

Shelter Scotland

## Right to Adequate Housing

Report by The Diffley Partnership

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*From many voices to smart choices*

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## Executive Summary

### Informing policy

This research was conducted by Diffley Partnership for Shelter Scotland between March and May 2023. Its timing was important to help equip the charity to input to the current legislative process in the Scottish Parliament towards a Human Rights Bill which will incorporate four United Nations Human Rights treaties into Scots Law. Of particular interest to the research was the right to adequate housing (RTAH) and the research was designed to gain lived experience perspectives from members of the public and stakeholder views on human rights regarding housing.

### Right to Adequate Housing

According to the United Nations Committee on Economic, Social and Cultural Rights (CESCR) a number of conditions must be met before particular forms of shelter can be considered to constitute 'adequate housing'. For forms of shelter to be considered 'adequate housing', they must, at a minimum, meet standards relating to the following seven criteria ('the seven elements'):

1. Affordability
2. Habitability
3. Security of tenure
4. Availability of services, materials, facilities, and infrastructure
5. Accessibility
6. Location
7. Cultural adequacy

### Key findings and recommendations

None of the participants in the research were of the view that Scotland was performing universally well on any of the seven elements of the right to adequate housing.

All participants saw all seven elements as important. However, a pattern of relative importance emerged with affordability a top priority.

Participants repeatedly raised that housing should be safe, affordable, that people should have security of tenure, and that legislation should protect these rights.

Based on consultation with stakeholders and hearing the lived experience of members of the public in relation to housing in Scotland, we would make the following recommendations:

1. **In Scotland, concerted effort is needed across agencies to ensure peoples housing rights are achieved.** A Human Rights Bill, incorporating RTAH, should be taken as an opportunity to specify any new rights, clarify rights and enforce rights.
2. **The definitions of the seven elements of adequate housing must be tailored for Scotland within any legislation.** In particular, definitions around affordability and habitability must be set in a Scottish context to ensure that resulting legislation sets enforceable standards which will drive improvement for Scots rather than maintain the status quo.
3. **The Scottish Government should be ambitious in setting the standards for a minimum core for housing.** The reflections from stakeholders and the lived experience of participants in this research gives a sense of the priorities of Scots and a range of proposed solutions that can improve the experience of housing across each of the seven elements of adequate housing.
4. **The co-dependencies of the seven elements of the RTAH must be considered in the development of any legislation.** RTAH legislation must protect tenants in a way that ensures all of the seven elements of adequate housing can be met by considering how changes to one element will affect another. For example, there needs to be support for landlords associated with raising standards across habitability, accessibility and services, facilities, and infrastructure to ensure that costs are not passed on to tenants which would impact on affordability.
5. **There should be a more person-centred approach to housing allocation to correspond to a human rights-based approach to housing which takes greater need of the changing needs of households, particularly in the social rented sector.** This would ensure that people are allocated suitable housing and are supported throughout their housing journey to live in dwellings appropriate for their needs in terms of size, location, facilities, and cultural adequacy.

6. **Scottish Government should develop a strategy for improving tenants' knowledge and understanding of their current rights.** Further work should also be undertaken to improve enforcement of rights and accountability of landlords in delivering people's housing rights.
7. **Scottish Government's drafting, consultation and review of upcoming primary and secondary legislation must overcome current challenges to set a minimum core for adequate housing across its seven elements.** Firstly, what do each of the seven RTAH elements mean in Scotland? Secondly, how do rights in current law (regardless of whether these are met) cover the seven elements as defined? Thirdly, how could a minimum core of 'adequate' be set, monitored, and enforced across the seven elements?

# 1. Background and methodology

The following sub-sections set out the policy context and impetus for this project, as well as our research methodology.

## 1.1 Policy context

The policy context set out below is drawn from publicly available information and added context provided by stakeholders taking part in this research.

The National Taskforce for Human Rights Leadership, which was set up in December 2018, published its final report in March 2021. In total, 30 recommendations were accepted by the Scottish Government.<sup>1</sup>

A Human Rights Bill will incorporate four United Nations Human Rights treaties into Scots Law, including legislation that enhances human rights for women, disabled people, and minority ethnic communities.<sup>2</sup> The bill will aim for the incorporation, so far as possible within competence, of the International Covenant on Economic, Social, and Cultural Rights<sup>3</sup>. Scottish Government states that the aim of the legislation is to create a single, accessible piece of legislation protecting international human rights, including economic, social, and cultural rights.

As such, this commitment to a new human rights bill would incorporate the UN right to adequate housing (RTAH) into Scots law.

‘Addressing the right for everyone to have an adequate standard of living, including the right to adequate food, clothing and housing and the continuous improvement of living conditions.’<sup>4</sup>

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<sup>1</sup> [National Taskforce for Human Rights: leadership report - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/national-taskforce-for-human-rights-leadership-report/pages/1-introduction.aspx)

<sup>2</sup> [New Human Rights Bill - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/new-human-rights-bill/pages/1-introduction.aspx)

<sup>3</sup> [Introduction to Economic, Social, and Cultural Rights | ESCR-Net](https://www.escr-net.org/en/introduction-to-economic-social-and-cultural-rights)

<sup>4</sup> [New Human Rights Bill - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/new-human-rights-bill/pages/1-introduction.aspx)

According to the United Nations Committee on Economic, Social, and Cultural Rights (CESCR), the Right to Adequate Housing should be regarded as the right to live somewhere in security, peace, and dignity. It is more than just 'having a roof over one's head'.<sup>5</sup>

Several conditions must be met before particular forms of shelter can be considered to constitute 'adequate housing'. These elements are just as fundamental as the basic supply and availability of housing. For particular forms of shelter to be considered 'adequate housing', they must, at a minimum, meet the criteria set out in Figure 1.1 overleaf.

The CESCR has not elaborated further on what the seven conditions mean definitively. Instead, it has left it to individual States to develop their own strategies 'through democratically accountable processes' that define these conditions and accompanying priorities. Consequently, CESCR expects each Government to produce and regularly refresh a national housing strategy that identifies how this will give affect to the right to adequate housing and other human rights.<sup>6</sup>

The Scottish Government has not yet conducted participatory consultation towards RTAH. This will be part of the route map towards the introduction of new primary legislation.<sup>7</sup>

Scottish Government are at the stage where they have spoken to stakeholders, including Scotland's third sector and academic experts about the right to adequate housing. There is further work needed to determine how to define some of the dimensions for our national context, as intended by CESCR, and what a minimum core for each of the seven dimensions would consist of.<sup>8</sup>

Through this work, stakeholders have called for the need to determine where legislation and measures towards the RTAH are already in place, and where there is a gap. For example, the *Housing to 2040* strategy is presented by the Scottish Government as 'a route map and describes our ambition for everyone to have access to a warm, safe, affordable and energy efficient home

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<sup>5</sup> ['Fact Sheet 21: The Right to Adequate Housing' – Office of the United Nations High Commissioner for Human Rights, 2014](#)

<sup>6</sup> ['The right to adequate housing: are we focusing on what matters?' – ALACHO \(Association of Local Authority Chief Housing Officers\), 2021.](#)

<sup>7</sup> ['National Taskforce for Human Rights: Leadership Report' – Scottish Government, 2021](#)

<sup>8</sup> According to the UN Committee on Economic, Social and Cultural Rights, minimum core obligations are those obligations that ensure the satisfaction – at the very least – of minimum essential levels of each right. Source: Scottish Human Rights Commission [mcos-and-the-practice-of-the-un-committee-on-economic-social-and-cultural-rights-final.pdf \(scottishhumanrights.com\)](#)



that meets their needs, in a community they feel part of and proud of'.<sup>9</sup> Current legislation may be relevant to secondary legislation under the Human Rights Bill once that becomes law.

