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Housing Service

# Temporary Accommodation Policy

<b>Responsible Officer:</b>	Team Leader – Housing Management
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## Contents

Introduction .....	4
Legal framework.....	4
Housing Service – Protection Roles.....	5
Principles and Objectives .....	6
Principles.....	6
Objectives .....	7
Standards.....	7
Unsuitable Temporary Accommodation .....	7
Exceptions.....	8
Physical Standards.....	9
Shared Accommodation.....	9
Bed and Breakfast.....	9
Inspections .....	10
Size of Property.....	10
Household.....	11
Split households.....	11
Medical Needs .....	11
Access to children .....	11
Vacant larger temporary accommodation.....	12
Shared Accommodation.....	12
Services in Temporary Accommodation   Floor coverings & Curtains.....	12
Furniture .....	12
White Goods .....	12
Electricity & Heating .....	12
Council Tax.....	13
Television Licence .....	13
Cleaning.....	13
Location Standards .....	13
Area of choice .....	14
Services Standards .....	14
Settling in Visit.....	14

Ongoing Contact .....	14
Change of circumstances .....	15
Management Standards .....	15
Tenancy/Occupancy Agreements .....	16
Contractual Common Law Tenancy .....	16
Short Scottish Secure Tenancy (Short SST) .....	16
Access.....	17
Pets Policy .....	18
Accommodation - Interim duty to Accommodate .....	18
Temporary Accommodation .....	19
Local Authority Stock .....	19
Hjaltland Housing Association Stock.....	20
Homeless at Home .....	20
Bed & Breakfast .....	20
Private Sector Leasing .....	21
Allocation of Temporary Accommodation.....	21
Offers and Refusals .....	22
Right to request a review of temporary accommodation .....	22
Length of stay in temporary accommodation .....	22
Request for change of temporary accommodation.....	23
Reasonable Period and Ending Temporary Tenancies.....	23
Custodial Sentences .....	23
Protection of Property .....	24
Monitoring .....	24
For further information please contact us at: .....	26

## Introduction

This policy sets out how Shetland Islands Council will meet its responsibilities to provide temporary accommodation to people who are homeless or threatened with homelessness in Shetland. Separate policy documents describe the Council's policies on homelessness and the prevention of homelessness.

The policy incorporates the relevant aims and objectives set out within Shetland's 2011-2016 Local Housing Strategy. That strategy sets out the agreed priorities to help us work in partnership to improve the availability, accessibility and condition of housing across Shetland. The strategy has been developed in partnership through a multi-agency Housing Strategy Steering Group.

The Local Housing Strategy contributes to the key purpose of Shetland's Single Outcome Agreement 2010-11 of maintaining the economically active population. The Single Outcome Agreement national priority area and outcome for which the Housing Strategy Steering Group takes lead responsibility is:

Stronger (2) - We will ensure the right house is available in the right place at the right price.

The Local Housing Strategy is underpinned by an evidence base, through the Housing Need and Assessment.

This policy is supported by a set of written procedures on the provision and management of temporary accommodation and a comprehensive staff training programme, with a commitment to ensuring the Housing Service achieves accreditation to the "National Standards for Information & Advice".

## 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 to be 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 included powers to limit the use of bed and breakfast accommodation for families with 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 B&B accommodation for such households is deemed unreasonable. [The Scottish Government Code of Guidance on Homelessness \(2005\)](#) also includes guidance on this Order and other regulations relating to local authorities' duty to accommodate homeless applicants.

Additionally, 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.”*

Where housing support is provided as part of a package of temporary accommodation, local authorities should ensure that the National Care Standards for Housing Support are fully recognised and implemented. These services are subject to monitoring and inspection by Social Care and Social Work Improvement Scotland.

## **Housing Service – Protection Roles**

Housing staff adhere to the Housing Service – Protection Roles staff guidance which provides details about initial actions relating to Child Protection; Adult Support and Protection; Multi Agency Public Protection Arrangements (MAPPA) or Multi Agency Risk Assessment Conference (MARAC). The guidance provides information on the processes involved and who to contact for staff with concerns about individuals covered by these policies and procedures.

## Principles and Objectives

Within the constraints of the local housing market, the overall aim of this policy is to move residents of temporary or interim accommodation on to permanent accommodation, as quickly as possible whilst also ensuring that this is only done at a time when the household is able to sustain permanent accommodation.

