



# The Scottish Social Housing Charter

## A consultation

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SCOTTISH GOVERNMENT

# **The Scottish Social Housing Charter**

## **A consultation**

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The Scottish Government  
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Edinburgh  
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## Ministerial foreword

This consultation paper seeks views on the outcomes and standards that we propose to include in the first Social Housing Charter when we send it to be considered by the Scottish Parliament.

The Charter will help ensure that the tenants and other customers of social landlords receive continually improving services from them:

- It will set the outcomes and standards that all social landlords across Scotland should be achieving for their tenants and other customers.
- The new Scottish Housing Regulator will monitor, assess and report on how landlords are performing against the Charter's outcomes and standards – and, if necessary, can require compliance with the Charter.
- The Regulator's reports will allow tenants and other stakeholders to hold landlords to account by showing where landlords are performing well and where they could improve their performance.
- And we will use the Regulator's reports to ensure that public investment in new social housing goes only to landlords assessed as performing well.

Our proposed outcomes and standards aim to encourage all social landlords to deliver an efficient, customer-focused housing service. We have developed them after discussions with tenants, social landlords and other stakeholders and hope they reflect the views and opinions expressed during these discussions.

Many social landlords are already achieving all or some of the outcomes and standards we are proposing. They are doing an excellent job of managing their housing stock and helping to build strong communities across Scotland. The Charter will challenge all social landlords to match the performance of the best and to deliver high-quality services for their customers and communities.



We started our stakeholder discussions with a blank sheet of paper and have benefited greatly from talking to and exchanging ideas with tenants, landlords and others around the country about the type of outcomes that the Charter should set. I thank everyone who has taken part so far, and ask them and others for help now to make the Charter as relevant and meaningful as possible. Please take the time to read this paper and send us your responses.

A handwritten signature in black ink, appearing to read 'KB', followed by a horizontal wavy line.

Keith Brown MSP  
**Minister for Housing and Transport**

# The Scottish Social Housing Charter – a consultation

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# 1. Introduction and background to the Charter

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1.1 This consultation seeks your views on a draft Scottish Social Housing Charter, which the Scottish Government will invite the Scottish Parliament to consider and approve early in the new year.

1.2 The Charter is introduced by the Housing (Scotland) Act 2010, which requires Ministers to set standards and outcomes that social landlords should be achieving for tenants and other customers through their housing activities.

1.3 The Charter is part of the arrangements for improving the quality of services that social landlords provide. As such, it supports the following Scottish Government national outcomes:

- Our public services are high quality, continually improving, efficient and responsive to local people's needs.
- We live in well-designed, sustainable places where we are able to access the amenities and services we need.
- We have strong, resilient and supportive communities where people take responsibility for their own actions and how they affect others.
- We value and enjoy our built and natural environment, and protect it and enhance it for future generations.
- We have improved the life chances for children, young people and families at risk.
- We live longer, healthier lives.

#### 1.4 The Charter's purpose is to:

- give tenants, homeless people and other customers a clear understanding of what they should expect from a social landlord
- give landlords a clear understanding of what they should be delivering through their housing activities
- provide the basis for the new Scottish Housing Regulator to monitor, assess and report on the performance of social landlords and, if necessary, to require compliance with the Charter, and
- through the Regulator's reports:
  - give landlords the information they need to achieve continuous improvements in their performance and in the value for money they provide
  - give tenants and other customers information on how their landlord is performing in relation to other landlords, so that they can hold their landlord to account.



## 2. Scope of the Charter

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2.1 The Charter will apply to social landlords, but not landlords in the private sector. It does not replace any existing legal duties that apply to landlords although, in some instances, the Charter outcomes describe the results that a good social landlord will be achieving in meeting those legal duties. It will replace the *Performance standards for social landlords and homelessness functions* that the Scottish Ministers set under the Housing (Scotland) Act 2001.

2.4 We propose that the first Charter remain in force for five years from 1 April 2012 to 31 March 2017. Towards the end of that period, we will review its effectiveness. If we think improvements can be made, we will develop an updated version after consulting further with stakeholders.

## 3. A note about language

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We use some key phrases throughout this consultation, and these should be interpreted as follows:

### Outcomes

- An outcome is a result we want to happen.
- The Charter will define the results that good landlords achieve for their tenants and other customers. These are the results we want all social landlords to achieve.

### Social landlord

A social landlord is:

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

### Stakeholders

By stakeholders, we mean:

- the Scottish Housing Regulator
- tenants of social landlords and their representatives
- homeless people, and bodies representing their interests
- users of housing services provided by social landlords, and their representatives
- social landlords and their representatives

- secured creditors of registered social landlords, and their representatives
- the Accounts Commission for Scotland
- the Commission for Equality and Human Rights, and other bodies representing equal opportunities interests.

