



The Scottish Parliament
Pàrlamaid na h-Alba

INFRASTRUCTURE AND CAPITAL INVESTMENT COMMITTEE

AGENDA

2nd Meeting, 2012 (Session 4)

Wednesday 25 January 2012

The Committee will meet at 10.00 am in Committee Room 2.

1. **Decision on taking business in private:** The Committee will decide whether to take item 5 in private.
2. **The Scottish Ferry Services Draft Plan:** The Committee will take evidence from—

Keith Brown, Minister for Housing and Transport, Graham Laidlaw, Head of Ferries Unit, Judith Ainsley, Head of Ferries Policy and Procurement, David Notman, Economic Adviser, and Cheryl Murrie, Ferries Policy Officer, Transport Scotland, Scottish Government.

3. **Scottish Social Housing Charter:** The Committee will take evidence from—

Jim Harvey, Director, Glasgow and West of Scotland Forum of Housing Associations;

David Bookbinder, Head of Policy and Public Affairs, Chartered Institute of Housing in Scotland;

Euan McDougall, Policy, Information and Parliamentary Officer, Scottish Disability Equality Forum;

Danny Mullen, The Regional Networks of Registered Tenants Organisations;

Alan Stokes, Policy and Strategy Manager, Scottish Federation of Housing Associations;

Ilene Campbell, Director, Tenants Information Service.

4. **Subordinate legislation:** The Committee will consider the following negative instrument—

the Housing (Scotland) Act 2010 (Consequential Amendment) Order 2011
(SSI 2011/445)

5. **Work programme:** The Committee will review its work programme.

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The papers for this meeting are as follows—

Agenda item 2

PRIVATE PAPER

ICI/S4/12/2/1 (P)

[The Scottish Ferry Services Draft Plan](#)

Agenda item 3

PRIVATE PAPER

ICI/S4/12/2/2 (P)

Written evidence

ICI/S4/12/2/3

[Scottish Social Housing Charter - revised draft January 2012](#)

Agenda item 4

Cover note

ICI/S4/12/2/4

[The Housing \(Scotland\) Act 2010 \(Consequential Amendment\) Order 2011 \(SSI 2011/445\)](#)

Agenda item 5

PRIVATE PAPER

ICI/S4/12/2/5 (P)

Infrastructure and Capital Investment Committee

2th Meeting, 2012 (Session 4), Wednesday, 25 January 2012

SECTION 1

Written evidence has been received from the following organisations in support of their oral evidence at the Committee's meeting on 25 January 2012—

- Chartered Institute of Housing Scotland
- Glasgow and West of Scotland Forum of Housing Associations (GWSF)
- The Regional Networks of Registered Tenants Organisations
- The Scottish Federation of Housing Associations
- The Scottish Disability Equality Forum
- The Tenants Information Service

WRITTEN EVIDENCE FROM THE CHARTERED INSTITUTE OF HOUSING SCOTLAND

The Chartered Institute of Housing (CIH) Scotland is the professional body for people involved in housing and communities in Scotland. We welcome this opportunity to provide a written statement to the Committee ahead of our giving oral evidence on 25 January. As an organisation we aim to support the housing sector in providing the crucial services they deliver to communities across Scotland. This includes promoting continuous improvement and efficient and effective delivery of services.

Focusing on service quality

CIH has valued the involvement it has had with the Scottish Government in helping to shape the Scottish Social Housing Charter, and we see the finished document as one which will bring a welcome focus to the quality of services provided by housing associations and local authority landlord and homelessness functions. The Charter will inevitably act as a lever to encourage landlords to review their services and at the same time seek to improve the way in which their tenants can be involved in influencing services.

CIH supporting implementation of the Charter

During the development of the Charter we have delivered a number of events that have explored with landlords how they can be prepared for the implementation of the Charter, such as how they can develop improved self-assessment processes and what models of tenant scrutiny are being developed across the UK. This work continues and we are in the process of developing, jointly with others, a menu of performance indicators that will enable landlords and tenants to assess delivery against the outcomes of the Charter.

In addition, we look forward to working closely with the Scottish Housing Regulator (SHR) as it develops the measures it intends use to assess landlords' performance. The SHR will require landlords to submit a Charter return and also to produce a report for tenants on performance against each Charter outcome. CIH has been keen to stress to the SHR the importance of leaving individual landlords to agree with their tenants what and how much information should go into this report.

