

Scottish Social Housing Charter review

Response submitted to Scottish Government 9 September 2021

This is a response to the consultation by the Scottish Government on the second review of the Scottish Social Housing Charter (the Charter).

General comments

We welcome the opportunity to contribute to the second review of the Charter. In developing this response, we invited CIH Scotland members to share their views through an online survey and we also considered the review in relation to our ongoing work on housing and human rights.

Consultation questions

1) Over the last five years, do you think the Charter has contributed to improvements in landlord services? Please explain your answer and provide examples.

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. However, the Charter and reporting framework could be improved and our suggestions are set out below.

2) Please provide any suggestions on how we could improve the current outcomes and supporting descriptions.

Our members suggest that the Charter could be strengthened in relation to digital inclusion. Access to the internet and digital skills can be transformational and the pandemic has emphasised the importance of digital inclusion to help people maintain social networks and reduce social isolation, connect with services and access goods online e.g. ordering food and other essentials to be delivered.

Digital connectivity is a means of achieving good outcomes rather than an outcome in itself. As such, we would recommend reflecting the need to continue work on digital inclusion within the supporting description of existing outcomes.



This could include outcome two on communication and outcome three on participation.

While outcome four, quality of housing, already requires social landlords to ensure that homes comply with legal standards of repair and energy efficiency, it was suggested that health and safety should be explicitly mentioned in outcome four or five and ARC indicators should also be strengthened in relation to tenant and resident safety including asbestos safety, electrical safety, fire safety, lifts and lifting equipment safety and water safety.

We outline how the Charter outcomes could better reflect the right to adequate housing below.

15) Is there anything else you think the Charter should cover? If so please tell us what and why you think it should be included?

The review of the Charter presents an opportunity to encourage social landlords to continue progressively working towards realising people's right to adequate housing before this is formally enshrined in law.

The very nature and purpose of the social rented sector means that many landlord policies and actions already serve to improve housing conditions and support communities. Guidance for the sector on what housing as a human right means in practice and how this can be articulated will help to identify existing good practice and where there are gaps.

A recent paper, [*The Right to Adequate Housing: are we focussing on what matters?*](#) published by ALACHO and CaCHE sets out the current legislative framework for housing and how 'adequate housing' could be defined and measured. Further work being undertaken by CIH Scotland, the Scottish Housing Regulator and the Scottish Human Rights Commission seeks to build on this work by articulating what the right to adequate housing means in practice. The Charter and the Scottish Housing Regulator can help to support this work by creating a framework for monitoring progress on the provision of adequate housing.

The Charter itself is not prescriptive and sets out minimum steps that social landlords can take to meet standards. To support a progressive approach to improving practice and realising human rights as quickly as resources will allow, the Charter and performance monitoring framework should emphasise steps that landlords can take over and above minimum compliance with the Charter outcomes.



The Annual Assurance Statement and ARC data could be used to articulate and evidence the steps that landlords are taking to progress human rights and how performance is improving over time to reduce the incidence of tenants or other customers not realising their right to adequate housing. This should not be onerous but draw on and build upon current practice and data collection.

Some changes to the way that ARC data is collated and published will be required to support monitoring of human rights progress. The ARC data does not currently report on important human right issues at local authority level (e.g. number of new lets, lets to homeless households, evictions and adaptations).

Specific comments relating to the existing charter outcomes and supporting descriptions are given below.

EQUALITIES (Charter outcome 1)

Form a human rights perspective, this outcome should include specific reference to “rights” as well as “needs” of tenants and customers.

The supporting description emphasises the 2010 equalities protected characteristics. However, a human rights approach suggests that priorities should be widened to include people who are vulnerable and disadvantaged – which would include homeless people, people with long term health (physical and mental) issues and people leaving care or other institutions.

The supporting description risks being interpreted in a narrow and rather compartmentalised manner. Whilst the human rights approach recognises policies may be targeted at specific social groups, the way policies and procedures are applied in practice and the way staff interact with tenants and customers should be sensitive to the intersectional character of individuals.

COMMUNICATION (Charter outcome 2)

This outcome should make it clear that the goal is to ensure tenants feel respected and treated with dignity in all communications with landlords, which is an existing legal duty.

As such, the outcome could be expanded or a separate outcome could be added specifically in relation to monitoring and responding to complaints.

The [National Taskforce for Human Rights Leadership report](#) stressed that human rights should have ‘hard-law’ value and those social landlords as well as Government could and should be held accountable for failing to respect, protect and fulfil human rights. This means that if complaints mechanisms fail tenants or



people seeking social housing, they must be able to seek redress through legal mechanisms of redress and restitution through courts and tribunals.