## **Tenants and other customers**

By tenants and other customers, we mean:

- current and future tenants of social landlords
- homeless people, and
- people who use the housing services provided by social landlords; for example, householders whose homes are factored by social landlords, or gypsy travellers who use sites provided by social landlords.

## 4. Developing the Charter

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4.1 Over the past year we have been talking to stakeholders across the country and asking them what the Charter should include.

4.2 Involving stakeholders has been vital in the development process so we have been consulting on the Charter for a long time. This has given stakeholders plenty of opportunity to think seriously about what landlords should be achieving, and has enabled us to involve as many landlords and their customers as possible.

4.3 The Charter began as a blank sheet of paper, and we asked stakeholders to start the development process by telling us what matters to them. Tenants and tenant organisations in particular have warmly welcomed this approach and the opportunity to help shape the Charter from the start.

4.4 We established a Charter Sounding Board to:

- advise the Government on how to involve the widest range of stakeholders in developing the Charter
- consider, and advise the Government on, the views emerging from consultations with stakeholders, and
- develop its own ideas on what the Charter should include.

Details of the Sounding Board membership and minutes of their meetings are available on the Housing Charter website at <http://housingcharter.scotland.gov.uk>.

4.5 The dedicated, interactive Housing Charter website (<http://housingcharter.scotland.gov.uk>) was set up to encourage wide debate. It is a source of up-to-date information about the Charter, where visitors can add their own ideas or comment on the views of others.

4.6 Discussion and consultation has been carried out in three stages.

## Stage 1: Initial consultation

4.7 Between August and November 2010, with the help of tenant representatives and landlords, we held 12 Charter 'roadshow' events across Scotland, in Inverness, Falkirk, Dumfries, Aberdeen, Ayr, Glasgow, Paisley, Dundee, Wishaw, Edinburgh, Haddington and Lochgilphead.

4.8 We thank the landlords and tenant representatives who helped organise these successful events.

4.9 These events generated lively and informed discussions and helped to establish what the Charter should cover. They brought together tenants and tenant representatives, landlord staff, councillors and housing association board members to start shaping the first Scottish Social Housing Charter and think about how the new Scottish Housing Regulator will carry out its role.

4.10 Staff from the Scottish Government's Tenant Priorities Team also attended local tenant events to talk about the Charter. Together, these initiatives helped us meet over 1,000 stakeholders across the country and involve them in discussions about developing the Charter.

4.11 The Tenants Information Service (TIS) and the Tenant Participation Advisory Service (TPAS) held small focus groups on our behalf with harder-to-reach groups, including young people, tenants in supported housing, tenants in remote and rural communities, and homeless people.

4.12 The Registered Tenant Organisation (RTO) regional networks and several other organisations, including Inclusion Scotland, the Scottish Federation of Housing Associations (SFHA) and the Glasgow Homelessness Network, conducted their own consultations and sent comments on behalf of the people they represent.

## Stage 2: Discussion paper

4.13 In February 2011, we published a discussion paper that summarised the ideas and comments we had received from stakeholders, set out our initial proposals for what might go into the Charter, and asked stakeholders for their views.

4.14 We received over 90 responses, which were generally supportive. Many people provided helpful suggestions on specific wordings for outcomes. We have considered all these comments carefully in drawing up this draft Charter and consultation document.

4.15 There was general agreement on the need to use plain language and to explain any special terms. We have included 'A note about language' at section 3 of this paper in response to these views. There were divided views on whether some of the outcomes needed more or less detail. We want the outcomes to be clear descriptions of what landlords should be achieving, not what they should be doing. With that in mind, we have expanded several of the outcomes to describe in more detail what landlords should be achieving.

4.16 Some views we have not taken further. For example, some respondents suggested there should be outcomes on good governance and financial management. This is covered by the Regulator, who has separate specific powers to set standards of financial management and governance for registered social landlords, and councils are subject to scrutiny by Audit Scotland.

4.17 Views on whether there should be a separate equalities outcome were very evenly balanced. Those in favour argued that a separate outcome was necessary to ensure that landlords met the needs of all types of tenant and customer; those against believed that equalities should be 'mainstreamed' and thus integrated into each outcome. We decided that mainstreaming offered a more inclusive approach, which would be more likely to encourage landlords to focus on the needs of all their tenants and customers, so we decided to adopt that approach in every outcome.

