

Local Government, Housing and Planning Committee

7th Meeting, 2022 (Session 6)

Tuesday 1 March 2022

Scottish Social Housing Charter

Introduction

1. The Revised Scottish Social Housing Charter was laid in the Scottish Parliament on 22 February 2022.
2. A copy of the revised charter with changes tracked can be found at Annex A to this paper. Moreover, the Cabinet Secretary for Social Justice, Housing and Local Government has written to the Committee explaining the purpose of the review. That letter can be found at Annex B. The Scottish Government has also provided the Committee with a briefing, which can be found at Annex C.
3. The revised charter must be approved by the Scottish Parliament before it can come into force.

Scottish Social Housing Charter

4. The Housing (Scotland) Act 2010 introduced the Scottish Social Housing Charter. The Charter focuses on improving the quality and value of services provided by landlords across Scotland and sets the standards and outcomes that social housing landlords should be achieving for their tenants and other customers. The Scottish Housing Regulator (SHR) monitors and reports on landlord performance against the Charter based on a series of Charter indicators which they collect.
5. More specifically, the Charter sets out the standards and outcomes that:
 - tenants can expect from social landlords, in terms of the quality and value for money of the services they receive, the standard of their homes, and opportunities for communication and participation in the decisions that affect them;
 - homeless people can expect from social landlords in terms of access to help and advice, the quality of temporary accommodation, and continuing support

- to help homeless people access and keep a home owners can expect from the property management services they receive from social landlords;
- Gypsy / Travellers can expect in terms of the maintenance and management of sites.

6. The Charter applies to Scottish social landlords and does not cover private-sector landlords.

7. The first Charter was approved by the Scottish Parliament in 2012 and there is a requirement to review it every five years with the last Charter coming into force in 2017. A revised Charter needs to be in place by April 2022

8. The Scottish Government undertook a consultation on the charter prior to laying this revised charter.

9. An analysis of the consultation responses can be accessed via the link below.

<https://www.gov.scot/publications/scottish-social-housing-charter-consultation-analysis-report/>

Committee scrutiny

10. The Committee considered its approach to scrutiny of the revised Charter at its meeting on 1 February.

11. The Committee agreed to take evidence from the Minister for Zero Carbon Buildings, Active Travel and Tenants' Rights. The Committee also agreed to write to stakeholders inviting their views on the revised charter.

12. The Committee received responses from Living Rent and ALACHO and Living Rent and these can be found at Annex D.

13. At the meeting the Committee will take evidence on the revised Charter from the Minister for Zero Carbon Buildings, Active Travel and Tenants' Rights.

14. The Committee will then be invited at its meeting on 8 March to consider whether or not to recommend to Parliament that the Charter should be approved.

Delegated Powers and Law Reform Committee

15. The Delegated Powers and Law Reform Committee is also required to consider the revised charter as a document subject to approval. It will consider the revised charter at its meeting on 1 March.

Next Steps

16. The Committee will consider a motion at its meeting on 8 March inviting it to recommend approval of the revised Charter. Following consideration of that motion,

the Committee will publish a report to the Parliament setting out its recommendations on whether or not Parliament should approve the revised Charter.

Clerks
Local Government, Housing and Planning Committee

Annex A

The Scottish Social Housing Charter

April ~~2017~~2022**THE SCOTTISH SOCIAL HOUSING CHARTER****Introduction****1 Status of the Charter**

1.1 As required by section 31 of the Housing (Scotland) Act 2010, the Scottish Ministers, in this Scottish Social Housing Charter, set the standards and outcomes that all social landlords should aim to achieve when performing their housing activities.

1.2 The first Charter came into effect on 1 April 2012 and was reviewed during 2016 and 2021. The resulting revised Charter was approved by resolution of the Scottish Parliament on (xx), has effect from 1 April ~~2017~~2022 and continues to apply until the Parliament approves a further revised Charter.

1.3 Before submitting the revised Charter to the Scottish Parliament for approval, and as required by section 33 of the 2010 Act, the Scottish Ministers consulted the Scottish Housing Regulator; tenants in social housing and their representative bodies; social landlords; homeless people; and other stakeholders about the Charter's contents. They have taken account of all their views to ensure that the outcomes in the Charter:

- describe the results that tenants and other customers expect social landlords to achieve
- cover social landlords' housing activities only
- can be monitored, assessed and reported upon by the Scottish Housing Regulator.

1.4 The Charter does not replace any of the legal duties that apply to social landlords, but in several cases the outcomes and standards describe the results social landlords should achieve in meeting their legal duties.

2 Purpose of the Charter

2.1 The Charter helps to improve the quality and value of the services that social landlords provide, and supports the Scottish Government's National Outcomes on communities, environment and human rights which describe the kind of Scotland we want to see. ~~It~~ The Charter does so by:

- stating clearly what tenants and other customers can expect from social

- landlords, ~~and~~ helping them to hold landlords to account
- focusing the efforts of social landlords on achieving outcomes that matter to their customers
- providing the basis for the Scottish Housing Regulator to assess and report on how well landlords are performing. This assessment enables the Regulator, social landlords, tenants and other customers to identify areas of strong performance and areas needing improvement.

2.2 The Regulator's reports also help the Scottish Government to ensure that public investment in new social housing goes only to landlords assessed as performing well.

3 Scope and content of the outcomes and standards

3.1 The right to adequate housing is a human right in international law. All the outcomes and standards in the Charter support this right by setting the standards and outcomes that social landlords should achieve for their tenants and other customers by delivering good quality homes and services.

