



# “I Want Us to Live Like Humans Again”

Families in Temporary Accommodation in London, UK

HUMAN  
RIGHTS  
WATCH

 The  
Childhood Trust  
Alleviating the impact of child poverty



# **“I Want Us to Live Like Humans Again”**

Families in Temporary Accommodation in London, UK

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The Childhood Trust is London's child poverty charity, targeting 800,000 children living in poverty in London. The Trust helps vulnerable children to overcome the disadvantages caused by poverty such as hunger, homelessness, stress, loneliness, and anxiety. Their work supports children from across London and is aimed at engaging the most disadvantaged children from the poorest communities. The Childhood Trust's network of over 300 charity partners provides practical and emotional support delivered by trusted, caring adults. These projects help children to achieve their full potential, despite facing many challenges. To date the Trust's work has engaged over 400,000 disadvantaged children in London.

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# “I Want Us to Live Like Humans Again”

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## Summary

Patricia Leatham moved back into the council house where she grew up when her mother became ill in 2017, to look after her as a full-time caregiver. When her mother died in 2019, Patricia and her then 14-year-old son, “Clarence,” were evicted into homelessness as her name was not on her mother’s tenancy contract. She applied for support from London’s Waltham Forest Council, which placed her in temporary accommodation where they lived for just under two years.

First, Patricia and Clarence were placed for eight weeks in a single room of a shared house where fourteen people used one kitchen and one bathroom. Waltham Forest Council then moved them to a one-bedroom apartment at the top of a tower block (high-rise building). Clarence slept in the bed, and his mother slept on a chair in the living room during the 18 months they lived there. It was cold in the winter because the heating facilities did not work when they moved in. Clarence described holes around the window in the bedroom: “We were really high up in the tower block, [so] the cold wind used to blow in, I remember being really cold every night.”

Under English law, local councils (elected government bodies which manage local areas) are obliged to provide people like Patricia and her son, who are threatened with homelessness or have recently become homeless, with temporary accommodation. Families have little control, and if they reject the offer, the council can say that it has “discharged its duty” and no longer needs to help the family. As of October 2021, 42,290 households with children were living in temporary accommodation in London, which is 70 percent of all families in temporary accommodation in the UK.

A combination of cuts to local government funding, a restructuring of the welfare system, and a lack of permanent social or genuinely affordable housing, has driven this increase. Government funding to local authorities has faced consistent reductions, as shown by a 37 percent decrease in real terms in the past decade. However, in response to the growing homelessness crisis, local authorities in London have had to increase their spending on short-term fixes that do not address the root of the problem, with expenditure on

temporary accommodation more than doubling, increasing by 108 percent in real terms, between 2010/11 and 2019/20.

As a part of austerity-driven cuts to benefits, the government decreased the amount of housing benefits privately renting tenants can receive by reforming a calculation method known as Local Housing Allowance. In 2011, the government altered the amount from covering 50 percent of local rents to 30 percent of local rents. Meanwhile, the cost of private renting rose. The number of families living in temporary accommodation in England has increased by 65 percent since April 2011, when Local Housing Allowance rates were first changed.

The government then enacted further changes to Local Housing Allowance rates, including freezing the rates between 2016 and 2020. This means that while the cost of private renting has increased, Local Housing Allowance rates have not, making private rented housing even less affordable for people on low incomes. In April 2021, the government froze the rate once again, after a one-year respite, amounting to a further cut to people's housing benefits. No date has been specified for the freeze to be lifted.

In real terms, a conscious series of governmental policy decisions have left people who depend on Local Housing Allowance to pay their rent significantly worse off in 2021 than they were in 2011.

One other major contributing factor to the overall problem is the lack of social housing. Levels of social housing have declined steadily since the 1980s. One of the key policies that has diminished levels of social housing is the "right to buy" scheme implemented by the Conservative government under Margaret Thatcher's leadership in 1980. The scheme enabled social housing tenants to buy their homes for a reduced price. Local authorities were then restricted from using sales proceeds to construct new housing. Within five years, half a million social homes were sold in England.

Families across London who are unable to find, or remain in, permanent housing are instead being placed in uninhabitable accommodation, often for years at a time, as local councils face significant pressure from high demand and low housing stock.

This report documents habitability problems, including toxic mold, cold temperatures, and a lack of adequate space in temporary accommodation. The situation is worsened by the fact these placements are often far from “temporary,” with some families living there for several years.

Human Rights Watch interviewed several families who highlighted that lack of adequate space is a major problem in their homes. “Amaka N.,” a pregnant mother of three boys, ages 4, 7, and 9, lived for six months in a temporary accommodation studio flat in Lambeth from February 2020. The room was so small that the four of them had to share one double bed. She said it made daily activities very difficult, and without space for a table, they ate all their meals on the floor. She said the situation deteriorated when the pandemic started. “It was very, very hard for me in that small flat ... When Covid started I saw hell. All we could do was stay at home all day with absolutely no space.”

Human Rights Watch also interviewed families who highlighted dampness and lack of ventilation in their temporary accommodation, which can lead to the growth of toxic mold. Mulki Ibrahim, her husband, and their three children, ages 1, 6, and 7, all live in a one-bedroom flat in Wandsworth, which the council owns. She said mold was a problem in every room, including above the bed where her oldest children sleep. She said the mold gets worse in winter as it is too cold to open the windows for ventilation. They have lived there for six years, and she says she and her 6- and 7-year-olds suffer chest pains and respiratory problems each year. “Thankfully my youngest hasn’t had a chest infection yet, but I think he will start to get them soon.”

These poor conditions can constitute a violation of the right to adequate housing and other key elements of the right to an adequate standard of living. These are human rights guaranteed under international law, binding on the United Kingdom, rights everyone should be able to enjoy, and for which children have specific international legal protection.

This report also documents how temporary accommodation can interfere with children’s right to education. Every child needs a stable and decent home as the foundation to succeed in their education. The effects of inadequate housing were even more pronounced during the Covid-19 pandemic school closures. The lack of physical space means it is difficult for children to concentrate or find a quiet environment to do their work. Learning

also requires access to capable devices and reliable, affordable, and accessible internet—however, most people interviewed said their temporary accommodation lacked Wi-Fi.

Temporary accommodation is also often unfit for children to play and enjoy recreational time. This can affect children of any age, from toddlers learning to crawl and use space, to teenagers exercising. Play is crucial to the health and well-being of children and helps with the development of physical, social, cognitive, and emotional skills. Families told Human Rights Watch that a lack of space and uncrowded areas were a recurrent problem, and can also be dangerous, affecting the ability of children to enjoy their right to play.

People interviewed by Human Rights Watch spoke about a general lack of support from the local authorities, including never seeing anyone carry out an inspection of their accommodation, even when requested. Others claimed that they never heard back from the council when raising concerns, or if they did it was often with a total lack of empathy.

The right to housing is a fundamental human right set out in several international treaties that the UK is party to and which are binding on it. Successive UK governments, however, have failed to acknowledge or implement this right. The right to adequate housing remains denied for an increasing number of people, many of whom are families with children, living in unsuitable temporary accommodation. The UK should enshrine the right to housing in domestic law as a basic human right. The government should also ensure that the best interests of the child are always its primary consideration when making decisions.

Children in London are growing up in substandard and uninhabitable temporary accommodation as a result of persistent policy failures by the central and local government. The effect this is having on children's rights cannot be understated. If the government is committed to its agenda of "levelling up" the country, then giving families a safe, secure, and decent home to live in should be the foundation of this.

# Recommendations

## To the UK Government

- Enshrine the right to housing in domestic law as a basic human right, and part of the human right to an adequate standard of living, ensuring that all who experience a violation of this right, by being denied adequate housing, have access to speedy and effective remedies;
- Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights;
- Ratify the revised European Social Charter.

## To the Department for Levelling Up, Housing and Communities (DLUHC)

- Begin a process of national consultation on incorporating the human right to adequate housing under international treaty obligations into domestic law;
- Create a legally enforceable temporary accommodation standards framework in consultation with local authorities, housing providers, third sector partners, and residents and former residents of temporary accommodation;
- The Secretary of State should by order specify enhanced circumstances in which accommodation is or is not to be regarded as suitable, including addressing habitability issues such as mold, dampness, and protection from the cold under Section 210 of the 1996 Housing Act;
- Ensure a sufficient supply of housing, in particular by increasing the amount of affordable social housing with long-term tenancies;
- Reform the “Right to Buy” policy to ensure a consistent stock of council houses, providing adequate housing, is maintained;
- As a part of the current review of the Housing Health and Safety Rating System, ensure enhanced enforcement for Category 2 hazards, including the mandatory provision of baby gates on staircases when young children are involved;
- As a part of the current review of the Housing Health and Safety Rating System, update the statutory enforcement guidance to include timescales for carrying out inspections.

- Expand the funding and scope of the “Setting the Standard” program to cover regular inspections for all privately rented temporary accommodation units in London which house families;
- Amend sections 325 and 326 of the Housing Act 1985 on overcrowding, to remove the language that discriminates against children under a certain age;
- Provide free, equitable access to quality internet for households living in temporary accommodation with children in primary, secondary or tertiary education, including through Wi-Fi installations, data voucher plans, and zero-rating educational websites;
- Create a time-bound action plan with a formal target to reduce the number of children in temporary accommodation by ensuring families are transitioned to permanent housing.

## To the Treasury

- Provide funding to restore Local Housing Allowance rates to the 30th percentile of local rents;
- Reverse local authority budget cuts to programs that help low-income families secure permanent and affordable housing.

## To the Department for Work and Pensions

- Restore Local Housing Allowance rates to the 30th percentile of local rents and ensure this is robustly maintained;
- Ensure that social security support through Universal Credit and “legacy” benefits keeps pace with inflation and ensures an adequate standard of living, in relation to rent costs;
- Remove the benefit cap, or in the alternative, increase it so it maintains parity with 2010 levels in real terms;
- Revise social security reforms in order to fully respect the right of the child to have their best interests taken as a primary consideration, taking into account the different impacts of the reform on different groups of children, particularly those in vulnerable situations.

## **To the Department for Education**

- Allocate educational resources strategically to vulnerable and low-income groups, including children living in temporary accommodation or other forms of substandard housing;
- Coordinate with DLUHC to provide free internet access for households living in temporary accommodation with children in primary, secondary, or tertiary education.

## **To the Greater London Authority and the Mayor of London**

- Establish a commission, with London local authorities, to investigate and propose solutions to the habitability crisis in temporary accommodation in London;
- Develop a pan-London quality standards framework that covers potential issues including toxic mold, protection from the cold, adequate space, and other habitability concerns for any new developments designed for use as temporary accommodation.

## **To London Local Authorities**

- Create an internal quality standards framework that covers potential issues including toxic mold, protection from the cold, adequate space, and other habitability concerns;
- Take advantage of the Mayor of London’s “Right to Buy-back” fund to ensure a sufficient supply of social housing;
- Consider the diverse educational needs of children when placing families in temporary accommodation, including adequate space for homework, and access to capable devices and reliable, affordable, and accessible internet;
- Take into account children’s right to play when placing families in temporary accommodation by ensuring children have access to a safe and sanitary environment with adequate space;
- Ensure that residents of temporary accommodation feel supported following placements and are fully aware of who to direct potential complaints or issues to.

## **To the UK Parliament and the Levelling Up, Housing and Communities Committee**

- Conduct an inquiry into the current state of temporary accommodation, including a review of its scale, cost, effectiveness, and use. The inquiry should cover issues of habitability that exist in temporary accommodation, particularly how this impacts the rights to an adequate standard of living, education, health, and play.

## **To Private Landlords**

- Respect the human right to adequate housing of individuals residing in privately owned temporary accommodation by instituting property management practices which are responsive to residents' needs and which promptly and sufficiently address any repair needs.

## Methodology

Human Rights Watch interviewed 75 people for this report, including 33 people (7 of which were children) who are either currently living in, or had recently left, temporary accommodation in 10 London boroughs: Camden, Croydon, Hackney, Lambeth, Lewisham, Merton, Redbridge, Southwark, Waltham Forest, and Wandsworth. The interviews were carried out between May 2021 and October 2021, and in December 2021.

Every parent or caregiver we spoke with in temporary accommodation was female, or non-binary. For varied reasons, women, and in particular women of color, are overrepresented within temporary accommodation.<sup>1</sup> Interviewees indicated they had entered temporary accommodation for multiple reasons, including eviction, unaffordable rent, relationship breakdown, or fleeing domestic violence. Research has shown the interplay between domestic abuse and financial dependence has a specific impact on women and their housing situation, and that women are also disproportionately likely to be the primary caregiver for children.<sup>2</sup> Interviewees largely relied on social security support for their income, including people working in key sectors such as care home workers and National Health Service (NHS) staff.

Interviews were semi-structured and covered a range of topics relating to housing, children's rights, and welfare. Interviews were conducted by phone or in person. Research for this report was conducted during the Covid-19 pandemic, with staff taking precautions to minimize the risk of transmission. Human Rights Watch also conducted physical visits to multiple temporary accommodation sites.

