

Additional written submission from Shelter Scotland, 6 March 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.”¹ The introduction of Awaab’s Law forms an important element of this commitment. However, these regulations mean that some children living in temporary accommodation may in effect be exempt from the right to suitable, good quality accommodation.

While we strongly support equity for those in temporary accommodation, given the current legislative constraints we are calling for the Scottish Government to:

- Publicly state its intention to bring forward Regulations that ensure those in temporary accommodation have the same rights as those in other tenures.
- Ensure relevant guidance for current Regulations is unequivocal on the need to support those in temporary accommodation where possible now.
- Set out a timeline for when it will aim to bring forward regulations that extend protections to all households living in temporary accommodation, as well as those excluded from the Regulations in other tenures.

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

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

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.

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. We are therefore calling on the Scottish Government to outline its intention to include temporary accommodation, and set a timeframe for when it hopes to achieve this.

Consequences of failing to include temporary accommodation

We 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 all 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.²

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*.³ We want the Scottish Government to make good on that promise to protect those currently trapped in damaging and dangerous temporary homes.

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

³ 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, government must commit to extending these protections as soon as possible.

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.”⁴

The government must ensure that those in temporary accommodation have access to the same rights as those in permanent housing – and that can begin with a firm public commitment that it will bring forward these protections as soon as possible.

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.

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.

⁴ Ibid, p.41.