**Figure 1.1: The Seven Elements of the Right to Adequate Housing**

1. **Affordability** – Housing is not adequate if its cost threatens or compromises the occupants' enjoyment of other human rights.
2. **Habitability** – Housing is not adequate if it does not guarantee physical safety or provide adequate space, as well as protection against the cold, damp, heat, rain, wind, other threats to health and structural hazards.
3. **Security of tenure** – Housing is not adequate if its occupants do not have a degree of tenure security which guarantees legal protection against forced evictions, harassment and other threats. Security of tenure is regarded as the cornerstone of the right to adequate housing and can take many forms, including rental accommodation, cooperative housing, lease, owner-occupation, emergency housing or informal settlements, and is thus not limited to the conferral of formal legal titles.
4. **Availability of services, materials, facilities and infrastructure** – Housing is not adequate if its occupants do not have safe drinking water, adequate sanitation, energy for cooking, heating, lighting, food storage or refuse disposal.
5. **Accessibility** – Housing is not adequate if the specific needs of disadvantaged and marginalized groups are not taken into account.
6. **Location** – Housing is not adequate if it is cut off from employment opportunities, health-care services, schools, childcare centres and other social facilities, or if located in polluted or dangerous areas.
7. **Cultural adequacy** – Housing is not adequate if it does not respect or take into account the expression of cultural identity.

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<sup>9</sup> [Housing to 2040: vision and principles – gov.scot \(www.gov.scot\)](http://www.gov.scot)

All stakeholders interviewed for this research were conscious of inequalities, where groups within the population may be less likely to experience adequate housing, in relation to the seven elements. Groups cited include:

- People with disabilities<sup>10</sup>
- People who are homeless<sup>11</sup>
- Gypsy/Traveller Communities<sup>12</sup>
- Minority Ethnic groups<sup>13</sup>
- Victims of domestic abuse<sup>14</sup>
- People where accommodation provision is tied to employment e.g., seasonal workers in tourism or agriculture<sup>15</sup>
- Young people.<sup>16</sup>

This research was conducted to provide Shelter Scotland with valuable data to help input to the legislation process. In particular, to gain lived experience perspectives from members of the public and how they:

- consider what is meant by 'adequate' housing in Scotland
- relate to the seven elements and think about which of these are more or less well managed in Scotland

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<sup>10</sup> For example, see: [Office of the United Nations High Commissioner for Human Rights. \(2014\) Fact Sheet 21: The Right to Adequate Housing](#)

<sup>11</sup> For example, see: [Office of the United Nations High Commissioner for Human Rights. \(2014\) Fact Sheet 21: The Right to Adequate Housing](#)

<sup>12</sup> For example, see: [Gypsy/Travellers - accommodation needs: evidence review - gov.scot \(www.gov.scot\)](#)

<sup>13</sup> For example, see: [Homelessness amongst Black and minoritised ethnic communities in the UK: a statistical report on the state of the nation – Heriot-Watt Research Portal \(hw.ac.uk\); Runnymede-Covid19-Survey-report-v2-August-2020.pdf \(nhsbmnetwork.org.uk\)](#), p.6.

<sup>14</sup> For example, see: Irving-Clarke, Yoric, and Kelly Henderson. *Housing and domestic abuse: Policy into practice*. Routledge, 2020.

<sup>15</sup> For example, see: [Seasonal migrant workers in Scottish agriculture: research report - gov.scot \(www.gov.scot\)](#)

<sup>16</sup> For example, see: Hoolachan, Jennifer, et al. "'Generation rent' and the ability to 'settle down': economic and geographical variation in young people's housing transitions." *Journal of Youth Studies* 20.1 (2017): 63-78.

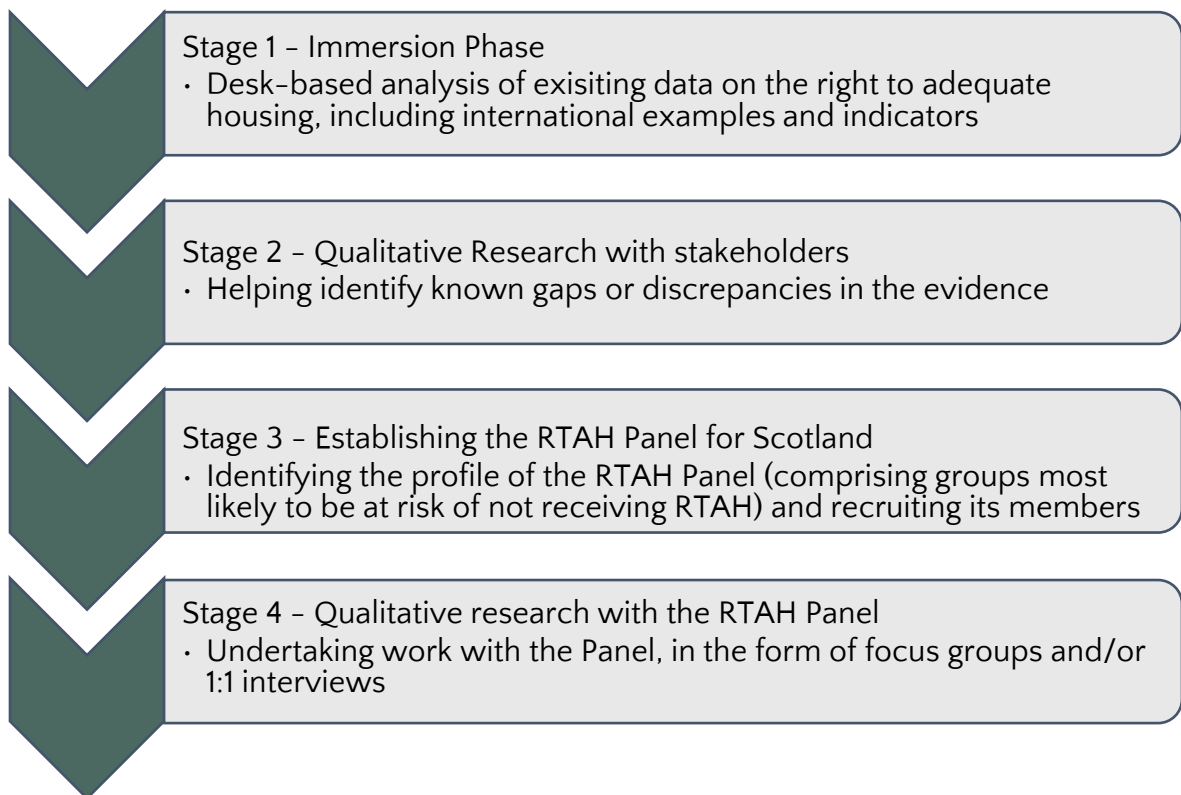
- experience housing currently
- feel about what could be improved to achieve RTAH
- perceive the essential elements to a minimum core for housing.