Before each interview the interviewer described Human Rights Watch's work and explained the purpose of the research and its voluntary nature and sought verbal informed consent

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<sup>1</sup> Ministry of Housing, Communities & Local Government, "Statutory Homelessness Annual Report, 2019-20, England," October 1, 2020, [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/923123/Annual\\_Statutory\\_Homelessness\\_Release\\_2019-20.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/923123/Annual_Statutory_Homelessness_Release_2019-20.pdf) (accessed September 2, 2021).

<sup>2</sup> Women's Budget Group, "A Home of Her Own: Housing and Women," July 2019, <https://wbg.org.uk/wp-content/uploads/2019/07/WBG19-Housing-Report-full-digital.pdf> (accessed September 2, 2021); Gingerbread, "The single parent debt trap," February 2021, [https://www.gingerbread.org.uk/wp-content/uploads/2021/02/The-single-parent-debt-trap\\_web.pdf](https://www.gingerbread.org.uk/wp-content/uploads/2021/02/The-single-parent-debt-trap_web.pdf) (accessed October 18, 2021).

for the interview. All interviewees were told they could decline a question or could end the interview if they chose to do so. Interviewees did not receive compensation for participation.

Real names of interviewees are used, except where the interviewee requested that we use a pseudonym or refer to them simply by their professional role. Those who opted to use a pseudonym did so largely owing to the stigma associated with being identified as poor and living in temporary accommodation. Pseudonyms are indicated clearly as such with quotation marks on the first use in relation to each interview requesting anonymization.

Human Rights Watch spoke with 42 NGO staff members, experts, and local authority workers. Letters were sent detailing our key findings as well as requesting comment from the 23 London local authorities with the highest number of people in temporary accommodation, of which 16 responded. Human Rights Watch carried out interviews in both Labour-led and Conservative-led councils in London. Human Rights Watch also sent letters detailing our key findings as well as requesting comment from the Mayor of London's office, the Department for Education, the Department for Work & Pensions, and the Department for Levelling Up, Housing and Communities. The Mayor of London's office and the Department for Education responded.

The focus of this report is London, and the statutory framework and data applies to England, but not to other devolved regions. The research did not examine first-hand developments in Scotland, Wales, or Northern Ireland, the three other main constituent regions of the United Kingdom, as each of these has varying degrees of devolved power. The researcher did however, in the process of gathering information, hear from national or regional NGOs from these regions about their experiences of temporary accommodation and housing.

## I. Severe Cuts to Government Funding

Over the last decade, there has been a 65 percent increase in the number of families living in temporary accommodation in England, from 36,640 households in 2011 to 60,490 households in 2021.<sup>3</sup> The majority of these families live in London. Official data from October 2021 estimated that there were 42,290 households with children in temporary accommodation in London, including 86,450 children.<sup>4</sup> This means that approximately 70 percent of all families in temporary accommodation are living in the capital.

Temporary accommodation is a significant expense for local housing authorities; however, exact figures are hard to determine due to concerns that data is not reported consistently by all local authorities. In the 2017/18 financial year, it is estimated that London local authorities spent over £900 million (US\$1.2 billion) assessing, assisting, and accommodating homeless households.<sup>5</sup>

Local authorities partly fund their housing services through central government grants. However, government funding to local authorities has faced consistent reductions—37 percent in real terms between 2009/10 and 2018/19—with London facing the largest cuts.<sup>6</sup> This means each year, local authorities have fewer financial resources to use to deal with a housing affordability crisis and a steady rise in homelessness, leading them to make difficult choices about service cuts.

Housing budgets have suffered significantly, with London local authorities cutting their spending on housing by 24 percent between 2010/11 and 2019/20.<sup>7</sup> These cuts have led to

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<sup>3</sup> Department for Levelling Up, Housing and Communities, “Statutory Homelessness Live Tables,” last updated September 9, 2021, <https://www.gov.uk/government/statistical-data-sets/live-tables-on-homelessness> (accessed September 23, 2021).

<sup>4</sup> Department for Levelling Up, Housing and Communities, “Detailed local authority level tables: April to June 2021,” October 28, 2021, [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1029002/DetailedLA\\_202106.ods](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1029002/DetailedLA_202106.ods) (accessed October 28, 2021).

<sup>5</sup> London School of Economics and Political Science London and London Councils, “The Cost of Homelessness Services in London,” September 2019, <https://www.londoncouncils.gov.uk/download/file/fid/26000> (accessed August 24, 2021).

<sup>6</sup> Institute for Government, “Local government funding in England,” <https://www.instituteforgovernment.org.uk/explainers/local-government-funding-england> (accessed August 24, 2021).

<sup>7</sup> National Audit Office, “Financial sustainability of local authorities visualisation: update,” <https://www.nao.org.uk/other/financial-sustainability-of-local-authorities-visualisation-update/#viz> (accessed December 13, 2021).

reduced services by local authorities, including less funding for overall housing strategy, which includes building new council homes. However, in response to the growing homelessness crisis, London local authorities have had to increase their spending on short-term fixes, with expenditure on temporary accommodation more than doubling, increasing by 108 percent in real terms, between 2010/11 and 2019/20.<sup>8</sup>

In 2019, two-thirds of councils in England stated they do not have sufficient funding to fulfill their legal duty to prevent homelessness.<sup>9</sup> Local authorities highlighted to Human Rights Watch that a lack of funding from the central government was one of the main obstacles to providing suitable temporary accommodation for families.<sup>10</sup>

In response to the Covid-19 pandemic, the government's strategy for homelessness included the "Everybody In" scheme, which focused on protecting people at risk of rough sleeping (sleeping on the streets). One impact of this was a surge in the use of temporary accommodation, mainly for single adults.<sup>11</sup> This surge in demand could have been higher if it was not for the temporary moratorium on evictions of private tenants.<sup>12</sup> London Councils, the cross-party organization that represents London's 32 borough councils, raised concerns in 2021 that ending the eviction ban, the furlough scheme, and extra funding for

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<sup>8</sup> Ministry of Housing, Communities & Local Government, "Revenue outturn (RO4 - housing services) 2010 to 2011," last updated December 5, 2012, <https://www.gov.uk/government/statistics/local-authority-revenue-expenditure-and-financing-england-2010-to-2011-individual-local-authority-data-5> (accessed December 15, 2021), lines 39-46, 48; Ministry of Housing, Communities & Local Government, "Revenue outturn housing services (RO4) 2019 to 2020," last updated June 11, 2021, <https://www.gov.uk/government/statistics/local-authority-revenue-expenditure-and-financing-england-2019-to-2020-individual-local-authority-data-outturn> (accessed December 15, 2021), lines 39-46, 48. Expenditures adjusted for inflation using HM Treasury's GDP deflator, <https://www.gov.uk/government/statistics/gdp-deflators-at-market-prices-and-money-gdp-march-2021-budget> (accessed January 5, 2022).

<sup>9</sup> Sarah Lawson, "Uncomfortable home truths revealed by NLGN's latest Leadership Index," post to "New Local" (blog), April 3, 2019, <https://www.newlocal.org.uk/articles/uncomfortable-home-truths-revealed-by-nlgns-latest-leadership-index/> (accessed August 24, 2021).

<sup>10</sup> Email from Brent Council to Human Rights Watch, October 1, 2021 (on file); Letter from Croydon Council to Human Rights Watch, September 24, 2021 (on file); Email from Greenwich Council to Human Rights Watch, September 16, 2021 (on file); Email from Lambeth Council to Human Rights Watch, September 24, 2021 (on file); Letter from Hounslow Council to Human Rights Watch, September 15, 2021 (on file); Letter from Newham Council to Human Rights Watch, September 17, 2021 (on file); Email from Southwark Council to Human Rights Watch, October 14, 2021 (on file).

<sup>11</sup> Crisis, "The Homelessness Monitor: England 2021," March 2021, <https://www.crisis.org.uk/media/244702/crisis-england-monitor-2021.pdf> (accessed September 15, 2021).

<sup>12</sup> Juliana Nnoko-Mewanu, "Renters in England Are Braced for Mass Evictions," commentary, Human Rights Dispatch, August 20, 2020, <https://www.hrw.org/news/2020/08/20/renters-england-are-braced-mass-evictions>.

local authorities, could cause homelessness and temporary accommodation levels to reach record highs.<sup>13</sup>

The government increased spending in response to the pandemic, with the Ministry of Housing, Communities and Local Government (as it was then known) allocating four tranches of general funding of £4.55 billion (\$6.1 billion) for local authorities between March and October 2020.<sup>14</sup> However, the National Audit Office, the statutory body tasked with scrutinizing public spending and auditing government departments, has highlighted that despite this increase, there is likely to be significant financial pressure on local authorities in 2021/2022, and that the pandemic will have significant long-lasting financial consequences for future budgets, impacting services.<sup>15</sup>

In October 2021, the government announced further increased funding for local authorities, projected over the next three years.<sup>16</sup> However, analysis by the Institute for Fiscal Studies estimates that this additional revenue will be wiped out by rising costs, and councils will be forced to slash at least some essential services.<sup>17</sup>

It is important that in all decision-making by the government, including funding decisions, the best interests of the child are always a primary consideration. In December 2010 the government made a commitment to give “due consideration” to the Convention on the Rights of the Child when making new policy or legislation.<sup>18</sup> This commitment was then reiterated by the government in 2017.<sup>19</sup>

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<sup>13</sup> “Boroughs fear summer of soaring homelessness,” London Councils press release, May 20, 2021, <https://beta.londoncouncils.gov.uk/news/2021/boroughs-fear-summer-soaring-homelessness> (accessed October 18, 2021).

<sup>14</sup> National Audit Office, “Local Government Finance in the Pandemic,” March 10, 2021, <https://www.nao.org.uk/wp-content/uploads/2020/08/Local-government-finance-in-the-pandemic.pdf> (accessed September 4, 2021).

<sup>15</sup> Ibid.

<sup>16</sup> Jessica Hill and Sarah Calkin, “Councils to get biggest core funding rise for over a decade,” *Local Government Chronicle*, October 27, 2021, <https://www.lgcplus.com/finance/councils-to-get-biggest-core-funding-rise-for-over-a-decade-27-10-2021/> (accessed December 19, 2021).

<sup>17</sup> David Parsley, “Budget 2021: Local services face cuts as Sunak’s Spending Review delivers real-terms fall in council funding,” *iNews*, October 27, 2021, <https://inews.co.uk/news/budget-2021-local-services-council-cuts-rishi-sunak-spending-review-tax-funding-1272214> (accessed December 19, 2021).

<sup>18</sup> Minister of State, Department for Education Sarah Teather, Written Ministerial Statement, Children’s Commissioner Review, Column 7WS 19, December 6, 2010, <https://publications.parliament.uk/pa/cm201012/cmhansrd/cm101206/wmstext/101206m0001.htm> (accessed October 28, 2021).

<sup>19</sup> Minister for Vulnerable Children and Families Edward Timpson, Children and Social Work Bill, HC 220, January 12, 2017, [https://hansard.parliament.uk/commons/2017-01-12/debates/2aea2b6d-772e-422b-aca4-19b18339bc91/ChildrenAndSocialWorkBill\(Lords\)\(SeventhSitting\)](https://hansard.parliament.uk/commons/2017-01-12/debates/2aea2b6d-772e-422b-aca4-19b18339bc91/ChildrenAndSocialWorkBill(Lords)(SeventhSitting)) (accessed October 28, 2021).

## Reductions to Local Housing Allowance

There has also been a radical, austerity-driven overhaul of the social security system since 2011, which has included reductions in levels of financial support to low-income individuals for housing, and in turn has led to an increase in people placed in temporary accommodation.

One of the main reasons people gave for finding themselves entering temporary accommodation, and then being unable to leave, was the unaffordability of the private rental sector. Families interviewed indicated to Human Rights Watch that they were already unable to afford basic needs and were relying on food banks to feed themselves and their children, as well as having to skip meals so their children can eat.

To calculate how much support low-income private renters are entitled to as a part of their benefits, the government uses a method called Local Housing Allowance, which is based on the cost of renting in the local area. When introduced in 2008 by a Labour government, the allowance entitled low-income renters to a subsidy amounting to the 50th percentile of the local market rate. However, following the global financial crisis, a new Conservative-led coalition government, which was committed to a policy of debt reduction through austerity measures, decreased it to the 30th percentile in 2011.<sup>20</sup> Government data for England show that the number of households with children living in temporary accommodation has increased by 65 percent since April 2011, when Local Housing Allowance rates were first altered.<sup>21</sup>

The government enacted a series of additional changes to Local Housing Allowance rates from 2011 onwards, the most significant being the freezing of rates between 2016 and 2020, as part of a radical overhaul of the country's social security system and a broader policy agenda of cuts, freezes and new limits to social security support.<sup>22</sup> This has meant

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<sup>20</sup> Human Rights Watch, *Nothing Left in the Cupboards: Austerity, Welfare Cuts, and the Right to Food in the UK* (New York: Human Rights Watch, 2019), [https://www.hrw.org/sites/default/files/report\\_pdf/uko519\\_web4.pdf](https://www.hrw.org/sites/default/files/report_pdf/uko519_web4.pdf).