4.18 Tenants argued strongly for landlords to publish details of all expenditure above a given level, and suggested a threshold of £500. Landlords and others pointed out the practical difficulties of doing this and the limited value to tenants of publishing a large amount of such information. We recognise that simply providing raw data may not always help tenants to understand how their landlord is spending money. However, the prospect of having to publish all payments above a certain limit can in itself affect landlords' spending choices

and can be a way of enabling tenants to hold them to account. Accordingly, we have suggested that the outcome on transparency includes tenants being able to access information on spending.

### **Stage 3: Formal consultation**

4.19 This paper sets out the formal consultation on the Scottish Social Housing Charter.



# THE DRAFT SCOTTISH SOCIAL HOUSING CHARTER

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## THE SCOTTISH SOCIAL HOUSING CHARTER

This Scottish Social Housing Charter is introduced by the Housing (Scotland) Act 2010.

It sets the outcomes and standards that all social landlords should be achieving for their tenants and other customers through their housing activities.

Its purpose is to:

- give tenants, homeless people and other customers a clear understanding of what they should expect from a social landlord
- give landlords a clear understanding of what they should be delivering through their housing activities
- provide the basis for the Scottish Housing Regulator to monitor, assess and report on the performance of social landlords, and if necessary to require compliance with the Charter, and
- through the Regulator's reports:
  - give landlords the information they need to achieve continuous improvements in their performance and in the value for money they provide
  - give tenants and other customers information on how their landlord is performing in relation to other landlords, so that they can hold the landlord to account.

Under the Act, the Charter applies to Scottish social landlords. It does not cover private-sector landlords.

The Charter's outcomes aim to:

- address issues or services that matter to tenants, homeless people, or other customers of social landlords
- be the responsibility of social landlords
- be assessed and reported on by the new Scottish Housing Regulator.

They do not add any new duties to social landlords; rather they describe what a good social landlord should be achieving for its tenants and other customers.

The Act also created a new independent Scottish Housing Regulator (the Regulator) to safeguard and promote the interests of people who are or may become homeless, or tenants of social landlords, or users of housing services from landlords.

The Regulator will monitor, assess and report on landlords' progress against the Charter and where necessary will take action where landlords fail, or risk failing, to meet Charter outcomes.

The Regulator will publish annual reports on performance against the Charter and will be able to set performance improvement targets.

The Charter does not replace any existing legal duties that apply to landlords. In some instances, the Charter outcomes describe the results that a good social landlord will be achieving in meeting those legal duties, for example on participation.

The Charter has been developed after extensive consultation and with the help of tenants and users of housing services, tenant organisations, staff from the current Regulator, social landlords and their representatives, homeless people and their representatives, and equal opportunity organisations.

All tenants and other customers of social landlords, regardless of age, disability, gender reassignment, race, religion or belief, sex and sexual orientation, should benefit from these outcomes.

## The outcomes and standards that social landlords should be working to achieve in each area of their activities

### The customer/landlord relationship

#### Participation

Tenants and other customers:

- can participate in their landlord's decisions
- are satisfied that their views and priorities are reflected in landlord services
- have opportunities to be involved in developing, monitoring, assessing and reporting on the quality of the housing services the landlord provides
- have a range of ways to get involved, including ways suitable for those who are hard to reach or seldom heard
- are able to get involved, if and when they want to, at a level they feel comfortable with
- get support to build their capacity for more effective involvement
- can take part in reviewing opportunities for involvement to ensure they are working well.

## Communication and customer service

Tenants and other customers:

- are satisfied that landlords recognise their communication needs, and provide information and deliver services in a way that meets individual needs
- are treated with respect for their individuality and diversity
- receive and can easily get the information they need about their landlord and the services they provide
- can contact their landlord easily to report problems, get advice and give views
- are satisfied with how the landlord handles their views and enquiries and provides feedback
- have access to efficient and effective procedures for dealing with complaints
- are satisfied that their landlord uses complaints and experiences of performance failures to improve services, and keeps people informed about this
- are satisfied that complaints are dealt with simply, fairly, in a timely manner and as close to the front line as possible.

## Quality of housing and the environment

### Housing quality

Tenants' homes:

- meet the Scottish Housing Quality Standard, or a locally agreed standard that exceeds this, by April 2015
- meet all legal requirements for health and safety
- are clean and tidy and in a good state of repair when they are allocated, and meet locally agreed standards.

During the lifetime of this Charter the Scottish Government may consult on higher energy-efficiency standards for social housing. If adopted, the new requirements will form part of the next Charter.

### Repairs, maintenance and improvements

Tenants:

- receive repair, maintenance and improvement services that are responsive to their needs and priorities and meet locally agreed standards
- can report repairs easily and are clear about the timescales, priorities and procedures for carrying them out
- can choose when work is done, at times convenient for them
- get repairs and improvements done right, on time, first time
- are involved in and kept informed about planned improvements to their home
- are given choices about improvements
- can get involved in monitoring and reviewing the repairs service they receive.