The next section describes the approach taken for this research.

## 1.2 Methodology

Diffley Partnership was commissioned by Shelter Scotland to undertake a research project to understand people's lived experience of housing, hear the views of stakeholders, and develop a 'scorecard' approach around the seven elements which constitute the RTAH (Right to Adequate Housing). The research comprised four key stages (see Figure 1.2).

**Figure 1.2: Stages of Research**



More detail on each stage is provided below.

### **Stage 1: Immersion Phase**

It was important to understand the context for the research, ensuring that new research reflected upon and builds on existing knowledge on this issue. This is particularly important for a study such as this where there are no definitive answers at this stage on what the legislation should include for the RTAH.

A range of relevant local and national data were reviewed as well as international examples where helpful. Some of these findings have been integrated into the Policy Context, above.

### **Stage 2: Qualitative Research with Stakeholders**

Having completed the initial evidence review at Stage 1, four in-depth interviews were conducted. Each lasted an average of one hour with key stakeholders in the Scottish housing and human rights sphere. The purpose of these interviews was to identify gaps and discrepancies in the gathered data and evidence. These could then be further explored within the qualitative research at Stage 4.

### **Stage 3: Establishing the RTAH Panel for Scotland**

After engaging with stakeholders to provide a Scottish perspective and identify data gaps, a RTAH Scotland Panel was formed. This comprised 25 members of the public. Diffley Partnership worked with a specialist recruitment agency – Taylor Mackenzie Research & Marketing Ltd – to recruit the panel and include a representative sample of those with the following characteristics:

- tenure – focussing on the private and social rented sectors,
- disability – including those with any physical or non-physical disability,
- gender – ensuring women take part in at least equal numbers,
- age – ensuring that those of a range of ages take part,
- ethnicity – ensuring those from BAME groups are included,
- household type and size – ensuring households with and without children take part,
- location – ensuring participation from all parts of Scotland, including urban and rural areas.

While 25 initial sign-ups were secured, 22 people on the panel engaged with the research in some way (whether through short polls – initial and/or final, interviews, or focus groups). Table 1.1 outlines the final panel composition, accounting for these 22 engaged panellists.

**Table 1.1: Characteristics of Panellists**

Criteria	Group	Number in panel
Tenure	Private Renters	8
	Social renters (from Local Authority)	14
Disability	People with any physical or non-physical disability	7
Gender	Male	11
	Female	11
Age	16-34	7
	35-54	5
	55-64	6
	65+	4
Ethnicity	BAME	6
Household type	Single parents	5
	Single person household	7
	Two-person only households	6
	Households with children	11
	Large households (5+)	3
Location	Central Belt	14
	Outside Central Belt	8

#### Stage 4: Qualitative research with the RTAH Panel and Non-Panel Members

Following the panel assembly, members received a short initial poll on their property type, living situation, and how important they consider each of the seven elements of adequate housing to be. This poll also acted as a recruitment tool, as the final question invited respondents to register their interest in taking part in focus groups or interviews on the topic. Those who expressed interest in focus groups were then contacted by email to confirm participation, ahead of the issue of links and instructions to join the online meeting platform. A similar process occurred for those interested in an interview, following correspondence to arrange a suitable time slot.

It was expected that participants would engage to various degrees; whilst all in Table 1.1 took part in at least the short polling elements, not everyone in the panel took part in focus groups or interviews. Four online focus groups – lasting 90 minutes each – were conducted via *Zoom* software between 4-12 April 2023, in which a total of 12 panel members took part. Two further panel members took part in 1:1 interviews – each lasting 30 minutes, via *Zoom* – on their lived experience of housing.

Further to this, the researchers carried out 1:1 interviews with two members of the public with lived experience of homelessness or insecure housing (i.e. ‘non-panel members’). Their contact details were supplied by Shelter Scotland following contact between the individual and Shelter Scotland’s advice services. These 30-minute interviews were conducted by telephone, followed the same discussion guide used for ‘panel member’ interviews, and were digitally recorded with permission.

Such interviews enabled in-depth discussions on housing experiences, some of which were precarious, and allowed participants to share more insight than they might do in a group environment.

Though separate discussion guides were created for the interviews and focus groups, they followed a similar format, including:

- Introductions and the provision of brief background information on the topic and project,
- A question on what participants want from their and/or their family’s home,
- A review of the seven elements of adequate housing, capturing which aspects people think are currently well managed in Scotland, which are most problematic (and for whom), and what could be improved,
- A question on what participants think a minimum core for housing should contain,
- An opportunity to share any further thoughts on the topic.

As a ‘thank-you gift’, each interview participant received a £20 incentive for taking part, whilst focus group participants received £30 each. Respondents were given the option to be reimbursed in the form of a Love2Shop e-voucher (which can be spent at a range of major retailers) or via bank transfer.

To maximise opportunities for input, panel members who did not take part in interviews or focus groups were invited to share their views via a final 'wrap-up' poll. Questions in the poll followed a similar format to those in discussion guides, though were condensed to avoid respondent fatigue. Respondents were asked whether they thought their current home meets the standards set out in the RTAH, which aspects of these standards they thought Scotland needs to make the most improvement on, and which groups (if any) they felt can find it particularly hard to find housing that meets these standards. Two panel members completed this poll; one had completed the initial poll, while the other offered their views for the first time.

Following fieldwork, researchers conducted transcription of interviews and focus group recordings. They ensured to discuss findings with the wider research team to eliminate the potential for bias. These transcriptions were analysed using QDA Miner, where key themes (e.g. each element of the RTAH) and insights can be coded within the text.

The next chapter sets out the findings from this research. These are organised under each of the seven elements of adequate housing.

## 2. Findings on the seven elements of adequate housing

The findings below relate to the seven CDESCR dimensions of adequate housing. These seven sub-sections are organised in the same order as in Figure 1.1. Each sub-section leads with public participant views and then follows with stakeholder views from this research.

The next chapter of the report provides a more high-level assessment of each of these dimensions as derived from this research.

### 2.1 Affordability

**Affordability** – Housing is not adequate if its cost threatens or compromises the occupants’ enjoyment of other human rights.

#### Public Participant Views

Opinions on housing affordability were mixed, though the vast majority of public participants described housing as increasingly unaffordable in the current economic climate.

Many discussed the ‘push and pull’ between affordability and suitability, where the former dictates many of the other elements. For example, one participant described being able to comfortably afford a council flat situated on the sixth floor, though they did not feel fulfilled living there and especially disliked transporting shopping up many flights of stairs. They later moved to a ground floor private rented property, which they preferred, but struggled to afford the more expensive rent as a part-time student. As could be expected, they saw housing affordability (and subsequent suitability for a person’s needs) as deeply connected to earnings. Many participants echoed the following sentiment:

“The housing is affordable but it depends on how much you make and what your earnings are, so whether you can afford what you really want” – [Focus Group Participant].