3.2 The Charter has seven sections, covering: equalities; the customer/landlord relationship; housing quality and maintenance; neighbourhood and community; access to housing and support; getting good value from rents and service charges; and other customers. It contains a total of 16 outcomes and standards that social landlords should ~~aim to~~ achieve. The outcomes and standards apply to all social landlords, with the exception of that number 12 which applies only to councils ~~in relation to~~ regarding their homelessness duties; and number 16 which applies only to councils and registered social landlords that manage sites for ~~g~~Gypsy/ ~~t~~Travellers.

3.23 Each section is accompanied by a short description of the context of the outcome or standard, including the areas of activity to which it applies and ~~any~~ examples of relevant legal duties connected with it. The description is not part of the outcome, and does not tell social landlords how to achieve it. That is a matter for each landlord to decide, in consultation with its tenants and other customers.

3.34 The outcomes on ensuring equalities, communication and participation apply across all sections of the Charter. ~~During the Charter review, many stakeholders said that all the standards and outcomes should be reflected across the whole of a landlord's activities. For example, the communication outcome requires landlords to manage their businesses so that tenants and other customers find it easy to communicate with their landlord and get the information they need about their landlord. This information would include how and why their landlord makes decisions and provides its services; how it communicates its plans for providing repairs, maintenance and improvements; how it provides information on housing options; and how it helps tenants sustain their tenancy.~~

4 Assessing social landlords' achievement of the outcomes and standards

4.1 Social landlords are responsible for meeting the outcomes and standards ~~and outcomes~~ set out in the Charter. They are accountable to their tenants and other customers for how well they do so. They should ensure that their performance

management and reporting systems show how well they are achieving the outcomes; identify any areas where they need to improve; and enable them to report to their tenants and other customers and the Scottish Housing Regulator.

4.2 Under the 2010 Act, the Scottish Housing Regulator is responsible for monitoring, assessing and reporting on how well social landlords, individually and collectively, achieve the Charter's outcomes.

5 Reviewing and revising the Charter

5.1 ~~Unless there are significant issues that would merit a change to the Charter, Unless stakeholders raise urgent and significant concerns about how the Charter is working in practice, the Charter~~ it will apply for five years from 1 April ~~2017~~2022. In consultation with stakeholders during 2026, the Ministers will review its effect ~~during 2021~~ on the performance, quality and value of social landlords' services, and its value to tenants and other customers, social landlords and the Scottish Housing Regulator.

Charter outcomes and standards

The customer/landlord relationship

1: Ensuring Equalities

Social landlords perform all aspects of their housing services so that:

- they support the right to adequate housing
- *every tenant and other customer has their individual needs and rights recognised, is treated fairly and with respect, and receives fair access to housing and housing services.*

This **outcome** describes what social landlords, by complying with equalities legislation, should achieve for all tenants and other customers regardless of age, disability, gender reassignment, marriage and civil partnership, race, religion or belief, sex, or sexual orientation.

It includes landlords' responsibility for finding ways of understanding the rights and needs of different customers, for example victims/survivors of domestic abuse and delivering services that recognise and meet these. This may include making reasonable adjustments.

2: Communication

Social landlords manage their businesses so that:

- *tenants and other customers find it easy to communicate with their*

landlord and get the information they need about their landlord, how and why it makes decisions and the services it provides.

This **outcome** covers all aspects of landlords' communication with tenants and other customers. This ~~could include~~ making use of a range of non-digital and digital communications in accessible formats that meet individual needs, of new technologies such as web-based tenancy management systems and smart-phone applications. It is not just about how clearly and effectively a landlord gives information to those who want it. It also covers making it easy for tenants and other customers to make complaints and provide feedback on services, using that information to improve services and performance, and letting people know what they have done in response to complaints and feedback. It does not require landlords to provide legally protected, personal or commercial information.

3: Participation

Social landlords manage their businesses so that:

- *tenants and other customers are offered a range of opportunities that make it find-it easy for them to participate in, and influence their landlord's decisions at a level they feel comfortable with.*

This **outcome** describes what landlords should achieve by meeting their statutory duties on tenant participation. It covers how social landlords gather and take account of the views and priorities of their tenants, other customers, and bodies representing them such as registered tenant organisations; how they shape their services to reflect these views; and how they help tenants and, other customers and bodies representing them such as registered tenant organisations to become more capable of involvement – this could include supporting them to scrutinise landlord services.

Housing quality and maintenance

4: Quality of housing

Social landlords manage their businesses so that:

- *tenants' homes, as a minimum, when they are allocated, and throughout a tenancy, meet the Scottish Housing Quality Standard (SHQS) and any other building quality standard in place; are always clean, tidy and in a good state of repair; and also meet the relevant Energy Efficiency and Zero Emission Heat Standard, for Social Housing (EESH) by December 2020.*

These standards describes what landlords ~~should be~~ achieving in all their

properties. ~~They~~ ~~It~~ covers all properties that social landlords let, unless a particular property does not have to meet part of the standard. If, for social or technical reasons, landlords cannot meet any part of these standards, they should regularly review the situation and ensure they make improvements as soon as possible.

5: Repairs, maintenance and improvements

Social landlords manage their businesses so that:

- *tenants' homes are well maintained, with repairs and improvements carried out when required, and tenants are given reasonable choices about when work is done.*

This **outcome** describes how landlords should meet their statutory duties on repairs and provide repairs, maintenance and improvement services that safeguard the value of their assets and take account of the wishes and preferences of their tenants. This could include setting repair priorities and timescales; setting repair standards such as getting repairs done right, on time, first time; and assessing tenant satisfaction with the quality of the services they receive.