<sup>21</sup> Ministry of Housing, Communities & Local Government, "Statutory Homelessness Live Tables," last updated September 9, 2021, <https://www.gov.uk/government/statistical-data-sets/live-tables-on-homelessness> (accessed September 23, 2021).

<sup>22</sup> See Jonathan Portes and Howard Reed, "Distributional results for the impact of tax and welfare reforms between 2010-17, modelled in the 2021/22 tax year: Interim findings," Equality and Human Rights Commission (Research report), November 2017, <https://www.equalityhumanrights.com/sites/default/files/impact-of-tax-and-welfare-reforms-2010-2017-interim-report.pdf> (accessed October 18, 2021); and Nathan Hudson-Sharp et al., "The impact of welfare reform and welfare-to-work programmes: an evidence review," Equality and Human Rights Commission (Research Report 111), National Institute of Economic and Social Research, March 2018, <https://www.equalityhumanrights.com/sites/default/files/research-report-111->

that as private rents increased,<sup>23</sup> Local Housing Allowance rates decreased in real terms, making housing increasingly unaffordable for people with low incomes. Since 2010, the cost of private rented accommodation in London has increased eight times faster than median earnings.<sup>24</sup>

Research by homelessness organization Crisis has shown that the freeze in Local Housing Allowance rates has been a major driver behind the surge in people needing temporary accommodation. During the freeze, Local Housing Allowance rates failed to cover the bottom 30 percent of the rental market in 97 percent of areas in England.<sup>25</sup> Several local authorities highlighted to Human Rights Watch that inadequate Local Housing Allowance rates were significantly impacting their ability to move people out of temporary accommodation.<sup>26</sup>

The justification from the government for the initial changes to Local Housing Allowance rates was to reduce expenditures on housing support and, in particular, to make it harder for people receiving benefits to live in high-cost areas.<sup>27</sup>

Human Rights Watch submitted a Freedom of Information request to the government for copies of impact assessments held in relation to the policy decision to freeze Local Housing Allowance rates from 2016-2020. In response, the government refused to disclose

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cumulative-impact-assessment-evidence-review.pdf (accessed October 18, 2021), for two detailed macroeconomic analyses of the impact of these changes.

<sup>23</sup> Office for National Statistics, “Index of Private Housing Rental Prices, Region,” last updated on September 23, 2021, <https://data.london.gov.uk/dataset/index-private-housing-rental-prices-region> (accessed September 23, 2021).

<sup>24</sup> National Audit Office, Department for Communities and Local Government, “Homelessness,” September 13, 2017, <https://www.nao.org.uk/wp-content/uploads/2017/09/Homelessness.pdf> (accessed September 23, 2021).

<sup>25</sup> Crisis, “Cover the Cost: How Gaps in Local Housing Allowance are Impacting Homelessness,” May 2019, [https://www.crisis.org.uk/media/240377/cover\\_the\\_cost\\_2019.pdf](https://www.crisis.org.uk/media/240377/cover_the_cost_2019.pdf) (accessed September 20, 2021).

<sup>26</sup> Email from Brent Council to Human Rights Watch, October 1, 2021 (on file); Letter from Enfield Council to Human Rights Watch, September 22, 2021 (on file); Email from Greenwich Council to Human Rights Watch, September 16, 2021 (on file); Email from Lambeth Council to Human Rights Watch, September 24, 2021 (on file); Letter from Hounslow Council to Human Rights Watch, September 15, 2021 (on file); Letter from Newham Council to Human Rights Watch, September 17, 2021 (on file); Letter from Kensington and Chelsea Council to Human Rights Watch, September 22, 2021 (on file); Email from Southwark Council to Human Rights Watch, October 14, 2021 (on file); Email from Sutton Council to Human Rights Watch, October 1, 2021 (on file); Email from Tower Hamlets Council to Human Rights Watch, September 17, 2021 (on file).

<sup>27</sup> Department for Work and Pensions, “Housing Benefit: Changes to the Local Housing Allowance Arrangements, Impact Assessment,” November 24, 2010, [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/214327/lha-impact-nov10.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/214327/lha-impact-nov10.pdf) (accessed September 12, 2021).

this information claiming a “public interest in protecting the government’s ability to discuss and develop policies and to reach well-formed conclusions ... we consider that there is a strong public interest in protecting information where release would be likely to have a detrimental impact on the ongoing formulation and development of policy.”<sup>28</sup>

In April 2020, Local Housing Allowance rates were unfrozen briefly following the ending of the broader four-year freeze on social security support, and were raised in line with the 30th percentile in response to the Covid-19 pandemic.<sup>29</sup> However, in April 2021, the government froze the rate again, amounting to a further cut to housing benefits in real terms.<sup>30</sup>

Before the rate was frozen again in 2021, the Department for Work & Pensions carried out an impact assessment on the potential effects on protected groups. They assessed a freeze as a positive move which would “keep all rates the same, ensuring that claimants who benefitted from the increase in April 2020 continue to do so.”<sup>31</sup> Within this assessment, they also suggest options for people who are facing a shortfall between their benefit payments and their rent, including looking for cheaper or smaller accommodation, re-negotiating their rent with their landlord, and entering employment or working more hours to increase wages.<sup>32</sup> No date has been specified for the freeze to be lifted.

In addition to repeated freezes to Local Housing Allowance rates, the benefit cap, which is a monetary limit on total welfare benefits introduced in 2013, also plays a key role. The impact of the benefit cap on households with children is significant, affecting over 66,000

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<sup>28</sup> Letter from Information Rights Unit, Her Majesty’s Treasury to Human Rights Watch, December 9, 2021 (on file); Human Rights Watch is appealing this decision.

<sup>29</sup> Department for Work & Pensions, “Equality Analysis for uprating Local Housing Allowance rates to the 30th percentile of local rents,” October 6, 2020, <https://www.gov.uk/government/publications/local-housing-allowance-uprating-equality-analysis-april-2020/equality-analysis-for-uprating-local-housing-allowance-rates-to-the-30th-percentile-of-local-rents> (accessed October 18, 2021).

<sup>30</sup> Valuation Office Agency, “Local Housing Allowance (LHA) rates applicable from April 2021 to March 2022,” January 29, 2021, <https://www.gov.uk/government/publications/local-housing-allowance-lha-rates-applicable-from-april-2021-to-march-2022> (accessed August 25, 2021).

<sup>31</sup> Department for Work & Pensions, “Equality Analysis for uprating Local Housing Allowance rates to the 30th percentile of local rents,” October 6, 2020, <https://www.gov.uk/government/publications/local-housing-allowance-uprating-equality-analysis-april-2020/equality-analysis-for-uprating-local-housing-allowance-rates-to-the-30th-percentile-of-local-rents> (accessed December 12, 2021).

<sup>32</sup> Ibid.

families.<sup>33</sup> This limit on welfare payments also makes affording rent increasingly difficult for low-income families.

Local authorities have warned that increasing numbers of people are at risk of losing their housing, especially as households living on low incomes feel the economic impact of the pandemic.<sup>34</sup> This will lead to an increased demand for temporary accommodation and likely an increased reliance on overcrowded and substandard accommodation. These concerns about the ability of low-income households to withstand these financial pressures have only been exacerbated by the end of the furlough scheme, a further real-terms social security cut in October 2021, and a rise in energy prices and utility bills.<sup>35</sup>

## Social Housing

One other major contributing factor to the overall problem is the lack of affordable homes, and in particular social housing (housing provided for people on low incomes, or with particular needs, by government agencies or non-profit organizations). Local authorities highlighted in correspondence with Human Rights Watch that inadequate levels of social housing, or affordable permanent housing, in their boroughs made it difficult to move people out of temporary accommodation.<sup>36</sup> The problem is most acute in London, with the borough of Newham noting they have a social housing waiting list of over ten years.<sup>37</sup>

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<sup>33</sup> Joseph Rowntree Foundation, JRF Analysis Unit, "UK Poverty 2017," December 4, 2017, <https://www.jrf.org.uk/report/uk-poverty-2017> (accessed November 24, 2021), pp. 24, 39-40.

<sup>34</sup> Lucie Heath, "London boroughs fear 'summer wave of homelessness,'" *Inside Housing*, May 20, 2021, <https://www.insidehousing.co.uk/news/news/london-boroughs-fear-summer-wave-of-homelessness-70779> (accessed August 23, 2021).

<sup>35</sup> Letter from Human Rights Watch to UK Parliamentarians Regarding Impending Cut to Social Security Support, September 2, 2021, [https://www.hrw.org/sites/default/files/media\\_2021/09/Universal%20Credit%20-%20HRW%20Letter%20to%20MPs%20-%20September%202021.pdf](https://www.hrw.org/sites/default/files/media_2021/09/Universal%20Credit%20-%20HRW%20Letter%20to%20MPs%20-%20September%202021.pdf).

<sup>36</sup> Email from Brent Council to Human Rights Watch, October 1, 2021 (on file); Email from Camden Council to Human Rights Watch, October 25, 2021 (on file); Letter from Croydon Council to Human Rights Watch, September 24, 2021 (on file); Letter from Enfield Council to Human Rights Watch, September 22, 2021 (on file); Email from Greenwich Council to Human Rights Watch, September 16, 2021 (on file); Email from Havering Council to Human Rights Watch, September 24, 2021 (on file); Letter from Hounslow Council to Human Rights Watch, September 15, 2021 (on file); Letter from Kensington and Chelsea Council to Human Rights Watch, September 22, 2021 (on file); Email from Lambeth Council to Human Rights Watch, September 24, 2021 (on file); Letter from Newham Council to Human Rights Watch, September 17, 2021 (on file); Email from Redbridge Council to Human Rights Watch, October 26, 2021 (on file); Email from Southwark Council to Human Rights Watch, October 14, 2021 (on file); Email from Tower Hamlets Council to Human Rights Watch, September 17, 2021 (on file).

<sup>37</sup> Letter from Newham Council to Human Rights Watch, September 17, 2021 (on file).

Levels of social housing have declined steadily since the 1980s. According to government figures, in 1980, there were 5.5 million social homes in England, including homes rented both by local authorities, and by private registered social housing providers. By 2020 the number had fallen by 1.5 million.<sup>38</sup> In London, the number of households moving into social housing each year has fallen by over two-thirds since the mid-1990s. Social housing stock, which was once the largest group in the early 1980s, now makes up the smallest proportion of type of tenure.<sup>39</sup>

One of the key policies that has diminished levels of social housing is the “right to buy” scheme, implemented by the Conservative government under Margaret Thatcher’s leadership in 1980. The scheme enabled social housing tenants to access discounts to buy their homes for a reduced price. Within five years, half a million social homes were sold in England.<sup>40</sup> Local authorities were restricted from using sales proceeds to construct new housing, causing the number of council homes to fall precipitously.<sup>41</sup> This policy was revamped in 2011 with increased discounts, prompting a 409 percent rise in sales between 2011-12 and 2016-17.<sup>42</sup>

Paradoxically, a policy intended to increase home ownership has encouraged the growth of the private rented sector, with around 40 percent of these former social homes now

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<sup>38</sup> Department for Levelling Up, Housing and Communities and Ministry of Housing, Communities & Local Government, “Table 104 Dwelling Stock: By Tenure, England,” May 20, 2021, <https://www.gov.uk/government/statistical-data-sets/live-tables-on-dwelling-stock-including-vacants> (accessed September 3, 2021).

<sup>39</sup> Greater London Authority, “Housing in London 2020: The evidence base for the London Housing Strategy,” October 2020, [https://www.london.gov.uk/sites/default/files/housing\\_in\\_london\\_2020.pdf](https://www.london.gov.uk/sites/default/files/housing_in_london_2020.pdf) (accessed October 8, 2021).

<sup>40</sup> Ministry of Housing, Communities & Local Government, “Table 678: annual social housing sales by scheme for England,” last updated February 23, 2021, <https://www.gov.uk/government/statistical-data-sets/live-tables-on-social-housing-sales> (accessed October 12, 2021).

<sup>41</sup> UN Human Rights Council, Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Raquel Rolnik, A/HRC/25/54/Add.2, December 30, 2013, <https://digitallibrary.un.org/record/766905?ln=ru> (accessed December 23, 2021), para. 27; The number of council homes in England has fallen from 5.2 million in 1979 to 1.6 million in 2020. Department for Levelling Up, Housing and Communities and Ministry of Housing, Communities & Local Government, “Table 104 Dwelling Stock: By Tenure, England,” <https://www.gov.uk/government/statistical-data-sets/live-tables-on-dwelling-stock-including-vacants>; Ian Cole et al., “The Impact of the Existing Right to Buy and the Implications for the Proposed Extension of Right to Buy to Housing Associations,” Centre for Regional Economic and Social Research, Sheffield Hallam University, October 2015, <https://www.parliament.uk/globalassets/documents/commons-committees/communities-and-local-government/Full-Report-for-Select-Committee-141015final.pdf> (accessed November 15, 2021).