In addition, a person’s employment status and type were considered just as impactful on their ability to afford – and gain access to – certain forms of housing. For instance, one participant explained how landlords are sceptical of their capacity to afford private rent after learning about their income and the self-employed nature of their work:



“If I could have private rented, I would have a long time ago. But because I don’t work full-time and I work on a self-employed basis, no landlord will give me a house to rent. Because when they look at my earnings and what I do, they think I can’t afford it, so I can’t go and rent privately” – [Interview Participant].

As highlighted above, the private rented sector was seen to be especially difficult to afford. Many participants felt that the prospect of owning a home was out of reach, particularly for single-person households who have no one to ‘split the price’ of a property with. Contrasting costs of rent in private properties vs social housing also featured heavily in conversations on the topic. It was therefore felt that a more adequate housing supply (particularly that for social rent), which is better equipped to meet demand, would improve housing affordability:

“I really don’t think it’s affordable, especially if you’re single. Because if you’re single, and the rents have went up majorly in the last few years, you need to be earning the money to be able to pay that, and the rent’s now like £600 – not for any sort of fancy property, that’s just for a basic property if you’re private renting. And that’s a lot if you’re just single – it’s so much of your monthly wage going towards that going away on that housing straight away. How long are you able to sustain living in private accommodation if you don’t have local authority housing... I mean, the difference in the [cost of] rent is just major” – [Focus Group Participant].

Participants also saw young people as facing particular housing affordability challenges amid increased mortgage and interest rates and felt that this group had a better chance of affording housing if they had assistance from family and/or housemates:

“Youngsters that are moving out of their parents’ house for the first time – it’s a massive thing for them and it’s hardly affordable for them because they’re not earning a lot and some of them might still be in education. So unless they have help from their parents, I don’t think they can [afford housing]” – [Focus Group Participant].

Meanwhile, those living in housing association properties talked about receiving advance correspondence with a survey of rent increase options, though some questioned the validity and transparency of the outcome that was communicated. Some said they chose not to return their

form because they did not feel as though their vote would be important, and believed that the rent increase would go ahead regardless:

“In my housing association, they send a letter out saying they’ve asked people [about increases to rent] and say the majority have agreed with an 8% rise this year – but who’s actually agreeing to that? No one that I speak to in my street anyway” – [Focus Group Participant].

Other housing association tenants reflected that rent was fair and affordable, so long as other expenses, such as council tax, water and electricity did not increase further. Though participants were broadly aware of rent increase caps, these were not seen to work well. Many called for longer rent freezes and a more robust maximum cap, to give tenants a break from recurring price hikes. The idea that people pay rent but do not receive a satisfactory level of ‘service’ also came to the fore:

“The rent increase is getting too much. I don’t have a problem paying it but it’s [a problem] if the services you’re getting is not what you’re paying for” – [Focus Group Participant].

## Stakeholder Views

Stakeholders noted that affordability is a hard aspect to define in practice, as what may be affordable to one person may not be affordable to another. Like the public participants, they saw affordability as dependent on a plethora of factors, such as income, employment status and the area in which housing is located.

Stakeholders also pointed out how, in Scotland, the term ‘housing affordability’ can often be used as shorthand for the affordability of social housing. Thus, they emphasised that affordability must instead be thought of more holistically, with all housing types, including the private rented sector, taken into consideration.

Of the seven elements of adequate housing, affordability was seen as a particularly pertinent focus for those working to address homelessness, given the strong ties between poverty, deprivation, housing, and homelessness. They also reflected on the range of interested groups within the ‘housing umbrella’, and how their remit and area of work could determine whether some or all elements are addressed and whether this happens singularly or as a collective:

'This is probably the dimension which is focussed on most from those working to address homelessness. That's because so much of homelessness is caused by poverty. That is not to say that the other six dimensions are not important, but your emphasis may be different depending on what focus you have through your work' – [Stakeholder].

## 2.2 Habitability

**Habitability** – Housing is not adequate if it does not guarantee physical safety or provide adequate space, as well as protection against the cold, damp, heat, rain, wind, other threats to health and structural hazards.

### Public Participant Views

When speaking with participants about their lived experience of housing there was initially a general sense that housing in Scotland was habitable. However, several participants reflected on issues around dampness and mould during their experience of housing in Scotland, with some linking the rising costs of energy as a contributing factor to this. Furthermore, the increasing cost of energy was seen as creating a situation where many had to live in cold conditions in their housing due to costs:

"I currently have problems with my house because the windows are too old. I think they were fitted when double glazing came in, it's letting a draught in, so it needs to be changed because there's no point, it's a fool's errand to heat up the house and let it go cold again" – [Interview Participant].

"I've not really had a ceiling in the kitchen for over a year. There was a leak in the house, so I had flooding, so it's like damp everywhere and mould growing everywhere. The windows don't open. There are loads of things, like I honestly don't think that a person should live in that house until it's properly done up again" – [Interview Participant].

In terms of how habitability was managed, there were numerous reflections on a perceived lack of accountability for landlords in terms of ensuring that repairs are conducted in a timely fashion with some calling for greater enforcement of this as part of a right to adequate housing. There was also a feeling that repairs were carried out in a piecemeal manner which sorted issues in the short term,

for example painting over mould, rather than taking remedial action which would prevent issues persisting, such as replacing windows to aid with damp, mould and cold:

“I think, to a certain extent, when it comes to this kind of thing there seems to be some sort of ground that’s never been reached when it comes to the concerns of the tenants. It’s always like ‘yeah but this’ or ‘yeah but that’ or ‘we’ll come in and we’ll refresh it for you’ – the refreshing is never the hard part. If you bought a pair of jeans and the zip kept breaking or the stitching kept coming out, it’s not like you would just let them aimlessly keep sewing up your jeans or replacing the zip – you’d either want your money back or you’d want something new in its place. And I don’t see why it should be any different when you’re spending a lot more to stay somewhere” – [Focus Group Participant].

There was a sense that this lack of care for carrying out work was worse in the private rented sector when compared to the social rented sector. However, there were mixed views among those renting in the social rented sector with some giving glowing accounts of how their Housing Association dealt with maintenance and ensuring their home was habitable while others felt that a short-term approach which lacked care for the needs of tenants applied to their landlord.

One of the key frustrations regarding the lack of accountability to carry out appropriate repairs and maintenance to ensure habitability was that when respondents involved outside organisations such as Shelter Scotland, they tended to achieve better results and correspondence than if they contacted landlords on their own. This was seen to be a key argument for a greater level of enforcement on ensuring that rented accommodation had sufficient protection from those factors which impact on the habitability of a dwelling.

Another common theme concerning habitability was with regards to a dwelling having adequate space for the household living in it. Though this was seen as an issue across both the private and social rented sectors, participants often felt there to be a lack of consideration for the size of households and their requirements when allocating housing in the social rented sector. They also reflected on the wider context of availability when discussing a lack of appropriately sized affordable housing stock, as one social housing tenant described their low expectations when searching for a suitably sized home for their family:

“I said to my housing officer I knew when I moved in it was a small accommodation because when they do all your housing needs they say ‘oh you are eligible for a six bedroom house’ and I said ‘well, you guys barely have enough stock for four bedroom houses, where are you going to get a six bedroom house?’” – [Focus Group Participant].