We also aim: -

- To minimise the risk of homelessness recurring
- To not place homeless people in temporary accommodation unnecessarily
- To minimise time spent in temporary or transitional accommodation
- To avoid moves between temporary accommodation, particularly for households with children

### Principles

- We will ensure our temporary accommodation policy and procedures reflect the legal framework, comply with our statutory obligations and have regard to the Code of Guidance on Homelessness and other relevant guidance and good practice.
- We will be consistent in our application of the policy
- We will comply with the Equality Act 2010, which covers eight protected characteristics - age, disability, gender reassignment, pregnancy and maternity, race, religion and belief, sex and sexual orientation - and will not discriminate against service users.
- We seek to have a policy that is capable of responding to a wide range of complex individual needs and circumstances.
- We will be accountable in the way we operate the Homeless policy with regular performance monitoring and reviews, including the views of service users. We will publicise the results of performance monitoring. Individual applicants' personal details will not be disclosed.

## Objectives

- To provide good quality temporary accommodation
- To enable people to have a home of their own which, meets their needs and enables them to live independently.
- To provide for the particular needs of families, young people and groups who currently find it difficult to access or sustain any form of accommodation – such as people with problematic alcohol or drug use, people with mental health problems and people with challenging behaviour.
- To ensure homeless people have the information and support required while in temporary accommodation.

## Standards

- We will be sensitive to service users' individual needs and circumstances, and ensure people are treated with dignity and respect.
- We will deliver accessible front line services to our service users.
- We will work effectively and jointly with other Council services and external partners and agencies.
- We will provide opportunities for service users to have their views heard and taken into account.
- We will follow Customer Service Standards at all times. You can view this at [OP3 Customer Service Standards](#).

## Unsuitable Temporary Accommodation

### **The Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014**

<http://www.legislation.gov.uk/ssi/2014/243/made>

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 to 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 not suitable if it were not;

- Wind and watertight; or
- Suitable for occupation by children

A number of our shared temporary accommodation units and some bed and breakfasts do not currently meet all of these criteria.

In recognition of this we endeavour never to use this accommodation for applicants who have children or are pregnant, unless in exceptional circumstances as specified below.

### Exceptions

- Homelessness occurs as a result of emergency; or
- If the applicant is offered suitable accommodation but expresses a wish to be placed elsewhere; or
- If the accommodation is a women's refuge; or
- If the accommodation is local authority accommodation provided for the purposes of health, child care or family welfare; or
- If homelessness occurs out of normal business hours; or
- Where there is no other suitable accommodation available.

In relation to the last two points above, the applicant may only occupy the accommodation for up to 7 days.

## Physical Standards

All temporary accommodation will: -

- Meet the physical or sensory disability requirements of any member of the household.
- Comply with relevant housing quality standards including health and safety, hygiene and fire legislation and regulations.
- Provide units that are secure with individual locks so people feel they and their belongings are safe. The tenancy agreement will include an agreed minimum amount of notice a landlord must give before accessing a person's property / unity and under what circumstances they would give such notice. This will be at least 24 hours.
- Have sufficient bedroom space to meet the needs of the household as far as possible.
- Have adequate communal living space which includes, for example, space for children to play or do homework.
- Have bathroom / toilet facilities for a household (whilst recognising some shared accommodation will mean sharing bathroom facilities).
- Have access to on site laundry facilities. B&B will also provide an onsite facility.
- Have a suitable standard of furniture to meet the families' needs.
- Have a minimum standard of cleanliness and decoration.
- Have sufficient and affordable heating systems at an acceptable efficiency rating.
- Be accessible 24 hours a day.

## Shared Accommodation

Shared housing for 3 or more unrelated people will have Housing in Multiple Occupation (HMO) license. This license will be displayed on the premises.

## Bed and Breakfast

We will, whenever practicable, inspect bed and breakfast accommodation before it is first used. We will write to the B&B owner to advise them of the minimum standards and to confirm whom they should contact if they have any queries or require support.

## Inspections

We will carry out inspections at least annually of all temporary accommodation to ensure that it meets these physical standards.