## Estate management

Tenants and residents:

- take pride in where they live
- are satisfied that landlords are working in partnership with other agencies to ensure that estates meet locally agreed standards for maintenance, cleanliness and safety
- are satisfied that tenancy conditions are enforced consistently and breaches dealt with quickly
- can get involved in monitoring and reviewing the estate management service they receive.

## Access to housing and support

### Housing options

People looking for housing:

- get the information they need on the range of housing options available in their area to help them make informed choices and decisions
- have a say in what type of house they want to live in, and where.

## Access to social housing

People looking for housing:

- can apply easily for the widest choice of social housing that would meet their needs in the area
- have easy access to, and can easily understand, a landlord's allocation policies
- get clear information on how the landlord allocates homes and their prospects for being allocated one
- are satisfied that landlords are working together to simplify and maximise access to housing, for example through Common Housing Registers or as members of an exchange scheme
- are satisfied that allocation policies reflect a landlord's consultation with its tenants and the demand for housing in the area
- are satisfied that landlords make the best use of the housing available.

## Homeless people

Homeless people:

- get the information they need to make informed choices and decisions on the range of housing options available
- can get accommodation and support that meets their needs and legal rights
- get prompt and easy access to help and advice
- are treated fairly and with respect while they are homeless, with consideration for their individual circumstances
- get ongoing support and communication
- get good-quality temporary accommodation that meets their needs and locally agreed standards
- are satisfied that landlords are working in partnership with other agencies to provide a range of support.

## Tenancy sustainment

### Tenants:

- are satisfied that landlords, in partnership with other organisations, provide a range of support to enable them to remain in their home
- can get support to help them remain in their home if their tenancy is at risk
- can get the adaptations and equipment they need to help them stay in their home, where this is appropriate
- are satisfied that tenancy conditions are enforced fairly and quickly.

## Anti-social behaviour, neighbour nuisance and tenancy disputes

### Tenants and residents:

- are able to easily report tenancy disputes, neighbour nuisance and anti-social behaviour
- get clear information on how tenancy disputes, neighbour nuisance and anti-social behaviour are dealt with
- are satisfied that disputes are dealt with quickly and effectively and tenancy conditions are promptly and fairly enforced
- are kept informed on progress with complaints, and understand the outcome
- if affected by anti-social behaviour, get the support they need to help them deal with the situation
- if causing nuisance or anti-social behaviour, get support to help them stop this and to keep to their tenancy agreement
- are satisfied that landlords are working in partnership with other agencies and the local community to prevent and tackle anti-social behaviour
- can get involved in reviewing and monitoring the tenancy disputes, neighbour nuisance and anti-social behaviour service they receive.



## Getting good value from rents and service charges

### Value for money

Tenants and other customers:

- benefit from continually improving services while rents and service charges are kept as low as possible
- can get involved in monitoring and reviewing how landlords deliver value for money.

### Rents and service charges

Tenants:

- are satisfied that, after consultation, landlords have taken their views on rents and service charges into consideration and that they strike a balance between the levels of service, their cost, and how far current and prospective tenants can afford them
- can get involved in reviewing rent and service charge increases and how these are spent
- are satisfied that rent and service charges are collected efficiently, rent arrears are managed effectively, and rent loss from empty homes is minimised
- can get clear, easy-to-understand information on how rents are set
- are satisfied that rent levels clearly reflect the size and other key features of the properties.

### Transparency

Tenants and other customers can easily get information about:

- the organisation, governance and administration of their landlord
- how their landlord makes and implements its decisions
- how the landlord spends their rents and other money, including information about individual items of expenditure above agreed thresholds.

## Gypsies/Travellers and other customers

### Services for Gypsies/Travellers

Gypsies and travellers:

- when using sites provided by social landlords, benefit from good-quality, well-managed accommodation.

### Other customers

Owners and residents receiving factoring and other services from a social landlord:

- are satisfied that their landlord delivers locally agreed standards and services
- can get the information they need on factoring services
- can participate where improvements are being carried out
- can get involved in monitoring and reviewing the factoring and other services they receive.



## 6. Responding to the consultation

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We welcome your views on the draft Charter set out in this document. These are the questions we would like you to answer. After the questions, we've given details of how you can respond.

