

Consultation response

The Scottish Social Housing Charter: A Consultation

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Shelter

Scotland

Summary

- Shelter Scotland welcomes the opportunity to respond to the Scottish Government's consultation on the Scottish Social Housing Charter (Charter) and believes that when it is introduced in April 2012, it has *potential* to be a valuable tool for landlords and customers to improve standards and communication. It will only be a valued tool however, if the outcomes are clear, relevant and measurable. In our detailed response below we argue that some outcomes still need strengthening.
- The Charter is clearly laid out in the consultation and covers most of the key priority areas for social housing landlords and customers. However it is important that the final Charter document is accompanied by thorough guidance and more detailed explanations of what the outcomes mean. It is also important 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 be articulated in current performance measures, audit frameworks and assessment models.
- 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. Shelter Scotland has previously raised concerns about the scope of the customer consultation carried out and feel that homeless people, minority groups and those on waiting lists were largely excluded from the consultation process. During the final phase of consultation it is important that concerns raised by these groups and their representatives are recognised and that the document is a balanced reflection of what a rounded housing service would look like.

Introduction

Shelter Scotland welcomes the opportunity to respond to the Scottish Government's consultation on the Scottish Social Housing Charter. Once the Charter becomes effective on 1 April 2012, it should be a tool to help drive up standards across all social landlords and to ensure consistency across the sector. In order to be effective, the final Charter

document should be relevant to both landlords and all their customers and must be workable and enforceable. We have opted to work with the grain of thinking on the Charter and to be positive about its potential impact. It could be argued that there is a lot of risk as well, that the outcomes will be seen as detached from day to day housing practice and do little to influence actual performance.

As a member of the Scottish Social Housing Charter Sounding Board, Shelter Scotland has participated in the development of the Charter over the past year and responded to the informal consultation earlier in the year. The Charter has developed significantly over the past year, but there remain unanswered questions about how it will be monitored and enforced and how valuable the final document will be to social housing customers.

While we support the Scottish Government's attempt to consult widely during the formulation of the Charter, Shelter Scotland has on a number of occasions, highlighted how hard to reach and minority groups have not been consulted as thoroughly as tenants have. To quite a significant extent the Charter is a reflection of the consultation process in the balance of the outcomes listed¹. This remains a flaw in the Charter consultation and evolution process and compounds the issue that the rights and needs of homeless people, minority groups and those on waiting lists are often overlooked.

The challenge of creating a single Charter 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. This tension is apparent in the Charter Consultation document where the intention behind an outcome is important but the remit of the Charter and the vague wording of the outcome render it unmeasurable and meaningless. It is vital that the Charter does not simply become another bureaucratic hoop for landlords to jump through that tenants and other customers do not value and does not result in any progress. Part of customers valuing the Charter is the way in which it can help to bring about changes and improvements in landlord services. For that to happen it is important to establish how performance will be monitored and what the role of the Scottish Housing Regulator (SHR) will be in this. 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 rest of this response deals only with questions in the consultation where we have specific comments to make.

¹ For example, the problem of ASB which is a very real problem, but one only partly in the control of social landlords, has 8 outcomes.

Response to Charter outcomes

Generally, the draft outcomes cover the key areas and meet the aims of being priorities for service users and within a landlord's remit to change. On the third stated aim - of being measurable by the SHR - while some of the outcomes could be measured quantitatively through landlord and customer satisfaction data, others may be more difficult to assess. A mix of outcomes is necessary to get a complete picture of how landlords are performing across all their services. However some of the outcomes are still vague and too subjective which will make them difficult to measure. For example:

- *Tenants and residents take pride in where they live.*
- *People looking for housing are satisfied that landlords make the best use of the housing available.*
- *Tenants and other customers are treated with respect for their individuality and diversity.*

Shelter Scotland feels that in order for the Charter to be valued, this vagueness must be ironed out of the Charter.

Response to consultation questions

1. Have we missed out any areas that the Charter should cover? If so, please tell us.

The Charter broadly covers the key areas, although the weighting of certain areas against others seems disproportionate as detailed in question responses below particularly on Housing Options, Homelessness and Antisocial behaviour.

2.

- a. Do you agree with the 'participation' outcome? If yes, please use the box to provide any comments. If no, please tell us why.**
- b. Is the 'participation' outcome clear and understandable? If no, please tell us why.**

Shelter Scotland generally agrees with these participation outcomes, although measurability could be an issue. Particularly, for example Outcome 6 '*Tenants and customers get support to build their capacity for more effective involvement*'. With this outcome it would be difficult to measure a person's increased capacity for participation but this also arguably sits beyond the remit of the landlord.

7.

