Ayrshire Council provides 242 fully furnished properties dispersed across North Ayrshire.

The temporary accommodation rent charge is higher than the HRA rent charge as it includes the following additional costs:

⁵ [Introduction - National Care Standards: Housing Support Services - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/introduction-national-care-standards-housing-support-services/pages/10.aspx)

- temporary accommodation staffing costs
- excess repairs and maintenance beyond those covered in the rental payment to the HRA
- void cleaning and garden maintenance
- void rent loss and bad debt provision
- relocation costs
- administration costs

When considering the rental charge for temporary accommodation North Ayrshire Council follow the Code of Guidance which states, “In deciding what is reasonable, the local authority should take account of what the applicant can pay in the longer term. If an applicant is being asked to pay for accommodation provided by the local authority, then the applicant should be:

- informed in advance of the cost of the accommodation
- assisted when applying for benefit to cover the cost of such accommodation
- and advised of the likely level of benefit when considering charges”

The Scottish Social Housing Charter⁶ sets out standards including those which tenants and homeless people can expect from social landlords. Outcome 14 states:” Social landlords set rents and service charges in consultation with their tenants and other customers so that:

- a balance is struck between the level of services provided, the cost of the services and how far current and prospective tenants and service users can afford them

Where it is identified that a person is homeless and in need of temporary accommodation, a Housing Advice Officer will explain the rent charging process and undertake a rental calculation to ascertain any rent charges that the applicant may be liable for.

The applicant is advised of the estimated rental charge and the assistance that can be provided based on the income detail provided. It is explained that the Housing Support Officer will assist with a Housing Benefit application on booking into accommodation.

The current rental charge for a temporary furnished property is £358.82 per week; these costs are fully met by Housing Benefit for households who qualify. Where an applicant is working, they will be advised to pay a standard amount of £80 per week (this is comparable with council rental charges for mainstream tenancies). The balance will accrue as rent arrears on their account. Officers try to reassure the tenant not to be concerned about this as they can enter an affordable repayment agreement when they are rehoused. Where it is determined that the arrears are unaffordable the debt will be written off as bad debt.

As well as assisting the applicant to submit an application for Housing Benefit, the Housing Support Officer will also assist those with a rent liability to apply to the Social Welfare Fund for a Discretionary Housing Benefit payment to assist with the rent costs.

⁶ [Scottish Social Housing Charter November 2022 - gov.scot \(www.gov.scot\)](http://www.gov.scot)

Where the household income exceeds the qualifying level for Housing Benefit, an income and expenditure assessment is completed to determine an affordable rental charge, with the maximum amount of £80 per week set to reflect the average HRA rent.

When a household moves out of temporary accommodation, any arrears they have accrued will be transferred to 'former tenant' arrears. Any outstanding debts are pursued in line with the Former Tenant Arrears Management Policy. Where all avenues for recovery have been exhausted or due to the amount outstanding, further action is uneconomical, consideration will be given to write off the debt in accordance with the Council's Corporate Write-Off Policy. The Council has a bad debt provision and write off provision within the budget to account for this.

Current overview of homeless applicants within dispersed/direct access accommodation.

There is currently one person residing in temporary accommodation in full time employment with no entitlement to Housing Benefit.

Officers have reviewed our records of the last six months and have determined that there have been 96 people residing in temporary accommodation who had a rental charge, of which 11 had no entitlement to Housing Benefit. On an annual basis this would mean that approximately 22 households would have no entitlement to Housing Benefit.

Students within temporary accommodation

There are currently no students residing within temporary accommodation. However, on an annual basis, the Council receive approximately six approaches from people who are studying.

Most (but not all) full-time students are not entitled to Housing Benefit; this is dependent on the level of course and the age of the student.

A full-time student who is already in receipt of Housing Benefit at the point of homelessness can continue to get Housing Benefit as a student if they meet one of the following conditions:

- receive Income Support (IS) or income-based Jobseeker's Allowance (JSA) or income-related Employment and Support Allowance (ESA)
- are a lone parent or a member of a couple who are responsible for a child and they are both full-time students
- are a lone foster carer with a child formally placed with them by a local authority or voluntary agency
- receive Disability Living Allowance (DLA), Personal Independence Payment (PIP), Adult Disability Payment Scotland or Attendance Allowance, the disability or severe disability element of Working Tax Credit or a War Pensioner's Disability Supplement
- they or their partner are registered blind

- have been unable to work due to sickness or disability for at least 28 weeks
- qualify for a Disabled Student's Allowance because they are deaf
- take time out from their course because of illness or caring responsibilities in certain circumstances
- are under 21 on a non-advanced course - age can sometimes be extended to 22
- are over 66 are not getting Income Support, income-based Jobseeker's Allowance or income-related Employment and Support Allowance (ESA). If they qualify for guaranteed Pension Credit, they will receive maximum entitlement to Housing Benefit.