### The consultation questions

1. Have we missed out any areas that the Charter should cover? If so, please tell us.
- 2a. Do you agree with the 'participation' outcome? If yes, please use the box to provide any comments. If no, please tell us why.
- 2b. Is the 'participation' outcome clear and understandable? If no, please tell us why.
- 3a. Do you agree with the 'communication and customer services' outcome? If yes, please use the box to provide any comments. If no, please tell us why.
- 3b. Is the 'communication and customer services' outcome clear and understandable? If no, please tell us why.
- 4a. Do you agree with the 'housing quality' outcome? If yes, please use the box to provide any comments. If no, please tell us why.
- 4b. Is the 'housing quality' outcome clear and understandable? If no, please tell us why.
- 5a. Do you agree with the 'repairs, maintenance and improvements' outcome? If yes, please use the box to provide any comments. If no, please tell us why.
- 5b. Is the 'repairs, maintenance and improvements' outcome clear and understandable? If no, please tell us why.
- 6a. Do you agree with the 'estate management' outcome? If yes, please use the box to provide any comments. If no, please tell us why.
- 6b. Is the 'estate management' outcome clear and understandable? If no, please tell us why.
- 7a. Do you agree with the 'housing options' outcome? If yes, please use the box to provide any comments. If no, please tell us why.

- 7b. Is the 'housing options' outcome clear and understandable? If no, please tell us why.
- 8a. Do you agree with the 'access to social housing' outcome? If yes, please use the box to provide any comments. If no, please tell us why.
- 8b. Is the 'access to social housing' outcome clear and understandable? If no, please tell us why.
- 9a. Do you agree with the 'homeless people' outcome? If yes, please use the box to provide any comments. If no, please tell us why.
- 9b. Is the 'homeless people' outcome clear and understandable? If no, please tell us why.
- 10a. Do you agree with the 'tenancy sustainment' outcome? If yes, please use the box to provide any comments. If no, please tell us why.
- 10b. Is the 'tenancy sustainment' outcome clear and understandable? If no, please tell us why.
- 11a. Do you agree with the 'anti-social behaviour, neighbour nuisance and tenancy disputes' outcome? If yes, please use the box to provide any comments. If no, please tell us why.
- 11b. Is the 'anti-social behaviour, neighbour nuisance and tenancy disputes' outcome clear and understandable? If no, please tell us why.
- 12a. Do you agree with the 'value for money' outcome? If yes, please use the box to provide any comments. If no, please tell us why.
- 12b. Is the 'value for money' outcome clear and understandable? If no, please tell us why.
- 13a. Do you agree with the 'rents and service charges' outcome? If yes, please use the box to provide any comments. If no, please tell us why.
- 13b. Is the 'rents and service charges' outcome clear and understandable? If no, please tell us why.
- 14a. Do you agree with the 'transparency' outcome? If yes, please use the box to provide any comments. If no, please tell us why.
- 14b. Is the 'transparency' outcome clear and understandable? If no, please tell us why.

- 15a. Do you agree with the 'services for Gypsies/Travellers' outcome? If yes, please use the box to provide any comments. If no, please tell us why.
- 15b. Is the 'services for Gypsies/Travellers' outcome clear and understandable? If no, please tell us why.
- 16a. Do you agree with the 'other customers' outcome? If yes, please use the box to provide any comments. If no, please tell us why.
- 16b. Is the 'other customers' outcome clear and understandable? If no, please tell us why.
17. Do you think that a good landlord should be able to achieve these outcomes? Please explain your answer.
18. Do you wish to add anything that is not covered by the questions above?

Please complete the enclosed Respondent Information Form and return it to us at:

Housing Charter Team  
Area 1-H South  
Victoria Quay  
Edinburgh  
EH6 6QQ

Please make sure you complete the boxes on the front of the form to tell us how you would like us to use your form. We can publish your response on the Scottish Government website if you wish. You can tell us if you'd like us to publish your name and address, or just your name, or you can remain anonymous. If you ask us not to publish your response, we will still take your thoughts into account when we prepare the version of the Charter that will be laid before the Scottish Parliament.

If you do not fill in the part of the form called Permissions, we will assume you do not want us to publish your comments on the website. We will still read what you say and take it into account.

You can download more copies of the response form from  
<http://housingcharter.scotland.gov.uk/>.

You can print a completed form and post it to us, or you can email it to us at [housingcharter@scotland.gsi.gov.uk](mailto:housingcharter@scotland.gsi.gov.uk).

You can also post responses on the housing charter website at <http://housingcharter.scotland.gov.uk>. You will have to register before you can post a response. By registering, you agree that we can publish your response on the website. If you do not want to register, you can simply click the 'I like this response' button to show that you agree with someone else's comments.

The closing date for responses is **1 November 2011**.