It was noted that often housing associations had policies in place regarding the appropriate number of bedrooms based on the composition of a household in terms of relationships and age, but that these were not always enforced. There were questions raised about whether these policies could be enforced and where accountability lay:

“Based on my own experiences, I want them to make sure policies are implemented, because if these policies were not important, they would not have been put in place. They should be making it work, because in my own situation, it’s not working. Every time I call them, I’m drumming it into their heads ‘what happened to your housing policy? It’s there and it’s not working. I’m paying rent yet I’m not comfortable, this is what is happening’. It’s affecting my children when they have no place to study, they are all cramped up in a room and one is annoying the other. I was like ‘I really need that extra space’ and I even said, ‘even if you don’t give me anything else, just provide me with this extra bedroom, make this policy work for me’” – [Focus Group Participant].

In terms of solutions for this issue, there was a desire for a more ‘person-centred’ approach to housing allocation in the social rented sector whereby there was an opportunity for tenants to set out their needs and be allocated housing appropriately. As alluded to above, participants felt that a lack of availability of appropriately sized housing meant that they could be quickly allocated something inappropriate.

When reflecting on this lack of availability, some argued that those under occupying accommodation could be moved to smaller dwellings to ensure that there was availability for larger households. However, some did note that this could be unsettling for people who may have raised a family in their homes and did not want to be forced to move and that this could impact those likely to be moved in terms of their security of tenure.

## Stakeholder Views

Stakeholders reflected that the Scottish Housing Quality Standard (SQHS) has led to improvements in habitability and the inclusion of energy efficiency within this was a positive step.

Further reflections reiterated issues raised by public participants concerning issues with damp and mould in housing. There was a sense that policies should reflect the expectations of occupants in relation to standards around the size of rooms, availability of space, the appropriate number of bedrooms and places to cook and eat.

However, it was also noted that while the updating of standards in the private rented sector will help in relation to habitability, there was believed to be a denial about the cost implication on landlords which needs to be bottomed out as these costs will be passed on to tenants which will impact affordability.

Finally, it was noted that the UN definition of habitability was at a level below what was appropriate to strive for in Scotland given the current situation concerning habitability and housing. Therefore, the Scottish Government should have its own definition and benchmarking which will allow for accountability on that basis.

## 2.3 Security of tenure

**Security of tenure-** Housing is not adequate if its occupants do not have a degree of tenure security which guarantees legal protection against forced evictions, harassment and other threats. Security of tenure is regarded as the cornerstone of the right to adequate housing and can take many forms, including rental accommodation, cooperative housing, lease, owner-occupation, emergency housing or informal settlements, and is thus not limited to the conferral of formal legal titles.

## Public Participant Views

Public participants viewed security of tenure as a key issue. Focus group participants compared their perceptions of tenure security in the private rented sector versus housing association or local authority properties. Housing association and local authority properties were typically viewed as more secure, attractive, and affordable in comparison to private-let ones, which could be less stable:

“I think if you’re in local authority or housing association, you definitely have the security. With private let [housing], you’re going into the unknown. You’re maybe saying ‘oh you’ll get a lease for a year or five years’ but that could go at any time, you just don’t know” – [Focus Group Participant].

Some participants described how experiences of the private rented sector often depend on relationships with, and the attitude and responsiveness of, landlords. Some felt there is a particular power imbalance between tenants and landlords at the end of tenancies, with many referencing an ‘unspoken agreement’ that landlords will not refund deposits and, instead, will find reasons to recoup the money. Participants found this lack of control – and the retraction of money that could be used to fund future deposits – unnerving. Many thought that there ought to be clearer guidelines around deposits, which were seen as a barrier where they are not returned quickly without quibble, outlining whether or not tenants should expect these to be refunded at the end of a tenancy, and what to do when this does not happen.

Others discussed how the sense of temporariness tied to a lack of tenure security can have knock-on effects on a person’s enjoyment of their home, where they feel unable to ‘make it their own’ by changing décor or furnishings, for instance:

“You can’t make a house properly into your home in a private rented property, you don’t know how secure you are there. You can be put out. You always feel like you’re just there temporarily, you can never fully relax like you would in an owned home or a local authority home” – [Focus Group Participant].

Another public participant talked candidly about their experience of living in temporary accommodation from the council for the past few years and the impact of tenure insecurity and instability on them and their children’s relationships with others:

“Like, I need stability for my kids because it’s the constant ‘are we moving, are we not moving? How long are we staying here?’ and they’ll have already formed friendships and things so it’ll be even harder for them because we’ve been here for so long – it’s nearing three years that we’ve been in the temporary accommodation” – [Interview Participant].

Meanwhile, one participant said they had a long-term lease on their private rented property and had agreed notice periods with their landlord. However, their landlord's mortgage defaulted and went into foreclosure, and the participant received an eviction notice. They struggled to find a new property as there were not enough housing association houses to accommodate them, though the tenants were able to inform the bank of their binding contract agreements and were granted six months to find a new house. This situation highlighted how security of tenure can still come under threat from factors outside of a tenant's control, despite mutual notice period agreements being in place.

Participants suggested that the length of minimum notice periods for those who have been in their home for six months or less should be extended from 28 days to 3 months, to give people sufficient time to find somewhere new to live and reduce a sense of panic, precarity and stress.

Others had more positive experiences of the private rented sector when renting from someone they knew and were familiar with, which lessened anxieties around potential evictions or tenure changes. Nonetheless, they were aware of the risk that both their own positions – and that of their landlord – might change in the future, despite existing assurances around the length of tenure:

“They've assured me that it's long-term. At the moment it's a year's lease<sup>17</sup> and I've wanted that as well, to see how it goes...I've always got that fear, but that's the risk I need to take with that landlord as well, because he could say 'well, we're looking for somebody to sign up for longer' but I tend to think he might be happy enough now as well. Just til I work out what I want. I think I'm here about 2 and a half years now, so this is it, but I kind of feel settled. I know it's not like my forever home. It's one foot in the water, one foot in the sand, and I need to accept that until something changes” – [Interview Participant].

## Stakeholder Views

Stakeholders felt that Scotland has made relatively good strides in achieving security of tenure by international standards and that security of tenure in both social and private rented housing is largely covered by existing Scottish legislation. They did, however, raise that this does not guarantee that people have an awareness of these rights or what to do when if they are infringed upon.

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<sup>17</sup> Whilst the views and experiences of participants are valid and treated as such, it should be noted that private residential tenancies in Scotland do not have a fixed end date.



There were some concerns that current information on the private rented sector – such as that held by the Scottish Government – is not fit for purpose, putting private renters at a disadvantage. They saw a need for increased resourcing to collect and monitor robust data on all housing types. Stakeholders were also not persuaded that the housing and property Tribunal system – to raise issues or make legal applications about private sector tenancies – is working as well as it ought to:

“It doesn’t defend the rights of tenants, so that should be sorted first before we overburden the system. It’s not matured yet – as in, it doesn’t collect profile data or information on Tribunals, so there’s no way of cross-checking or reviewing dates” – [Stakeholder].