Neighbourhood and community

6: Estate management, anti-social behaviour, neighbour nuisance and tenancy disputes

Social landlords, working in partnership with other agencies, help to ensure as far as reasonably possible that:

- *tenants and other customers live in well-maintained neighbourhoods where they feel safe.*

This **outcome** covers a range of actions that social landlords can take on their own and in partnership with others. It covers support for victims/survivors of domestic abuse, action to enforce tenancy conditions on estate management and neighbour nuisance, ~~to~~ resolving neighbour disputes, and ~~to~~ arranging or providing tenancy support where this is needed. It also covers the role of landlords in working with others to tackle anti-social behaviour.

Access to housing and support

7, 8 and 9: Housing options

Social landlords work together to ensure that:

- *people looking for housing get information that helps them make informed choices and decisions about the range of housing options available to them*
- *tenants and people on housing lists can review their housing options.*

Social landlords have a role to prevent homelessness and should ensure that:

- *people at risk of losing their homes get advice and information on preventing homelessness.*

These **outcomes** cover landlords' duties to provide information to people looking for housing and advice for those at risk of becoming homeless so that homelessness is prevented as early as possible. This could include providing housing 'health checks' for tenants and people on housing lists to help them review their options to move within the social housing sector or to another sector.

10: Access to social housing

Social landlords ensure that:

- *people looking for housing find it easy to apply for the widest choice of social housing available and get the information they need on how the landlord allocates homes and on their prospects of being housed.*

This **outcome** covers what social landlords can do to make it easy for people to apply for the widest choice of social housing that is available and suitable and that meets their needs. It includes actions that social landlords can take on their own and in partnership with others, for example through Common Housing Registers or mutual exchange schemes, or through local information and advice schemes.

11: Tenancy sustainment

Social landlords ensure that:

- *tenants get the information they need on how to obtain support to remain in their home; and ensure suitable support is available, including services provided directly by the landlord and by other organisations.*

This **outcome** covers how landlords on their own, or in partnership with others, can help tenants who may need support to maintain their tenancy. This includes tenants who may be at risk of falling into arrears with their rent, and tenants who may need their home adapted to cope with age, disability, health conditions or caring responsibilities.

12: Homeless people

~~Local~~ Councils perform their duties on homelessness so that:

- ~~homeless~~ people who are homeless or at risk of homelessness get prompt and easy access to help, ~~and~~ advice and information; are provided with suitable, good-quality temporary or emergency accommodation when this is needed; and are offered continuing support to help them get and keep the home they are entitled to.

This **outcome** describes what councils should achieve by meeting their statutory duties to ~~homeless~~ people who are homeless or at risk of homelessness. Social landlords should also have measures in place to prevent homelessness as early as possible.

Getting good value from rents and service charges

13: Value for money

Social landlords manage all aspects of their businesses so that:

- *tenants, owners and other customers receive services that provide continually improving value for the rent and other charges they pay.*

This **standard** covers the efficient and effective management of services. It includes minimising the time houses are empty; managing arrears and all resources effectively; controlling costs; getting value out of contracts; giving better value for money by increasing the quality of services with minimum extra cost to tenants, owners and other customers; and involving tenants and other customers in monitoring and reviewing how landlords give value for money.

14 and 15: Rents and service charges

Social landlords set rents and service charges in consultation with their tenants and other customers so that:

- *a balance is struck between the level of services provided, the cost of the services, and how far current and prospective tenants and service users can afford them*
- *tenants get clear information on how rent and other money is spent, including details of any individual items of expenditure above thresholds agreed between landlords and tenants.*

These **outcomes** reflect a landlord's legal duty to consult tenants about rent setting; the importance of taking account of what current and prospective tenants and other customers are likely to be able to afford; and the importance that many tenants place on being able to find out how their money is spent. For local councils, this includes meeting the Scottish Government's guidance on housing revenue accounts. Each landlord must decide, in discussion with tenants and other customers, whether to publish information about expenditure above a particular level, and in what form and detail. What matters is that discussions take place and the decisions made reflect the views of tenants and other customers.

Other customers

16: Gypsy/Travellers

Local councils and social landlords with responsibility for managing sites for Gypsy / Travellers should manage the sites so that:

- *sites are well maintained and managed ~~and do not fall below, and meet~~ the minimum site standards set in Scottish Government guidance.*

This **outcome** includes actions landlords take to ensure that: their sites ~~meet~~ do not fall below the Scottish Government guidance on minimum standards for Gypsy / Traveller sites, and those living on such sites have occupancy agreements that reflect the rights and responsibilities set out in guidance.

All the standards and outcomes in the Charter apply to Gypsy / Travellers.

Scottish Government
January 2017 April 2022

A note about language

~~We use s~~Some key phrases are used throughout the Charter, which ~~we are~~ explained ed below.

Housing (Scotland) Act 2010, section 31

Section 31 of the Act says that:

‘Ministers must set out standards and outcomes which social landlords should aim to achieve when performing housing activities.

The document in which those standards and outcomes are set out is to be known as the “Scottish Social Housing Charter”.’