## Size of Property

The size of 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 we will try to ensure that each person is considered for the number of rooms as shown below:

Household details	Double rooms	Single rooms
Couple	1	
Single Parent	1	
Pregnant woman	1	
2 Children of the same sex, under 16 with age difference less than 6 years	1	
Adult (over 16 – or dependent child over 15)		1
Children of different sexes over 4 years of age		1 each
Children of same sex where age difference is 6 years or more		1 each

In relation to temporary accommodation, we may include the living room or another room e.g. dining room as a bedroom.

## Household

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

## Split households

If the applicant has adult 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 that 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.

However, the adult children will be included in the assessment of the applicant's future housing needs.

If the applicant has a partner who did 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.

## Medical Needs

The applicant may be considered for larger temporary accommodation if they have medical needs, which means they need additional rooms or additional space. We will seek appropriate advice from medical professionals when assessing bedroom requirements.

## Access to children

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

The size of temporary accommodation offered, will depend on the type (i.e. overnight), frequency and duration of the access.

### **Vacant larger temporary accommodation**

The applicant can be considered for a larger temporary property where there are vacancies in their preferred housing areas if there are no other homeless applicants who need that size of accommodation.

### **Shared Accommodation**

Applicants will normally only be considered for shared accommodation if they do not have children, or access to children (see the section on unsuitable temporary accommodation).

Couples can be considered for some shared accommodation but an individual risk assessment will be completed.

There are additional pressures placed on applicants living in shared accommodation, and this should be taken into account and sympathetic consideration given to any concerns expressed, when offering a homeless applicant shared accommodation.

## **Services in Temporary Accommodation**

### **Floor coverings & Curtains**

Temporary accommodation will be furnished with flooring coverings and curtains, unless in exceptional circumstances, and in agreement with the tenant.

### **Furniture**

Temporary accommodation will normally be provided with seating in the living room, beds and bedding, crockery, cutlery and a pan set.

### **White Goods**

Temporary accommodation will normally be provided with a cooker, fridge and washing machine.

### **Electricity & Heating**

The applicant will be advised that they will have to take on the electricity and / or heating account in their own name, and should sign the form enabling this to be done on the day they move in.

An exception to this is in shared accommodation, where an electricity charge is included in the tenancy agreement.

### **Council Tax**

The applicant will be advised that they will be liable for the council tax. An exception to this is in shared accommodation, where the council tax is included as a charge on the tenancy agreement.

### **Television Licence**

The applicant will be advised that they are responsible for their own TV licence in all temporary accommodation.

### **Cleaning**

The Housing Assistants will provide a weekly cleaning service of the communal areas in HMO properties, and there will be an appropriate charge on the rent account of these properties.

This includes kitchens (floors, counters and cooker), bathrooms, hallways and stairs but does not include the tenant's own bedrooms.

## **Location Standards**

We will seek to ensure that: -

Accommodation provided is located so that the main services used by a household can be reached by foot, by public transport or by transport provided by the Council. Services include supermarket or convenience store, doctors, dentists or other health providers, advice agencies (where applicable).

The location of the property takes into account the needs 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 schools or nursery.

This may not necessarily be the same service provider (i.e. school or medical practice), but mainstream provision will be attainable.

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 accommodation.

## Area of choice

Staff should be aware of the trauma associated with losing a home and, as far as possible this should not be added to through the provision of unsuitable temporary accommodation. 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 preferences will be taken into account, there are no guarantees.

## Services Standards

Service delivery standards include providing:

- An assessment of need
- Flexible and needs led support
- A directory of appropriate services including counselling, addictions, mental health, medical, dental, optical and money/welfare advice
- Periodic reviews of households needs to take into account any change in circumstances
- Regular and sustained home visits by allocated officers
- Communication in different formats and languages

## 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 building up if problems are dealt with at the earliest opportunity and a regular payment pattern is established.

## Ongoing Contact

Housing Officers will arrange to contact and / or visit applicants every 8 – 10 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 tenancy will be discussed and referrals made for support if needed.

The applicant's housing options will be reviewed e.g. areas of choice, options to take up private rented accommodation, list position, need to apply for HHA advertised vacancies.

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 other support is needed, ensure the tenancy is being maintained and that any problems the tenant has with their temporary accommodation or neighbours can be addressed at an early stage.

## **Change of circumstances**

Any change of circumstances that affects an applicant's need in relation to temporary accommodation will be considered on a case-by-case basis. An assessment of what is reasonable with regard to the above guidance will be made.