<sup>42</sup> Benjamin Kentish, “Number of council homes sold off under Right to Buy increases five-fold in six years after Tories lift cap,” *The Independent*, February 2, 2018, <https://www.independent.co.uk/news/uk/politics/right-to-buy-council-homes-sold-off-private-landlords-rent-tory-cap-a8189881.html> (accessed October 12, 2021).

rented out privately.<sup>43</sup> As a part of successive governments' embrace of the private market as the optimum provider of housing, the sector grew by a half between 2005 and 2017.<sup>44</sup>

Social housing generally provides a more stable tenancy than the private rented sector, especially for low-income people who may be more at risk of eviction. Some of those interviewed highlighted that it was the unstable nature of the private rented sector that led to them entering temporary accommodation in the first place. Indeed, the ending of private rent tenancies is a leading cause of homelessness.<sup>45</sup> The Joseph Rowntree Foundation has found that the private rented sector is growing fast and housing an increasing proportion of low-income families, who struggle with the insecurity of the sector. There is increasing concern about the rising rates of evictions and forced moves, especially in London.<sup>46</sup>

International human rights law outlines that a state's obligations in respect of the right to adequate housing "may reflect whatever mix of public and private sector measures considered appropriate."<sup>47</sup> However, while reviewing the UK, the Committee on Economic, Social and Cultural Rights raised its concern in 2016 about the "critical situation in terms of the availability, affordability and accessibility of adequate housing in the [UK]...[including how] the lack of social housing has forced households to move into the private rental sector," and made an explicit recommendation to the government to ensure a sufficient supply of social housing.<sup>48</sup>

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<sup>43</sup> Nathaniel Barker, "Exclusive: 7% rise in former Right to Buy homes now rented privately," *Inside Housing*, December 7, 2017, <https://www.insidehousing.co.uk/news/news/exclusive-7-rise-in-former-right-to-buy-homes-now-rented-privately-53507> (accessed October 17, 2021).

<sup>44</sup> Joseph Rowntree Foundation, "Poverty, Evictions and Forced Moves," July 23, 2017, <https://www.jrf.org.uk/report/poverty-evictions-and-forced-moves> (accessed July 15, 2021).

<sup>45</sup> Department for Levelling Up, Housing & Communities, "Statutory Homelessness April to June (Q2) 2021: England," October 28, 2021, [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1028979/Statutory\\_Homelessness\\_Stats\\_Release\\_Apr-Jun\\_2021.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1028979/Statutory_Homelessness_Stats_Release_Apr-Jun_2021.pdf) (accessed November 20, 2021).

<sup>46</sup> Joseph Rowntree Foundation, "Poverty, Evictions and Forced Moves," July 23, 2017, <https://www.jrf.org.uk/report/poverty-evictions-and-forced-moves> (accessed November 18, 2021).

<sup>47</sup> UN Committee on Economic, Social and Cultural Rights, General Comment No. 4, The Right to Adequate Housing, U.N. Doc. E/1992/23 (1991), para. 14.

<sup>48</sup> UN Committee on Economic, Social and Cultural Rights, "Concluding observations on the sixth periodic report of the United Kingdom of Great Britain and Northern Ireland," E/C.12/GBR/CO/6, July 14, 2016, <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4sIQ6QSmIBEDzFEovLCuW3XRinAE8KCBFqOHnz%2FvuCC%2BTxEKA18bzEoUtfQhJkxxOSGuoMUxHGypYlJnFkwxnMR6GmqogLJF8BzscMegzpGfTXBkZ4pEaigi44xqiL> (accessed December 23, 2021), paras. 49-50.

In London there have been some efforts to tackle the issue, including a “Right to Buy-back” fund launched by the Mayor of London to boost the supply of social homes. This fund gives local authorities the funds to purchase former council homes that have been previously sold into the private market through the Right to Buy scheme.<sup>49</sup> However, at present, only two London councils have taken advantage of this.<sup>50</sup>

Research by Crisis and the National Housing Federation has estimated that over the next 15 years the figures required for new social housing is for 90,000 homes to be built each year in England.<sup>51</sup> The government has committed to an agenda of “levelling up” the country, which should start with delivering secure, affordable, and decent homes for families, including increasing the amount of social housing with long-term tenancies.

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<sup>49</sup> “Mayor announces ‘Right to Buy-back’ to boost supply of council homes,” Mayor of London press release, July 13, 2021, <https://www.london.gov.uk/press-releases/mayoral/right-to-buy-back-to-boost-council-home-supply> (accessed December 15, 2021).

<sup>50</sup> Islington and Hounslow council. See “Mayor helps Hounslow bring more than 550 homes into council ownership,” Mayor of London press release, December 21, 2021, <https://www.london.gov.uk/press-releases/mayoral/hounslow-receive-387m-right-to-buy-back-grant> (accessed January 4, 2022).

<sup>51</sup> Crisis and the National Housing Federation, “Housing supply requirements across Great Britain: for low-income households and homeless people,” November 2018, [https://www.crisis.org.uk/media/239700/crisis\\_housing\\_supply\\_requirements\\_across\\_great\\_britain\\_2018.pdf](https://www.crisis.org.uk/media/239700/crisis_housing_supply_requirements_across_great_britain_2018.pdf) (accessed October 13, 2021).

## II. A Crisis in Habitability

The significant rise in households living in temporary accommodation in recent years has caused a crisis in habitability. Local authorities are under considerable pressure to place people in accommodation without adequate financial resources and so are relying on substandard and overcrowded homes.

Habitability is a key component of the right to adequate housing. Housing must be habitable, with adequate space, and protect inhabitants from cold, damp, heat, rain, wind, and other threats to health, including structural hazards, and exposure to disease vectors.<sup>52</sup> However, Human Rights Watch found that people placed in temporary accommodation by their local council were facing numerous habitability problems, including dampness and mold, cold temperatures, and a lack of adequate space. The Building Research Establishment has estimated that the effects of poor-quality housing cost the National Health Service £1.4bn (US\$1.8 billion) per year to treat people.<sup>53</sup>

The government's Homelessness Code of Guidance advises local authorities in determining the suitability of temporary accommodation that:

Space and arrangement will be key factors. However, consideration of whether accommodation is suitable will require an assessment of all aspects ... in the light of the relevant needs, requirements and circumstances of the homeless person and their household ... A private rented property must not be regarded as suitable if the housing authority are of the view [that] it is not in a reasonable physical condition.<sup>54</sup>

Local authorities must consider this guidance but are not legally bound by it.

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<sup>52</sup> UN Committee on Economic, Social and Cultural Rights, General Comment No. 4, The Right to Adequate Housing, U.N. Doc. E/1992/23 (1991), para. 8(d).

<sup>53</sup> Building Research Establishment, "The Cost of Poor Housing in England," November 11, 2021, on file with Human Rights Watch.

<sup>54</sup> Department for Levelling Up, Housing & Communities, "Homelessness Code of Guidance for Local Authorities," February 2018, [https://assets.publishing.service.gov.uk/media/5ef9d8613a6f4023cf12fc67/current\\_Homelessness\\_Code\\_of\\_Guidance.pdf](https://assets.publishing.service.gov.uk/media/5ef9d8613a6f4023cf12fc67/current_Homelessness_Code_of_Guidance.pdf) (accessed September 4, 2021).

Temporary accommodation used by local authorities to house people can come in a variety of forms, such as houses, flats (apartments), hotels, hostels, converted offices, warehouses, or shipping containers. Around one-fifth of temporary accommodation is directly supplied by councils and registered housing associations. However, most is for-profit private sector housing,<sup>55</sup> in which case although the local authority has a duty to ensure that accommodation is suitable, the main duty of carrying out repairs falls on the landlord.

In the last decade, a lucrative for-profit temporary accommodation “market” has developed, with private landlords and providers increasingly offering homes on a nightly-paid basis. Councils have few options of where to place people and so are increasingly reliant on these.<sup>56</sup> This is most pronounced in London where households with children are most likely to be in private sector accommodation, or nightly paid self-contained accommodation.<sup>57</sup>

## Dampness and Toxic Mold

Human Rights Watch interviewed families who highlighted dampness and lack of ventilation in their temporary accommodation, which can lead to the growth of toxic mold, mycotoxins, fungi, and bacteria,<sup>58</sup> some of which can lead to serious conditions.<sup>59</sup>

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<sup>55</sup> Shelter, “Cashing In: How a shortage of social housing is fuelling a multimillion-pound temporary accommodation sector,” February 2020, [https://england.shelter.org.uk/professional\\_resources/policy\\_and\\_research/policy\\_library/briefing\\_cashing\\_in\\_-\\_how\\_a\\_shortage\\_of\\_social\\_housing\\_is\\_fuelling\\_a\\_multimillion-pound\\_temporary\\_accommodation\\_sector](https://england.shelter.org.uk/professional_resources/policy_and_research/policy_library/briefing_cashing_in_-_how_a_shortage_of_social_housing_is_fuelling_a_multimillion-pound_temporary_accommodation_sector) (accessed September 23, 2021).

<sup>56</sup> University of York Centre for Housing Policy, “Temporary Accommodation in London: Local Authorities under Pressure,” February 2016, <https://www.londoncouncils.gov.uk/sites/default/files/Temporary%20Accommodation%20in%20London%20report%20%20FINAL%20VERSION%20FOR%20PUBLICATION.pdf> (accessed October 18, 2021).

<sup>57</sup> Ministry of Housing, Communities & Local Government, “Statutory Homelessness Annual Report, 2019-20, England,” October 1, 2020, [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/923123/Annual\\_Statutory\\_Homelessness\\_Release\\_2019-20.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/923123/Annual_Statutory_Homelessness_Release_2019-20.pdf) (accessed September 2, 2021).

<sup>58</sup> World Health Organization, “WHO Guidelines for Indoor Air Quality: Dampness and Mould,” 2009, [https://www.euro.who.int/\\_\\_data/assets/pdf\\_file/0017/43325/E92645.pdf](https://www.euro.who.int/__data/assets/pdf_file/0017/43325/E92645.pdf) (accessed July 15, 2021).

<sup>59</sup> Saija Hyvönen, Jouni Lohi, and Tamara Tuuminen, “Moist and Mold Exposure is Associated With High Prevalence of Neurological Symptoms and MCS in a Finnish Hospital Workers Cohort,” *Safety and Health at Work* 11 (2020): 173-177, accessed October 18, 2021, doi: 10.1016/j.shaw.2020.01.003; William J. Fisk, Wanyu R. Chan, and Alexandra L. Johnson, “Does Dampness and Mold in Schools affect Health? Results of a Meta-Analysis,” *Indoor Air* 29 (2019): 895-902, accessed October 18, 2021, doi: 10.1111/ina.12588.

Children are at higher risk of complications from mold exposure, which has been recognized in the government’s own statutory guidance.<sup>60</sup> This can include severe allergic reactions, as well as a number of respiratory illnesses including asthma onset and exacerbation, coughing, wheezing, chest tightness, and shortness of breath.<sup>61</sup> Research has shown the link between indoor mold exposure and adverse respiratory health outcomes in children.<sup>62</sup> The Housing Ombudsman has said landlords often miss opportunities to address issues early and has called for a zero-tolerance approach to damp and mold.<sup>63</sup>



Mold growth on the wall of an apartment used as temporary accommodation to house a single mother and her child in Hackney, London, UK. © 2018 Steven Franck”

Mulki Ibrahim, her husband, and their three children, ages 1, 6, and 7, all live in a one-bedroom flat in Wandsworth, which the council owns. She said mold was a problem in every room, including above the bed where her oldest children sleep. She explained that because of how the property is built, it does not receive much natural light. She said the mold gets worse in winter as it is too cold to open the windows for ventilation. They have lived there for six years, despite it being “temporary” accommodation, and she says her 6-

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<sup>60</sup> The guidance states that the most vulnerable age group to damp and mold growth is all persons aged 14 years or under. Office of the Deputy Prime Minister, “Housing Health and Safety Rating System: Operating Guidance,” February 2006, [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/15810/142631.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/15810/142631.pdf) (accessed November 15, 2021); National Health Service, “Can damp and mould affect my health?” <https://www.nhs.uk/common-health-questions/lifestyle/can-damp-and-mould-affect-my-health/> (accessed October 18, 2021).

<sup>61</sup> World Health Organization, “WHO Guidelines for Indoor Air Quality: Dampness and Mould,” 2009, [https://www.euro.who.int/\\_\\_data/assets/pdf\\_file/0017/43325/E92645.pdf](https://www.euro.who.int/__data/assets/pdf_file/0017/43325/E92645.pdf) (accessed July 15, 2021).