~~Long-term aims~~ ~~The Scottish Government has five long-term aims, known as strategic objectives. Everything it does should contribute to making Scotland:~~

- ~~• wealthier and fairer~~
- ~~• healthier~~
- ~~• safer and stronger~~
- ~~• smarter~~
- ~~• greener.~~

~~The Charter supports the aim of creating “A safer and stronger Scotland.~~

National Outcomes

The Charter supports the outcomes that people:

- live in communities that are inclusive, empowered, resilient and safe
- value, enjoy, protect and enhance their environment
- respect, protect and fulfil human rights and live from discrimination

Outcome

- An outcome is a result we want to happen.
- The Charter sets out the results that a social landlord should achieve for its tenants and other customers.
- The Charter is not about what a landlord does or how it does it. It is about the customer’s experience of using a landlord’s services.

Scottish Housing Regulator

The Regulator is the independent body that the Scottish Parliament created to look after the interests of people who are or may become homeless, tenants of social

landlords, or users of the services that social landlords provide. The Regulator monitors, assesses, and reports on how landlords are performing against the Charter's outcomes and standards.

Scottish Housing Quality Standard (SHQS)

The SHQS is the Scottish Government's main way of measuring the quality of social housing in Scotland.

Energy ~~Efficiency Standard for Social Housing (ESSH)~~

The energy standard is the Energy Efficiency Stand for Social Housing (ESSH) and any new standard introduced to support energy efficiency or net zero carbon heating. The ESSH aims to improve social housing's energy efficiency in Scotland. It will help to reduce energy consumption, fuel poverty and greenhouse-gas emissions. ~~The standard will also contribute to reducing carbon emissions by 42% by 2020, and 80% by 2050, in line with what's required by the Climate Change (Scotland) Act 2009.~~

Social housing

Housing provided by councils and housing associations under a Scottish Secure Tenancy or Short Scottish Secure Tenancy.

Social landlord

- A council landlord.
- A not-for-profit landlord, registered with the Scottish Housing Regulator (for example, a housing association, or co-operative).
- A council that does not own any housing but provides housing services, for example services for homeless people.

Stakeholder

A person or organisation with an interest in social housing and the way it is regulated. The following are some examples of stakeholders:

- The Scottish Housing Regulator.
- Tenants of social landlords and bodies representing their interests.
- Homeless people and bodies representing their interests.
- Users of housing services provided by social landlords and bodies representing the interests of those users.
- Social landlords and bodies representing their interests.
- Secured creditors of registered social landlords and bodies representing those secured creditors.
- The Accounts Commission for Scotland.
- The Equalities and Human Rights Commissions and other bodies representing

equal opportunities interests.

Standard

A level of quality that every social landlord should achieve.

Tenants and other customers

- People who are already tenants of a social landlord.
- People who may become tenants in the future – for example, someone who has applied for a tenancy.
- Homeless people.
- People who use the housing services provided by a social landlord – for example, home owners who pay a social landlord to provide a factoring service, or Gypsy/Travellers who use sites provided by a social landlord.

24 February 2022

Dear Convener,

Review of the Scottish Social Housing Charter

The first Scottish Social Housing Charter came into force for five years with effect from 1 April 2012 and was reviewed in 2016 with a revised Charter coming into effect on 1st April 2017. Working with a range of stakeholders, including tenants, social landlords, gypsy travellers and people experiencing homelessness, the Scottish Government has carried out a further review. I enclose a revised Charter intended to cover the period from 1 April 2022 to 31 March 2027, for the Committee to consider and comment upon prior to the Scottish Government inviting the Parliament to approve it.

In line with the provisions of the Housing (Scotland) Act 2010, the revised Charter contains the outcomes and standards that the Scottish Government proposes social landlords should aim to achieve when performing their housing activities.

In addition to a copy of the revised Charter I have also provided a version that shows in tracking where we have made amendments to the original version of the Charter. I also enclose a briefing note which outlines the process by which the Scottish Government has reviewed the current Charter in consultation with stakeholders.

Whilst I have portfolio lead for the Charter, I have asked the Minister for Zero Carbon Buildings, Active Travel and Tenants' Rights to discuss the revised Charter with the Committee on 1st March on my behalf before inviting the Parliament to approve it.

I am sending a copy of this letter to the Clerk to the Committee.

Yours sincerely,

SHONA ROBISON

Revised Scottish Social Housing Charter

Briefing Note by the Scottish Government for Local Government, Housing and Planning Committee

Introduction

1. This note describes how, in consultation with stakeholders, we have revised the Scottish Social Housing Charter that we now submit to the Local Government, Housing and Planning Committee of the Scottish Parliament for consideration.
2. The Housing (Scotland) Act 2010 introduced the Scottish Social Housing Charter. It requires Ministers, through the Charter, to set the outcomes and standards that social landlords should achieve for tenants and other customers through their housing activities. The purpose of the Charter is to, give tenants, homeless people and other customers of social landlords a clear understanding of what they should expect from a social landlord; give social landlords a clear understanding of what they should be delivering through their housing activities; and provide the basis for the Scottish Housing Regulator to monitor, assess and report on landlords' performance.
3. The first Charter came into effect on 1 April 2012. The first review of the Charter took place in 2016, with a revised Charter in place from 1 April 2017. At that time we undertook to review the Charter in 5 years and put a revised Charter to Parliament for approval by April 2022. We worked with our stakeholders to carry out the review between June and September 2021. The review considered the impact of the current Charter, and whether the 16 outcomes and standards needed to be changed or updated.