# ANNEX A

## Equalities impact assessment

### 1. Aims of the policy

<p>What is the purpose of the proposed policy (or changes to be made to the policy)?</p>	<p>The Charter sets the outcomes and standards that all social landlords should be aiming to achieve for their tenants and customers. The Housing (Scotland) Act 2010 states that: “Ministers must set out standards and outcomes which social landlords should aim to achieve when performing housing activities.”</p>
<p>Who is affected by the policy or who is intended to benefit from the proposed policy and how?</p>	<p>Social landlords and their tenants and prospective tenants will benefit from the Charter. The Charter will refocus landlord activity on tenant’s priorities and provide clarity and certainty for customers and landlords. It will create a common framework for the Scottish Housing Regulator’s assessment of landlord performance and will describe what good landlords are achieving already and challenge all landlords to match this.</p>
<p>How have you, or will you, put the policy into practice, and who is or will be responsible for delivering it?</p>	<p>The Housing (Scotland) Act 2010 introduced the Scottish Social Housing Charter. Ministers are responsible for setting out the standards and outcomes contained in the Charter. The Scottish Housing Regulator will carry out an assessment of a landlord’s performance against the Charter outcomes.</p>



How does the policy fit into our wider or related policy initiatives?	The Charter will contribute to public services that are high quality, continually improving, efficient and responsive to local people's needs. The Charter will do this by focussing social landlords' efforts on meeting tenant priorities and continually improving performance and value.
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## 2. What do we already know about the diverse needs and/or experiences of our target audience?

Do you have information on:				
Age?	Yes	√	No	
Disability?	Yes	√	No	
Gender?	Yes	√	No	
Lesbian, Gay, Bisexual and Transgender?	Yes	√	No	
Race?	Yes	√	No	
Religion and Belief?	Yes	√	No	

Our target audience includes social landlords, their tenants and prospective tenants. The Scottish Social Housing Charter will be implemented by the Scottish Housing Regulator (SHR). The SHR does not provide a direct service to the community but by monitoring and assessing social landlords performance against the charter will help to maintain and improve the standard of services.

### 2.1 Tenants and prospective tenants

Around a quarter of Scotland's households live in social housing, and many more are on waiting lists or seeking assistance through local authority homelessness services. There is evidence from research and national surveys, including the Census, Scottish Household Survey and Scottish House Condition Survey, that certain groups of people have particular needs and experiences of social housing.

- The population of social housing tenants is on average older than that of Scotland as a whole.
- People with disabilities are more likely to rent from a social landlord than to own their home or rent privately.
- Nearly a third of households with female heads of household are in the social sector, compared with less than one in five households with a male head of household.
- Older LGBT residents may face particular problems in relation to supported or sheltered accommodation. LGBT residents are also at greater risk of being victims of anti-social behaviour.
- Minority ethnic communities are under represented in social housing.
- People from Christian religions are more likely than others to live in social housing, while Hindus are less likely to do so.

## 2.2 Social landlords

There are 272 social landlords in Scotland. Twenty-six are local authorities and 246 registered social landlords (RSLs). Between them they own and manage around 600,000 homes across Scotland, with more than half of these being council houses. Individual landlords range in size from a local authority with nearly 38,000 houses to small RSLs with fewer than 50 houses.

In terms of the services they provide, there is evidence that landlords across the social housing sector need to improve their performance in relation to equalities. A thematic study on equalities published by the regulator in 2006<sup>1</sup> (following an earlier study in 2002) found a mixed picture on progress. While some landlords were doing good work on equalities, many others recognised they needed to do better and some were struggling to meet all their legal obligations. There was commonly a need for improved leadership, guidance and understanding of good practice. The SHR's inspection activity has also revealed some weaknesses in compliance with equalities legislation among social landlords.

A separate study on services for Gypsies/Travellers,<sup>2</sup> also published in 2006, found that local authorities were making only slow progress in improving services for this group of people. Several councils still did not recognise Gypsies/Travellers as a distinct ethnic group. Both studies found that many landlords needed to do more in terms of gathering and using information about the

community they serve and in understanding and responding to the needs of different groups within the community.

Other research has similarly identified a need for better collection, analysis and use of information. For example, a 2008 study on allocations policy and practice<sup>3</sup> found that data landlords collected was often driven by reporting requirements. Only a minority were analysing and using the information to plan or manage services. Also in 2008, an Audit Commission study on the impact of the race equality duty on council services found that local authorities generally lack full and robust information about minority ethnic communities and their needs; and that they were unable to demonstrate how consultation with these communities had influenced the design or delivery of services.<sup>4</sup>

The Policy and Approach action group set up by the Government to take forward recommendations from the Crerar Review recently reported to Ministers. Among other things it proposed that scrutiny functions should be established or continued in certain circumstances. These include where there is a need for assurance about whether services are meeting regulatory requirements, such as those on equalities.

