AGENDA ITEM NO 9
REPORT NO 647/11

ANGUS COUNCIL

NEIGHBOURHOOD SERVICES COMMITTEE – 6 OCTOBER 2011

PROGRESS OF THE SCOTTISH SOCIAL HOUSING CHARTER
REPORT BY DIRECTOR OF NEIGHBOURHOOD SERVICES

ABSTRACT: This report outlines progress of the Scottish Government’s Scottish Social Housing Charter and the likely impact for the Council.

1. RECOMMENDATION(S)

1.1 It is recommended that Members:-

(i) note the contents of the report;

(ii) approve the response to the draft charter.

2. BACKGROUND

2.1 Members will be aware that the Scottish Government is developing the Scottish Social Housing Charter which is intended to set the outcomes and standards that social landlords should achieve for all their customers and to be the main measure against which the new Scottish Housing Regulator will assess performance of social landlords.

2.2 The Government has now issued the draft charter and is inviting further comment on their proposals by 1st November 2011. It is intended that the Charter will come into effect in April 2012 and remain in force for 5 years. A copy of the draft charter is available in the Members’ Lounge, or can be accessed online at http://housingcharter.scotland.gov.uk.

2.3 The draft now has 5 main outcome areas. These are:-

- Customer/landlord relationship (participation, communication and customer service);
- Quality of housing and the environment (housing quality; repairs, maintenance and improvements; estate management);
- Access to housing and support (housing options; access to social housing; homeless people; tenancy sustainment; anti social behaviour);
- Getting good value from rents and service charges (value for money; rents and service charges; transparency);
- Gypsies/travellers and other customers.

2.4 Members are asked to approve the response to the Scottish Government, detailed below in Section 3.

3. ANGUS COUNCIL RESPONSE TO THE DRAFT SCOTTISH SOCIAL HOUSING CHARTER

3.1 Introduction

3.2 Whilst Angus Council continues to broadly welcome the intentions of the Charter and the opportunity for tenants and customers to better shape services, we believe that some further changes should be made to the draft document.
3.3 General Comments

3.4 Whilst it is difficult to have any major objection to the draft outcomes, we do have concerns about potential for mis-interpretation of some of the fine detail in the narrative and the implication this will have for operational delivery.

3.5 There remains some ambiguity and lack of clarity in the terminology throughout the document between ‘tenants and other customers’ and ‘tenants and residents’ which indicates that the Charter is trying to address issues wider than those under direct control and responsibility of social landlords (such as anti-social behaviour). This ambiguity should be re-considered.

3.6 Angus Council still agrees that the Charter should be focused on outcomes and not be prescriptive about the means to achieve them. Processes will be agreed between tenants and their landlords as part of their business plan development. Part of this work will inevitably include projecting levels of income and expenditure over the course of business plans which will be directly influenced by the economic climate. The Charter aims should, therefore, be contained within affordable parameters.

3.7 Whilst it is clear that the bulk of suggested outcomes should be worded from the point of view of tenants and other customers, it is also important that the Charter should reflect a healthy two-way relationship between landlords and tenants where rights come with responsibilities. This is especially important in terms of rent payment, estate management and compliance with tenancy agreements. The wording of the draft currently infers that all responsibility lies with the landlord.

3.8 We are glad that there is recognition of the need for the Charter to be aligned with Single Outcome Agreements, Best Value 2 and other existing performance frameworks including that developed by the Scottish Housing Best Value Network (SHBVN). It is important that an additional layer of bureaucracy is not created by the Charter and that unreasonable demands are not imposed by the regulator on landlords and tenants, the views of whom will be crucial in proving compliance with outcomes.

3.9 Self assessment is the most logical tool to support a risk based approach to monitoring performance, but it is vital that systems are robust and consistent. Angus Council will continue to support the development of a national housing self assessment framework based on agreed standards and methodologies between the Government, the Regulator, COSLA and SHBVN.

3.10 Comments on Individual Suggested Outcomes

3.11 Communication/Customer Service - Point 1 should be changed to ‘…that landlords recognise their communication needs, and provide information and deliver services in ways that are sensitive to those needs.’

3.12 Housing Quality – Repairs and maintenance - Point 3 needs to be re-worded: ‘can choose when work is done, at times convenient for them within locally agreed working hours.’

3.13 Estate Management - How will resident views be measured? – It is difficult to know which residents the Charter is referring to, and in what locality? Therefore, replace reference to ‘residents’ with ‘tenants and other customers.’ This outcome, in particular, also needs to recognise that tenants have a responsibility to comply with their tenancy agreement – wording should be added to reflect this.

3.14 Homeless People – Suggest changing point 2 to ‘can get accommodation and support that meets their defined needs and legal rights’ – this outcome also needs to recognise cost factors.