Consultation with stakeholders

4. We launched a formal consultation in June 2021; and held a series of 12 virtual stakeholder consultation events, facilitated by TPAS (Tenant Participation and Advisory Service) and TIS (Tenants Information Service.) At the virtual events 79 landlords were represented, over 32 tenant and resident groups, federations and scrutiny panels attended along with a number of individual tenants. We also held sessions with COSLA Community Wellbeing Board Members and Housing Convenors, Tenant Participation Officers and tenants from North East Tenants, Residents and Landlords Together (NETRALT) and with the 4 Regional Network Tenant Committees that cover all of Scotland.
5. TIS and TPAS also undertook a range of tailored "Involving All" consultation events on our behalf amongst a range of stakeholders across Scotland covering remote, rural and island tenants and landlords, younger people, people with support needs, black and minority ethnic communities, gypsy travellers and people experiencing homelessness. At these sessions 107 people participated. This included tenants and staff from 13 RSLs and 4 Local Authorities, Homeless Network Scotland service users from Aberdeen, Edinburgh, and Glasgow and members of the Gypsy / Traveller Community and support staff from 13 sites across Scotland.

6. We also asked the Scottish Housing Regulator, which has responsibility for monitoring and reporting on social landlords' performance against the Charter, to provide an evidence paper to help us with the review for the period 2018 – 2021. This highlighted that most social landlords are performing well across most of the outcomes and standards in the Charter and there was continued improvement in performance. Overall, tenant satisfaction remains high, with nine out of ten social housing tenants being satisfied with the overall service their landlord provides, with landlords continuing to report strong performance in most of the service areas that are of greatest importance to tenants. They also noted that landlord performance in 2020/21 was impacted by the Covid 19 pandemic, for example taking longer to carry out routine repair and maintenance work and longer timescales for letting empty homes.

7. The virtual consultation events and “involving all” consultation programme, helped us to reach a wide range of stakeholders across the country and to involve them in discussions about the Charter review. Views on the current Charter from all these activities were generally positive, with the majority of those taking part largely in favour of keeping most of the current outcomes and standards unchanged.

Formal Consultation

8. As part of the review, the Scottish Government launched a formal consultation in June 2021 which ran for 12 weeks and closed in early September.

9. We received a total of 86 responses to the consultation. This included responses from 52 organisations (17 from Registered Social Landlords and their representative bodies, 16 from local authorities, 11 from tenant and resident associations and their representative bodies and 8 from other organisations). We published an independent analysis of all the responses on 29th November 2021, which included feedback from the virtual events and involving all sessions. An extract from the executive summary of the analysis of responses is attached as **Annex A**. The full analysis can be found at: [Scottish Social Housing Charter: consultation analysis - gov.scot \(www.gov.scot\)](https://www.gov.scot/resources/consultation-analyses/2021/11/29/charter-consultation-analysis-2021-11-29/) .

10. The analysis reinforced the strong view that emerged from our consultation with stakeholders that;

- the Charter was having a positive impact and;
- the outcomes and standards should remain largely the same and;
- to alter the Charter substantially would reduce the positive impact it has made on the services landlords provide to their tenants and other customers.

11. We were pleased, during the consultation, to learn of stakeholders' support for the Charter, with many examples of the positive impact it has continued to have over the last five years. This included, specifically from tenants the contribution the Charter has had in relation to participation and engagement leading to greater transparency and improved tenant and landlord relationships. The Charter was also viewed as playing an important part in driving improvements in services, making services more focused and providing a 'baseline' for measuring any improvements of

service delivery. Landlords also viewed the Charter as a catalyst to improving performance; as it encourages partnership working with tenants through reporting to, and involving tenants in benchmarking to identify good practice and lead to improvements in services. A range of stakeholder quotes are provided at **Annex B**.

The revised Charter

12. In light of these views, we have confined changes in those areas that stakeholders suggested to us would help to improve the quality of services that social landlords deliver. The changes, which represent fine-tuning of the current Charter, rather than anything more substantial, are:

These changes include;

- Incorporating a reference to human rights and the ‘right to housing’ for all individuals into the Charter,
- Recognition of the benefits of using a range of non-digital and digital communications, in accessible formats that meet individual needs,
- Updating the reference to homes meeting the Scottish Housing Quality Standard (SHQS) and including meeting any other building quality standard and relevant Energy Efficiency and Zero Emission Heat Standard which is in place (recognising that this is a changing landscape in the context of decarbonisation),
- Reference to the range of actions that social landlords can take on their own and in partnership with others to cover support for victim/survivors of domestic abuse (referencing the changes stemming from the Domestic Abuse (Protection) Act 2021,
- Additional emphasis on the role of all social landlords to prevent homelessness (recognising forthcoming new Homelessness Prevention Duty and increasing emphasis on prevention),
- Amending the Gypsy / Traveller outcome to reflect that sites do not fall below the Scottish Government’s guidance on minimum standards for these sites.

13. In the continuing spirit of producing clear and jargon-free Charter documents, we have secured Plain Language Commission accreditation for the revised Charter and have also worked with our publishers to redesign the Charter document to distinguish it from previous versions and to make it more accessible for stakeholders.

Conclusion

14. We are grateful to the many stakeholders who have participated in the review of the Scottish Social Housing Charter. We have taken account of their views in producing a revised Charter that continues to identify the outcomes and standards that matter to tenants and other customers of social landlords; that are the responsibility of social landlords to deliver; and that can be assessed by the Scottish Housing Regulator.

15. We look forward to the Local Government, Housing and Planning Committee’s scrutiny of the revised Charter before we invite the Scottish Parliament to approve the Charter for the next five years.

