

Guidance on the Monitoring of Temporary Accommodation

7 April 2015: Version 1

Housing Access and Scottish Welfare Fund Statistics

What is temporary accommodation?

Temporary Accommodation is any accommodation used between the point that an applicant makes a homelessness application and the point at which the local authority discharges its duty. There are three temporary accommodation duties and these are set out in the [2005 Code of Guidance on Homelessness](#). These are:

The Interim Duty To Accommodate (section 29 of the 1987 Act as amended by section 9 of the 2003 Act)

If an authority has reason to believe an applicant is homeless it has an interim duty to secure accommodation until it has reached a final decision on their application. This duty continues during the process of review if one is requested.

Where the authority's decision is that it has a duty to provide accommodation under section 31 the interim duty continues until the section 31 duty is discharged. Ministers have the power to specify by statutory instrument accommodation which cannot be used to fulfil this interim duty - this power was used to make the Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2004 (now replaced by the Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014).

Referral to another local authority (section 34 of the 1987 Act)

Where a local authority refers an application to another local authority on the basis of local connection (see chapter 8), the referring authority is obliged, under section 34, to secure that accommodation is available for the applicant's occupation until the outcome of the referral is decided. Local authorities should bear in mind the possibility that transitional arrangements may be required when this duty expires (e.g. where the conditions for referral are satisfied but the notified authority has not yet provided accommodation or where the conditions are not accepted but the notifying authority does not have permanent accommodation available immediately).

Temporary Accommodation with advice and assistance (section 31(3) of the 1987 Act)

Where the applicant is assessed as not having a priority need for accommodation or as being intentionally homeless, the duty is to secure that accommodation is made available for such a period as will give the applicant a reasonable opportunity to find alternative accommodation for him or herself.

These applicants must also be given advice and assistance in their attempts to find alternative accommodation, as set out in the Homeless Persons Advice and Assistance (Scotland) Regulations 2002.

How is temporary accommodation recorded?

Information on temporary accommodation is currently collected via the HL1, HL2 and HL3 Returns. The HL3 Return is currently voluntary although Ministers and COSLA are currently deciding on whether the return should become mandatory.

If the HL3 becomes mandatory, the intention is to run this in parallel with the HL2 return for a period of a year or so, to ensure that the HL3 data quality is robust. Once we are content with HL3 data quality, the HL2 Return will cease and the temporary accommodation questions in the HL1 Return will be either be removed or data validation will cease – whichever minimises burden and cost on local authorities.

Categories of Temporary Accommodation

The temporary accommodation categories in the homelessness data collections are as follows:

HL1 & HL2	HL2
LA ordinary dwelling	Local authority furnished temporary accommodation Other local authority dwelling
Housing association / RSL dwelling	Housing association dwelling
Hostel - local authority owned	Hostel - local authority hostel
Hostel – RSL	Hostel - other hostel
Hostel – other	
Bed and breakfast	Bed and breakfast
Women's refuge Refuge	Women's refuge Refuge
Private sector lease	Other
Other placed by authority	

NB: Women's Refuge has been replaced by Refuge.

The HL1 Return

As at 1 April 2015, temporary accommodation is recorded through questions Q24 in the HL1 return. The information is provided for each applicant where the case is closed. Further guidance on the HL1 is available at:

<http://www.gov.scot/Resource/0039/00391789.doc>

The HL2 Return

At the end of each quarter local authorities must complete a HL2 Return. Guidance on completing the HL2 Return is available at:

<http://www.gov.scot/Topics/Statistics/Browse/Housing-Regeneration/HL2Dec10>

Only households in temporary accommodation under the homelessness legislation should be counted.

The HL3 Return

The HL3 is currently completed on a voluntary basis by local authorities.

The HL3 return must be completed if the answer to both of the following questions is yes:

- Does the Council have a statutory duty to provide temporary accommodation under the homeless persons' legislation?
- Does the applicant require temporary accommodation at this point in time?

Each household placed in temporary accommodation under the homeless persons' legislation must have a valid HL1 reference number. There are no exceptions.

Guidance on completing the HL3 Return is available at:

<http://www.gov.scot/Topics/Statistics/15257/1529/HL3/HL3Guidance>

Categories of Temporary Accommodation

HL1 & HL3

LA ordinary dwelling – this is any accommodation **owned** by the local authority but excluding hostels.

Housing Association / RSL dwelling – any accommodation **owned** by an RSL or Housing Association but excluding hostels. RSL means a Registered Social Landlord (and not a local authority).

The Register of Social Landlords is available at:

<http://www.scottishhousingregulator.gov.uk/find-and-compare-landlords/rsl-register>

Hostels

Hostel means a building—

- a) in which there is provided for persons generally or for a class of persons, domestic accommodation, otherwise than in separate and self-contained premises, and either board or facilities for the preparation of food adequate to the needs of those persons, or both; and
- b) which is—
 - (i) managed or owned by a registered housing association; or
 - (ii) operated other than on a commercial basis and in respect of which funds are provided wholly or in part by a government department or agency or a local authority; or
 - (iii) managed by a voluntary organisation or charity and provides care, support or supervision with a view to assisting those persons to be rehabilitated or resettled within the community; and
- c) which is not—
 - (i) a care home;
 - (ii) an independent hospital; or
 - (iii) an Abbeyfield Home;

From [Section 2\(1\) of The Housing Benefit Regulations 2006](#)

If the hostel is owned by a local authority it should be recorded as Hostel - Local Authority owned. If it is owned by an RSL, it should be recorded as Hostel – RSL. In all other cases it should be recorded as Hostel –other.

Refuge (formerly Women’s Refuge) - This consists of a building, or part of a building, which is used wholly or mainly for the non-permanent accommodation of persons who have left their homes as a result of domestic abuse.

“Abuse” includes violence, harassment, threatening conduct, and any other conduct giving rise, or likely to give rise, to physical or mental injury, fear, alarm or distress;

From: [Protection from Abuse \(Scotland\) Act 2001](#)

Bed and Breakfast Accommodation

This accommodation is defined as a small lodging establishment that offers overnight accommodation and includes breakfast, but usually does not offer other meals. Typically, bed and breakfasts establishments are private homes or family homes offering accommodation with fewer than 10 bedrooms available for commercial use.

Private Sector Leases

This is accommodation which is leased from a private landlord and managed by the local authority. Alternatively, it can be managed by another organisation on the local authority’s behalf.

Other

This includes any accommodation which does not fit into any of the above categories.

Additional Definitions for the HL2 Return

Local authority furnished temporary accommodation – any accommodation owned by the local authority and supplied with furniture authority but excluding hostels.

Other local authority dwelling – any accommodation owned by the local authority but not supplied with furniture and excluding hostels.

Other Hostel – Record any non-local authority owned hostels in this category.

Other - Record households in all other accommodation not owned by the local authority, such as mobile homes or caravans. This includes property leased by the local authority from other providers such as housing associations or private landlords. Please note that private sector leasing will be included as other in the HL2 Return but has its own separate category in the HL3.