1 Communities Scotland (2006), Equalities in practice follow-up study

2 Communities Scotland (2006), services for gypsies/travellers follow-up study

3 Scottish Government (2008), tensions between allocations policy and practice

4 Audit Scotland (2008), the impact of the race equality duty on council services

### **3. What does the information we have tell us about how this policy might impact positively or negatively on the different groups within the target audience?**

The outcomes in the charter are to be available to all tenants and other customers regardless of their age, disability, gender, marital status, sexual orientation, race, religion or belief. The SHR will have a statutory duty to promote the interests of current and prospective tenants and is bound by the duty to promote equality of opportunity in all of its activities. The regulator has an important role in setting clear expectations and promoting good equalities practice in the RSL sector who are not public bodies and are therefore not bound by the public sector equality duty.

The Charter will place an increased emphasis on the publication of accessible information to enable tenants and others to make judgements about their landlord's performance and hold them to account. This could disadvantage those

with a disability and both the regulator and social landlords will need to be alert to this possibility and be proactive in making information available in different formats such as Braille and audio for those who need it. This could disadvantage those who have difficulty reading English. Both the regulator and social landlords will need to be alert to this possibility.

#### **4. Does the policy provide the opportunity to promote equality of opportunity or good relations by altering the policy or working with others?**

Yes, the policy aims to provide benefits for current and prospective tenants. The Scottish Social Housing Charter aims to improve the performance of social landlords in providing housing and homelessness services. The Scottish Social Housing Charter will be a statement of the high level outcomes landlords are expected to achieve. We commissioned research to find out more about what tenants want from their landlords. The ongoing discussion and debate about the Charter has given us an opportunity to actively consider and promote equality of opportunity in the context of social housing. It has given us a better understanding of the needs and priorities of diverse groups of tenants and other people using housing services.

#### **5. Do we need to carry out a further Impact Assessment?**

No, further consultation was undertaken with stakeholders during the Draft Housing (Scotland) Bill on the impact of modernising regulation including the Charter. It asked if there were any other significant issues that we needed to consider. No specific issues were identified.

#### **6. How will we monitor and evaluate this policy to measure progress?**

The Housing (Scotland) Act 2010 states that Ministers must review the Scottish Social Housing Charter from time to time. We envisage the first Charter running for approximately five years. When the first Charter is reviewed in 2016 we will also undertake a further assessment reporting on any negative / positive effects the first Charter has had. The review will be carried out by staff in the Social Housing and Strategy Unit of the Scottish Government.

## **Partial business and regulatory impact assessment**

### **1. Title of proposal**

**The Scottish Social Housing Charter**

### **2 Purpose and intended effect of proposals**

#### **2.1 Objectives**

The policy:

- provides for Ministers to prepare, consult upon, and submit to Parliament for its approval, a Scottish Social Housing Charter that will describe the high-level outcomes that social landlords should be achieving for their tenants and for taxpayers' continuing investment in new social housing
- gives the SHR a modernised range of powers to regulate social landlords and their performance against the requirements of the Charter, and
- reduces the burden of regulation and inspection on social landlords.

#### **2.1 Background**

The Charter is introduced by the Housing (Scotland) Act 2010 which requires Ministers to set out standards and outcomes which social landlords should be achieving for tenants and other customers when performing housing activities.

The Act modernised the powers and duties of the SHR; making it more explicitly focused on protecting and promoting the interests of current and future tenants; reducing the burden of regulation on social landlords; and concentrating its efforts on assessing and improving the value that social landlords provide.

The Charter's purpose is to:

- give tenants, homeless people and other customers a clear understanding of what they should expect from a social landlord
- give landlords a clear understanding of what they should be delivering when performing housing activities

- encourage continuous improvement in the delivery of housing services
- give tenants and other customers clear information on how their landlord is performing in relation to other landlords.

This partial Regulatory Impact Assessment has been prepared to assess the costs and benefits of this policy as set out in the Housing (Scotland) Act 2010.

## **2.3 Rationale for government intervention**

The Housing (Scotland) Act 2010 provides for a clear separation of the roles of standard setting and performance measurement. Central government will set the strategic direction and standards for social housing through the Charter.

Landlord progress against the Charter will be monitored and assessed by the Regulator and where necessary the Regulator will work with landlords failing, or at risk of failing, to meet the Charter outcomes.

The Regulator will publish annual reports on performance against the Charter and will be able to set performance improvement targets.

## **3 Consultation**

### **3.1 Within government**

The Housing (Scotland) Act 2010 of which the development of the Scottish Social Housing Charter is contained was developed in consultation with the current Scottish Housing Regulator, Audit Scotland, the Care Commission, the Office of the Scottish Charity Regulator and the Convention of Scottish Local Authorities, and all against the background of Professor Lorne Crerar's Report of the Independent Review of Regulation, Audit, Inspection and Complaints Handling of Public Services in Scotland.

