

# **Written Submission from Shelter Scotland, 16 February 2026**

## **Briefing paper: Investigation and Commencement of Repairs (Scotland) Regulations 2026**

Shelter Scotland exists to defend the right to a safe home and fight the devastating impact the housing emergency has on people and society. We work in communities to understand the problem and change the system. We run national campaigns to fight for home.

We broadly welcome the action being taken to improve housing rights and steps being taken to improve housing conditions in Scotland. However, we are concerned that the Regulations as drafted will lead to a lack of protection for those in temporary accommodation – households experiencing homelessness with weaker rights and fewer recourse to enforcing these rights compared to those in permanent housing.

In its Housing Emergency Action Plan, the Scottish Government committed to “ending children living in unsuitable accommodation”, stating “there will always be a need for local authorities to have a supply of temporary accommodation as this provides an important safety net in the short term to households experiencing homelessness, but it must be suitable, of good quality and short-term.”<sup>1</sup> The introduction of Awaab’s Law forms an important element of this commitment. However, these regulations mean that children living in temporary accommodation may in effect be exempt from the right to suitable, good quality accommodation, and that cannot be acceptable.

We are therefore calling on the Scottish Government to strengthen these Regulations in order to ensure households in temporary accommodation have the same enforceable right to accommodation safe from damp and mould as those in permanent accommodation. Failure to do so will leave far too many households, including children, left exposed to potentially dangerous housing conditions that impact on their safety and health.

### **Concerns on current draft Regulations**

We are concerned that the Regulations as drafted do not currently provide protection to those living in temporary accommodation.

The Regulations create new duties by modifying the duties imposed through two existing legislative regimes: firstly, modifying the ‘repairing standard’ as defined in the Housing (Scotland) Act 2006, and secondly through modifying the ‘right to repair’ contained in the Scottish Secure Tenants (Right to Repair) Regulations 2002. Neither of these apply universally to the poor-quality Temporary Furnished Flats (TFFs) in which many families are currently placed, often for years at a time, and so the current draft regulations will do nothing to improve their living conditions.

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<sup>1</sup> Scottish Government (2025) [Tackling Scotland’s Housing Emergency](#).

Deliberate exclusion of temporary accommodation would raise concerns about unequal treatment of households based on their homelessness status. This could lead to people being trapped in homes that damage their health for prolonged periods, with less recourse to challenging those poor conditions compared with those in permanent tenancies.

## **Consequences of failing to include temporary accommodation**

Temporary accommodation must be included explicitly within the scope of these Regulations. Equal rights across all tenures is a stated ambition of the Scottish Government, so to exclude people from these protections simply because they are experiencing homelessness would be wrong.

We also know that temporary accommodation right now is anything but temporary. Households, especially households with children, spend long periods of time trapped in temporary homes. With over 18,000 households including 10,480 children in temporary accommodation as of September 2025, and widespread reports and concerns about the conditions of some temporary furnished flats, we are concerned that by not extending protections to temporary accommodation, thousands of households will be left to suffer while trapped in the homelessness system.

- For homelessness cases that closed in 2024-25, 4,660 households spent over a year in temporary accommodation, with 5,675 spending over 6 months in temporary accommodation.
- For open cases in 2024-25, 5,490 households had been there for over a year while still awaiting a permanent home. 995 of those households have been in temporary accommodation for over 3 years.
- A couple with children spends on average 386 days in temporary accommodation, significantly higher than the average of 238 days when considering all households.
- The situation is starker in areas such as Edinburgh, where a couple with children can expect to spend 778 days in temporary accommodation, on average. This rises to 793 days for single parents.<sup>2</sup>

We welcomed the Cabinet Secretary's strong commitment to tackling the harm inflicted on children trapped in temporary accommodation, following the publication of our ground-breaking research *In Their Own Words: Children's Experiences in Temporary Accommodation*.<sup>3</sup> However, if there is a failure to put these equal rights into the Regulations, the government will be failing to live up to its own rhetoric, and in effect abandoning the tens of thousands of households trapped in temporary accommodation for years on end.

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<sup>2</sup> Scottish Government (2026) [Homelessness in Scotland, update to 30 September 2025](#).

<sup>3</sup> Svirydzenka, Prof N. (De Montfort University), Lakhanpaul, Prof M. (University College London), and Williams, Dr J. (De Montfort University) (2025) [In Their Own Words: Children's Experiences in Temporary Accommodation](#). Shelter Scotland.

In Their Own Words showed the reality of the situation facing far too many children across Scotland. Families spoke of their experiences of living with damp and mould, and the damage that this caused. People spoke of severe damp conditions, with black mould developing on walls and furniture, including on a child's bed.

These conditions pose severe health risks, as MSPs know – that is why this legislation is being brought forward. Given we know that these conditions are being experienced right now by children in temporary accommodation, it would be wrong to exclude them from the proposed protections.

The research states “efforts to report these issues were often met with neglect or dismissive responses from housing authorities, leaving families to cope with temporary and inadequate fixes, such as buckets to catch leaks.” As it stands, people do not feel empowered to raise concerns about conditions in temporary accommodation, and are left without vital repairs as a result.

It continues: “Parents expressed frustration and stress over being ignored by housing authorities, and the emotional toll of trying to provide a safe and comfortable home under such circumstances was evident. These experiences highlight how unsuitable housing conditions disrupt daily life, including sleeping arrangements, and contribute to psychological distress.”

The researchers conclude: “The findings here underscore the urgent need for better maintenance, responsive housing authorities, and support systems that address both the physical and emotional wellbeing of vulnerable families.”<sup>4</sup>

If these Regulations are not strengthened to include households in temporary accommodation, we risk forcing families with children to spend prolonged periods stuck in temporary homes that damage their health. This cannot be meeting the ambitions of Awaab's Law.

## **Case study:**

### **Participant 6 (age 6):**

**Mother:** Do you remember what your bed was like in the room? Do you want to talk about that room?

**Child:** It was all damp in this one.

**Mother:** Were you able to sleep in that bed?

**Child:** No, your bed.

**Mother:** You had to sleep with me didn't you. But it was soaking.

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<sup>4</sup> Ibid, p.41.

**Mother of Participant 17 (Age 13):**

**Mother:** It is very cold. And in winter is like all damp and wet. I tried to clean it with, because I have two boys who have asthma, I try always to clean, open the window but it is very, very cold.