<sup>62</sup> Temenujka Antova et al., “Exposure to indoor mould and children’s respiratory health in the PATY study,” *Journal of Epidemiology and Community Health* 62 (2008): 708-714, accessed September 15, 2021, doi: 10.1136/jech.2007.065896.

<sup>63</sup> Housing Ombudsman Service, “Spotlight on: Damp and mould,” October 2021, <https://www.housing-ombudsman.org.uk/wp-content/uploads/2021/10/Spotlight-report-Damp-and-mould-final.pdf> (accessed October 27, 2021).



Mold on the mattress and frame of Danielle's 2-year-old daughter and 9-year-old son's bed in temporary accommodation flat in Wandsworth, London, UK. © 2021 Private/Human Rights Watch

and 7-year-olds suffer chest pains and respiratory problems each year.

“Thankfully my youngest hasn’t had a chest infection yet, but I think he will start to get them soon.”<sup>64</sup>

Danielle C., a mother of two, also living in Wandsworth, was in a one-bed temporary accommodation flat for a year and a half until May 2021. She gave the only bed to her 2-year-old daughter and 9-year-old son, while she slept on the living room sofa. The flat

had a problem with mold, particularly above the children’s bed. Her son has asthma, which makes him susceptible to more severe complications from mold exposure.<sup>65</sup> When it flared

up, she could hear him coughing all night through the wall. Once she lifted the bed and found mold growing on the children’s mattress.<sup>66</sup>

Layla W. and her four daughters were placed by Southwark Council in out-of-borough temporary accommodation in Croydon (about 9 miles away) for three years until 2019. Her youngest daughter, “Israa,” was 6 years old when she moved into the house and did not have any pre-existing health conditions. The house had a problem with mold, and Layla said, “Israa’s bedroom was the worst room in the entire house, it was unimaginable.” She developed respiratory problems while living there and has recently been diagnosed with asthma and obstructive sleep apnea, as well as needing an operation on her nose in October 2020 to assist her irregular breathing.<sup>67</sup> Human Rights Watch has seen the letter from her doctor detailing her conditions and operation.

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<sup>64</sup> Human Rights Watch interview with Mulki Ibrahim, Wandsworth, August 4, 2021.

<sup>65</sup> O. Oluwole et al., “Indoor mold levels and current asthma among school-aged children in Saskatchewan, Canada,” *Indoor Air* 27 (2017): 311-319, accessed October 18, 2021, doi: 10.1111/ina.12304.

<sup>66</sup> Human Rights Watch interview with Danielle C., Wandsworth, August 5, 2021.

<sup>67</sup> Human Rights Watch interview with Layla W., Croydon, August 25, 2021.

Families said that if they raised this issue with the council, help was either limited or non-existent. Mulki said Wandsworth Council does visit to wash the mold off, but it always returns due to the underlying dampness and lack of ventilation. Danielle complained to Wandsworth Council and the landlord about the mold. The council advised her to remove some furniture, and the landlord told her to clean the children’s mattress with bleach, which itself can be a respiratory irritant particularly for children.<sup>68</sup> When Layla raised the issue of mold with Southwark Council, they told her it was only temporary accommodation, and she would not be there forever—she was in temporary accommodation for three years.

## Protection From the Cold

Human Rights Watch interviewed families who said their temporary accommodation did not adequately protect them from the elements, in particular the cold weather in winter, due to building defects or broken or substandard heating facilities.

According to research by the Institute of Health Equity, children living in cold homes are more than twice as likely to suffer from a variety of respiratory problems as children living in warm homes, and mental health is negatively affected by fuel poverty and cold housing for all age groups. More than one in four adolescents living in cold housing are at risk of multiple mental health problems. Cold housing also increases the level of minor illnesses, such as colds and flu, and can exacerbate existing conditions.<sup>69</sup>

Waltham Forest Council placed Patricia Leatham and her then 14-year-old son, Clarence, in a flat in a tower block in Waltham Forest in October 2019. For the first month, she said there were no working cooking facilities and only one working heater. Clarence described holes around the window frame in the bedroom, saying, “We were really high up in the tower, [so] the cold wind used to blow in. I remember being really cold every night.”<sup>70</sup>

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<sup>68</sup> Human Rights Watch interview with Danielle C., Wandsworth, August 5, 2021.

<sup>69</sup> Institute of Health Equity, “Health Equity in England: The Marmot Review Ten Years On,” February 2020, <https://www.health.org.uk/publications/reports/the-marmot-review-10-years-on> (accessed November 16, 2021).

<sup>70</sup> Human Rights Watch interview with “Clarence L.,” Waltham Forest, August 18, 2021.



Tower block used as temporary accommodation in Waltham Forest, London, UK, to house homeless families in September 2021. Clarence, 14, told Human Rights Watch that he could feel the cold wind through holes around the windows. © 2021 Alex Firth/Human Rights Watch

“Caroline B.,” a mother of two boys, ages 5 and 7, was placed in a hotel in Lambeth in September 2019 for six months by Croydon Council. She said the room was always cold and her two boys used to complain that they were freezing at night. She was unable to control the heating and when she bought her own small heater, the hotel manager told her she was not allowed to use it.<sup>71</sup>

“Kris S.,” a parent of a 5-year-old girl in Wandsworth, said their flat came with a very old boiler that did not function properly. Kris said, “it is not really a boiler, it’s a giant kettle ... In the winter I had to buy oil heaters” and described how hard it was to deal with the cold whenever the temperature dropped.<sup>72</sup>

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<sup>71</sup> Human Rights Watch interview with “Caroline B.,” Croydon, August 16, 2021.

<sup>72</sup> Human Rights Watch interview with “Kris S.,” Wandsworth, July 28, 2021.

## Overcrowding and Adequate Space

Overcrowding and a lack of adequate space is a problem across multiple types of housing in the UK, with those on a low income more likely to be affected.<sup>73</sup> Local authorities are under significant pressure to house more people who are homeless within their boroughs, which has been a factor leading to an increase in overcrowding. The rate of overcrowding is highest in London.<sup>74</sup>

The UN Committee on Economic, Social and Cultural Rights (CESCR) has adopted the definition of overcrowding of the UN Secretariat's Department of Economic and Social Affairs:<sup>75</sup> "dwellings with densities of three or more persons per room should be considered overcrowded under any circumstances."<sup>76</sup> The Committee considers exceeding this limit to contravene the right to adequate housing. The UN definition does not discriminate between adults and children when calculating levels of overcrowding.

However, under English law, there are two standards for determining overcrowding, which were first introduced in 1935, one of which can be met while still falling short of international human rights standards. The "room standard" is breached when two people over the age of ten, of "opposite sexes," who are not married or civil partners, must sleep in the same room, therefore it can be satisfied while exceeding the UN's limit. The "space standard" also accounts for the size of the room and has set measurements which are taken into account.<sup>77</sup> This is in line with the UN's limit, but authorities may choose which standard to apply. For these calculations, the law discriminates against children as those under the age of one do not count and those under age ten count as half a person.

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<sup>73</sup> Joseph Rowntree Foundation, "Non-decent housing and overcrowding," undated, <https://www.jrf.org.uk/data/non-decent-housing-and-overcrowding> (accessed September 20, 2021).

<sup>74</sup> House of Commons Library, "Overcrowded housing (England)," June 15, 2021, <https://researchbriefings.files.parliament.uk/documents/SN01013/SN01013.pdf> (accessed October 25, 2021).

<sup>75</sup> UN Committee on Economic, Social and Cultural Rights, "Views adopted by the Committee under the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, concerning communication No. 85/2018," E/C.12/69/D/85/2018, March 16, 2021, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2f69%2fD%2f85%2f2018&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2f69%2fD%2f85%2f2018&Lang=en) (accessed December 23, 2021), para. 11.4.

<sup>76</sup> UN Department of Economic and Social Affairs, "Principles and Recommendations for Population and Housing Censuses, Revision 2," 2008, [https://unstats.un.org/unsd/publication/seriesM/seriesm\\_67Rev2e.pdf](https://unstats.un.org/unsd/publication/seriesM/seriesm_67Rev2e.pdf) (accessed June 15, 2021).

<sup>77</sup> Housing Act 1985, Part X: Definition of overcrowding, <https://www.legislation.gov.uk/ukpga/1985/68/part/X/crossheading/definition-of-overcrowding> (accessed December 23, 2021), arts. 324-326.

Human Rights Watch interviewed several families who highlighted that lack of adequate space is a major problem in their homes. “Amaka N.,” a mother of three boys, ages 4, 7, and 9, lived for six months in a temporary accommodation studio flat in Lambeth. The room was so small that the four of them had to share one double bed. She said it made daily activities very difficult, and without space for a table, they ate all their meals on the floor. Lambeth Council placed her there in February 2020, and shortly after she became pregnant. She said the situation deteriorated when the pandemic started. “It was very, very hard for me in that small flat. The council just put me there and left me. When Covid started I saw hell. All we could do was stay at home all day with absolutely no space.”<sup>78</sup>

Most people who request housing support from their local authority are initially placed in a Bed and Breakfast (B&B) type accommodation, which is defined as accommodation which is not separate and self-contained premises and with shared facilities such as bathrooms or kitchens.<sup>79</sup> It is common for this to be a multi-room shared house with numerous families and single adults living there, so space is limited in the shared facilities.

Waltham Forest Council placed Nadia Zaman in a B&B style shared house in July 2021 following a breakdown in her marriage, which meant she struggled to pay rent. She was given a room for herself and her three children, two boys ages 4 and 8, and a girl aged 10. The room was small, but she was grateful to have three beds, with the two youngest children sharing a bed. There are 12 people in the 5-room house in total, with a shared kitchen and bathroom. Human Rights Watch conducted this interview soon after Nadia had moved in, she said tasks like getting ready for school are challenging, and she is worried about her youngest: “He is only four and has to wait in a queue with adults to use the toilet.”<sup>80</sup>

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<sup>78</sup> Human Rights Watch interview with “Amaka N.,” Lambeth, August 2, 2021.

<sup>79</sup> The Homelessness (Suitability of Accommodation) (England) Order 2003, No. 3326, <https://www.legislation.gov.uk/uksi/2003/3326/contents/made> (accessed December 23, 2021), art. 2.

<sup>80</sup> Human Rights Watch interview with Nadia Zaman, Waltham Forest, July 14, 2021.

Patricia was placed in a shared house in Waltham Forest with her 14-year-old son in September 2019 for 8 weeks. The five-room house contained fourteen people sharing one kitchen and bathroom. Patricia contacted the council asking if they were aware that this many people were sharing a bathroom and requested that they visit to check if it was suitable for children. However, as far as she was aware, no visit was ever carried out.<sup>81</sup>

Camden Council placed “Amadia H.,” a mother of 9-year-old twins, in a seven-room hostel in May 2019, with just two toilets for the twenty-five people living there. She said it was completely unhygienic and felt especially unsafe when the pandemic started. When she raised this issue with Camden Council, in response to the pandemic, they moved her to a self-contained flat.<sup>82</sup>



When Amelie’s partner left, the household income suddenly halved. After paying bills, she couldn’t afford to buy food. Amelie and her daughter, Jane, have moved into this temporary accommodation bed-sit in North London. The mother and daughter share a kitchen and bathroom with others. © 2018 Katy Wilson/Bedrooms of London

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<sup>81</sup> Human Rights Watch interview with Patricia Leatham, Waltham Forest, May 7, 2021.

<sup>82</sup> Human Rights Watch interview with “Amadia H.,” Camden, August 18, 2021.

In many cases, people are living in this accommodation for such significant periods of time that it cannot be deemed temporary. Human Rights Watch interviewed people whose placements ranged from six months up to eight years. The extended length of time that people can be placed in temporary accommodation can compound habitability problems, such as a lack of adequate space.

Mulki was originally placed in a one-bedroom temporary accommodation flat by Wandsworth Council when it was just herself, her husband, and their 1-year-old daughter. However, during six years in the same accommodation the family has grown, with two more children. There are now five of them sharing the one-bedroom flat. Her two sons, ages 6 and 1, have spent their entire childhood in temporary accommodation. They have two beds in the bedroom, one double and one single. Mulki shares the double bed with her two youngest sons. Her eldest daughter sleeps in the single bed, and her husband on the sofa in the living room.<sup>83</sup>



A studio room temporary accommodation which “Stella” shares with her 8-year-old girl and 7-year-old boy in Croydon, London, UK, in August 2021. © 2021 Private/Human Rights Watch

The government’s Homelessness Code of Guidance advises local authorities they have “a continuing obligation to keep the suitability of accommodation under review, and to respond to any relevant change in circumstances which may affect suitability, until such time as the accommodation duty is brought to an end.”<sup>84</sup>

<sup>83</sup> Human Rights Watch interview with Mulki Ibrahim, Wandsworth, August 4, 2021.