## 2.4 Availability of services, materials, facilities and infrastructure

**Availability of services, materials, facilities and infrastructure** – Housing is not adequate if its occupants do not have safe drinking water, adequate sanitation, energy for cooking, heating, lighting, food storage or refuse disposal.

### Public Participant Views

Generally speaking, participants who took part in the research felt that the majority of housing in Scotland was adequate in this respect. However, there were specific examples given of where people had been placed in temporary accommodation and they had no means to access facilities for cooking.

“We had to support ourselves for breakfast, lunch and snacks during the day. The only downfall was we had no fridge, no freezer, and no cooking facilities.” – [Interview participant].

While the perception was that there was generally adequate access to these facilities, participants did reflect on the cost of living and the appropriateness of heating systems and provision in some accommodation. Throughout the research, concerns were raised about the costs associated with heating a home adequately and the provision of heating systems such as ageing storage heating systems that were deemed costly and inefficient in heating the home.

Tied to affordability, these concerns over the ability to adequately heat homes prompted several suggestions among participants to ensure that this vital facility could be accessible, these included:

- The integration of bills to include the cost of energy with rented accommodation to ensure greater consistency of payment
- Communal schemes whereby residents within a block or area, paid for energy together to reduce costs for the whole
- A requirement that heating systems are maintained and modern enough to ensure a home can be kept adequately warm
- A more holistic look at energy with the maintenance of heating systems, windows and other aspects related to energy efficiency is taken into greater consideration throughout a tenancy to provide an adequate minimum standard which would reduce cost and increase the comfort of occupants.

## Stakeholder Views

Stakeholders again reflected on the UN definition in relation to this element of the RTAH. They felt that such definitions of human rights within housing policy are good for organising policy and ensuring transparency and accountability, in that they would require the Scottish Government to report fully and comprehensively on how these rights are being met.

However, there was a sense that these principles themselves meant that the Scottish Government cannot do much at the individual level, and some stakeholders were not persuaded on how we use these principles to progress accountability given the definitions. Therefore, the Scottish Government needed to have their own definitions related to raising standards in a Scottish context rather than a minimum international standard, for them to be truly held accountable.

## 2.5 Accessibility

**Accessibility** – Housing is not adequate if the specific needs of disadvantaged and marginalized groups are not taken into account.

## Public Participant Views

Public participants discussed housing accessibility in terms of physical access to accommodation and ease of access to the housing stock in general. The physical accessibility of housing was mainly considered an issue for older people and those who are disabled; some participants reported good experiences of adaptations to meet accessibility needs. A participant living in

housing association accommodation described feeling involved in discussions when applying to move from a top-floor flat to a ground-floor one due to health issues. Though still in the process of being allocated a suitable property, they have been pleased with the efforts of, and consultation with, their housing association:

“Yeah, they’ve [housing association staff] come up and seen me and I can just phone them anytime if I have any problems. And I know when I do move, they’ll help me a lot – the girl in charge of it is fantastic and she’ll give me everything I need, because I wouldn’t have a clue what to do. I’m not in a huge hurry but I’m not going to take anywhere that’s not a nice wee place with nice neighbours. I’ll be around this area anyway, but hopefully it’ll [the move will] be this year” – [Interview Participant].

Those with lived experience of housing also gave practical examples of how housing accessibility could be improved, such as the installation of lifts and ramps and the widening of doorframes and corridors. Although they acknowledged that some of these measures, like wider corridors, could be difficult to achieve in older housing stock, participants expected these elements to be incorporated ‘as standard’ in newly built houses. They broadly agreed that housing developers in Scotland consider housing accessibility to a greater extent than before, though saw scope for this to be integrated further across all housing types.

Participants also thought that housing providers ought to be more proactive and logical when allocating housing, ensuring that it accounts for their needs – whether related to physical accessibility or otherwise – and works for their circumstances. For instance, one participant mentioned flaws in the consideration of adequate, accessible housing where they, a domestic abuse victim, were offered a property on the same street as their ex-partner. They did not accept the house and moved into another, though felt that the experience could have been avoided had a more thorough assessment of their situation taken place. Another participant had observed impractical allocations in their area, including the placement of elderly people in high-rise accommodation and of young people in more ‘family appropriate’ homes:

“I’ve noticed for accessibility, say like a vulnerable elderly person will be put into a high-rise flat or something. Then a teenager or single person is put into a two-bed property with gardens. They should really address that and the criteria for housing. Young people would be fine being accommodated in a flat – they’re young and able to get up and down stairs,

whereas families and the elderly should generally be given ones that have accessible gardens and a proper homely home. I've seen it far too often and I know families with three or four children in a two-bedroom house that have been on the list, still trying to be adequately homed but not getting anything" – [Focus Group Participant].

Others discussed the priority or 'points' systems used in social housing. Though they understood that each council and housing association has its own rules about how priority is decided and that there are some aspects which must always be taken into account, some participants wondered whether people with few or no accumulated points – who spend longer on the waiting list – feel they have fair and adequate access to housing:

"As far as I'm aware, there's like a points system when it comes to social housing...where it's based on whether you've got a family or children, how vulnerable you are, where you're coming from, what your personal situation is, like you could be fleeing from somewhere or in conflict with a partner, or under threat – all things which I do agree are important. So, one person's accessibility needs will then override another person's accessibility needs who really doesn't come into that quota if they don't have points, as it were. So, though I don't disagree with people who are in need of that, it really does leave other people at the bottom of the accessibility ladder" – [Focus Group Participant].

Indeed, those who participated in the research called for a greater level, and higher quality, of person-centred consultation with tenants, not just at the initial allocation and entry stages, but throughout tenancies. This was seen as important by participants in all property types. These 'check-ins' – whether conducted by private landlords, housing association officers or council personnel – would ensure the continued accessibility of properties, by highlighting any required modifications and prompting arrangements for re-location to more suitable accommodation, where necessary. Participants also emphasised how this type of consistent, person-centred approach would assure tenants that there are avenues to reach out, raise concerns and make sure that this element is respected and provided for.

## Stakeholder Views

Stakeholders found the United Nation's definition of housing accessibility to be broad, noting that it relates to individuals with disabilities or other accessibility needs, to vulnerable groups such as homeless people, and non-vulnerable groups. They also felt that the definition is not particularly

sensitive to the needs of prospective tenants and suggested that it could be expanded to cover access to ownership.

One stakeholder noted a rise in speculative investment – the purchase of high-risk assets, like houses, based on price fluctuations – and its potential impact on access to Scottish housing stock, where this practice can push up the price of housing by increasing the demand.

Others discussed the physical accessibility of housing for people with disabilities, pointing to specialist housing providers whose focus is on the provision of adapted homes for those with wheelchairs or walking aids, for instance. They felt that whilst the social rented sector “does a bit”, most Scottish housing stock remains inaccessible for people with disabilities and other impairments. They reflected on past calls for local housing plans to ensure that a certain percentage of their stock is tailored to be wholly accessible and described pushback where others felt it could be unrealistic for developers to build to this scale. Stakeholders argued the importance of such ‘futureproofing’, particularly with an ageing population, and ensuring the flexibility of housing for people of different ages and life stages:

“We’re all getting older and we’re all living longer and we need accessible housing that is life-long – where you’re futureproofing your ability to stay in that home for as long as possible. We can’t do anything about the ‘1919 tenements’ but what we can do is adapt the next generation of housing and ensure we’re not repeating the same mistakes as the past” – [Stakeholder].

