

Consultation Response

Consultation on the Introduction of a Tenant Information Pack in the Private Rented Sector

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Shelter
Scotland

Summary

- Shelter Scotland welcomes the opportunity to respond to the Scottish Government's consultation on the Introduction of a Tenant Information Pack (TIP) in the Private Rented Sector. The duty placed on landlords to provide a Pack is an important step in ensuring tenants in the private rented sector are well informed of their rights and duties.
- Shelter Scotland believes that the pack should be made available online with a downloadable checklist and questionnaire to be completed by the landlord on specific information on the tenancy and property.
- The language and format of the pack should be designed with the tenant in mind. It should therefore distil any legal language and regulations into easy to use information about what this means for the tenant. Shelter Scotland has significant expertise in writing and developing information in a variety of formats and we would welcome the opportunity to be involved in the final drafting of the TIP.
- The pack is an important step but we believe that on its own it is not enough to ensure that tenants have access to good quality advice and information. We propose that the pack should be made available direct to tenants, through a web hub which would provide comprehensive and tailored information, advice and a guide to renting in Scotland. Shelter Scotland has produced a proposal for developing and running this web hub and we would welcome further discussion with the Scottish Government on how it would be delivered.

Introduction

Shelter Scotland welcomes the opportunity to respond to the Scottish Government's consultation on the Introduction of a Tenant Information Pack in the Private Rented Sector. A pre-tenancy information pack should contribute to helping tenants in the private rented sector to become more informed consumers. An informed consumer is one who is aware of, and responsive to, their own responsibilities and will also be able to identify, anticipate or avoid problems at an early stage. It is important to have informed consumers in the market who know and understand what services they can expect from their landlord, what constitutes a 'fair deal', the choices open to tenants, the rights they have and how these are protected, where they can turn if things go wrong and their responsibilities as a tenant. Informed tenants are also better for landlords as they help raise standards and improve competition, reward good practice and service. Better

informed tenants can also be more responsible creating fewer problems for landlords, making it easier to avoid disputes and therefore contributing to a flourishing sector.

The TIP should support the principles of good consumer information as set out in the Better Information Handbook¹ produced by Advice Now. The main aim of the TIP should be to provide information and not simply documentation. The focus of all information given by the pack should be on what the tenant needs i.e. what does the tenant need to know and where can they go for help or advice. The pack should clearly explain the tenant's rights and responsibilities and then lay out in an easy accessible format what should be done. For example, information that landlords in Scotland should be registered, followed by details of how to find out if they are and what to do in they are not.

We have responded to the consultation questions below to give our views on the types of information that should be included in the TIP. The detailed drafting and presentation of this information is vital to ensure that the TIP fulfils its potential. We think that there is significant scope to improve on the drafting and presentation of the example pack provided in the consultation. Shelter Scotland is at the forefront of good practice in providing information in a range of formats that is easy to understand, and we are well placed to advise on the final drafting of the pack. We would welcome the opportunity to have further discussion with the Scottish Government on the detailed drafting and communication of the final pack.

Being an informed consumer is more than just receiving information. This pack should be the beginning of a process of developing an effective consumer voice in the private rented sector. To be effective consumers, tenants also need to have access to consumer protection and redress, and the capability to use these schemes and mechanisms effectively. This requires information about sources of advice and support, and knowledge of how and when to self refer. To build on the TIP, Shelter Scotland would like to see a web hub to support renting privately in Scotland and we would welcome further discussion with the Scottish Government on how to develop this.

Shelter Scotland response

Question 1 – Do you agree that the following information should be included in a pack about the tenancy?

- **The difference between assured and short assured tenancies**

¹ <http://static.advicenow.org.uk/files/bih-final-71.pdf>

- **What an AT5 form is?**
- **What to do if you want to end a tenancy**

Yes, Shelter Scotland agree that it is helpful to include the difference between an assured tenancy and a SAT, what an AT5 form is, and how to end a tenancy.

It would also be helpful if it was made clear upfront what type of tenancy the tenant is signing. The landlord could complete a tenancy 'questionnaire', simply ticking a box specifying whether it is Assured or Short Assured. This will clear up any ambiguity for the tenant over what kind of tenancy they have and what their rights are. The pack is also an opportunity to make it clear whether the property has an HMO license, in order to let people know the difference in rights and responsibilities of a tenant in an HMO property.

Question 2 – Please list any other types of information you think should be included about the tenancy

Information about the requirements of tenancy deposit protection should also be made clear in this section. Information on a tenancy deposit scheme should include where the deposit money is held and the steps that will be taken when the tenancy is complete. There should also be a link to where more information can be found.

Question 3 – Do you agree that the following information should be included in a pack about the property?

- **Gas and electrical safety**
- **Energy Performance Certificate**
- **Council tax information**
- **Permitted level of occupancy**
- **Repairing Standard**
- **Inventories**

Yes. More explicit information should be included about the repairing standard and when and how to approach the Private Rented Housing Panel.