3.15 Tenancy sustainment – The outcome needs to reflect a higher level of responsibility on tenants. Suggest changing wording of point 4 to ‘Have a duty to comply with their tenancy conditions and are satisfied that these are enforced fairly and quickly’. A review of the Scottish Secure Tenancy may be required to ensure that it sits fairly within the context of the Charter outcomes. The Charter also needs to be clear that there are proper legal processes to
go through. The wording ‘fairly and quickly’ perhaps creates the impression things can be short circuited when they can’t. There is a danger this raises expectation.

3.16 Anti Social Behaviour - Replace reference to ‘residents’ with ‘tenants and other customers.’ We do not agree with the tenor of point 6 – this should make transparently clear that anyone causing nuisance will not be given ‘help and support’ – they will be subject to action against them. We also suggest adding an additional bullet point to the effect:-

- ‘Tenants and other customers should behave in such a manner so as not to cause ASB, nuisance or annoyance to neighbours’

3.17 Value for Money - We are concerned that ‘continually improving services’ implies that there is no rent implication. VFM is not defined and does not seem to square with the Housing Benefit changes, or the reduction in grant monies for new build properties which now mean that rents are needed to fund borrowing to build. There is no industry standard to assess VFM so we would welcome further discussion around this. SHBVN have been developing a model which could be shared.

3.18 Rents and Service Charges - We suggest adding a sixth point: ‘Tenants must pay rent and service charges (where applicable) in compliance with their tenancy agreement’.

3.19 Transparency - There needs to be a balance here in terms of the different methods of governance between local authorities and RSLs, as Councils are not run by tenants.

3.20 Other customers - Our preference is to have this removed as a separate outcome and its content included under ‘Estate Management’. We also believe that owners and other customers receiving factoring services also have responsibilities. Therefore, we suggest changing the wording to: ‘owners and other customers who pay for and receive factoring and other services…….’

4 OPERATIONAL IMPLICATIONS FOR ANGUS COUNCIL

4.1 At face value the Charter is not overly ambitious, but on closer inspection it becomes clear that a considerable amount of work, resources and investment will be required to deliver the outcomes, especially in communication, web enablement, estate management standards and proportionality of response.

4.2 Often it simply won’t be possible to give people what they want, so this potentially could put the Council into conflict more often with the Regulator and the Ombudsman. Further conflict could emerge if tenants and customers desire local standards and procedures that don’t fit closely with national guidelines. Solving these conflicts will inevitably soak up staff time and resources.

4.3 The largest implication, however, will be the extensive consultation required with tenants, potential tenants (applicants on the common housing register) and other customers (residents and other stakeholders), to review and agree all standards, policies and procedures, to ensure they are satisfied in the way that charter outcomes are being met. This will involve setting up numerous focus groups, tenant led working groups, customer satisfaction events and other consultative methods. This will require a substantial staff resource to facilitate, analyse and act on the conclusions.

4.4 As the conclusions of this consultation process emerge, there will also be a need to make changes to literature, guidance documents, web content and other communication material. It is likely that all parts of the service will be affected. Changes may also be required to the Division’s integrated housing management system Northgate, which could involve procuring consultancy from the software supplier at considerable expense.

4.5 Property Implications - Properties and assets affected by this report are all on the Housing Revenue Account – there are no implications for other corporate assets.
5. **RISKS**

5.1 An assessment has been undertaken and due to the nature of the subject a detailed risk assessment is not considered to be required at this stage. A further assessment will be carried out when the charter is enacted.

6. **FINANCIAL IMPLICATIONS**

6.1 There are no financial implications arising from this report at this time as any required staff input will be contained within existing resources. Should implementation and delivery of the charter ultimately result in future financial implications, a further report will be brought forward to this Committee.

7. **HUMAN RIGHTS IMPLICATIONS**

7.1 There are no Human Rights implications for the Council arising directly from this report.

8. **EQUALITIES IMPLICATIONS**

8.1 The issues dealt with in this report have been the subject of consideration from an equalities perspective, and the report is regarded as exempt.

9. **ANGUS COMMUNITY PLAN AND SINGLE OUTCOME AGREEMENT**

9.1 This report contributes to the following local outcomes contained within the Angus Community Plan and single outcome agreement 2011-2014:

- Individuals are involved in their communities;
- Individuals are supported in their own communities with good quality services.

10. **CONSULTATION**

10.1 The Chief Executive, Director of Corporate Services, Director of Infrastructure Services, Head of Finance and Head of Law & Administration have been consulted in the preparation of this report.

11. **CONCLUSION**

11.1 Angus Council will continue to work with the Scottish Government to make the new Scottish Social Housing Charter an effective tool for improving services to tenants and customers, all be it with some amendments to the suggestions set out in the draft document. We believe that a robust self assessment tool being developed will mean that monitoring Charter outcomes can be achieved in a consistent and co-ordinated way and with a methodology that makes comparisons meaningful.

RON ASHTON  
DIRECTOR OF NEIGHBOURHOOD SERVICES

**NOTE:** The following background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to a material extent in preparation of this report:

- R263/11 “The Scottish Social Housing Charter”

Hsg/NS/AMcK/JM