## 2.6 Location

**Location** – Housing is not adequate if it is cut off from employment opportunities, health-care services, schools, childcare centres and other social facilities, or if located in polluted or dangerous areas.

### Public Participant Views

The reflections of public participants on their own lived experience concerning location tended to be positive with the majority of participants feeling that their experience had generally seen them live in housing that was suitably served by amenities, local services, transport and access to employment.

“I’m pretty much close to everything as well like, I can jump on the bus and be in town in ten minutes so I’m pretty much in the centre. The other thing I felt that is missing in the area and I would love to see more of is community areas for children” - [Focus Group Participant].

There was a recognition that this perhaps had not always been the case, with specific reference made to ‘schemes’ in Glasgow in the past where large housing developments had been built without appropriate transport links and amenities in mind. Further, there was also a recognition that this was more of a challenge in remote and rural areas than in large urban areas.

While most of the lived experience of this aspect of adequate housing discussed deemed it adequate, there were recollections of where the location was not taken into consideration particularly where people were living in temporary accommodation and felt they were powerless in choosing their location to live. This had a significant impact on their day-to-day lives such as having to move further from the schools of their children or creating a feeling of isolation or unsafety in certain locations. There was a feeling that needs in terms of location were not always taken into account, particularly in circumstances such as these:

“I need stability for my kids because it’s the constant ‘are we moving, are we not moving? How long are we staying here?’ and they’ll have already formed friendships and things so it’ll even harder for them because we’ve been here for so long – it’s nearing three years that we’ve been in the temporary accommodation” – [Focus Group Participant].

When reflecting on how this aspect of housing could be improved, the general sense was that the building of amenities and social facilities should be an important consideration when building new housing. Furthermore, integrating areas where there was a sense of dislocation with better transport links or access to amenities was also seen as an important step to ensure that people’s housing was adequate.

## **Stakeholder Views**

Stakeholders reflected on whether housing was built in the right areas generally. There was a sense that the link between housing and the wider economy had not been bottomed out properly, in the sense that housing perhaps was not always built near where jobs are. Stakeholders

expressed a need and desire for housing to support rather than undermine economic policies and there was a sense that so far these were not being considered together.

One example given was the lack of ‘family’ housing in Edinburgh, in the sense that much of the housing is flats and apartments. Thinking about those in the social or private rented sector, it’s hard for families to get a house with a garden so then they end up living outside the city.

There were also reflections that housebuilding has taken place in areas without a sufficient increase in the services around them, placing a strain on services such as schools and GP practices. These were deemed to be linked to land planning issues and a variation in approaches by local authorities whereby some gave more careful consideration to these issues than others when granting planning permission for housing.

## 2.7 Cultural adequacy

<p><b>Cultural adequacy</b> – Housing is not adequate if it does not respect or take into account the expression of cultural identity.</p>
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### Public Participant Views

Participants tended to elicit less detail during conversations on cultural adequacy in housing than they did for other elements. Most acknowledged this as an important factor, though less so than aspects like affordability and habitability, for instance.

A few participants from minority ethnic communities reflected on their own backgrounds and cultures when discussing multi-generational households, where it is the norm for three or four generations of one family to live together. They compared these cultural norms to those amongst White British ethnic groups – where people tend to live independently from, and often at a distance from, their families – when explaining a lack of ‘ready-made’ housing for multi-generational and/or large families:

“I’m originally from Nigeria, where there’s a family culture that you have four generations in one big house – you have the great-grandfather, the grandfather, the father and the son and his kids... In the UK, the cultural thing here is that everyone wants to be independent – you want to have your own separate small family. Yeah, you want to go and visit but you

want to live on your own. So, if you really want that [to live as a multi-generational family] then you have to go out of your own way to provide for that” – [Focus Group Participant].

Although they saw the benefits of increasing such provisions to accommodate multi-generational families, they thought that a supply of bigger houses (with more than four rooms, for instance) might not be taken up due to a lack of need overall:

“But then if you have a lot of five-beds, like here in Aberdeen, you wouldn’t get families to go in them – there aren’t a lot of people who need five bed houses. It depends on need and it’s usually two-bed, three-bed, four-bed at most, and it meets the needs. But if you want to go that way of having loads of five-beds, basically, you can create a new problem instead of solving one” – [Focus Group Participant].

Another participant talked about how people in certain Asian communities tend to look after their elders in their own homes for as long as possible, as opposed to moving them into care homes, for instance. However, a lack of space in their parents’ house made this unworkable – causing them to sleep in the living room – and eventually led them to find a house of their own. This meant that they now had to travel to their parent’s house to tend to them, as opposed to moving from room to room:

“So yeah, cultural adequacy in that situation wasn’t practical, unless I’m able to afford a house that’s like a four-five bedroom and extra bathrooms as needed and maybe extra space for a carer or an outside carer coming in to do shifts and take turns to look after them... if I could live in with them it would be great, but I was just finding it impossible with the constraints of the space we were living in and it was really impacting my mental health” – [Focus Group Participant].

It was therefore believed that – as a first step – housing providers should be more mindful of housing-related cultural needs, like those mentioned above, and that person-centred consultations with tenants could identify potential provisions to better enable the expression of cultural identity.



## Stakeholder Views

Stakeholders reiterated the views of public participants and agreed that cultural adequacy in Scottish housing remains relatively unexplored. Others touched on the challenges facing specific groups, such as the expense of rented land and access to basic amenities (e.g., water) for Gypsy/Traveller individuals.

Stakeholders also considered how the many aspects of Scottish housing – from property size and make-up to the provision of nearby spaces to express cultural identity – could better connect with this element:

“We still need explore what this dimension means for communities in Scotland. It could be the housing itself, or proximity to places of worship. There are so many parts to cultural identity that this could relate to. An obvious group is for Gypsy/Travellers, and what cultural adequacy means to them, and whether it is being met or not” – [Stakeholder].

## 3. Conclusions– Minimum core for housing

### 3.1 Current status

Notwithstanding the seven elements of the RTAH explored thus far in this report, it is not clear exactly what detail the proposed new legislation will incorporate.

However, the Scottish Government has accepted all of the recommendations of the National Taskforce on Human Rights,<sup>18</sup> meaning that the legislation is likely to include the introduction of a ‘minimum core’ for housing which will outline a basic set of rights that should be met immediately.

What should be contained within the minimum core was discussed with public participants. The key elements that were repeatedly named in relation to a minimum core were that housing was safe, affordable and that people had security of tenure. Specifically, this related to housing that is safe in terms of its location and also the fabric of the dwelling so that it is protected from the elements outside and free of hazards that could put households at harm, a level of housing costs that allows people to comfortably afford their home and be able to adequately heat it and create a comfortable environment, and security of tenure that means people can feel settled and able to make their home their own.