Therefore, the supporting description should stress the complaints procedures and arrangements must be clear and the process and the roles and responsibilities of those involved.

PARTICIPATION (Charter outcome 3)

The wording of the outcome is too passive from a human rights perspective. Consistent with the National Taskforce for Human Rights Leadership recommendations, this outcome should reinforce people's explicit right to participation, which is already enshrined in UK and Scots law.

The supporting description should include reference to co-production and should be more explicit about the right of tenants and customers to play an active role in developing policies that affect them as well as scrutinising and monitoring performance. It should place greater emphasis on the role of social landlords in promoting the right to participation, the need for transparency and ensuring information accessible and on the importance of capacity building to enable meaningful participation by tenants and customers as rights-holders, including those who are marginalised and hard to reach.

The supporting description should stress the need for social landlords to involve the widest range of users at all levels of the decision making process and to the use of a range of methods that might, for example, include outreach and advocacy.

QUALITY OF HOUSING (Charter standard 4)

This outcome will have to be amended to be consistent with the quality standards and drive towards decarbonisation set out in Housing to 2040. It would also be useful to review the implications for the outcome of the Housing to 2040 comments around access to indoor and outdoor space.

The right of tenants and customers to enjoy adequate housing could arguably be taken to mean that communal areas should be included in this outcome, and whilst they are covered by the SHQS, there is no mention of this in the supporting description. It also suggests there may be a case for ensuring properties are in adequate decorative order at the point at which keys are handed over to new tenants.

The supporting description would benefit from being more explicit about the responsibilities of social landlords in respect of homes that do not meet desired standards (specifically SHQS abeyance or exemptions) to ensure tenants in such dwellings are secured adequate housing as quickly as resources permit and the mechanism for redress.



This outcome (and outcome 5) would appear to have implications for temporary accommodation, private leasing and other PRS properties where local authorities discharge homeless obligations, but there is no reference to this in the accompanying note.

REPAIRS, MAINTENANCE, AND IMPROVEMENTS (Charter outcome 5)

From a human rights perspective this outcome should include an explicit reference to tenant satisfaction with the repairs, such as:

*“tenants’ homes are well maintained, with repairs and improvements carried out when required, tenants are given reasonable choices about when work is done and **are satisfied with the outcome.**”*

ESTATE MANAGEMENT, ANTI-SOCIAL BEHAVIOUR, NEIGHBOUR NUISANCE AND TENANCY DISPUTES (Charter outcome 6)

This outcome covers a diverse range of issues and could be strengthened by dividing it into two:

- **Estate and neighbourhood management:** this should reflect the human rights expectation that adequate housing should be situated in locations that enable residents to access work and transport facilities, provide opportunities for social interaction, are well maintained and provide access to green space.
- **Household and neighbour disputes and nuisance:** This would include domestic abuse and the importance of responding immediately to allegations of domestic abuse and other reports of violence.

The emphasis of partnership working in this outcome is welcome but the supporting description should also emphasise the benefits of involving residents in the partnership and using public and community resources to build community wellbeing and resilience.

References to domestic abuse should make clear that victims of abuse who are in rent arrears should not lose their home if they choose to remain.

HOUSING OPTIONS (Charter outcomes 7,8 and 9)

Generally, the three outcomes are clearly worded and their intent is easy to understand. However, lack of adequate resources are a barrier to progressing human rights. The issues highlighted below clearly extend beyond the review of the Charter, but they do need to be addressed if the sector is to realise the right to adequate housing.

- Some local authority housing option teams have limited capacity and therefore focus on people applying as homeless or at the point of crisis.



- There are few places individuals, especially those who are not already social rented tenants, can access tailored housing advice unless they are at crisis point. This means that opportunities to avoid a housing crisis or homelessness are all too frequently lost.
- The supporting description does not give sufficient focus to the potential tensions and difficulties social landlords (as service providers) face in providing impartial and independent advice.
- Some social landlords, such as Dundee Council, have developed informative and user friendly on-line portals but there are limits to what written information can deliver relative to face to face dialogue, especially for those with limited English language, reading or computer skills. Some consolidation of existing websites might offer the potential to free up resources to plug the gaps in the provision of much needed tailored advice services.

The supporting description could be revised to highlight the importance of S11 notices being supplied and acted on, referrals to independent and specialist housing advisors (e.g. Shelter for general advice or Housing Options Scotland for people with disabilities) and the potential to make use of peer support in reviewing options.

