

The Scottish Housing Regulator's Framework Review Consultation Response

March 2018

Until there's a home for everyone.

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Shelter
Scotland

Our regulation of social housing in Scotland

Discussion questions

We welcome your general feedback on our proposals as well as answers to the specific questions we have raised. You can read our discussion paper on our website at www.scottishhousingregulator.gov.uk. Please do not feel you have to answer every question unless you wish to do so.

Send your completed questionnaire to us by **30 March 2018**.



By email @: Discussion@scottishhousingregulator.gsi.gov.uk

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How you would like your response to be handled

To help make this a transparent process we intend to publish on our website the responses we receive, as we receive them. Please let us know how you would like us to handle your response. If you are responding as an individual, we will not publish your contact details.

Are you happy for your response to be published on our website?

Yes No

If you are responding as an individual ...

Please tell us how you would like your response to be published.	<i>Pick 1</i>
Publish my full response, including my name	<input type="checkbox"/>
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1. We believe that our regulatory priorities should be:

- Tenant & resident safety
- Homelessness
- Governance & financial management in RSLs

We are keen to hear your feedback on these. Are these the right priorities?

Tenant and resident safety is extremely important, but we believe that homelessness should be at the top of the regulatory priorities. Recent work by the Scottish Parliament Local Government and Communities committee has suggested that further work should be done to ensure that local authorities are properly fulfilling their statutory homeless duties and are not dissuading anyone from accessing the services which they have a right to. We believe that the Regulator has a significant role to play in this and should use a variety of tools to do this.

Our response to question 3 expands on this.

2. What aspects of tenant safety are the most important for us to focus on?

Security of buildings - it has been identified that many building doors leading to communal closes are insecure or faulty. This has an impact on the safety of the building and makes door control difficult.

Domestic violence – our services are reporting that people are not being taken at their word that they have been subject to domestic violence and are asking for police reports to verify. Homelessness guidance should be unequivocal in how to deal appropriately with reports of domestic violence, in that the person should be believed based on their word alone without exception.

3. On which parts of the homelessness system should we focus our work to have the greatest impact?

As the main body with responsibility for assessing local authority homelessness services, it is absolutely critical that the SHR uses the powers it has to interrogate and ensure that homelessness services are being delivered in line with statutory duties and best practice. We are aware of a number of local authorities that currently have problems within their homelessness service and provision of temporary accommodation and it is critical that this is a priority to tackle. In particular, we would encourage the SHR to focus on:

- **Ensuring access to homelessness services**, including being able to make an application and accessing temporary accommodation. We are concerned that there are many people who are being blocked from accessing their homeless rights under Section 28 and 29 of the

Housing (Scotland) Act 1987 and believe the Regulator has a role to play in ensuring this does not happen.

- **The homeless application process**, which is often difficult to navigate and comply with, and this is particularly felt by people who have additional support needs. There may be potential work around simplifying and encouraging as uniform an approach as possible across LA areas. There is a lot of unnecessary red tape and bureaucracy which has been cited by service users as a barrier to accessing their homeless rights.
- **Monitoring temporary accommodation standards** – the Regulator has a role in ensuring that the temporary accommodation is of good quality. Households living in temporary accommodation often do not have access to adequate or safe cooking and washing (both bathroom and laundry) facilities, and are accommodated far away from support networks and children’s schools.
- **The transition between temporary or supported accommodation to a permanent tenancy**, which has been identified as a very difficult and stressful part of the process for many people, as local authorities often make offers and expect households to move with as little as 24 hours’ notice. For working households, this is particularly hard to manage. Our service users also highlighted the practical difficulties involved, which include;
 - Arranging and affording transport to move belongings, including getting items out of storage;
 - Having no white goods or furniture (or even cutlery and crockery in many cases) in the property;
 - Waiting up to two weeks for Community Care Grant applications to be processed, and further weeks for essential goods to be organised and delivered;
 - Gas and electric being disconnected from the property and having to reconnect the supply, often having to accept expensive pre-payment meters;
 - Being unaware of the property’s council tax and often being liable for paying a higher charge than expected;
 - Being liable for two rents while moving from temporary accommodation to permanent accommodation. The rules around housing benefit have recently changed and become more restrictive for people in this situation;

These difficulties are felt even more acutely by families with young children. Our advisers and clients feel that much more planning, advance warning and joint working needs to happen for moves to be successful, alongside thorough assessment and monitoring of housing support needs. Further, the Regulator should be seeking assurance that move-on from temporary accommodation to permanent accommodation is not blocked or delayed in any way, including instances where the first month’s rent is required up-front. We recently produced a [good practice guide](#) on first month’s rent with SFHA. It would be useful if the Regulator would consider thematic work to understand whether this is still a barrier to resolving homelessness quickly.

4. We believe we should develop our work with four broad themes in mind:

- Empowering tenants and others by gathering and publishing data in useful, accessible ways
- Getting assurance
- Responding where things go wrong
- Thematic work

We welcome your feedback on these broad themes. Are these the right things for us to do?

In terms of empowering tenants and gathering and publishing data, there still appears to be a lack of knowledge and awareness among clients around their housing and homelessness rights. The Regulator could focus on getting information to people about their homelessness rights, as this is one of the key areas that Shelter Scotland is contacted for help with.

Our clients say that the information they get on housing and homelessness services is varied in quality and accessibility. They referred to small housing associations (specifically Linstone Housing Association and Ferguslie Park Housing Association) as providing the best information in the best way. This is by providing a broad range of leaflets in their offices. Perhaps SHR could share the approach of Linstone and Ferguslie Park as an example of best practice.