### 3.2 Public’s Priorities, Performance and Suggestions

With this current status of the legislation in mind, this research wanted to explore what a minimum core would look like for each of the seven elements of adequate housing. For stakeholders, this was not possible for several reasons:

- The CESCR definitions have not yet been tailored to Scotland.
- Related to this, terms such as habitability and affordability need to be defined in plain English before a meaningful discussion on setting standards and targets can progress.

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<sup>18</sup> [Human Rights Leadership: National Taskforce – Scottish Government, 2019](#)

- Different organisations across the third, public and private sector, will be equipped to suggest a minimum core for each element. For example, disability focussed organisations for helping determine what a minimum core would be for accessibility.

However, the research was still able to gather views from stakeholders on each of the seven elements of adequate housing, and table 3.1 presents each of these elements in turn. They appear in order of highest to lowest priority for the public participants included in this research. To emphasise, all participants saw all seven areas as important, but a pattern of relative importance emerged. Affordability was of top priority and may have been partly influenced by the research taking place at the time of a cost of living crisis being discussed and felt in the UK.

The perceived performance of housing in Scotland, based on the views of public research participants, is coded in Table 3.1 using a RAG format. For RAG - red represents the most room for improvement and green least room for improvement and amber is in the middle. According to this research, no participants were of the view that Scotland was performing universally well to any of the seven elements. However, it is important to remember that this research was qualitative in nature and cannot make assertions as to how representative these perceptions would be from a larger population base. Furthermore, as discussed in the policy context section, participants were given the general CESC definitions of each of the seven elements. Currently, these have not been tailored to Scotland.

The final column highlights improvements suggested by research participants, drawing from the findings in the previous chapter. These are framed to answer the research question - What elements of housing are seen as particularly important for the law to cover so everyone has legal rights to it in the immediate term? Essentially, this is what could be argued to be written into the minimum core for the RTAH in the upcoming Human Rights Bill, as well as what steps could be taken to improve the realisation of people's RTAH in Scotland.

**Table 3.1: Summary of Elements in the view of research participants**

Elements in order of priority to research participants	Perceived Performance of Housing in Scotland	Suggested improvements
Affordability		<ul style="list-style-type: none"> <li>• Increase the availability of affordable housing.</li> <li>• Understand what ‘affordable’ means for people living in different parts of Scotland and in different circumstances.</li> <li>• Improve transparency and consultation around rent increases.</li> <li>• Implement longer rent freezes and a more robust maximum cap on rent increases.</li> </ul>
Habitability		<ul style="list-style-type: none"> <li>• Improve enforcement of current rights concerning the state of repair for dwellings.</li> <li>• Extend rights to lift standards in terms of size of rooms.</li> <li>• Improve standards around places to cook and eat in temporary accommodation.</li> <li>• Incentivise long-term rather than piecemeal repairs by owners.</li> <li>• Undertake a more person-centred approach to housing allocation in the social rented sector to take into account the appropriate space and number of rooms for the size of household.</li> </ul>
Security of tenure		<ul style="list-style-type: none"> <li>• Introduce clearer guidelines concerning the return of end-of-tenancy deposits</li> <li>• Extend rights so that those occupying a dwelling for less than six months are also granted a notice period of three months</li> <li>• Consider how to protect tenants in the event that their security of tenure is compromised by factors outside their control such as repossession of a property from a landlord</li> </ul>
Availability of services, materials,		<ul style="list-style-type: none"> <li>• Integrate bills to include the cost of energy with rented accommodation to ensure greater consistency of payment.</li> </ul>

facilities and infrastructure		<ul style="list-style-type: none"> <li>• Introduce communal schemes whereby residents within a block or area, pay for energy together to reduce costs for the whole.</li> <li>• Require that heating systems are maintained and modern enough to ensure a home can be kept adequately warm.</li> <li>• Take a more holistic look at energy with the maintenance of heating systems, windows and other aspects related to energy efficiency throughout a tenancy to provide an adequate minimum standard which would reduce cost and increase the comfort of occupants.</li> </ul>
Accessibility		<ul style="list-style-type: none"> <li>• Include consideration of the need for adaptations and accessibility as a standard element in the development of new housing supply.</li> <li>• Require housing providers to be more proactive and logical when considering the accessibility needs of households occupying dwellings.</li> <li>• Introduce more person-centred consultation throughout a tenancy with occupants to ensure that requirements around accessibility can be implemented during the duration of occupying a dwelling</li> </ul>
Location		<ul style="list-style-type: none"> <li>• Take action to increase the availability of affordable housing in more desirable locations.</li> <li>• Require place-making to be seen as a central element during the granting of planning for new housing development.</li> </ul>
Cultural adequacy		<ul style="list-style-type: none"> <li>• Undertake greater consideration for the provision of larger housing for larger families including to meet the needs of some minority ethnic communities.</li> <li>• Develop a greater understanding of this element to ensure that any future legal rights can be based on an accurate assessment of the current situation in Scotland.</li> </ul>

### 3.3 Recommendations

Based on consultation with stakeholders and hearing the lived experience of members of the public in relation to housing in Scotland, we would make the following recommendations:

1. **In Scotland, concerted effort is needed across agencies to ensure peoples housing rights are achieved.** A Human Rights Bill, incorporating RTAH, should be taken as an opportunity to specify any new rights, clarify rights and enforce rights.
2. **The definitions of the seven elements of adequate housing must be tailored for Scotland within any legislation.** In particular, definitions around affordability and habitability must be set in a Scottish context to ensure that resulting legislation sets enforceable standards which will drive improvement for Scots rather than maintain the status quo.
3. **The Scottish Government should be ambitious in setting the standards for a minimum core for housing.** The reflections from stakeholders and the lived experience of participants in this research gives a sense of the priorities of Scots and a range of proposed solutions that can improve the experience of housing across each of the seven elements of adequate housing.
4. **The co-dependencies of the factors must be considered in the development of any legislation.** RTAH legislation must protect tenants in a way that ensures all of the seven elements of adequate housing can be met by considering how changes to one element will affect another. Research participants identified that both private and social landlords play a pivotal role in the supply of housing in Scotland. There needs to be support for landlords associated with raising standards across habitability, accessibility and services, facilities, and infrastructure to ensure that costs are not passed on to tenants which would impact on affordability.
5. **There should be a more person-centred approach to housing allocation to correspond to a human rights-based approach to housing which takes greater need of the changing needs of households, particularly in the social rented sector.** This would ensure that people are allocated suitable housing and are supported throughout their housing journey to live in dwellings appropriate for their needs in terms of size, location, facilities, and cultural adequacy.

6. **Scottish Government should develop a strategy for improving tenants' knowledge and understanding of their current rights.** Further work should also be undertaken to improve enforcement of rights and accountability of landlords in delivering people's housing rights.
  
7. **Scottish Government's drafting, consultation and review of upcoming primary and secondary legislation must overcome current challenges to set a minimum core for adequate housing across its seven elements.** Firstly, what do each of the seven RTAH elements mean in Scotland? Secondly, how do rights in current law (regardless of whether these are met) cover the seven elements as defined? Thirdly, how could a minimum core be set, monitored, and enforced?



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*From many voices to smart choices*