Scottish Government
February 2022

Annex A – Extract from Executive Summary – Main Findings

Key Themes

A number of key themes were evident across questions as well as across respondent groups, although each was mentioned by a minority of respondents.

These are summarised below.

- The views of organisations responding to this consultation were, in the main, more positive than those of individual tenants. From the responses given, it would appear that some individual tenants were unhappy with particular services received from their landlords rather than being dissatisfied with the Charter specifically.
- Across most of the 16 outcomes, respondents wanted to keep them exactly as they are. The exception was for Outcome 4 – Quality of Housing – where more respondents would like this to change. There were also relatively split views as to whether Outcome 6 – Estate Management, Anti-Social Behaviour, Neighbour Nuisance and Tenancy Disputes – should change or remain as it is.
- Views on the impact of the current Charter were largely positive, although a number of the individual tenants responding to this consultation were less positive than organisations.
- A few respondents wanted to see an emphasis on human rights and the ‘right to housing’ for all individuals incorporated into the Charter; allied to this, there were some references of a need to treat all tenants equally and with respect in terms of access to housing and housing services.
- There were calls for any information provided by landlords to be accessible to all individuals; both in terms of the language used and availability. While there may be a preference from some individuals to use digital means of accessing information, this is not the case for all. As such, some individual tenants would like information to be presented in a range of different formats, utilising a range of different information channels.
- While communication is seen to have improved over the last five years, some respondents felt that the quality of this is variable, with some respondents wanting to see further improvements, both in terms of the amount of communication from landlords and the different communication channels that are used. Allied to this, there were some requests for contact information on landlords so that when queries arise, individual tenants know who to contact.
- Some respondents pointed to the need for transparency, independent monitoring and investigation, and complaints resolution. There were also some requests for enforcement of the Charter when landlords fail to meet commitments.

- There were calls for the Charter to be updated across all relevant policy areas, including EESSH2, Housing to 2040, the Heat in Buildings Strategy and the recommendations of the ZEST taskforce.

Main findings

Impact of the current Charter Most respondents answering this question felt the quality of landlord services has improved because of the Charter. Key improvements have included tenant satisfaction levels, responsiveness to tenants' needs, better communication from staff, and increased landlord accountability and transparency. The Annual Return (ARC) is perceived as having provided a consistent framework for all social landlords to work towards, as well as benchmarking their performance. The establishment of Tenant Scrutiny Panels is felt to be a positive move. The few respondents who were negative about the impact of the current Charter were mostly individual tenants, some of whom felt there has been no or little improvement. Some of these respondents also identified a lack of opportunities to have their views taken into account.

Main Findings: Current Outcomes and Standards

Equalities (Charter outcome 1) There was widespread agreement that this outcome should be kept exactly as it is. A key issue emerging to this question was of a need to include housing as a human right and there were a few references of a need to treat all tenants equally and with respect in terms of access to housing and housing services. There were a small number of references to the need for enforcement of the Charter and to the need to ensure that positive changes introduced by the pandemic are recognised and built upon.

Communication (Charter outcome 2) A majority of respondents supported keeping this outcome exactly as it is. While there was general agreement that communication has improved, some individual tenants were unhappy with the quality and level of communication they receive from their landlords. There were some references to the wording of the outcome as being too vague. A key issue raised by respondents was a need for a broad range of communication channels, comprising both digital and non-digital formats, to be utilised, to meet the needs of tenants. Linked to this, there were also requests for all information to be accessible and for contact information on staff. A few respondents highlighted the need for transparency, independent monitoring and investigation and complaints resolution.

Participation (Charter outcome 3) A majority of respondents wanted this outcome to be kept exactly as it is; this view was particularly strong among local authorities. Again, there were some references to the need for enforcement of this outcome and for the indicators that are used to measure this outcome to be expanded and for language used to be accessible to all tenants. There were also some calls for clarity in definitions.

Housing Quality and Maintenance Quality of Housing (Charter outcome 4) A higher number of respondents outlined a need for change to this outcome, than for

keeping it as it is; organisations were more supportive of change than individuals. The key change outlined by respondents was for the outcome to reflect EESSH2. Respondents also outlined various other changes to be incorporated into the Standard; these included ARC reporting regarding SHQS and EESSH, the Heat in Buildings Strategy, the recommendations of the ZEST taskforce, Housing in 2040, the Scottish Accessible Homes Standard, fire safety, green energy and zero carbon. A key issue for individual tenants was the need for enhanced repairs and maintenance of properties, prior to and during a tenancy.

Repairs, Maintenance and Improvements (Charter outcome 5) A majority of respondents supported keeping this outcome as it is. Comments from individual tenants included the need to involve tenants and to take their preferences into account. Again, there were references to the need to update this outcome to reflect legislative changes such as EESSH2, ZEST recommendations and so on.

Neighbourhood and Community Estate management, anti-social behaviour, neighbour nuisance and tenancy disputes (Charter outcome 6) Slightly greater numbers of respondents supported change than wanted to keep this outcome exactly as it is. A number of comments referred to improved partnership working. There were also references to the role played by other organisations in that there will be occasions when the landlord will not be responsible for dealing with a specific issue. Once again, there were a few references to the need for enforcement. There were some comments in favour of splitting this outcome into two.

