

# Practitioner article

## Managing the Unsuitable Accommodation (Scotland) Order 2004

Written by John Flaherty, team leader for  
homelessness and special needs, Fife Council

August 2006

[www.shelter.org.uk](http://www.shelter.org.uk)

© 2006 Shelter. All rights reserved. This document is only for your personal, non-commercial use.  
You may not copy, reproduce, republish, post, distribute, transmit or modify it in any way.

This document contains information and policies that were correct at the time of publication.

# Shelter

## Managing the Unsuitable Accommodation (Scotland) Order 2004

**In this article, John Flaherty discusses how Fife Council is managing to meet its duties under the Unsuitable Accommodation Order 2004, and how this is affecting temporary accommodation provision and homelessness services in general in the area.**

### **Temporary accommodation provision in Fife**

In the years since the introduction of the Housing (Scotland) Act 2001, Fife Council has kept its requirement for temporary accommodation under constant review. In preparation for the increased duty to provide temporary accommodation for non-priority homeless applicants, the Council has increased its stock of furnished flats by approximately 40 per cent, to the current figure of 350. Through partnership working with registered social landlords (RSLs), the Council has also added two further hostels to its stock, leading to the current total of six throughout Fife.

### **Coping with the Unsuitable Accommodation Order**

This anticipation of and preparation for a general increase in demand for temporary accommodation has equipped the Council well to cope with the further duties introduced under the Unsuitable Accommodation (Scotland) Order 2004. The Order was introduced as part of the Homelessness etc. (Scotland) Act 2003 and effectively bans the use of bed and breakfast (B&B) accommodation for families with children, except in specific circumstances.

The increased stock in Fife has meant that the Council has been able to divert families from B&B accommodation into the additional furnished flats and homeless hostels. The introduction of HMO regulations during the same period has, however, reduced our ability to use hostels for this purpose due to the limitation set on the number of individual residents allowed to occupy each hostel.

### **Working with voluntary organisations to minimise B&B usage**

A consequence of the diversion of families away from B&B is that other client groups, typically young single person households, have been offered and have occupied such accommodation.

Even so, our partnerships with a range of voluntary sector organisations, most of which provide accommodation for young single person households (with others supporting victims of domestic abuse and single parents), has enabled us to control the use of B&B for this group to some extent. In this regard the Council and its customers are

experiencing the benefit of over thirteen years' work encouraging and supporting twelve partner organisations. Collectively, these partners manage over 150 furnished flats and four hostels on the Council's behalf.

## **Tenancy support services**

An added advantage of families being placed in Council or voluntary sector hostels or furnished flats are that they gain more direct access to the tenancy support services provided by the Council and its partners. Customers in B&B are also offered tenancy support but lines of communication, ease of contact and provision of tenancy support can be made more difficult when customers are located outwith the Council's own directly-managed accommodation.

## **Increasing control over B&B standards**

Significant factors regarding the extent of the 'unsuitability' of B&B are the quality of that accommodation and the range of facilities offered within it. Up until now, B&B accommodation has been purchased on a purely commercial basis, with the Council gaining access, as would any other customer, to any available spaces in a number of B&B establishments across Fife. This commercial arrangement has given the Council very limited control over the standard of accommodation and the facilities provided by the proprietor.

The Fife Homeless Group (the body in Fife responsible for the development and implementation of Fife's homelessness strategy) has decided to investigate the potential for the development of contractual arrangements with B&B proprietors whereby, in return for a guaranteed income, the landlords will agree to a number of minimum standards which will ensure a consistent quality of service for homeless customers. These discussions are at a mid-way point at present, with discussions about to take place with those landlords who have expressed an in-principle interest in this work.

## **Setting B&B standards**

B&B landlords have been made aware that the parameters for a contractual agreement will be as follows:

- The building in question must have HMO registration.
- All staff must have a satisfactory Disclosure Scotland check.
- The accommodation must be reserved solely for homeless customers (alongside a resident landlord).
- Customers will have access to the accommodation throughout the day (although some restrictions to enable cleaning, etc, are accepted).

- Both landlord and customer must comply in principle with the conditions of occupancy applied in Fife Council hostels.
- The landlord will be bound by rules of confidentiality regarding customers' circumstances.
- Customers will have access to kitchen and laundry facilities.
- Accommodation, breakfast, bed linen, towels, etc, should be provided consistently in all B&Bs, to a standard agreed with Fife Council.
- No customer will be required to share bedroom accommodation with anyone who is not part of their household.
- The landlord must adhere to statutory gas and electrical supply and appliance checks.
- Where appropriate, customers will be provided with tenancy support services by Fife Council staff.

## **Recognising a wider agenda**

Fife Council believes that the Unsuitable Accommodation Order is best dealt with not as an issue in isolation but as part of a wider range of actions devised to deal more generally with the demand for temporary accommodation. The following projects, for example, all help to improve the provision of temporary accommodation.

### **Private sector leasing**

Fife Council recognises the contribution that can be made by the private sector and has accessed a small number of tenancies under leasing agreements for use as temporary accommodation. The Fife Homelessness Group is currently considering how to make more extensive use of this sector.

### **Managing housing allocations**

The allocation of permanent tenancies by the Council and RSLs has to be at an adequate level to create vacancies in temporary accommodation. However, this must be part of a balanced approach that also recognises the needs of other groups. The current target for permanent allocations to homeless customers is 30 per cent of total allocations.

### **Preventing homelessness**

Fife has established three Home4Good centres (with two more to follow), where statutory and independent advice is available to achieve the prevention of homelessness whenever possible – with a corresponding reduction in the demand for temporary accommodation.

### **Developing an exclusion policy**

Exclusions from temporary accommodation invariably lead to repeat homeless applications and a reduced likelihood of sustaining permanent accommodation. Fife

Homelessness Group has decided to develop a common warning and exclusion policy for use by all providers of temporary accommodation. This will establish a consistent approach across Fife, clarifying for customers the standards of conduct that are acceptable, along with the likely consequences of unacceptable conduct.

## **Conclusion**

While Fife Council has, with some foresight and preparation, managed to fulfil its duty under the Order, all housing professionals will be aware of the likelihood of even higher levels of demand in the years to come - alongside the continuing decline of Council stock. The combination of such factors are currently conspiring to place our temporary accommodation strategy under intense pressure and the Council will find it increasingly difficult to satisfy the wide range of demands placed on its temporary accommodation.

## **Further information**

If you would like to contact John about this article, please send an email to **[practicescotland@shelter.org.uk](mailto:practicescotland@shelter.org.uk)** in the first instance.

The views expressed in the article are those of the author and not necessarily those of Shelter.