A checkbox on the tenancy information pack front page should specify whether the tenant has received and agrees with the inventory and an option should also be given for the landlord to complete information on the Council Tax Band for the property.

Question 4 – Please list any other types of information you think should be included

Any gas and electricity meter readings should also be supplied by the landlord alongside gas and electricity suppliers. This would help resolve any potential confusion and disputes for tenants around energy supply payments about the property.

Question 5 – Section 2.2 provides information about electrical safety. Do you think the pack should include more detailed information about the condition and safety of the electrical installation in the property?

It would seem sensible for tenants to be provided with information on the safety of electrical installations where appropriate, however we would not want this to become too burdensome for the landlord. We would suggest that this is an optional element for the landlord.

Question 6 – Do you think there should be more information included about the condition and safety of electrical appliances in the property?

As above, it would seem sensible for tenants to be provided with information on the safety of electrical fittings and appliances where appropriate. Landlords may have the option of giving information about whether appliances had undergone a Portable Appliance Test (PAT), alongside information of what to do if they felt that the appliances did not reach the standard. We would suggest that this is an optional element as we would not want this to become too burdensome for landlords.

Question 7 – Do you think there should be more information included about the general safety of the property?

Question 8 – Do you agree that the following information should be included in a pack about the landlord?

- **Landlord registration information**
- **HMO licence information**

Yes, and it's also important to include the landlord's registration number upfront as proof that the landlord is registered. Information should also be provided within the pack on what to do if the landlord is not registered.

Question 9 – Please list any other types of information you think should be included about the landlord

Question 10 – Do you agree that the following information should be included in the pack about the rights and responsibilities of tenants and landlords?

- **Tenants and landlords responsibilities**
- **Harassment and unlawful eviction**
- **Information about the tenancy deposit schemes(s)**
- **Tenant’s obligations under antisocial behaviour legislation**

Yes, this is a vital element of the pack and we would welcome the opportunity to contribute in more detail to the drafting of these sections.

Question 11 – Please list any other types of information you think should be included about the rights and responsibilities of tenants and landlords

Question 12 – What are your views on the way the example pack contained in this consultation document is presented? For example, is it ‘fit for purpose’, clear, understandable, and easy to interpret?

The illustration pack within the consultation document is quite cumbersome for the tenant due to the large amount of information that it contains. We think that there is significant scope to improve on the presentation and communication of the information that the pack should contain. For example, parts of the pack currently focus too heavily on the background legislation and rules rather than actually focusing on what tenants need to know. For example the section 2.5 on ‘Permitted level of occupancy’ heavily relies on legal language and definitions and fails to clearly state what would be counted as one person. The tenants need to know clearly how many people are allowed in that property and tenancy.

More generally, the tone and language used in the pack should speak to the specific audience i.e. the tenant. There are places where the pack refers to the ‘the tenant’ and ‘the landlord’ where it would be more helpful if the pack addressed the tenant directly i.e. ‘you’ and ‘your landlord’.

Provision should also be made for the information contained in the pack to be made available in other languages, to make it accessible to those for whom English is not a first language.

These are general comments and we would welcome the opportunity to be involved further in the final drafting of the pack. Shelter Scotland has particular expertise in writing information for a variety of formats and audiences.

Question 13 – What are your views on the proposed process outlined in this consultation document for managing the content and for accessing the pack?

Shelter Scotland believes that the pack should primarily be available in an online form that can be downloaded and filled in by the landlord for that particular property and tenancy in a similar way to a Home Report property questionnaire. This would be an extension of the suggested checklist but allow specifics around the tenancy and property to be included in the pack.

Shelter Scotland believes that the content would be most simply managed through a separately run web portal. The web portal would then act as the main information pack guiding the tenant, through signposting, though their rights and responsibilities.

It will be vital to ensure that the TIP is well publicised to landlords and tenants, both to ensure it fulfils it's potential to improve consumer awareness in the PRS, and to ensure that landlords meet their new legal obligations. A publicity campaign using online, social media and other media sources will be a key part of this, and Shelter Scotland would welcome the opportunity to discuss further with the Scottish Government how we can contribute to and support this.

Question 14 - Does the process outlined in this consultation document provide adequate confirmation that the pack has been provided to the tenant before the tenancy has begun? If not can you explain why?

The process of providing the pack and confirming the pack has been received – with a signature if hard copy and with an e-mail confirmation if online – seems like a sensible and appropriate process. It should be made clearer however when the pack should be provided. Within the process laid out in the consultation, it is suggested that 'the pack will be given to the tenant at the start of the tenancy'. We believe that it is important that the tenant receives the pack *before* the beginning of the tenancy to be aware of their rights and responsibilities before signing a tenancy agreement.

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