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

The Council's duty is to the applicant and the provision of temporary accommodation to meet their needs. However, we recognise that due to the length of time applicants spend in temporary accommodation, their circumstances may change to the extent that alternative temporary accommodation is needed.

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.

## **Management Standards**

- A written occupancy agreement will be provided and explained to the household
- Repairs procedures will be provided to the household
- Provision of a tenant handbook

- Notice periods will comply with the law and good practice
- When households move in or are relocated we will seek to ensure minimum disruption to the household. We will protect households personal possessions where required
- We will promote resident involvement
- We will publicise our complaints procedure

## Tenancy/Occupancy Agreements

We will maximise the security of tenure for households. The correct tenancy agreement will be used, depending on the nature of the temporary accommodation and the Council's duty to the applicant.

### Contractual Common Law Tenancy

This type of tenancy agreement is used if a property is let to a tenant expressly on a temporary basis for a term of less than six months. This relates specifically to meeting the Council's statutory duties concerning homeless people.

A common law tenancy will be used:-

- while a decision is being made under the terms of the homelessness legislation (interim duty to accommodate)
- where a household is homeless, but intentionally homeless.
- where a household is in shared accommodation
- Although this tenancy offers very limited security, it does provide a broad range of rights including good access to repairs services.

### Short Scottish Secure Tenancy (Short SST)

- The Short SST can only be used in certain circumstances.
- In relation to the homelessness legislation we use this type of tenancy where a household is in self contained accommodation and
  - is unintentionally homeless, or
  - is unintentionally homeless and is being provided with transitional accommodation along with housing support
  - and the property is to be leased for a period of at least six months.
- The Short SST provides increased security to that of the contractual common law tenancy, although it remains a temporary tenancy and therefore has limited security of tenure.

- The tenant's tenancy rights include the right to be consulted, the right to repair and right to sublet. It does not however, include the right to buy, or right to succeed to the tenancy on the death of the tenant.
- It is likely that most homeless households in self contained accommodation will hold this type of tenancy agreement until such time as a permanent house becomes available.

### Access

Staff will not access a tenants' temporary accommodation unless they are present (apart for 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 by mutual agreement 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 areas at any reasonable time. Notice of routine and planned visits, will be placed on the notice board in shared temporary accommodation.

Police must not be given access to individually tenanted rooms or properties unless a warrant has been obtained, or the police advise that 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 destroyed or removed. The police can also take 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. 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.

## **Pets Policy**

In self contained temporary accommodation, a tenant may keep one dog or cat, or a reasonable number of small domestic pets such as hamsters, guinea pigs or tropical fish without the Council's permission. However, if the tenant wishes to keep more than one dog or cat, or a type of pet other than a small domestic pet, the tenant must get written permission from the Council.

Cats or dogs are not permitted in shared temporary accommodation. Tenants in shared temporary accommodation may keep a reasonable number of small domestic pets such as hamsters, guinea pigs or tropical fish with permission from the Council.

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 house by pets will be recharged to the tenant. The Council may require removal of the pet if causing nuisance or damage.

## **Accommodation - Interim duty to Accommodate**

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

The following policy on the allocation of temporary accommodation should be used in relation to accommodation provided under the interim duty to accommodate.

If the applicant is found to be not homeless, the applicant should be given support to return to the accommodation that is available and reasonable to occupy. Should they decide not to return to this accommodation, the procedures on ending temporary accommodation tenancies will be followed.

Where applicants seek a review of the Council's decision, temporary accommodation will continue to be provided, under the Council's interim duty to accommodate, until the outcome of the review is known.

## Temporary Accommodation

It is recognised that homeless people may sometimes need to be accommodated in temporary accommodation until permanent accommodation becomes available.

There are different types of temporary accommodation available in various locations throughout Shetland.

This includes:

- Stock owned and managed by the Council and Hjaltland Housing Association.
- Private rented sector housing
- B&B accommodation or hotels
- Transitional accommodation provided under The Homeless Persons (Provision of Non-permanent Accommodation) (Scotland) Regulations 2010
- Refuge accommodation

## Local Authority Stock

We aim to strike a balance between using Council housing as temporary accommodation and our duties to provide permanent accommodation to other applicants.

We also aim to regularly turnover council properties used for temporary accommodation, to avoid particular dwellings being identified and possibly stigmatised as 'homeless accommodation', while allowing a cost-effective life span for individual properties.