<sup>84</sup> Department for Levelling Up, Housing & Communities, “Homelessness Code of Guidance for Local Authorities,” February 2018,

## Scotland's Approach to Habitable Temporary Accommodation

Scotland is comparable to England in how local authorities are obliged to provide people who are threatened with homelessness, or have recently become homeless, with temporary accommodation.

However Scottish protections are different as they include specific mentions of habitability standards. The Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014, states that accommodation is unsuitable if it is “not wind and watertight” or “not suitable for occupation by children.”<sup>85</sup> It also states that accommodation is unsuitable if it lacks adequate bedrooms, adequate toilet and personal washing facilities for the exclusive use of the household, does not have use of adequate cooking facilities, or does not have use of a living room,<sup>86</sup> which the guidance elaborates is for the purpose of allowing children a space to play and do homework.<sup>87</sup>

In addition, the law on habitability in Scotland is being strengthened. The government has announced progressive plans to enact legislation by turning the new advisory standards found in its guidance into legislation. This will create a legally enforceable temporary accommodation standards framework based on the current advisory standards. This includes complying with all relevant housing quality standards, minimum levels of furniture to meet needs, sufficient and affordable heating systems, and access to digital technologies (Wi-Fi).<sup>88</sup>

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[https://assets.publishing.service.gov.uk/media/5ef9d8613a6f4023cf12fc67/current\\_Homelessness\\_Code\\_of\\_Guidance.pdf](https://assets.publishing.service.gov.uk/media/5ef9d8613a6f4023cf12fc67/current_Homelessness_Code_of_Guidance.pdf) (accessed September 4, 2021).

<sup>85</sup> The Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014, No. 243, <https://www.legislation.gov.uk/ssi/2014/243/article/4/made> (accessed December 23, 2021), art. 4.

<sup>86</sup> The Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014, No. 243, <https://www.legislation.gov.uk/ssi/2014/243/article/5/made> (accessed December 23, 2021), art. 5.

<sup>87</sup> Minister for Local Government, Housing and Planning, “Code of Guidance on Homelessness: Guidance on legislation, policies and practices to prevent and resolve homelessness (Interim Update),” November 2019, [tinyurl.com/3fdhheda](https://tinyurl.com/3fdhheda) (accessed September 29, 2021), p. 72.

<sup>88</sup> *Ibid.*, pp. 112-113.

There is a need to consult on the creation of a similar standards framework for temporary accommodation in England, which would ensure all temporary accommodation is both habitable and compliant with the right to adequate housing.

### III. Adverse Impact on Education

Living in poor quality and substandard temporary accommodation has an adverse effect on children’s ability to enjoy their right to education.<sup>89</sup> There is a sizeable attainment gap in education between children from low-income backgrounds and those from richer households in the UK. The gap begins in the early years and grows wider at every following stage of education.<sup>90</sup>

#### Substandard Accommodation and Space

The substandard nature of the accommodation often has a direct impact on children’s ability to learn. Negative effects on health can affect attendance and performance at school.

“Lisa N.,” a mother of a young boy living in a metal container apartment block in Wandsworth from June 2018 to June 2020, before being permanently housed by Wandsworth Council. She experienced constant cold temperatures in the winter, and mold on the walls. She said her son was often sick with breathing problems and only had a 60 percent attendance rate in nursery and early education. She said this is when you “learn very basic but important skills, such as counting, spelling, and social skills. My child still doesn’t have this, it feels like the foundation is missing.”<sup>91</sup>

“Jada T.,” a 15-year-old girl living in the same block in Wandsworth between April 2017 and April 2020, said that due to the metal walls it was always cold in the winter, even with the heating on. Her bed was next to a wall which had rusted and cracked, letting cold air in. Her mother said Jada was not breathing properly at the time and was often feeling dizzy. She was then diagnosed with pneumonia and recurring chest infections. Because of the

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<sup>89</sup> Shelter, “The Impact of Homelessness and Bad Housing on Children’s Education: A View from the Classroom,” 2018, [https://assets.ctfassets.net/6sxvmndnunos/AZvOBS2tanDweEVocKiiP/71a9a9d622c24680c358fb49b7c7094c/Teachers\\_Research\\_Report.pdf](https://assets.ctfassets.net/6sxvmndnunos/AZvOBS2tanDweEVocKiiP/71a9a9d622c24680c358fb49b7c7094c/Teachers_Research_Report.pdf) (accessed July 23, 2021).

<sup>90</sup> Education Endowment Foundation, “The Attainment Gap 2017,” January 2018, [https://educationendowmentfoundation.org.uk/public/files/Annual\\_Reports/EEF\\_Attainment\\_Gap\\_Report\\_2018.pdf](https://educationendowmentfoundation.org.uk/public/files/Annual_Reports/EEF_Attainment_Gap_Report_2018.pdf) (accessed August 3, 2021).

<sup>91</sup> Human Rights Watch interview with “Lisa N.,” Wandsworth, August 19, 2021.

illness, her mother sent her to live with family outside of London and she missed two months of school.<sup>92</sup> Jada said,

I just felt myself slowly getting sick, I was coughing a lot and my breathing got more and more heavy. I just remember it being really cold all the time and hard to sleep at night. I felt so worn down and missed a lot of school.<sup>93</sup>

The specific effects that poor quality housing has on children’s education were even more pronounced during the Covid-19 pandemic, which resulted in school closures. Teaching for most pupils moved online, but many children did not have the same learning environment, tools, or access needed to keep on learning effectively during the pandemic. As a result, school closures did not affect all children equally.

The lack of physical space means it is difficult for children to concentrate or find a quiet environment to do their work, with multiple children often having to share the same small room. A lack of space can also mean no room for furniture such as a table or a desk. Amaka N., a mother of three school-age boys living in a studio flat in Lambeth, said they all had to work on the floor because there was nowhere else. They took turns sharing her phone to listen to the lessons, but the lack of space made it hard to concentrate.<sup>94</sup>

“Basma B.” and her four children, aged 2 to 13, lived in temporary accommodation in a hotel in Croydon for nine months in 2021. They had two bedrooms and a living room but very limited space. Basma said it was very difficult having three children trying to do online learning in a confined space. “It was hard for them to concentrate in the tiny room and with all the noise. I don’t think they did much learning at all ... They are behind in class now, and I’m not sure if they will catch up.”<sup>95</sup>

The Childhood Trust has conducted research into the effects of adding new and functional furniture items to families’ poor-quality accommodation to assist in children’s study. This research found that the effect was overwhelmingly positive, with the majority of

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<sup>92</sup> Human Rights Watch interview with Ruth E., Wandsworth, August 11, 2021.

<sup>93</sup> Human Rights Watch interview with “Jada T.,” Wandsworth, August 13, 2021.

<sup>94</sup> Human Rights Watch interview with “Amaka N.,” Lambeth, August 2, 2021.

<sup>95</sup> Human Rights Watch interview with “Basma B.,” Croydon, August 16, 2021.

participants highlighting the utility of a desk, especially in aiding children with their studying and schoolwork.<sup>96</sup>

## Digital Divide

The digital divide has an adverse effect on children's education, which is evident for those living in temporary accommodation. Effective distance learning requires access to capable devices and reliable, affordable, and accessible internet. However, the majority of interviewees stated that their temporary accommodation lacked a broadband connection. Some parents spoke of the frustration not only with the lack of Wi-Fi, but also the specific rules against installing it, usually instituted by the owner of the accommodation.

In some types of temporary accommodation, such as converted industrial estates or shipping containers, installing broadband internet in individual homes may present challenges. However, despite this, alternative options do exist including dongles and tethering, which can be used to ensure an internet connection is available for people.

Fiona McLeod, a mother of a 16-year-old boy, was living in temporary accommodation in a converted building on a trading estate in Hackney in February 2018. She was told by the letting (renting) agent that she was not allowed to install internet there and so her son was often unable to do homework. Once when he had tried to explain his situation, his teacher refused to believe that he did not have Wi-Fi and humiliated him in front of the class.<sup>97</sup>

"Monica A.," a mother of two living in an apartment block in Wandsworth, said she was prohibited from installing Wi-Fi by the council when she moved into the block in 2018. She said the lack of an internet connection has affected her 12-year-old daughter's performance in school, whose grades dropped after moving there.<sup>98</sup>

The speed and quality of internet is also important to overcoming digital divides. For children living in accommodation with poor connectivity, unreliable internet services significantly affect their ability to learn online. This can affect children's ability to do

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<sup>96</sup> The Childhood Trust, "A Qualitative Evaluation of The Childhood Trust's Decorate A Child's Life Programme," May 2021, <https://www.childhoodtrust.org.uk/wp-content/uploads/2021/11/A-Qualitative-Evaluation-of-the-Decorate-A-Childs-Life-Programme-1.pdf> (accessed November 10, 2021).

<sup>97</sup> Human Rights Watch interview with Fiona McLeod, Hackney, August 3, 2021.

<sup>98</sup> Human Rights Watch interview with "Monica A.," Wandsworth, August 15, 2021.

schoolwork at home, but when the schools closed due to Covid-19 and learning moved online, students' digital exclusion deepened.

Clarence L., a 14-year-old boy living in a flat in Waltham Forest, said that when the schools closed and learning moved online due to Covid-19, it was much harder for him to participate in class. He said the building he lived in had Wi-Fi, however it was poor quality and he struggled to connect to the lessons. "I think I learnt less than I normally would have because of this," he said. "I have had to do a summer school to try and catch up."<sup>99</sup>

Multiple parents spoke of how they relied on charities to help them gain access to the internet and of having to pay for plans that provided additional data so their children could continue their education. Bouchra S., a mother of two, ages 8 and 11, living in Croydon, said she had to upgrade her phone plan, which increased from £40 to £60 (US\$55 to \$82) a month.<sup>100</sup>

"Caroline B.," a mother of two boys, said her data costs increased from £50 to £95 (\$68 to \$130) a month.<sup>101</sup> Amaka N., a mother of three in Lambeth, said, "I was using my phone data, but each time it ran out we just stopped because I didn't have enough money. I had to just pick one or two exercises ... because I couldn't afford for them to do any more."<sup>102</sup>

In response to Human Rights Watch's concerns, the Department for Education stated in a letter that "we are committed to building back better for vulnerable children, young people, and their families after the COVID-19 pandemic, and we have made a significant investment to ensure that all children receive the support that they need to thrive."<sup>103</sup> It is important this includes children living in temporary accommodation or other forms of substandard housing and that educational resources are strategically allocated to these groups.

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<sup>99</sup> Human Rights Watch interview with "Clarence L.," Waltham Forest, August 18, 2021.

<sup>100</sup> Human Rights Watch interview with Bouchra S., Croydon, August 4, 2021.

<sup>101</sup> Human Rights Watch interview with "Caroline B.," Croydon, August 16, 2021.

<sup>102</sup> Human Rights Watch interview with "Amaka N.," Lambeth, August 2, 2021.

<sup>103</sup> Letter from the Department for Education to Human Rights Watch, December 7, 2021 (on file).

## IV. Inadequate or Unsafe Spaces to Play

Temporary accommodation is often unfit for children to play and enjoy recreational time. This can affect children of any age, from toddlers learning to crawl and use space, to teenagers exercising. The Convention on the Rights of the Child guarantees “the right of the child to engage in play and recreational activities appropriate to the age of the child.”<sup>104</sup>

Play and recreation is essential to the health and well-being of children and helps promote the development of physical, social, cognitive, and emotional skills. Play is crucial for healthy brain development, and it is through play that children at a very early age engage and interact in the world around them, contributing to all aspects of learning.<sup>105</sup> The Committee on the Rights of the Child, which oversees implementation of children’s rights, has stated: “insecure or overcrowded conditions, unsafe and unsanitary environments ... all serve to limit or deny children the opportunity to enjoy their rights.”<sup>106</sup>

Families told Human Rights Watch that a lack of space was a recurrent problem, affecting the ability of young children to enjoy their right to play. If temporary accommodation is shared with others, for example a B&B or a hotel, it is common for there to be rules restricting where children are allowed to play. Stella A., a mother of two placed in one room in a hotel in Croydon, said their lack of play space in the room is made worse by the fact the management have rules up saying children are not allowed in the garden, or in the corridor to play.<sup>107</sup> Croydon Council responded to this concern stating they have “discussed at length the option of play areas in the building but there are safeguarding concerns and risks regarding children being left unsupervised.”<sup>108</sup>

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<sup>104</sup> UN Convention on the Rights of the Child, adopted November 20, 1989, G.A. Res. 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989), entered into force September 2, 1990, art. 27(3).

<sup>105</sup> Kenneth R. Ginsburg, “The Importance of Play in Promoting Healthy Child Development and Maintaining Strong Parent-Child Bonds,” *American Academy of Pediatrics* 119 (2007): 182-191, doi: 10.1542/peds.2006-2697.

<sup>106</sup> UN Committee on the Rights of the Child, “General comment No. 17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts (art. 31),” CRC/C/GC/17, April 17, 2013, <https://www.refworld.org/docid/51ef9bcc4.html> (accessed December 23, 2021), para. 26.