- a. **Do you agree with the 'housing options' outcome? If yes, please use the box to provide any comments. If no, please tell us why.**
- b. **Is the 'housing options' outcome clear and understandable? If no, please tell us why.**

Shelter Scotland does not believe that these outcomes address Housing Options sufficiently and would suggest that this section is expanded. There are only 2 outcomes in the consultation dealing specifically with Housing Options and none dealing with homelessness prevention directly. Housing Options is now the central pillar of the Scottish Government's homelessness prevention strategy and will only become more important as this policy area and landlord practices develop. Additional outcomes should be added around the quality of advice and information being delivered and referrals to other agencies and housing support needs. Example outcomes:

People looking for housing:

- *Are offered advice and information appropriate to their circumstances and the housing options available in the area. This includes the option of making a homeless application.*
- *Are given up-to-date information about internal or external agencies who could offer alternative or complementary housing options advice where necessary.*

8.

- a. **Do you agree with the 'access to social housing' outcome? If yes, please use the box to provide any comments. If no, please tell us why.**
- b. **Is the 'access to social housing' outcome clear and understandable? If no, please tell us why.**

When allocating social housing, landlords should prioritise those in greatest housing need while adhering to legal duties and their allocation policy. While this group of outcomes covers transparency and the process of allocating houses, it does not overtly address the basic principle that should guide all social housing allocations: need. Accessing social housing is primarily of concern to those on waiting lists and those who are homeless, as opposed to tenants. These outcomes reflect the fact that these groups have not been widely consulted in the drafting of the Charter. An outcome should be added here to address this discrepancy. Example outcome:

- *Landlords allocating social housing should prioritise getting those in greatest housing need into permanent accommodation in as short a time as possible.*

Information and advice about accessing social housing should be clear and easily obtainable for all people regardless of background or the route through which they access social housing.

Aside from the comments above, Shelter Scotland generally agrees with the 'access to social housing' outcomes in the draft, although some of them are very open ended and again, could be difficult to measure. For example *'People looking for housing are satisfied that landlords make the best use of the housing available'*. Given the demand for social housing, and the tensions that can arise over the allocation of housing, this outcome is too broad and not a realistic outcome to achieve. Social landlords are dealing with a range of customers with a variety of needs and expectations and what might 'satisfy' one customer on what is best use of a house may not satisfy another. There may be mitigating factors which have dictated the allocation of a property which could be in line with legislation and the landlord's allocation policy, but not be satisfactory use of housing to some tenants/customers.

9.

- a. Do you agree with the 'homeless people' outcome? If yes, please use the box to provide any comments. If no, please tell us why.**
- b. Is the 'homeless people' outcome clear and understandable? If no, please tell us why.**

These outcomes are a significant improvement on previous drafts of the Charter.

Outcome 4: the phrase 'while they are homeless' should be removed from this outcome, it is unnecessary.

Outcome 5: This outcome doesn't seem to make sense. There should be a separate outcome on housing support/support but 'Homeless people get ongoing communication' does not mean anything. Example outcomes:

Homeless people

- *Are offered ongoing support or referrals for support to help them settle in and cope with maintaining their tenancy.*
- *Receive regular updates on their application/housing situation and are communicated with if their situation changes.*

10.

- a. Do you agree with the 'tenancy sustainment' outcome? If yes, please use the box to provide any comments. If no, please tell us why.**
- b. Is the 'tenancy sustainment' outcome clear and understandable? If no, please tell us why.**

Shelter Scotland welcomes this section on tenancy support in the Charter and that it has been expanded from earlier drafts. Outcome 2 however, suggests that *'tenants can get support to help them remain in their home if their tenancy is at risk'* but this should be amended to reflect the fact that any tenant should be offered help to maintain their tenancy whether immediately at risk or not. In line with homelessness prevention best practice and the move towards Housing Options advice services, tenancy support should be offered before the point of crisis. Example outcome:

Tenants:

- *Can get support to help them keep their home – before, at the start or during their tenancy, not just at the point of crisis.*

There should also be an outcome included in this section dealing with arrears evictions and the forthcoming Pre-Action Requirements for rent arrears cases. Example outcome:

- *Issues of debt and rent arrears are addressed in ways which keep people in their tenancy wherever possible.*
- *Where legal action in rent arrears cases is necessary as a last resort, landlords must adhere in full to Pre-Action Requirements to try and resolve the dispute.*

**17. Do you think that a good landlord should be able to achieve these outcomes?
Please explain your answer.**

The outcomes currently laid out in the Charter should (with the caveats made on specific questions above) be achievable by all social landlords. The Charter builds on existing legal duties, frameworks and statutory guidance across a lot of areas and many social landlords will already have processes and protocols for delivering a lot of these outcomes. It remains to be seen, however, how effective the Charter will be in improving consistency across all social landlords and improving standards by those landlords who are currently not delivering. This comes back to the enforcement and performance management of the Charter outcomes and how this will be implemented. Without any guidance on how this will be carried out, it seems that while social landlords *should* be able to achieve these outcomes, whether or not they will, remains to be seen.

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