

Discussion paper response

The Scottish Social Housing Charter Discussion Paper

From the Shelter policy library

May 2011

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Shelter
Scotland

Summary

- Shelter Scotland welcomes the opportunity to respond to the Scottish Government's Scottish Social Housing Charter discussion paper and believes that when the Charter is introduced in April 2012, it will help to ensure consistency across the sector and be a useful tool for landlords, their service users and the Scottish Housing Regulator (SHR).
- The Charter discussion paper is clearly laid out and accessible, but the final Charter document will require quite a lot of fine tuning, to tighten up loose language and clarify what certain outcomes mean to avoid misinterpretation.
- While the discussion paper is a useful starting point for development of the Charter, it is important that the final Charter document is accompanied by thorough guidance and that landlords, and those who use their services, are supported to understand and use the Charter.
- The Charter needs to be developed along with the framework that will be used by the Scottish Housing Regulator (SHR) to assess landlord performance. If the outcomes in the Charter are going to be effective in driving up standards and improving services, then it is important to understand how these outcomes will differ from current Performance Standards and how landlords will be held to account once the Charter is in force.
- It is important that the final Charter document reflects the needs and priorities of a range of service users including homeless applicants, minority groups, young tenants and those on waiting lists. During the next phase of consultation it is important that these groups and their representatives are given an opportunity to input to the Charter.

Response to discussion paper

Shelter Scotland welcomes the introduction of a Scottish Social Housing Charter to help drive up standards and ensure consistent service delivery across all social landlords. The Charter will also help to facilitate good communication between landlords and all those who use their services. The challenge of creating a single document for all social landlords regardless of size, location or the services they provide is that it must be broad enough to be relevant to all, but not so non-specific that it becomes meaningless. It has been stated that the Charter is about 'outcomes' as opposed to landlord processes and procedures and it is good that landlords will have some flexibility over how they deliver

services. It is, however, important that the Charter is robust enough to drive improvements through the Regulator where landlords are failing to meet the needs of their service users.

The success of the Charter relies on how the outcomes will be assessed and how this will translate into improvements where they are required. There has been some discussion at the Sounding Board about what role tenants will have in landlords' self assessment, and it is important that tenants and landlords understand their roles and responsibilities once this process is in place. The Charter must aim to improve landlord services, not simply be an irrelevance with no positive changes for service users. Part of this will be building on current Performance Standards and previous SHR Assessment findings. The Charter must also work with existing frameworks for measuring performance, such as single outcome agreements, the Scottish Government's statistical returns and other internal assessments.

The Scottish Government has spent the past few months consulting a range of landlords, representative bodies and tenants groups. As Shelter Scotland has previously highlighted, the level of consultation with some marginalised groups such as homeless people, those with disabilities and those on housing waiting lists, has been limited. In addition, the tenants and tenants groups who have engaged with the Charter are self-selecting and may not represent the thoughts and views of all tenants and those less inclined to get involved. It is important then that efforts are made to continue consulting the widest possible group of service users throughout the process. Although there are inherent difficulties in targeting these marginalised groups, this makes it all the more important that as the Charter is drawn up, their needs are considered as far as is possible.

It is also important that expectations of what the Charter can deliver for tenants and other service users do not become over inflated. The discussion paper explains that all outcomes must be (1) a priority for service users (2) be the responsibility of the landlord and (3) be measurable by the SHR. This means that there may be issues that are important to tenants but will not be found in the Charter, for example, specific outcomes on Anti-social Behaviour (ASB) which is primarily a criminal matter and outwith a landlords jurisdiction.

Because the Charter will cover a wide range of key housing issues, the final outcomes need to balance landlord and service user priorities and be workable. It is important that at the end of this process landlords, service users and the SHR have faith in the Charter and value it as a mechanism for communicating and improving services.