<sup>107</sup> Human Rights Watch interview with Stella A., Croydon, August 4, 2021.

<sup>108</sup> Email from Croydon Council to Human Rights Watch, October 5, 2021 (on file).



“Monica” and her youngest daughter, age 5, in their temporary accommodation flat in Wandsworth, London, UK, in January 2022. There is very limited space for the family of three, including nowhere suitable for the children to play. © 2022 Alex Firth/Human Rights Watch

Monica A., a mother of two in an apartment block in Wandsworth, said her 5-year-old daughter struggles with the lack of play space, and that there is just enough space on the floor for her to maneuver around. She said the nearest park for them is not within walking distance.<sup>109</sup>

Francesca J., a mother of a 3-year-old girl, was placed in a single room in Lewisham by Southwark Council. She said, “space to play is a luxury,” and her daughter had to just sit on the floor next to the bed with nothing to do all day.<sup>110</sup>

“Nadine I.,” a mother of a 3-year-old girl who has lived her whole life so far in temporary accommodation, lives in a single room in a shared 3-bedroom house in Redbridge. Lack of space is a real issue; they cook their meals in the shared kitchen and have to eat on their bed since there isn’t space for a table. Her daughter has nowhere to play. She says the

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<sup>109</sup> Human Rights Watch interview with “Monica A.,” Wandsworth, August 15, 2021.

<sup>110</sup> Human Rights Watch interview with Francesca J., Lewisham, August 13, 2021.

house has a garden, but it is overgrown with weeds and bushes, so it is inaccessible, and they are not near any parks or playgrounds.

Nadine said her daughter has a few toys, “but there is no space for them ... She takes a nap or watches kids’ programs on my phone; we don’t have space for a television.” Nadine is worried the effect this is having on her child. She said her daughter gets “very upset when she visits a friend’s house and sees that they have their own room. It is hard for me to give her an answer when she asks why she can’t have that.”<sup>111</sup>

Anita O. has been living in temporary accommodation for over a year but was recently moved to a self-contained room in Croydon in May 2021. She has two boys, ages 2 and 3, and is pregnant, expecting a third child. They all share one room which contains their sleeping, living, and kitchen facilities. Her 3-year-old son is getting weekly speech and behavioral therapy sessions to help with his communication and his ability to learn to walk. Anita said, “there is no space to move or for the kids to play. My boys are growing, and they have so much energy. My son ... needs more space than this, he doesn’t like being in cramped spaces, but this is his life.”<sup>112</sup>

## Safe Spaces to Play

The lack of safe and uncrowded areas for children to play can also be dangerous. Caroline B., a mother of two boys, ages 5 and 7, lives in a single room in a hotel in Croydon. She is concerned because the kitchen facilities are located in the bedroom with them. She said her youngest once accidentally knocked into the stove while playing, causing a pot of boiling water to fall on him. He suffered injuries as a result of this but has fully recovered now.<sup>113</sup>

Danielle C., a mother of two, lived in a one-bed flat in Wandsworth, and said the lack of floor space for herself and her two young children was dangerous. The living room was at the top of a steep staircase, and the only place to play was at the top of the stairs. Her

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<sup>111</sup> Human Rights Watch interview with “Nadine I.,” Redbridge, August 3, 2021.

<sup>112</sup> Human Rights Watch interview with Anita O., Croydon, August 20, 2021.

<sup>113</sup> Human Rights Watch interview with “Caroline B.,” Croydon, August 16, 2021.

daughter was only 2 years old when she leaned on the baby gate while playing, and it snapped causing her to fall down the stairs.<sup>114</sup> Danielle said her daughter was unhurt.

A mother of three young boys, Amaka, was living in a one-bed flat in Lambeth. The flat was on an upper floor in a multi-story block and had one large window with a broken safety latch. She said she was constantly scared that her children would fall out. “The window was very easy for my kids to reach, and they would often play with it so I had to watch it all the time.”<sup>115</sup>

The lack of safe spaces affects children of all ages living in temporary accommodation. In an apartment block in Wandsworth, there was a disused tarmac area that children used as a playground. However, families have said that it was not at all appropriate or safe. The area is made up of concrete, bits of metal, and a large tunnel in the middle. Jada, a 15-year-old girl, said she and other children “used to climb on it but it was dangerous. I wanted to play basketball but all we had was a broken pipe to use as a hoop.”<sup>116</sup>

Wandsworth Council had previously rejected a request for the area to be converted into a playground by the residents living there, reportedly stating that since a lot of children in the hostel would want to use the playground “it could lead to disagreements” and also that the site was just “too small and too close to other residential buildings to be suitable for a playground.”<sup>117</sup> Human Rights Watch visited the site in September 2021 and verified that the dangerous elements had been removed, however there is still no area which is suitable or designed for children to play.

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<sup>114</sup> Human Rights Watch interview with Danielle C., Wandsworth, August 5, 2021.

<sup>115</sup> Human Rights Watch interview with “Amaka N.,” Lambeth, August 2, 2021.

<sup>116</sup> Human Rights Watch interview with “Jada T.,” Wandsworth, August 13, 2021.

<sup>117</sup> Grainne Cuffe, “Wandsworth Council denies request for playground for Nightingale Square homeless shelter in Tooting,” *Sutton & Croydon Guardian*, January 25, 2017, <https://www.yourlocalguardian.co.uk/news/15047427.wandsworth-council-denies-request-for-playground-for-nightingale-square-homeless-shelter-in-tooting/> (accessed October 1, 2021).



Temporary accommodation block in Wandsworth, London, UK, in September 2021. © 2021 Alex Firth/Human Rights Watch

Next to the apartment block is a private park, owned jointly by the residents living in the area. This is not open to the children living in temporary accommodation. Jada’s mother, Ruth E., said that this private park is where the “other local children play, but our kids were not allowed in there. It was sad to hear these other kids having fun all day while ours had to just watch them.”<sup>118</sup>

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<sup>118</sup> Human Rights Watch interview with Ruth E., Wandsworth, August 11, 2021.

## V. Lack of Local Authority Support

All those interviewed by Human Rights Watch mentioned the lack of support they received from the local authorities after being placed in temporary accommodation. They said that they either received no response to complaints, or that the response was unhelpful and lacking empathy. People also told Human Rights Watch that they found the whole process confusing and were often unsure whom to direct problems to.

Some people claimed that they just never heard from the council when raising concerns about their housing. Danielle C. in Wandsworth said, “You don’t get any contact from the council. They drop you somewhere and then just leave you to it. I had a housing officer at first, but I don’t even have her number anymore. I spoke to her once.”<sup>119</sup> Aayan H. was placed in a house in Croydon by Lambeth Council. She said, “[the council] gave me a key and that was the last day that I ever heard from them.”<sup>120</sup>

When local authorities did respond to concerns, people overwhelmingly said that they were unhelpful and lacked empathy. In Croydon and Wandsworth, two mothers said that after raising habitability problems with their local authorities, they were told they should be thankful they have a roof over their heads and that they are not sleeping on the streets.<sup>121</sup> In response to this, Croydon Council highlighted that they are currently working on a staff training and development program, aimed at “ensuring good customer service is paramount.”<sup>122</sup>

A former Assistant Director of Housing of a London council claimed that most people are treated without compassion. He described it as “a different type of hostile environment. Because homeless people are desperate, and the poorest, they are very vulnerable to being pushed around.”<sup>123</sup>

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<sup>119</sup> Human Rights Watch interview with Danielle C., Wandsworth, August 5, 2021.

<sup>120</sup> Human Rights Watch interview with Aayan H., Croydon, August 25, 2021.

<sup>121</sup> Human Rights Watch interview with “Basma B.,” Croydon, August 16, 2021; Human Rights Watch interview with “Lisa N.,” Wandsworth, August 19, 2021.

<sup>122</sup> Letter from Croydon Council to Human Rights Watch, September 24, 2021 (on file).

<sup>123</sup> Human Rights Watch interview with Peter O’Kane, former Assistant Director of Housing, London, June 1, 2021.

One mother, Francesca J., was placed by Lewisham Council on the top floor of a shared house despite the fact she has osteoarthritis in her spine. She said she struggled to carry her daughter’s buggy (stroller) up the four flights of stairs and when she raised this with the council, they told her that if she was in pain, she should see a doctor. She said, “No one speaks to you like you are a human being. I know what people think about people like me. We’re still human, we still deserve to be treated with a bit of compassion. We are normal people who have fallen on some hard times.”<sup>124</sup>

In several cases, parents spoke of their complete despair at their inability to get their situation resolved and spoke about instances of suicidal thoughts as a result. Pamela C., a mother of four children in Croydon, said that after spending successive Covid-19 lockdowns in her temporary accommodation, she felt unable to cope. “I just want a better place to live. I am in a house, but feel homeless ... I want my kids to grow up and live like proper kids. I want us to live like humans again.”

## Local Authority Inspections

The Homelessness Code of Guidance advises housing authorities to ensure that all privately rented temporary accommodation “is visited by a local authority officer or someone acting on their behalf able to carry out an inspection. Attention should be paid to signs of damp or mould and indications that the property would be cold as well as to a visual check made of electrical installations and equipment.”<sup>125</sup> Local authorities are also expected to maintain and inspect their own housing stock to the same standard as they enforce against others and should have due regard of the guidance in their functions as landlords.<sup>126</sup>

However, local authorities are not under a duty to carry out full inspections and most people interviewed said they had never seen their local authority carry out an inspection of the accommodation they were living in, including when they requested it.

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<sup>124</sup> Human Rights Watch interview with Francesca J., Lewisham, August 13, 2021.

<sup>125</sup> Department for Levelling Up, Housing & Communities, “Homelessness Code of Guidance for Local Authorities,” February 2018, [https://assets.publishing.service.gov.uk/media/5ef9d8613a6f4023cf12fc67/current\\_Homelessness\\_Code\\_of\\_Guidance.pdf](https://assets.publishing.service.gov.uk/media/5ef9d8613a6f4023cf12fc67/current_Homelessness_Code_of_Guidance.pdf) (accessed September 4, 2021).

<sup>126</sup> Department for Levelling Up, Housing & Communities, “Guidance for local authorities,” last updated October 13, 2021, <https://www.gov.uk/government/publications/covid-19-and-renting-guidance-for-landlords-tenants-and-local-authorities/guidance-for-local-authorities> (accessed November 16, 2021).

Local authority inspections can be carried out by an environmental health officer specifically trained to check for hazards under the Housing Health and Safety Rating System (HHSRS). This is a risk-based evaluation tool, introduced in 2004, to help local authorities identify potential risks and hazards. If the officer finds a serious hazard, considered a Category 1 hazard, then the local authority will be under a duty to take action. This includes issues such as damp and mold growth, excess cold or heat, crowding and inadequate space, electrical hazards, and risk of structural collapse.<sup>127</sup>

There are also Category 2 hazards which are not considered as serious. For these hazards local authorities are still able to take action if they think it necessary but are not compelled to. This includes potential risk of burns, electric shocks, or falls (including lack of protections, such as baby gates on staircases).

Research has shown that cuts to local authority budgets have resulted in insufficient inspections by the local authorities taking place across London.<sup>128</sup> Due to lack of funding, local authorities are instead having to rely on the letting agents, who are not specifically trained to spot hazards, to conduct the inspections.. There is also a conflict of interest, as they may have a financial interest in seeing the property being rented. Peter Gibson, an environmental health officer, told Human Rights Watch that austerity cuts to council budgets have impacted the situation greatly over the last ten years: “If you don’t invest in the public services, in the regulation, then standards are going to slip.”<sup>129</sup>

In October 2018, the government announced that the HHSRS would be reviewed to consider whether it should be updated, and to what extent. The review will also look at

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<sup>127</sup> Department for Communities and Local Government, “Housing Health and Safety Rating System: Guidance for Landlords and Property Related Professionals,” May 2006, [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/9425/150940.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/9425/150940.pdf) (accessed September 28, 2021).

<sup>128</sup> Shelter, “Can’t complain: why poor conditions prevail in private rented homes,” March 2014, [https://assets.ctfassets.net/6sxvmndnunos/xndVNspFXtIoldOF3JQRC/e90236b995fa69eb5cc2bf87f7794fff/6430\\_04\\_9\\_Million\\_Renters\\_Policy\\_Report\\_Proof\\_10\\_opt.pdf](https://assets.ctfassets.net/6sxvmndnunos/xndVNspFXtIoldOF3JQRC/e90236b995fa69eb5cc2bf87f7794fff/6430_04_9_Million_Renters_Policy_Report_Proof_10_opt.pdf) (accessed September 28, 2021); Caroline Pidgeon MBE AM, “Rogue Landlords in London: A survey of local authority enforcement in the private rented sector,” October 2016, [https://www.london.gov.uk/sites/default/files/rogue\\_landlords\\_in\\_london\\_-\\_a\\_survey\\_of\\_local\\_authority\\_enforcement\\_in\\_the\\_private\\_rented\\_sector.pdf](https://www.london.gov.uk/sites/default/files/rogue_landlords_in_london_-_a_survey_of_local_authority_enforcement_in_the_private_rented_sector.pdf) (accessed September 28, 2021).