Our clients have said that it is unclear who the Scottish Housing Regulator are, what they do and how clients can get in touch with them and what issues they deal with. One client described trying to approach SHR with issue but was told that SHR don't deal with individual cases. It has been suggested that the SHR need to do more to promote themselves, through having their information available in local authorities' and housing associations' offices. Even where staff and tenants are aware of the Regulator, they are generally not aware when SHR are publishing information or what kind of information they are gathering. Additionally, the SHR's website could be improved to make finding useful information easier as well as publishing contact details for staff.

In terms of responding where things go wrong, our clients are not generally aware of what intervention tools the Scottish Housing Regulator has, when they will get involved and how successful they are in intervening. Clarification in this respect would be helpful.

5. What should we focus on when reviewing our Charter indicators?

According to our staff and clients, there are no specific problems with the Charter indicators themselves, but rather there was a low general awareness of the Charter.

6. How can we make our information accessible to a wider group?

- Developing easy-to-understand leaflets, which are available at local authority and housing association offices
- Considering the layout and functionality of the SHR website and making navigation to the Annual Return on the Charter data easier

7. Is there any information that we collect that we should streamline or add to?

It is currently difficult to assess how well a housing provider is doing against the Scottish average or a similar sized organisation as this is metric is not an option when using the comparison tool. The calculation of a peer group control metric e.g. "housing association average" or "local authority average" would be helpful in this regard.

Eviction statistics should be presented as both number and percentage forms **or** number form only. Currently, there is a mix of numbers and statistics for varying eviction statistics e.g. "The total number of court actions initiated during the reporting year" is followed by "percentage of the court actions initiated which resulted in eviction". Additionally, it is not clear whether abandonments are included within the number of properties recovered (indicator 24).

8. Is our approach to taking action right?

As above, it is unclear to most of our staff and clients how the Regulator takes action, aside from installing managers in housing associations which are struggling in terms of finance and governance.

It has been suggested that the SHR could be more responsive to concerns raised as well as being clear about what action they can and are likely to take and timescales. We know that the Regulator has been involved with Glasgow City Council for a number of years to improve their homelessness services, yet it remains unclear what the outcome of this intervention was and how the Regulator measures success.

In terms of tools that could be used, our staff and clients have suggested that the SHR should use a "mystery shopping" approach to ensure that homelessness services are being delivered as they should be. This is based on the experiences of our assisted presentation group who have witnessed disturbing gaps in the provision of housing advice and assistance and people being turned away from homelessness services.

9. Should we use thematic work as a tool in this way, to focus on and raise awareness of important issues and risks?

We feel that thematic work is an important tool but can sometimes be inaccessible or of little use or interest to tenants and prospective tenants. Thematic work is useful in terms of raising awareness in the policy and political spheres and suggesting policy solutions, but there may be a disjoint or delay between the publication of thematic work and its practical impact on people's experiences of homelessness and social housing services. With this in mind, we would urge the Regulator to consider its prioritisation of thematic work as a tool against other potentially more impactful tools, or at the very least engage in periodical follow-ups to its thematic work to assess its impact.

10. Are there other things that we should consider?

Staff and clients of Shelter Scotland have identified the following areas to be considered as topics for future thematic work;

- Standards of temporary accommodation
 - There is huge variation in the items and help provided to households in temporary accommodation across Scotland. Staff stated that in the past, full starter packs with cutlery, crockery, Hoover, and cleaning equipment were provided in temporary accommodation. These are essential especially where tenancy readiness is dependent upon proof of good household management.
 - Temporary accommodation is often located far away from support networks and affects children's school attendance.
 - Many temporary accommodation units do not contain a working TV aerial. Given that homelessness can be an extremely difficult and isolating experience, any temporary accommodation should at least have a working aerial ready for a TV to be connected to.
 - Many local authorities use the same flats as temporary accommodation and this approach singles them out as being temporary accommodation, thus creating stigma for the people that use them.
 - Curfews are in force in many temporary accommodation units, but not applicable in B&Bs for paying guests. This creates unnecessary division, stigma, infantilisation and disruption to normal life.
- Allocations policies
 - Our advisers and clients have stated that allocations policies within and between housing providers is unclear, hard to understand and varies hugely.
 - This is particularly problematic for people applying for homes who also have mobility or health issues. Not only do people's "points" vary depending on the housing provider, there is a sense that suitable adapted stock is low and providers are unwilling to build or modify more properties to make them accessible. This means that people with these issues are waiting much longer for a permanent home, and have much less choice over areas.
 - We are aware that Partick Housing Association recently adapted its allocations policy to better accommodate people whose mental health needs play a significant role in the type of housing they require. We are impressed by this move and urge the Scottish Housing Regulator to share it as good practice and encourage housing providers across Scotland to adopt this.
 - We feel that the Regulator has a part in ensuring clarity and transparency in this area, and suggest that work investigating the variation in allocations policies may be useful.
- Lastly, we believe that the Regulator may have a role in exploring the implications of discharging homelessness into the private rental sector and ensuring sustained affordability.

Thank you for taking the time to give us your feedback!

Shelter Scotland helps over half a million people every year struggling with bad housing or homelessness through our advice, support and legal services. And we campaign to make sure that, one day, no one will have to turn to us for help.

We're here so no one has to fight bad housing or homelessness on their own.

Please support us at shelterscotland.org

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