The Charter itself

As the draft Charter has been subject to scrutiny and comment from a very large range of organisations and individuals it has naturally passed through a series of changes, and is much improved on earlier versions. The 'outcomes followed by commentary' approach, which was adopted only in the last few weeks, reinforces the point that, with a greatly reduced number of outcomes compared with earlier versions, each outcome now covers a substantial range of issues.

There is one particular outcome that causes us concern and which we believe would be difficult, if not impossible, for landlords to achieve. It could also raise tenants' expectations unduly. Under the heading 'Getting good value from rents and service charges' the outcome is:

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

This may appear rational at face value but the word 'continually' suggests that there is a never ending scope to deliver improvements in value for money. CIH very much supports and promotes the concept of seeking continuous improvement, and it is not unreasonable to assume that many landlords will have already focused considerable resources in ensuring that they are delivering the most cost effective service possible. But it does not make sense for a landlord to promise that each year will bring better value for money. There will, of course, be those landlords who *will* be able to improve and indeed should be encouraged to do so. We suggest that the following wording would improve the outcome:

- *Tenants, owners and other customers receive services that provide good value for the rent and other charges they pay.*

This outcome fits with the existing commentary. We would expect landlords to be able to demonstrate (to both tenants and the Regulator) how value for money is consistently reviewed, but our suggested wording means avoiding a pledge no landlord could guarantee to fulfil.

WRITTEN EVIDENCE FROM GLASGOW AND WEST OF SCOTLAND FORUM OF HOUSING
ASSOCIATIONS (GWSF)

Introduction

1. GWSF is a membership body, representing 58 community-controlled housing associations and co-operatives (CCHAs) in 7 local authority areas in west central Scotland. CCHAs provide housing for nearly 75,000 households in the region, as well as factoring services to homeowners, and a wide range of community regeneration services. The defining characteristics of CCHAs are:
 - Local focus and accountability
 - Community ownership of our housing and other assets
 - Leadership by local residents (around 80% of CCHA management committee members are tenants or other service users).
2. GWSF has contributed actively to the consultation process for the Scottish Social Housing Charter. This submission sets out our overall views on the document now presented to the Committee. We have also commented on how the Scottish Housing Regulator (SHR) will assess and report on social landlords' performance against the Charter, a key issue for our members and other stakeholders.

Our overall views on the Charter

3. The Charter now provides a reasonable basis for meeting its intended purposes.
 - **We welcome the reduction in the number of outcomes and standards**
This makes the Charter clearer for tenants and service users, and more manageable for landlords.
 - **We see the Charter's primary purpose as being to promote discussions between landlords and tenants about services and performance**
As community-led organisations, CCHAs seek to address the issues that matter most to their communities and residents, rather than to set the agenda for them. We recognise the importance of external regulation and reporting, but we see this as being of secondary importance to enabling tenants to decide if and how they want to engage, and what issues are of real importance to them locally. We think the Charter is now more in keeping with this way of working.

Is anything missing from the Charter?

4. At present, social landlords must provide tenants with the most secure form of tenancy compatible with the purpose of the housing. In the vast majority of cases, this is a Scottish Secure Tenancy. The draft Charter does not say anything about tenancy rights. This would be a useful area for the Committee to explore, since we understand that the Scottish Government will shortly bring forward proposals that could result in changes to current tenancy rights.
5. Under the Housing (Scotland) Act 2010, the Charter applies only to local authorities and registered social landlords. In our communities, poor quality housing and landlord services are most prevalent in the private rented sector, and we hope that Parliament will continue to consider how it can help to raise standards there through other means. For now, we suggest that the Committee should consider the relevance of the Charter to broader Government housing policy initiatives involving the private rented sector. For example, current policies on housing investment, homelessness and housing options are all promoting a greater role for the private rented sector.

6. We would ask the Committee to consider whether the Charter should have contractual rather than statutory force in certain circumstances, such as:
- Where private rented housing is being provided with public subsidy or guarantees;
 - Where local authorities are using private rented accommodation to meet their statutory duties to provide settled accommodation for homeless people.

Can the Charter be improved?