On review of this process, it was recognised that the accrual of debt can have a significant impact on people's mental wellbeing.

Possible adaptations or improvements which could be made:

It is proposed that the Council sets up a Temporary Accommodation Grant fund which will be available to households who are in employment and have a rental liability more than the average weekly Council rent.

At the initial interview when the rental calculation is completed, applicants will be advised that the maximum they will need to pay is the standard weekly rent charge, currently set at £80.

We will assist the applicant throughout the process to complete the necessary paperwork to ensure that the full Housing Benefit due is claimed to support the Temporary Accommodation Grant process.

We will develop an information leaflet which clearly details the rent calculation process and how we will support the applicants through this.

It is envisioned that if this approach was taken the bad debt provision would reduce over time so that no additional funding would be required. However, there will be a requirement for initial funding of £216,000 to set up the Temporary Accommodation Grant Fund.

The Housing General Fund will be utilised to set up the Temporary Accommodation Grant Fund.

Financial implications

The fund would be available to students and households who have a rent liability above the average Council HRA rent, with no entitlement to Housing Benefit.

The average duration of homelessness is 26 weeks and there are approximately 22 people on an annual basis with no entitlement to Housing Benefit. This would result in a requirement to have grant funding available of £160,000 for these applicants.

On an annual basis there are approximately six students residing in temporary accommodation, this would require a grant funding of £56,000.

It is envisioned that if this approach was taken the bad debt provision would reduce over time so that no additional funding overall would be required. However, there will be a requirement for initial funding of £216,000 to set up the Temporary Accommodation Grant Fund.

The Housing General Fund will be utilised to set up the Temporary Accommodation Grant Fund.

The creation of a Temporary Accommodation Grant would ensure that temporary accommodation is affordable for all homeless people.

3. Current position

Leaving temporary accommodation

Local authorities' duty to secure accommodation for unintentionally homeless people is fulfilled by a single offer of housing, even if this is refused by the applicant, provided that the offer was a reasonable one.

Applicants have the right to request a review of any decision made in relation to their application which includes the offer of housing. There is a robust appeals process in place and independent advocacy services to assist with an appeal where an applicant believes the offer of housing to be unsuitable.

Housing Support

The Housing (Scotland) Act 2010 introduced a duty, under Section 32B of the 1987 Act⁷, on local authorities to conduct a housing support assessment for applicants who are unintentionally homeless or threatened with homelessness and who they 'have reason to believe' need housing support.

Regulation 2 of The Housing Support Services (Homelessness) (Scotland) Regulations 2012⁸ prescribes four types of housing support services which apply for the purposes of the duty. These are for advising or assisting a person:

- with personal budgeting, debt counselling or in dealing with welfare benefit claims
- to engage with individuals, professionals or other bodies with an interest in that person's welfare
- in understanding and managing their tenancy rights and responsibilities, including assisting a person in disputes about those rights and responsibilities
- in settling into a new tenancy

⁷ [Housing \(Scotland\) Act 1987 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/1987/68/section/32B)

⁸ [The Housing Support Services \(Homelessness\) \(Scotland\) Regulations 2012 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukreg/2012/1200/regulation/2)

The Housing Support Officer will work with the household throughout their period of homelessness in preparation for independent living. The support includes an assessment of the requirement for furniture. At the point of allocation of a tenancy, where a household has no furniture, the Housing Support Officer will assist the applicant to apply to the Social Welfare fund for grant funding to assist with basic furniture and essential goods for the home. If the applicant has been offered a North Ayrshire Council tenancy, they can also apply for a furnished tenancy grant which will provide beds, bedding, a refrigerator, and a microwave.

Every household allocated a tenancy following a period of homelessness will be provided with resettlement support for a period of six weeks. In addition, the housing support service will be available to them for the first twelve months of their tenancy to maximise tenancy sustainment.

Possible adaptations or improvements which could be made:

Officers will undertake a review of the timescales to be awarded grant funding from the Scottish Welfare Fund to ensure homeless people can access appropriate financial support at the point of allocation to enable them to move into their new home timeously.