The Council has: -

Self-contained properties, dispersed throughout Shetland. These properties are generally bed-sit, one and two bedroom properties. There are a very small number of three bedroom properties available.

Shared bed-sit accommodation where the applicant has sole access to their own bed sitting room and access to a shared kitchen and bathroom or shared bed-sit accommodation with ensuite bathroom, and shared kitchen.

If the need arises, vacant general needs properties can be used as temporary accommodation, where the needs of the household cannot be met through existing temporary accommodation, and the vacancy is not suitable as a permanent offer to the household e.g. sheltered accommodation, which is too small for the household.

### **Hjaltland Housing Association Stock**

We lease a small number of self contained flats and houses from Hjaltland Housing Association for use as temporary accommodation.

### **Homeless at Home**

A number of applicants present because family or friends are no longer able / willing to accommodate them. There are also applicants who present when a relationship has broken down and the two parties can no longer live together.

The Council recognises that it is sometimes in the best interests of these applicants to remain in their present accommodation until re-housed rather than move into temporary accommodation. This is often the case where there are children or young people in the household, where maintaining contact with family is vital to well being and future tenancy sustainment.

In light of this, the Council adopts a 'homeless at home' policy where a household will be accepted as homeless even although they remain temporarily at their present accommodation or where they arrange their own temporary accommodation. .

The 'homeless at home' policy is only appropriate where the applicant has been assessed as being homeless, and it can be evidenced that the applicant could not reasonably be expected to remain in their present accommodation long-term.

This policy is only applicable when it is in line with the applicant's wishes. At no time will an applicant be told to remain in their accommodation if this is not suitable for them.

The household is obliged to notify the Council at any time should their circumstances change. The Housing Officer will contact applicants who are 'homeless at home' every 8 – 10 weeks in line with the guidance provided in the ongoing support section of this document.

Should this status become unmanageable, the Council retains its duty towards the applicant in relation to the provision of temporary accommodation, until permanent accommodation can be secured.

Any decision in relation to the 'Homeless at Home' status should be made in consultation with the Senior Housing Officer.

### **Bed & Breakfast**

Through effective management of the temporary accommodation at the Council's disposal, the use of any bed and breakfast establishment will be kept to an absolute minimum.

However, bed and breakfast accommodation can be used in consultation with the Senior Housing Officer, where there are special social, medical, employment or family issues and no temporary accommodation available to meet those needs.

If Bed and breakfast accommodation is used, it will be for as short a time period as possible. As with other temporary accommodation, there will be a charge associated with a tenant staying in Bed & Breakfast.

### **Private Sector Leasing**

We lease and manage on behalf of the landlord a small number of self contained private sector properties for use as temporary accommodation.

### **Allocation of Temporary Accommodation**

- In allocating vacant temporary properties the following priorities will be applied: -
- Applicants that the council has a duty to provide temporary accommodation to under the legislation, who are currently living in unsuitable temporary accommodation as defined in 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 who have a local connection (family associations, or who work / attend training or have been offered employment in the local community).
- 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.
- 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 logged on our Housing Management System, and reported to the Scottish Government through a HL3 return.

### **Offers and Refusals**

An applicant will receive one reasonable offer of temporary accommodation. We consider a reasonable offer of accommodation to be accommodation that meets the household's needs, based on the information held in relation to the applicant's homeless application at the time of allocation.

### **Right to request a review of temporary accommodation**

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

If the applicant wishes to request a review of their temporary accommodation, they will be asked to put this in writing, along with their reasons for requesting the review. This should be done in line with the procedures detailed in [OP5](#).

### **Length of stay in temporary accommodation**

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 provided with 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 account of the local housing conditions e.g. the availability of alternative accommodation and the personal circumstances of the applicant which may affect their ability to secure accommodation. The applicant's progress will be reviewed at the end of a month, or following an advice appointment with a Housing Officer.

### **Request for change of temporary accommodation**

If the temporary accommodation available does not meet the needs of the applicant, this will be assessed by the Housing Management Team, and approved by the Senior Housing Officer.

A limited number of temporary properties become available at any one time. For this reason, the applicant will be advised that it may not be possible to meet their preferences in relation to temporary accommodation and, whilst any preferences will be taken into account, there are no guarantees.