ACCESS TO HOUSING (Charter outcome 10)

The outcome should emphasis the requirement for social landlords to ensure their allocation process is non-discriminatory. From a human rights perspective the outcome should stress the importance of social applicants being given a real choice over the accommodation they are allocated, including homeless applicants.

The supporting description should refer to recent [practice guidance on allocations](#) and stress that need to capture and monitor data on applicants (including wheelchair use or care and support needs) necessary for demonstrating that allocation arrangements are non-discriminatory.

It would also benefit from placing more emphasis on aiding people that are looking for housing but are struggling to know how to make an application and those leaving institutional establishments.

TENANCY SUSTAINMENT (Charter outcome 11)

The wording “information” should be replaced by “advice and help they need” (see below) to better convey the need for social landlords to take a pro-active approach in responding to tenant issues such as rent arrears etc.

*“Tenants get the **advice and help they need** 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.”*



It would be helpful if the supporting note stressed the importance of resident engagement and that tenancy sustainment and multi-agency working extends to domestic abuse.

HOMELESS PEOPLE (Charter outcome 12)

Although councils have the statutory duties and lead role, the outcome should articulate the responsibilities of RSLs in helping to prevent and respond effectively to homeless households. This should reflect their current S11 and S5 duties and build on the recommendations of the [Prevention Review Group](#). It should specify that RSLs should have a duty to take all reasonable steps to prevent homelessness.

The supporting description should be reviewed to include reference to the rapid rehousing agenda, the importance of partnership working, the importance of providing a person-centred approach and enabling homeless people a reasonable degree of choice and control.

VALUE FOR MONEY (Charter standard 13)

The supporting description should clarify that this matter should be open to tenant scrutiny and feedback. Hence it should also stress the importance of transparency over services and costs and ensure that this information is readily available in a way that is easy for tenants to understand.

RENTS AND SERVICE CHARGES (Charter outcomes 14 and 15)

It is difficult to comment on the outcomes relating to rent setting and affordability while there is an ongoing conversation in the sector around the development of a shared understanding of “affordability” as set out in Housing to 2040. CIH Scotland and Shelter Scotland have also set out some principles which should be taken into account when considering affordability across the rented sector:

- While a shared understanding should prioritise those in the social and private rented sector, no part of housing has a monopoly on the issues of unaffordability. There is a case for further reflection on unaffordability among owner occupiers and consideration of appropriate policy solutions.
- Any standard of affordability should not aim simply to stop people living in poverty but should be set at a level to enable people to live a fulfilling life with dignity.
- The rented sector operates its rent setting policy independent of Government. As such, any understanding must be led by the housing sector, although Government’s policy should support its delivery.
- There is an important distinction between what’s affordable and what’s cheaper. For example, retaining standards is important and affordable homes need to be good quality – e.g. having an affordable home which then leaves people in fuel poverty isn’t very useful. We must consider affordability and standards at the same time.



- Any 'definition' should focus on those at lower end of income distribution. For example, a residual income measure enables a focus on the lower end of the income distribution. We should consider the use of the Minimum Income Standard, which the government has already referenced in the latest fuel poverty definition.
- A shared understanding has to have the householder at the heart. The impact on individuals of unaffordable housing should be remembered. For example, people having to move from a house they've lived in for many years and call home simply because their rent has increased at a rate greater than earnings.
- Any shared understanding needs to be practical.
- Better data can inform the case for policy action/resources and strengthen understanding. Having a definition or shared understanding will better enable us to know what data we do need to collect.

In terms of a human rights approach to housing and affordability, households should have enough income left after housing costs to be able to pay for other necessities and achieve a good quality of life. Other issues with these outcomes include:

- There is no reference to the rent setting approach and whether this ensures rents for properties of a different size, age, type etc. are considered fair by tenants.
- It is not clear if service charges would extend to include heating, home contents insurance, housing support etc.
- There is no recognition that the capital cost to fund new homes has a significant impact on rents for current tenants.

GYPSIES/TRAVELLERS (Charter outcome 16)

This outcome is weak in terms of meeting the human rights of Gypsy/Traveller communities. This requires there to be enough sites (and places) that make it possible for people to access to culturally acceptable accommodation in appropriate locations that provide access to other services.



About CIH

The Chartered Institute of Housing (CIH) is the independent voice for housing and the home of professional standards. Our goal is simple - to provide housing professionals and their organisations with the advice, support, and knowledge they need to be brilliant. CIH is a registered charity and not-for-profit organisation. This means that the money we make is put back into the organisation and funds the activities we carry out to support the housing sector. We have a diverse membership of people who work in both the public and private sectors, in 20 countries on five continents across the world. Further information is available at: www.cih.org.

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