### **3.2 Public consultation**

The legislation requires Ministers to consult stakeholders before preparing the Charter. This includes:

- the Regulator
- tenants of social landlords or their representatives
- homeless people or bodies representing the interests of homeless persons

- users of housing services provided by social landlords, or their representatives
- social landlords or their representatives
- secured creditors of registered social landlords or their representatives
- the Accounts Commission for Scotland
- the Commission for Equality and Human Rights and other bodies representing equal opportunities interests.

Involving stakeholders has been vital in the development process so we have been consulting on the Charter for a considerable time. This has given stakeholders plenty of time and opportunity to think seriously about what landlords should be achieving and opportunities to involve as many landlords and their customers as possible in developing the Charter.

The Charter has been developed following extensive consultation and in partnership with tenants and users of housing services, tenant organisations, the Regulator, social landlords and their representatives, homeless people and their representatives and equal opportunity organisations.

## **4 Options**

### **4.1 Option 1 - Do nothing**

The provisions of the Housing (Scotland) Act 2010 require Ministers to consult stakeholders before preparing and publishing the Charter and there was overwhelming support for the Charter during the bill consultation. Therefore a “do nothing” approach is not appropriate.

### **4.2 Option 2 - Adopt the introduction of the Scottish Social Housing Charter**

Adopting the introduction of the Scottish Social Housing Charter as contained in the Housing (Scotland) Act 2010 should give tenants, homeless people and other customers a clear understanding of what they should expect from a social landlord, give landlords a clear understanding of what they should be delivering when performing housing activities, encourage continuous improvement in the delivery of housing services and give tenants and other customers clear information on how their landlord is performing in relation to other landlords.

## 5 Costs and benefits

### 5.1 Sectors and groups affected

The proposals will affect social landlords, current and future tenants of social landlords, homeless people, and people who use the housing services provided by social landlords.

### 5.2 Benefits

Social landlords and tenants will benefit from the Scottish Social Housing Charter, which will give both parties clarity and certainty over the outcomes that landlords should be achieving for their tenants over the medium term. They will also benefit from the consultation process that Ministers are obliged to undertake before submitting the Charter to Parliament, as it has enabled them to influence the scope and content of the Charter. The Charter does not replace any existing legal duties which landlords are required to meet. In some instances, the Charter outcomes describe the results that a good social landlord will be achieving in meeting those legal duties.

### 5.3 Costs

#### Registered Social Landlords

Registered Social Landlords currently provide the Scottish Housing Regulator with performance data. Under the new statutory framework, a broader range of information may be collected by the Regulator to enable it to better assess performance and value for money. In practice, landlords will be collecting such information already as part of their own planning and performance monitoring regime. We expect, therefore, that the modernised regulatory framework will have minimal additional cost implications for RSLs and in any event these are likely to be outweighed, in most cases, by the cost savings linked to the ending of the regime of routine inspections. Where inspections are undertaken, these will generally be with a view to investigating performance concerns, or to examining particular themes.

#### Local Authorities

Currently, local authorities routinely submit housing performance data to Audit Scotland and they also submit performance data to the SHR as part of their cyclical inspection submissions. Local authorities that are performing their housing and homelessness services well will experience minimal additional cost.



In any event these are likely to be outweighed, in most cases, by the cost savings linked to the ending of the regime of routine inspections. Every effort will be made to streamline data collection.

### **Scottish Housing Regulator**

As part of the preparation for the agency to become a non-Ministerial Department, the SHR's budget will be reviewed and options explored for the modernised body to share services and continue to secure efficiency savings.

## **6 Small/micro firms impact test**

Small-scale landlords are subject to the current regulatory regime. In keeping with the general approach, small organisations that are performing well will benefit from lighter touch regulation.

## **7 Legal aid impact test**

There should be no impact on legal aid issues under these proposals.

## **8 'Test run' of business forms**

Any forms for the collection of information by the Regulator will be prepared in consultation with landlord organisations or their representative bodies.

## **9 Competition assessment**

As these proposals will affect all social landlords, there should be no advantage to any particular group.

## **10 Enforcement, sanctions and monitoring**

The Housing (Scotland) Act 2010 provides a broader range of enforcement and regulation measures which can be exercised by the Regulator in a graduated and proportionate way in relation to landlord performance against the Charter.

At least once a year the Regulator will publish reports that assess how well social landlords are achieving the Charter outcomes and will be able to set performance improvement targets.

The Regulator will be consulting on how it will make these assessments. This is likely to include proposals for the role of self assessment by landlords and how landlords should involve their tenants and other customers in that assessment.



**The Scottish  
Government**

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