7. We have not given detailed drafting suggestions in this paper, since we have done so in earlier submissions to the Scottish Government. These are the main areas where we have said that the Charter could be further improved:
- **Neighbourhood and community:** We would like to see more recognition in the supporting narrative (as opposed to the Charter outcome) of the desirability of active dialogue and partnership working on wider neighbourhood management and regeneration issues, to improve neighbourhood quality and sustainability. These issues matter greatly to tenants, sometimes more than housing services themselves. They are also becoming increasingly important due to spending pressures and the wider goal of re-shaping services to the public.
 - **Housing options:** We would like to see more recognition in the supporting narrative that housing options services are at a formative stage in most parts of Scotland, and of the importance of service models that reflect the roles and responsibilities of local authorities, other housing providers, and other information and advice agencies.
 - **Homeless people:** We would like the Charter outcome to recognise that homeless people have a legal entitlement to settled accommodation, over and above “continuing support” with getting and keeping a home.
 - **Value for money:** We would like to see the references to “continually improving” value removed from the Charter outcome. We think this is abstract and not readily measurable. We would prefer the Charter outcome to emphasise the importance of tenants receiving value for money for their rents and of landlords making continual improvements to their services.
 - **Rents and service charges:** We think that the supporting narrative will be open to different interpretations about the respective rights of landlords and tenants on matters relating to publication of all items of expenditure above particular levels.

The role of the SHR in assessing performance against the Charter

8. Our members are keen to know whether mandatory, universal reporting to the SHR will be based on the **top line outcomes and standards** described in the Charter, or whether this will also include all of the matters covered in the supporting narrative sections of the Charter. The former approach would be consistent with section 40 of the Housing (Scotland) Act 2010. We are not clear whether the Scottish Government shares this interpretation.
9. The SHR will not publish its detailed proposals for reporting against the Charter until the Charter itself has been approved. This means that the Business and Regulatory Impact Assessment provided with the Charter must be seen as speculative, particularly as there have been mixed messages from the SHR on what future reporting requirements will involve:
- We welcomed the case made by the Regulator for reducing the number of outcomes and standards in the Charter, and the broad commitment it has made in its own Consultation

Document (September 2011) to requiring social landlords to “give us only the data and information we will need to get assurance”.

- However, the Regulator has also proposed that all social landlords would need to provide **two** annual returns about the Charter (an Annual Return on the Charter, and an Annual Charter Performance Report). The second of these returns is a completely new requirement and would oblige **every social landlord** to produce significant volumes of self-assessment information, regardless of its size, resources or the quality of its services.
10. Depending on how this is resolved, there is a risk that Charter reporting requirements will result in social housing providers facing a far greater burden than other providers of public services. For example, Audit Scotland’s annual information requirements for local authority services are based on selected statistical performance indicators, but there is no corresponding requirement for annual, qualitative self-assessment returns. This difference of approach is hard to justify when the vast majority of housing associations in Scotland are small social businesses, not large public authorities. The median number of office-based employees in Scottish housing associations is 18. Among GWSF’s own membership, one-third employ fewer than 10 office-based staff.
 11. Parliament recognised these concerns about regulatory burdens in section 4 of the Housing (Scotland) Act 2010. In introducing this part of the Bill at Stage 3, the Minister for Housing and Communities told Parliament that he “would expect the Regulator to take account of the different circumstances and resources of social landlords and avoid imposing unnecessary burdens or bureaucracy”. We do not think the Regulator’s current outline proposals for monitoring the Charter reflect this expectation, or the substance of section 4 of the 2010 Act. Our response to the SHR’s Consultation Document addresses this, by offering alternative proposals on Charter monitoring and reporting.

WRITTEN EVIDENCE FROM THE REGIONAL NETWORKS OF REGISTERED TENANTS
ORGANISATIONS

There are 9 Regional Networks covering the whole of Scotland. The Regional Networks were set up in 2008 to help Registered Tenant Organisations (RTOs) engage with the Scottish Government on issues of national policy. Their primary aim is to improve the housing and well-being of tenants and residents in Scotland. In furthering this aim they work closely with government and other interested stakeholders to promote tenants and residents interests regarding housing, planning, community regeneration, environment and community safety.

In regard to our stated aim the Regional Networks welcome the opportunity to present written and oral evidence to the Infrastructure and Capital Investment Committee on the revised Scottish Social Housing Charter as drafted in January 2012.