Access to Housing and Support Housing Options (Charter Outcomes 7, 8 and 9) A majority of respondents wanted to keep this outcome exactly as it is. Key comments were that the sections about getting information and homelessness advice need to be strengthened. A few respondents raised issues over the practical applications of these outcomes, citing a lack of resources, limited capacity of local authority housing options teams, a lack of places where individuals can access tailored advice, and problematic delivery to clients with language, reading or computer skills issues. There were also requests for more about property health checks, and the need for these to be regular and conducted by trained individuals.

Access to Housing (Charter outcome 10) A majority of respondents were in favour of keeping the outcome exactly as it is. The key issue was of a need to ensure there are reasonable opportunities for all 5 people, to get into social housing. A few respondents felt this outcome fails to happen in practice.

Tenancy Sustainment (Charter outcome 11) A large majority of respondents were in favour of keeping this outcome as it is; a large minority of whom wanted more references to be made to health or other vulnerability issues necessitating extra tenancy sustainment support. A small number of respondents noted a need for more emphasis on obligations to monitor tenancy sustainment, including the reasons for failures. A few respondents felt that tenancy sustainment support does not happen in practice; and there were also a few requests for early or timely support.

Homeless People (Charter outcome 12) A large majority of respondents were in favour of keeping this outcome as it is; although there were comments about a need to include or emphasise the importance of more speed within the rehousing system.

A minority of respondents wanted to see greater priority given to the prevention of homelessness, to reduce the number of applicants for homelessness support or to support sustaining tenancies in line with the Housing First Model. Several respondents felt there should be more coverage given to the duties, actions or obligations of RSLs or Housing Associations.

Getting Good Value from Rents and Service Charges Value for Money (Charter outcome 13) A majority of respondents were in favour of keeping this outcome as it is. A key comment from respondents was complaints about rents or a perceived lack of value for money; along with queries on what constitutes value for money, which can be a subjective term and can be interpreted differently by landlords and tenants.

Rents and Service Charges (Charter outcomes 14 and 15) Once again, a majority of respondents were in favour of keeping this outcome as it is. The main theme raised by respondents was the need for clarity, transparency and accessibility of expenditure and income information. There were also some requests for this outcome to be more prescriptive in terms of how landlords should consult their tenants on rents. There were some comments from individual tenants implying that this outcome is not successfully delivered in practice and some felt there is a lack of clarity about what services rent covers. As such, there were some requests for a consistent rent-setting approach across the social housing sector; also for higher levels of tenant representation at all stages of rent consultations and reviews.

Other Customers Gypsies / Travellers (Charter outcome 16) A large majority of respondents were in favour of keeping this outcome as it is. In general, comments referred to the need to ensure more sites are available

ANNEX B - Quotes from the Charter Review Consultation Responses

Scottish Federation of Housing Associations - “The Charter has provided a useful focal point for our members in terms of reporting performance to tenants. Registered Social Landlords have continually reported high levels of performance against the outcomes within the Charter, as demonstrated by the recent National Report on the Charter released by the Scottish Housing Regulator (SHR)”

Central Regional Network of Tenants - “The Charter has enabled tenants to hold their landlords to account and to get involved more easily in landlord decisions that affect them.”

Tenants and Residents of North Lanarkshire Council - “Those of us who are involved in scrutiny make use of the Charter when carrying out our scrutiny exercises. We refer to the outcomes and descriptions so that we know what North Lanarkshire Council is expected to achieve in delivering its services.”

Chartered Institute for Housing - “The Charter has played a fundamental role in embedding tenant participation in service design and delivery in Scotland’s social housing sector. Requiring transparency in data collection and publication allows tenants, residents and other stakeholders to easily access information about landlord performance over time is an invaluable tool.”

Link Housing Association Tenants Scrutiny Panel - “The Charter has contributed to the improvement of services. It provides protection for tenants, especially those that are tenants of less well governed housing associations. If there were no Charter tenants would notice the difference.”

South Lanarkshire Tenants Development Support Project - “It helps tenants to hold their tenants to account and enables us to benchmark our landlords performance against similar sized landlords for comparisons. Most tenants don't know what the Charter is. The Scottish Government need to do more to ensure all social tenants are aware of it.”

COSLA - (The Charter) “provides a useful role in setting guiding principles and focusing actions. Elected Members noted that annual reports to Committees focuses attention on housing and gives direction for policy decisions, and that it aids engagement with tenants, providing them with a stronger voice on key issues. It was also noted that the Charter allows for benchmarking progress each year, and alongside other Social Landlords, to drive improvements locally and within the housing sector as a whole.”

Submissions on the Revised Charter

Living Rent

Living Rent is Scotland's tenants' union.

We are a democratic organisation run by and for our members. We organise and represent members in both the private and social rented sectors and campaign for safe, secure and affordable housing for everyone. We are not affiliated to any political party. This sets out our submission to the Local Government, Housing and Planning Committee in regards to their review of the Scottish Social Housing Charter.

Introduction

The Local Government, Housing and Planning Committee expects to be considering the draft Scottish Social Housing Charter shortly. In doing so, they will consider responses to the consultation exercise carried out by the Scottish Government in 2021. The Committee asks whether there are any issues that should be considered when undertaking their review of the Charter.

Living Rent's previous consultation response outlined the position that whilst we broadly agree with the outcomes as set out in the Charter, the current light touch self-reporting regulatory environment is not suited for delivering such outcomes¹. Having considered the Scottish Government's analysis of the consultation responses, we reaffirm that position. Below we set out why we do so; it is hoped that these concerns are taken into consideration by the Committee.