<sup>129</sup> Human Rights Watch interview with Peter Gibson, Environmental Health Officer, September 29, 2021.

whether to introduce minimum standards for common health and safety problems in rental accommodation.<sup>130</sup>

One of the ways that local authorities in London are trying to address this is with initiatives such as “Setting the Standard,” which is a newly created London-wide program to ensure temporary accommodation used by local authorities meets a decent level of quality and management standards. It is a shared service that 31 London boroughs have signed up to, establishing a central inspections team of trained environmental health officers. Local authorities can subscribe to the service, which is partly funded by the government, as well as the Greater London Authority. The one major drawback is that this program is limited to nightly-paid B&Bs and studio apartments only.<sup>131</sup>

There is a need to expand the service to cover all privately rented temporary accommodation in London that houses families, which will require increased funding from the government and the Greater London Authority.

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<sup>130</sup> “Greater protection for renters thanks to plans to tighten tenant safety,” Ministry of Housing, Communities & Local Government press release, October 26, 2018, <https://www.gov.uk/government/news/greater-protection-for-renters-thanks-to-plans-to-tighten-tenant-safety> (accessed November 16, 2021).

<sup>131</sup> Alex Sewell, “Setting the Standard,” London Councils, <https://www.londoncouncils.gov.uk/our-key-themes/housing-and-planning/setting-standard> (accessed August 24, 2021).

## VI. Legal Standards

Under international human rights law binding on the United Kingdom, the right to adequate housing is a core component of the right to an adequate standard of living.

### Universal Declaration of Human Rights

The Universal Declaration of Human Rights (UDHR) places the right to housing within the broader concept of a “right to an adequate standard of living”:

Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.<sup>132</sup>

The UK voted for the adoption of the UDHR on December 10, 1948, and one of its drafters was a British representative.

### International Covenant on Economic, Social and Cultural Rights

The International Covenant on Economic, Social and Cultural Rights (ICESCR)—signed by the UK in 1968 and ratified in 1976—is the fundamental international treaty governing socioeconomic rights.

Article 11 of the ICESCR sets out the concept of an “adequate standard of living”:

The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure

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<sup>132</sup> Universal Declaration of Human Rights, adopted December 10, 1948, G.A. Res. 217A(III), U.N. Doc. A/810 at 71 (1948), art. 25.

the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.<sup>133</sup>

The UK government is obliged by the same treaty to ensure the implementation of all the rights in the treaty, “by all appropriate means, including particularly the adoption of legislative measures” and to do so “to the maximum of its available resources.”<sup>134</sup>

The UN Committee on Economic, Social and Cultural Rights (CESCR), which oversees states’ compliance with economic and social human rights, interprets the right to adequate housing as “the right to live somewhere in security, peace, and dignity.”<sup>135</sup> International law obliges the UK to take steps, especially economic and technical, to the maximum of its available resources, to progressively realize the right to adequate housing. In turn, this entails that they avoid, wherever possible, retrogressive policies and practices that will harm rights protected under the treaty, including the right to housing; any such measures need to be fully justified by reference to the totality of rights protected by the ICESCR.<sup>136</sup> Housing must be habitable, with adequate space and protecting inhabitants from cold, damp, heat, rain, wind, or other threats to health, structural hazards, and disease vectors.<sup>137</sup>

According to the Committee on Economic, Social and Cultural Rights, in certain circumstances, states may be able to demonstrate that, despite having made every effort, to the maximum of available resources, it has been impossible to offer a permanent, alternative residence to a person who needs it. In such circumstances, temporary accommodation that does not meet all the requirements of an adequate housing alternative may be used. However, states must endeavor to ensure that the temporary accommodation protects human dignity, meets all safety and security requirements, and

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<sup>133</sup> International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3, entered into force January 3, 1976, art. 11(1).

<sup>134</sup> *Ibid.*, art. 2(1).

<sup>135</sup> UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 4, The Right to Adequate Housing, U.N. Doc. E/1992/23 (1991), para 7.

<sup>136</sup> CESCR, General Comment No. 3, The Nature of States Parties’ Obligations, U.N. Doc. E/1991/23 (1990), para. 9.

<sup>137</sup> *Ibid.*, para. 8(d).

does not become a permanent solution but is a step towards obtaining permanent adequate housing.<sup>138</sup>

## The European Social Charter

At the level of the European Council, article 31 of the revised European Social Charter 1996 explicitly recognizes the right to housing, including promoting access to housing of an adequate standard, preventing and reducing homelessness, and ensuring affordability for those without adequate resources.<sup>139</sup> The UK has so far failed to ratify this revised Charter, claiming it contains “a large number of rights of very general scope” so individual complaints cannot be taken against the UK to this body, although the UK government does report back periodically to the European Committee of Social Rights on the parts of the earlier 1961 European Social Charter, which it has accepted.<sup>140</sup>

## The Convention on the Rights of the Child

The Convention on the Rights of the Child guarantees that all children should be protected from discrimination of any kind and that in all actions taken by the state, the best interests of the child should be a primary consideration. All children also have a right to a standard of living adequate for the child’s physical, mental, spiritual, moral and social development. Parents have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child’s development. But states shall also take appropriate measures to assist families, and in case of need, provide material assistance and support programs with regard to housing.<sup>141</sup>

The Committee on the Rights of the Child has highlighted the importance of adequate housing for children’s health and well-being. They outline that this includes non-

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<sup>138</sup> CESCR, “Views adopted by the Committee under the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, concerning communication No. 8,” E/C.12/69/D/85/2018, March 16, 2021, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2f69%2fd%2f85%2f2018&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2f69%2fd%2f85%2f2018&Lang=en) (accessed December 23, 2021).

<sup>139</sup> European Social Charter (Revised), Council of Europe, 1996, <https://rm.coe.int/168007cf93> (accessed December 23, 2021), art. 31.

<sup>140</sup> See “Signatures and Ratifications” page of the Council of Europe’s European Social Charter website, <https://www.coe.int/en/web/european-social-charter/signatures-ratifications> (accessed November 15, 2021).

<sup>141</sup> UN Convention on the Rights of the Child, adopted November 20, 1989, G.A. Res. 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989), entered into force September 2, 1990, art. 2, 3, 27(3).

dangerous cooking facilities, a smoke-free environment, appropriate ventilation, effective management of waste, and the absence of mold and other toxic substances.<sup>142</sup>

## The Status of the Right to Housing in the United Kingdom

The United Kingdom has been repeatedly criticized by the CESCR for failing to incorporate the ICESCR treaty into domestic law and give those whose rights are violated an effective remedy. Such an effective remedy, as with the incorporation of rights under the European Convention of Human Rights, would normally be both legal (judicial) and administrative. It would mean the government would accept it is legally bound to ensure everyone within the country has a right to housing, and that when the government violates this right those affected can take action. As a party to ICESCR the UK has a duty to ensure such effective remedies for violations of the treaty.<sup>143</sup>

In March 2021, the Scottish Government announced plans to incorporate the International Covenant on Economic, Social and Cultural Rights into Scots Law, which would include a right to adequate housing.<sup>144</sup>

Successive UK governments have failed to enshrine the right to housing, or a broader package of economic and social rights into domestic law. The current justice secretary, Dominic Raab, has previously on record stated that he does “[not] believe in economic and social rights.”<sup>145</sup>

Successive UK governments have also failed to give people within the country the right to take action against the UK at an international level concerning violations of the right to housing, in particular by not ratifying the protocol to ICESCR that allows such complaints to the UN expert body.

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<sup>142</sup> UN Committee on the Rights of the Child, “General comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health (art. 24),” CRC/C/GC/15, April 17, 2013, <https://www.refworld.org/docid/51ef9e134.html> (accessed December 23, 2021), para. 49.

<sup>143</sup> UN Committee on Economic, Social and Cultural Rights, General Comment 9: The domestic application of the covenant, U.N. Doc. E/C.12/1998/24, December 3, 1998.

<sup>144</sup> “New Human Rights Bill,” Scottish Government press release, March 12, 2021, <https://www.gov.scot/news/new-human-rights-bill/> (accessed December 16, 2021).

<sup>145</sup> Rajeev Syal and Haroon Siddique, “Labour fears Dominic Raab will target rights act in new justice post,” *The Guardian*, September 16, 2021, <https://www.theguardian.com/law/2021/sep/16/labour-fears-dominic-raab-will-target-rights-act-in-new-justice-post> (accessed November 17, 2021).

The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR), which entered into force in May 2013, is a legal instrument empowering the CESCR to hear individual complaints against states regarding treaty violations and conduct thematic inquiries into convention compliance in treaty states. The CESCR is the body of independent experts established to monitor the implementation by states of the ICESCR and to provide authoritative interpretation of the specific rights in the covenant. Therefore, individuals could bring complaints concerning violations of the right to housing—specified in Article 11 of the ICESCR— under this mechanism.

The UK has to date not signed the OP-ICESCR, meaning that people in the UK who suffer alleged violations of economic, social or cultural rights under the treaty are not able to bring individual complaints against the UK government. The Equality and Human Rights Commission and the CESCR have urged the UK to sign the OP-ICESCR on multiple occasions.<sup>146</sup> In response, the UK government in September 2014 stated that it is their consideration that the “protection for ICESCR-based rights is already afforded by domestic law, including under the Human Rights Act 1998 and the Equality Act 2010; individuals may therefore seek remedies in UK courts or tribunals if they feel that their rights have been breached.”<sup>147</sup> They also stated they were yet to see “sufficient empirical evidence to decide on the value of ... individual complaint mechanisms; at present, the UK Government is unclear about their actual benefits for people in the UK, given that no award for damages or legal ruling on the meaning of the law can result from these processes.”<sup>148</sup>

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<sup>146</sup> UN Committee on Economic, Social and Cultural Rights, “Concluding observations of the Committee on Economic, Social and Cultural Rights on the United Kingdom of Great Britain and Northern Ireland,” E/C.12/GBR/CO/5, June 12, 2009, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fGBR%2fCO%2f5&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fGBR%2fCO%2f5&Lang=en) (accessed December 23, 2021), para. 39; UN Committee on Economic, Social and Cultural Rights, “Concluding observations on the sixth periodic report of the United Kingdom of Great Britain and Northern Ireland,” E/C.12/GBR/CO/6, July 14, 2016, <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4sIQ6QSmIBEDzFEovLCuW3XRinAE8KCBF0qOHNz%2FvuCC%2BTxEKAl18bzEoUtfQhJkxxOSGuoMUxHGypYLjNFkwxnMR6GmqogLJF8BzscMegzpgFTXBkZ4pEaigi44xqiI> (accessed December 23, 2021), para. 69; Equality and Human Rights Commission, “Progress on Equality and Human Rights Commission Update report on Great Britain’s implementation of the International Covenant on Economic, Social and Cultural Rights,” March 2018, <https://www.equalityhumanrights.com/sites/default/files/progress-on-socio-economic-rights-in-great-britain.pdf> (accessed November 17, 2021).

<sup>147</sup> UK Government, “Sixth periodic reports of States parties due in 2014, United Kingdom of Great Britain and Northern Ireland to the UN Committee on Economic, Social and Cultural Rights,” E/C.12/GBR/6, September 25, 2014, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fGBR%2f6&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fGBR%2f6&Lang=en) (accessed December 23, 2021), paras. 89-90.

<sup>148</sup> *Ibid.*

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# “I Want Us to Live Like Humans Again”

## Families in Temporary Accommodation in London, UK

Families in London are having to watch their children grow up in substandard and poor-quality temporary accommodation. The problem has been getting worse over the last decade with placements increasing in England by 65 percent since 2011. As of October 2021, 42,290 households with children were living in temporary accommodation in London. This increase in homeless families has coincided with a combination of local authority housing budgets being reduced, austerity-motivated cuts to the welfare system, and a lack of affordable permanent housing, which have all acted to push more people into homelessness.

Based on interviews with affected families, children, charities, experts, and local authorities in London, *“I Want Us to Live Like Humans Again,”* finds that the growing numbers of families needing housing assistance is leading to people having to live in substandard and uninhabitable temporary accommodation due to a lack of suitable permanent alternatives. This is in turn having a severe impact on their basic rights. Even though the UK has a duty to ensure the right to adequate housing to everyone under international law, the UK government does not recognize housing as a right in domestic law. Human Rights Watch calls on the UK government to take concrete steps to recognize the right to housing in domestic law, to improve habitability in temporary accommodation, and to make crucial specific changes to the welfare system to prevent more people becoming homeless.



*A mother stands with her son outside the front door to their accommodation at a development of converted shipping containers being used to temporarily house homeless families in August 2019 in Hanwell, London, UK.*

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