Any decision to prioritise an applicant already in temporary accommodation, for a move to alternative temporary accommodation will take into account the unsuitable temporary accommodation order, and then any special social, medical, employment, family or childminding issues.

If temporary accommodation becomes available, requests for changes will be checked. The vacant property will be allocated in line with the priorities detailed in this policy.

If the accommodation will meet the needs of an applicant who has requested a change, this move should be considered. The move can only take place if it will not place an undue strain on remaining resources. The move should not take place, if it will result in the need for another temporary accommodation unit being set up.

### **Reasonable Period and Ending Temporary Tenancies**

If an applicant has been provided with temporary accommodation for a reasonable period and has been provided with advice and assistance to assist him/her to secure their own alternative accommodation, but s/he has not made any efforts to do so, [and taking account of factors identified above – length of stay in temporary accommodation] they will be issued with a minimum of 28 days notice. The applicant will be advised of their legal rights.

If the applicant fails to leave by the appropriate date, this matter will be referred to the Senior Housing Officer immediately.

### **Custodial Sentences**

If a tenant of temporary accommodation is charged with an offence, the outcome of which may be a custodial sentence, the Housing Officer should contact the applicant to discuss options in relation to their temporary accommodation and to provide advice in relation to their homeless application.

If the custodial sentence is likely to be for a short time period e.g. 13 weeks or less, the temporary accommodation may be held for the applicant.

If the custodial sentence is likely to be for a longer time period e.g. between 13 weeks and up to six months, the tenant will be asked to terminate the temporary tenancy but advised that the Service will retain its duty to provide temporary accommodation on release. If the tenant does not terminate their tenancy we will take steps to do so. The homeless application will remain open, and housing options should be considered close to the applicant's release date.

If the custodial sentence is likely to be for a much longer time period e.g. more than six months, the tenant will be asked to terminate the temporary tenancy and advised that they should contact the Housing Service for advice on their housing options prior to their release. If the tenant does not terminate their tenancy we will take steps to do so.

### **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'.

In preparing for a possible custodial sentence, the tenant should be supported to consider what belongings need to be stored, and arrangements will be made to store any items for the tenant.

The tenant will be advised that the costs associated with removal and storage will be recharged to them after they have secured permanent accommodation. Applicants will not be required to pay these costs prior to re-housing however, unless they wish to do so. Costs will also not have to be paid in one payment, and a repayment plan will be agreed with the applicant if needed.

### **Monitoring**

The Team Leader Housing Management will monitor performance against targets in relation to the use of temporary accommodation on an annual basis and take corrective action as required.

This will include:

- Use of B&B accommodation
- Use of temporary accommodation
- Use of interim accommodation
- Offers of temporary accommodation
- Unsuitable Accommodation Order
- Use of Short SSTs

The Team Leader will monitor performance against targets annually in relation to complaints / Homeless Decision Reviews, which includes appeals against an offer of temporary accommodation.

Feedback will be sought, annually, from households who use temporary accommodation including on its quality. This information will be used in our performance management systems and when reviewing our policies, procedures and services.

As a minimum we will publicise the above aspects in relation to our temporary accommodation policy.

The team leader will monitor the numbers (by type and size) and geographical distribution of temporary accommodation. And will also monitor the increase in supply of temporary accommodation against targets set in the Temporary Accommodation Strategy.

Significant failures in performance will be highlighted to the Executive Manager as soon as possible.

## For further information please contact us at:

Shetland Islands Council  
Development Services  
Housing  
8 North Ness Business Park  
Lerwick  
ZE1 0LZ

Telephone: 01595 744360

Fax: 01595 744395

In an emergency out with office hours please contact:

Homelessness: 01595 695611

Council House Repairs: 01595 693972

Available 24 hours a day, 365 days a year

Email: [housing@shetland.gov.uk](mailto:housing@shetland.gov.uk)

Website: [www.shetland.gov.uk/housing/](http://www.shetland.gov.uk/housing/)

Our Office is Open

Monday to Friday 9 am to 5 pm,

We are open during lunchtimes.

Information on the various housing options available in Shetland can be found online in the [Housing Options Guide](#).

This Policy and other housing information can, on request, be made available in Braille, on tape, in large print and in different languages. For further information please telephone Housing on 01595 744360, or email [housing@shetland.gov.uk](mailto:housing@shetland.gov.uk).