Living Rent's initial position on the charter

Living Rents response on proposed updates to the Scottish Social Housing charter were based on a consideration of such proposals through the lens of our members' (and other tenants) experiences who live in social rented sector housing. These experiences showed that "there is a long way to go to make social housing work for tenants, and that services currently fall far short of value for money." (Living Rent, 2021)

Our consultation response showed concerns from our members spanning the areas of:

- failures to meet equalities needs,
- poor communication practises from social landlords. In particular the individualising mode of participation promoted from social landlords that is not suited for collective tenant union recognition. As such this maintains vast power differentials between landlord and tenants,
- poor quality standards often at odds with how quality standards are narrated by landlords
- poor access to social housing
- aggressive approaches to rent arrears through evictions,
- poor value for money vis rising rents and poor/declining services
- expensive rents and service charges.

We agreed that the Charter itself outlined worthwhile outcomes but felt that these would be unachievable without a change in regulation from the current light touch one towards a "more robust accountable approach overseen by a body which has strong investigative and statutory powers to compel social landlords to meet the standards set out in the Charter" (Living Rent, 2021). This need was shown through a data request from Living Rent to the Scottish House Condition Survey which showed a large gap between the self-reported data (87%) and the SHCS survey on ESSH1 compliance (63%). This small example underlines the urgent need for a shift away from the self-assessment approach to social landlord performance to a more robust proactive one.

Consultation response analysis

An analysis of consultation responses from individuals and organisations has been published by the Scottish Government.

The analysis notes broadly positive views on the impact of the current Charter "although a number of the individual tenants responding to this consultation were less positive than organisations" (Scottish Government, 2021). It is not surprising that this is the case given that most organisations are 'Registered Social Landlords and their Representative Bodies' and 'Local Authorities'. Such bodies form 63% of the organisations represented. Moreover, between such bodies and 'Tenants Resident Groups and their Representative Bodies' the ratio stands at 3:1. Such differentials expressed in this analysis highlights a basic power and representation imbalance between social rented landlords and tenants. We accordingly reaffirm our position that regulation should be granted statutory powers to make such bodies more accountable to tenants.

Individual tenants were, by contrast, highlighted as having "less positive" perspectives (Scottish Government, 2021). These correlate with our findings over tenants' experiences of the social rented sector in a survey with a sample size of 588 respondents (Living Rent, 2021). The survey highlighted tenants' concerns over the areas of deterioration of services, increased costs for tenants, and of critical relevance to this question, ignoring regulations on the part of social landlords. Living Rent thus stands with the contentions expressed by some respondents of "the need for transparency, independent monitoring and investigation, and complaints resolution" and most critically, "enforcement of the Charter when landlords fail to meet commitments" (Scottish Government, 2021).

We therefore cannot agree with the proposition that the "Annual Return" procedure can achieve a "consistent framework for all social landlords to work towards, as well as benchmarking their performance" (Scottish Government, 2021). Benchmarks set between providers may be a necessary condition for driving up standards, but they are not sufficient, without accountability. This can be shown through our example of the gap between self-reported data by social landlords and the SHCS survey on ESSH1 compliance, showing that there can be a considerable gap between how

landlords represent their performances to what really occurs on the ground. A more proactive form of regulation - as we have proposed in our initial consultation response - can best ensure that such gaps are closed.

We believe that the establishment of Tenant Scrutiny Panels may signal a positive move. However, we await more information on how that body is constituted in terms of selection of panel members; what powers it has within the regulatory environment etc. We recognise the potential of such bodies if such issues are adequately addressed but can only function properly if fed into a regulatory system that holds social landlords more accountable than present arrangements.

Conclusion: we need accountability

Living Rent reaffirms our concerns over social landlord accountability based on current self reporting approaches; a situation that makes it difficult for the charter outcomes to be realised in practice. Our extensive engagements with our membership and other tenants shows that such lack of accountability at the regulatory scale, supports continuing poor performances by social landlords towards tenants. We would urge the Committee to explore ways to redress the current imbalance that persists between landlords and tenants. This could be achieved through a robust regulatory regime with statutory and investigative powers that is answerable to tenants; as well as a greater role for tenants' union in representing tenants' needs through these channels.

Association of Local Authority Chief Housing Officers

Overall our view is that there is nothing in the proposed changes to the charter that are controversial or of concern. The charter works well, covers most of the ground that it should and broadly reflects the things that are of concern to tenants and other service users.

In our response to the consultation in September last year we identified a number of areas that should be looked at in more detail at some point in the future and expressed the view that in the light of covid and the other changes that we have seen since the Charter was introduced, there is a case for a more fundamental review. But we also recognise that this may not be the best time, we do need to see how the post covid world settles down.

We also suggested that there is a case for extending the charter to include new housing supply and development activity. We still think this is the case. The whole sector is being asked by the Scottish Government to invest significant sums to meet both housing need and decarbonisation agendas at a time when the pressure on rents and challenges around the cost of living for tenants are particularly acute. By the time of the next review the sector is likely to have delivered 75,000 homes since the charter was first introduced. We will also be ten years into the ESSH/decarbonisation journey. Presumably the Rented Sector Strategy now being consulted on will be in place by then too.

Taking all this into account it is our view that whilst the current review could have gone further, the consultation process has demonstrated general support for the charter and the limited changes that are being proposed. We do, however, think that a more comprehensive review will be required by 2026 and this should probably start well before the end of the current five year period.

We hope that is helpful, as ever we will be happy to speak directly to the committee if that would be helpful.