Response to draft outcomes

Generally, the draft outcomes cover the key areas and meet the aims of being priorities for service users and within a landlords remit to change. On the third stated aim, of being measurable by the SHR, some of the outcomes could be measured quantitatively through landlord and customer satisfaction data, while others may be more difficult to assess. This mix of outcomes is necessary to get a complete picture of how landlords are performing across all their services. At this stage however, some of the outcomes are still too vague and subjective which would make them difficult to measure e.g. around value for money and anti-social behaviour. These outcomes need some refinement and we look forward to the formal consultation later in the year.

The following comments refer to specific outcomes.

Access to Housing

This set of outcomes mixes together: understanding of the local housing market (outcomes 2, 3 & 7) allocations policy (outcomes 1, 4 & 5) and temporary accommodation (outcome 6) which do not sit well together and should be separated.

The outcome on temporary accommodation should be moved to the 'Homelessness' section.

Use of words like 'transparently' and 'fair' are subjective and will make these outcomes contentious between landlords and their service users, but also make them difficult to measure in a meaningful way. This is particularly true when dealing with allocations where what is 'fair' to one applicant may impact negatively on another. Equally, what a landlord is bound to do by certain laws and duties may result in an allocation that appears 'unfair' to other tenants or applicants but adheres to their allocations policy and prioritises need above, say, time on waiting lists.

Outcome 5 could be changed to:

'Landlords understand current demand for housing in their area, and this is reflected in an easy-to-understand and accessible allocations policy that is responsive to the needs of their area'.

Outcome 4 could be changed to:

'All allocations are made adhering to the landlords allocations policy which should be readily available. Allocations should be based on need and best use of the housing available'.

Homelessness

This outcome is insufficient on its own and reads as though the only requirement on landlords is to provide homeless people with advice. Although the duties and requirements for local authorities and for RSLs are different, this set of outcomes should be expanded and could cover the following:

- Provision of temporary accommodation
 - *The outcome on temporary accommodation in the 'Access to housing' section should be moved here.*
 - Minimum standards to be achieved in temporary accommodation should be included within the Charter, as laid out in the Guidance and temporary accommodation standards by Shelter Scotland the CIH Scotland:
http://scotland.shelter.org.uk/professional_resources/policy_library/policy_library_folder/temporary_accommodation_guidance
- Provision of settled accommodation
 - Stating that housing offered to homeless applicants should be the same quality as all other applicants, reflecting the circumstances of the person and that there should be an assessment of further needs.

Draft outcome:

'Homelessness is prevented where possible and homeless people are provided with accommodation that meets their needs'.

Tenancy Support

This outcome specifically mentions rent arrears and helping those at risk of losing their tenancy. Tenancy support is vital in helping people sustain their tenancies and it is important that landlords offer vulnerable tenants help, not only when there are rent arrears, but for any support needs which could put the tenancy at risk. This section could also be extended to include an outcome on pre/early-tenancy support:

'Pre-tenancy support is available to all tenants and vulnerable tenants are supported at the start of the tenancy and as long as is necessary to avoid the risk of the tenancy failing'.

An outcome should be included here relating to the use of eviction for rent arrears and that landlords should only evict a tenant as a last resort. This would work alongside the commencement of the Pre-Action Requirements (PARs) brought in by the Housing (Scotland) Act 2010:

'Landlords do not evict tenants for rent arrears whenever possible and support tenants to resolve budgeting and money management difficulties'.

Services for Gypsies/Travellers

These outcomes are fine as far as they go, but it seems odd that in the whole draft Charter the only minority group to have specific mention is the gypsy/traveller community. There are clear legal duties on landlords to all equalities groups and these outcomes should either be changed to a more general equalities outcome covering all groups, or should be removed altogether. Considering there are legal frameworks impacting on landlords covered by many areas in the Charter e.g. homelessness, disability, housing quality etc it seems unnecessary to draw out certain duties and not others. The SHR should already be monitoring for landlords who are not meeting any of their legal obligations.

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