Scottish Social Housing Charter

Evidence to Infrastructure and Capital Investment Committee

1. Development of the Charter

Most RTOs agreed with the Scottish Government's views, set out in the Housing (Scotland) Bill 2010, to establish a Scottish Social Housing Charter. They also welcomed the opportunity to become involved in setting out the Charter Outcomes. Although the development and consultation process was long and drawn out, many tenants were supportive of the blank sheet approach. This is evidenced by the number of RTOs and individual tenants who participated in each of the consultative events and in their responses to the Charter Consultation document.

2. Revised Charter – January 2012

The Regional Networks welcome the purpose and focus of the revised Charter as being:

- descriptive of the results (outcomes) tenants and other customers of social landlords expect their landlord to be achieving when performing their housing activities;
- concerned with only those actions that form part of a social landlord's activities;
- able to be monitored, assessed and reported upon by the Scottish Housing Regulator.

The Regional Networks welcome the inclusion of a specific Outcome regarding Equalities. We are also generally supportive that the Charter has been reduced to 16 Outcomes from the 71 listed in the Consultation document. We believe this reduction will enhance the monitoring, assessing and reporting process whilst also maintaining, for tenants and service users, the **fundamental requirement for landlord transparency and accountability**. The Regional Networks also welcome the short descriptive passage attached to each of the Outcomes. This should assist all stakeholders to engage constructively with the Scottish Housing Regulator in drawing up robust regulatory standards.

In regard to the Participation Outcome the Regional Networks wish to draw the Committee's attention to the paucity of progress in this area since the 2001 Housing Act. We believe this is not solely down to landlords simply paying lip service to participation but also to tenants' low expectation that their involvement can bring about positive change. Contained within both the Charter and Scottish Housing Regulator Consultations, responses from some social landlords has been very negative in regard to tenant participation: many proffering the view that the vast majority of tenants are simply concerned with having a roof over their head. The Regional Networks contest this view and will work with all and any landlords to improve their efforts in engaging tenants in meaningful dialogue and building a spirit of true partnership.

In regard to the Homeless People Outcome the Regional Networks would advocate the inclusion of 'securing settled accommodation' within both the Outcome and the accompanying description. We are also concerned that there is no stipulation, in regard to temporary and emergency accommodation, preventing undue use of out of town placements and bed and breakfast.

WRITTEN EVIDENCE FROM THE SCOTTISH FEDERATION OF HOUSING ASSOCIATIONS

1. Introduction

- 1.1 As the national representative body for housing associations and co-operatives in Scotland, the Scottish Federation of Housing Associations (SFHA) welcomes the opportunity to provide written and oral evidence to the Infrastructure and Capital Investment Committee relating to the redrafted Scottish Social Housing Charter.
- 1.2 Over 70% of the housing associations and co-operatives in Scotland are members of the SFHA. This makes us ideally placed to feedback to Scottish Government the view of the sector relating to the Scottish Social Housing Charter and its most recent redraft.
- 1.3 The SFHA welcomes that the revised Charter has been reduced to 16 outcomes. We consider that the revised draft is a great improvement upon the previous lengthy draft. Whilst we have some detailed comments regarding the wording of some of the outcomes, we are pleased that what has now been produced is much closer to the SFHA Alternative Charter¹ we suggested as part of the consultation process.
- 1.4 We wish to stress that the key to the success of the Charter will be the performance measures against each outcome, which the Scottish Housing Regulator (SHR) will not formally consult upon until the final Charter has been approved.

2. SFHA's Response to Social Housing Charter Consultation

- 2.1 The Scottish Government's initial draft of the Charter – produced in August 2011 - contained 71 outcomes. The SFHA highlighted a number of key concerns:
- The Charter was far too long at 71 outcomes and would have created an overly burdensome, resource intensive reporting requirements;
 - Some of the outcomes were ambiguous and would have caused confusion amongst landlords and tenants;
 - The outcomes within the Charter were not measurable, so the SHR would not have been able to use the document as the basis for measuring the performance of the sector.
- 2.2 The SFHA produced an Alternative Charter (see Annex A and B) which contained 9 outcomes applying to all RSLs, and 3 outcomes that were clearly highlighted as not applicable to all landlords.
- 2.3 Our Alternative Charter was produced with the support of our membership, which was further demonstrated when approximately 60 members attended our four regional focus groups to help shape the document and unanimously backed our proposal.
- 2.4 In addition to our separate responses, the SFHA, GWSF (Glasgow West of Scotland Forum of Housing Associations) and RIHAF (the Rural and Islands Housing Association Forum) submitted a joint statement to the Minister for Housing and Transport Keith Brown MSP, outlining the concerns stated at 2.2 above.

