

Local Government, Housing and Planning Committee

23rd Meeting, 2022 (Session 6)

Tuesday 27 September 2022

Scottish Social Housing Charter

Introduction

1. The Revised Scottish Social Housing Charter was laid in the Scottish Parliament on 1 August 2022. A previous version was laid before the Parliament on 22 February 2022, but was withdrawn after the Delegated Powers and Law Reform Committee noted that the consultation requirements had not been fully complied with.
2. A copy of the revised charter can be found at Annex A to this paper.
3. The Minister for Zero Carbon Buildings, Active Travel and Tenants Rights has written to the Committee explaining the changes made since the earlier version was considered by the Committee. That letter can be found at Annex B.
4. The revised charter must be approved by the Scottish Parliament before it can come into force.

Scottish Social Housing Charter

5. 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.
6. 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.

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

8. 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.

9. The Scottish Government undertook a consultation on the charter prior to laying this revised charter. An analysis of the consultation responses can be accessed via the link below. <https://www.gov.scot/publications/scottish-social-housing-charter-consultationanalysis-report/> Committee scrutiny

Committee Scrutiny

10. The Committee previously took evidence from the Minister for Zero Carbon Buildings, Active Travel and Tenants' Rights on the Revised Charter at its meeting on 1 March 2022.

11. As noted earlier, subsequent to that session the Charter was withdrawn on the basis of concerns about the consultation process as identified by the Delegated Powers and Law Reform Committee.

12. The Minister has written to the Committee noting the changes to the Revised Charter since it was last considered by the Committee.

13. At the meeting the Committee will have an opportunity to take evidence from the Minister on the Revised version of the Charter as laid before the Parliament on 1 August.

14. The Committee will then be invited 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 considered the Revised Charter at its meeting on 6 September and indicated that it was now content with it.

Next Steps

16. The Committee will consider a motion 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

SG/2022/146: The Scottish Social Housing Charter: November 2022

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 November 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. The Charter does so by:

- stating clearly what tenants and other customers can expect from social landlords, 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 achieve. The outcomes and standards apply to all social landlords, with the exception of number 12 which applies only to councils regarding their homelessness duties; and number 16 which applies only to councils and registered social landlords that manage sites for Gypsy/ Travellers.

3.3 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 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.

3.4 The outcomes on ensuring equalities, communication and participation apply across all sections of the Charter.

4 Assessing social landlords' achievement of the outcomes and standards

4.1 Social landlords are responsible for meeting the outcomes and standards 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, it will apply for five years from 1 November 2022. In consultation with stakeholders during 2026, the Ministers will review its effect 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 meeting their statutory duties on equalities 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. This includes the need to eliminate discrimination and advance equality of opportunity.

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 includes using a range of non-digital and digital communications in accessible formats that meet individual needs. 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 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 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 are always clean, tidy and in a good state of repair, meet the Scottish Housing Quality Standard (SHQS), and any other building quality standard in place throughout the tenancy; and also meet the relevant Energy Efficiency and Zero Emission Heat Standard.*

These **standards** describe what landlords achieve in all their properties. They cover 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, resolving neighbour disputes, and 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

Councils perform their duties on homelessness so that:

- *people who are homeless or at risk of homelessness get prompt and easy access to help, 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 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 **outcome** 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; involving tenants and other customers in setting rents and service charges; and 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 the minimum site standards set in Scottish Government guidance.*

This **outcome** includes actions landlords take to ensure that: their sites 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

November 2022

A note about language

Some key phrases are used throughout the Charter, which are explained 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".'

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 free 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.

Social housing

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

Social landlord

1. A council landlord.
2. A not-for-profit landlord, registered with the Scottish Housing Regulator (for example, a housing association, or co-operative).
3. 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:

4. The Scottish Housing Regulator.
5. Tenants of social landlords and bodies representing their interests.
6. Homeless people and bodies representing their interests.
7. Users of housing services provided by social landlords and bodies representing the interests of those users.
8. Social landlords and bodies representing their interests.
9. Secured creditors of registered social landlords and bodies representing those secured creditors.
10. The Accounts Commission for Scotland.
11. 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

12. People who are already tenants of a social landlord.
13. People who may become tenants in the future – for example, someone who has applied for a tenancy.
14. Homeless people.
15. 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.

A letter from the Minister for Zero Carbon Buildings, Active Travel and Tenants Rights regarding the Scottish Social Housing Charter, 1 August 2022.

Dear Convener,

The Scottish Social Housing Charter

I am providing an update following my attendance at Committee on 1st March where you considered the revised Scottish Social Housing Charter.

The Delegated Powers and Law Reform Committee during their consideration of the Charter considered that not all statutory consultees, specifically secured creditors of registered social landlords (UK Finance), the Accounts Commission for Scotland (Audit Scotland) and the Commission for Equality and Human Rights had been advised of the Charter consultation in June 2021.

We therefore wrote to all eight statutory consultees on 16th March 2022 to ensure there was no dubiety as to compliance with the duty to consult with the statutory consultees set out in section 33(2) of the Housing (Scotland) Act 2010.

We sought their views on the revised Charter and provided them with the same 12 week response period as the original consultation and received responses from all statutory consultees.

In light of the comments received from these organisations and all statutory consultees, we have made some further minor changes to the Charter and have laid it before the Parliament for consideration. These changes are;

- Equalities outcome - added that this includes the need for landlords to eliminate discrimination and advance equality of opportunity.
- Quality of Housing outcome - revised the wording for clarity
- Value for Money outcome – changed from a standard to an outcome and highlighted the legal requirement to consult on rents and service charges in the supporting narrative.

I welcome the Committees further consideration of these minor changes and if they are content will be asking that the Committee recommends that the revised Scottish Social Housing Charter be approved by Parliament.

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

PATRICK HARVIE