3. Comments on Redrafted Scottish Social Housing Charter

- 3.1 The SFHA is pleased that the redrafted Social Housing Charter has been reduced from 71 to 16 outcomes. This is much closer to what we had suggested in our Alternative Charter, and is a great improvement. It also shows that the Scottish Government has listened to the SFHA and our members in that the size of the Charter had to be greatly reduced in order to be fit for its intended purpose.

¹ Copy appended to this evidence

3.2 The wording of the Charter is also greatly improved in places that we considered ambiguous in the previous draft. We are pleased to see that on some outcomes our suggested wording has been used or paraphrased.

3.3 We have some comments and suggestions for further rewording of some of the outcomes:

- **Outcome 4 – Quality of housing**

There is some concern in our sector that it is not sufficiently clear in this outcome that there will be certain properties where the SHQS cannot be met due to technical problems. This is covered in the commentary beneath where it is stated: *“It covers all properties that social landlords let, unless the Scottish Government has agreed that particular properties do not have to meet the standard.”* Without reading the commentary, the outcome itself suggests SHQS must be met on all properties, which is incorrect. We would suggest that the wording of the outcome should include a reference to the caveat included in the commentary.

- **Outcome 5 – Repairs, Maintenance and Improvements**

Within the commentary, as an example, reference is made to setting repair standards such as “getting repairs done right, on time, first time.” Every housing association and housing co-operative in Scotland aspires to this aim. However, there are circumstances where parts are required, where further diagnosis of a problem is required or other technical issues mean that this is not possible. We would suggest either removing this example or including further explanatory notes to reflect that there will be circumstances where it cannot be achieved.

- **Outcome 11 – Tenancy Sustainment**

The outcome states that landlords should “ensure” tenants can “get suitable support including services provided directly from the landlord”. RSLs will offer advice and guidance to tenants through their housing staff or in some cases, Welfare Rights Officers. However, formal housing support services will not necessarily be provided by a landlord directly – which the outcome implies. It needs to be clearly stated in either the outcome or the commentary that not all landlords will offer formal housing support services and may refer tenants to external agencies who do provide such services.

The commentary also includes the example “tenants who may need to have their home adapted to cope with age, or disability, or caring responsibilities”, as being something that landlords “can achieve” for tenants. Housing associations and housing co-operatives will endeavour to adapt tenants homes where required, but it is not always possible. Funding uncertainties have made it even more difficult in recent times for landlords to provide adaptations. We are expecting to hear shortly if our representations about this to the Scottish Government have resulted in any changes to the proposed Adaptations Budget for 2012-13. We would suggest that the commentary should make it clear that the landlord may not be able to provide adaptations in all cases.

- **Outcome 13 – Value for Money**

The outcome refers to “continually improving value” for tenants. Every housing association and housing co-operative is committed to providing value for money to its tenants, but to “continually improve” value in the current financial climate is over stating what can realistically be achieved. Also, we consider that it would be extremely difficult to demonstrate and measure. We suggest that the phrase “continually improve” be removed from this outcome, so that landlords are committed to providing high quality services that represent value for what tenants, owners and other customers pay.

- **Outcome 15 – Rents and Service Charges**

The outcome refers to providing tenants with “details of individual items of expenditure above thresholds agreed between landlords and tenants.” We agree that landlords must be committed to being transparent and accountable organisations and to providing appropriate information to tenants as requested. But there are some

concerns in our sector about how agreeing thresholds in this way would work in practice. Some organisations already provide tenants with information on expenditure over a certain threshold, but this may not be appropriate for all organisations or desired by all tenants. The outcome now refers to reaching an agreement with tenants about the threshold, but is silent on the process of consulting tenants. We anticipate that the Scottish Housing Regulator will have expectations in this regard, but it is difficult to comment on the practicalities of this process without knowing what these expectations are.

- 3.4 The key to the Charter working in practice remains the performance measures that will be used by the Scottish Housing Regulator against each outcome. The Scottish Housing Regulator will formally consult on this process once the Charter has been approved, and we will be feeding into this process.

4. Concluding Comments

- 4.1 Overall the SFHA is pleased that the Charter has been greatly reduced in size, and is on the whole a much more user friendly document. This document is now much closer to what we suggested in our Alternative Charter.
- 4.2 We have made some comments with regards to outcomes 4, 5, 11, 13 and 15, with a view to improving the document further. Where we have suggested amendments these aim to resolve points of ambiguity that may leave both landlords and tenants with unclear expectations.
- 4.3 As we have stated throughout this evidence, the Charter can only work in practice if the performance measures against each outcome (which are yet to be defined by the Scottish Housing Regulator) are clear, realistic and do not greatly increase the regulatory burden on the sector.

APPENDIX A – SFHA ALTERNATIVE CHARTER (APPLICABLE TO ALL RSLs)

Communication and Transparency

Tenants (and other customers where appropriate) are able to contact their landlord when necessary through a range of methods available, and relevant information is provided to them about how the landlord operates. The landlord will also respond to appropriate requests for further information when the tenant (or other customer) requires further explanation.

Participation

Tenants (and other customers where appropriate) if they wish to, can participate in their landlord's decisions and services through a range of methods available, and at a level they feel comfortable with.

Allocations

People looking for housing have access to a landlord's allocations policy, which will contain clear details on how the landlord allocates homes and the range of housing options available. People looking for a home will be able to find out from the landlord their prospects for being allocated a property following their application. Once a property becomes empty, the landlord will allocate this property as quickly as possible.

Rents and service charges

Tenants' rents are set taking into account of affordability to tenants and landlords' operating costs, with tenants being made aware of how rents are set and consulted upon any change. Tenants will be made clear of the procedures that shall be used by their landlord to prevent and recover rent arrears in an efficient and timely manner, and landlords will follow these procedures in all cases.

Maintenance and Housing Quality

Tenants receive efficient repairs and maintenance services, with any necessary works carried out within agreed timescales. Tenants live in safe, quality homes that the landlord maintains to this standard – providing them with as much choice as possible when improvements are carried out.

Tenancy Sustainment

Tenants are made aware by their landlord of what support is available to them in order to sustain their tenancy, and informal advice and assistance will also be provided.

Estate Management

Tenants (and residents where appropriate) receive a level of estate management that ensures the environment around their properties and any common areas is managed effectively, and their landlord works in partnership with other bodies to ensure that the neighbourhood is as well-maintained and as safe as possible.

Anti Social Behaviour

Tenants (and residents where appropriate) have access to clear anti social behaviour policy that is followed by the landlord in all cases. This policy will outline how their landlord will work with other agencies where appropriate to manage such behaviour, and how such cases will be dealt with promptly and fairly.

Complaints

Tenants (and other customers where appropriate) have access to effective and efficient complaints procedures, with any complaints that they may have dealt with in a timely manner and used by the landlord (where appropriate) to inform service improvements.

APPENDIX B - SFHA ALTERNATIVE CHARTER (NOT APPLICABLE TO ALL RSLs)**Homeless People (To be divided into two sections)**

The majority of homelessness outcomes highlighted in the Government consultation paper concern only local authorities – and these should be separated from the Charter as such. It should be stated clearly that these do not apply to housing associations. Therefore SFHA will not redraft the whole of this section. However – as with Performance Standards – we suggest that there be an additional separate homelessness outcome applicable only to RSLs (adapted from the existing Performance Standard:

Homeless people can access accurate and up-to-date information about a landlord's stock from local authorities – which the landlord will provide as requested to the local authority. When Local authorities make requests to landlords for accommodation for homeless people, landlords will make every effort to meet the request, and will provide good reasons if it is not possible.

Services for Gypsies/Travellers (applicable to local authorities only)

As with Performance Standards – this outcome should apply to local authorities only. As such the SFHA will not attempt to redraft this outcome, just that it must clearly state it is not applicable to our sector.

Factoring (not applicable to all RSLs)

This would replace the suggested “other customers” category. We suggest (adapted from Performance Standard AS5.2):

Where owners and residents receive a factoring service from a landlord, they receive a fair, efficient and effective service that complies with agreed standards outlined in a readily available Factoring policy.

WRITTEN EVIDENCE FROM THE SCOTTISH DISABILITY EQUALITY FORUM

The Scottish Disability Equality Forum (SDEF) works for social inclusion in Scotland through the removal of barriers and the promotion of equal access for people affected by disability.

It is a membership organisation, representing individuals with any type of impairment, disability organisations and groups who share our values. It aims to ensure the voices of people affected by disability are heard and heeded. SDEF promotes access in its widest sense, including access to the built and natural environment and access to the same opportunities as are enjoyed by other people in our communities.

Disabled Tenants

We note that there are outcomes pertaining to minority groups such as Travellers and Homeless People, but that there is still no category which addresses the needs specifically of disabled people. SDEF acknowledges the welcome change to a separate Equalities Outcome from the previously implied Equality Duties across outcomes and recognises that communication and participation outcomes attempt to 'catch all' in their objectives. However, with 48% of disabled people in Scotland living in Social Housing, many members felt that the issue of disability should be more visible within the Charter.

We remain steadfast in the opinion that a disability-specific outcome should be included within the charter to make abundantly clear to Social Landlords, their respective duties towards independent living for disabled tenants in Scotland.

Charter outcomes and standards

The Customer/Landlord relationship

1: Equalities

SDEF would still like to see specific measurable equality objectives set to ensure that Social Landlords understand exactly what is required of them. Establishing a baseline of Good Practice is a good starting point, but accommodating Best Practice will enable Social Landlords to adapt and improve their service to their tenants over the long term.

Staff Equality and Diversity Training

To improve tenant/landlord engagement, equality and diversity training should not only be a mandatory element of the staff induction process, but should be regularly refreshed. This will help to ensure that equality becomes a living, breathing element of work culture. Consequently, staff can respond effectively and pro-actively with tenants' issues, using a solid understanding of their duties towards equality, including inclusive communication.

2: Communication

Some SDEF members have expressed concern over how complaints and issues are handled on a regular basis. One member who responded to our consultation commented on her experience of front-line staff:

"I told the woman I had speech difficulties and asked her to bear with me, but she kept trying to finish my sentences and move things along before I'd finished speaking – I felt really undermined"

Another member also expressed that they felt very unsupported when they were unable to keep up their financial obligations to their landlord and a communication impairment restricted them from reaching a positive outcome within a set time period.

Again, adequate training for front-line staff is vital to ensuring that disabled tenants are listened to, their preferences heeded and issues addressed in a way which suits their needs. Further, a clear process of complaint and escalation should be provided to ensure that tenants know how and to whom a complaint should be made, should their landlord's services fall short of these outcomes. This could be a designated Housing Officer or other named representative.

3: Participation

We feel that a pre-emptive approach to participation should be taken by Social Landlords. This will help to avoid the common but unacceptable situation of tenants being excluded from proceedings due to unknown, and therefore, unmet needs. Information should be gleaned where appropriate, eg., suitable times for meetings or the provision of materials (easy-read, slides, etc) ahead of meetings to enable full participation.

As part of suggested measurable equality objectives, we call for the development of a set of participatory guidelines, online resources and improved information dissemination. This way, tenants know that they can expect the level of service and support that they require according to their individual preference. Further, tenants moving to another region can quickly re-engage with new Landlords, using a familiar template of communication.

Housing Quality and Maintenance

4: Quality of Housing

The raising of tenant's expectations with regard to communication, equalities, support and participation are vital to ensuring that tenants feel safe, heard and respected. However, we feel that the intrinsic value of these standards is undermined by the continued compliance with the Tolerable Standard as a baseline for all Social Housing. This seems a low point upon which to base tenancy living conditions, and SDEF would like to see the minimum standard moved from 'tolerable' to 'adequate' with all that this implies.

5: Repairs, maintenance and improvements

SDEF are pleased to see greater emphasis put onto involvement with tenants, including timescales and customer satisfaction. Many members expressed their concern that Landlords did not take tenants' needs into account, and that repairs were having to be redone as a result of poor communication before and after repairs were made. It is understood that part of cutting costs requires investment in prevention, and we would like to see the development of repair process guidelines from initiation to completion to ensure that tenants' wishes and preferences are taken into account.

Part of improving services to tenants involves the use of feedback mechanisms using the reformulated Scottish Housing Regulator. It should be considered that reports made publically accessible by the Scottish Housing Regulator include an overall rating of Social Landlord services in an easy to understand format. This will enable Social Landlords and tenants alike to identify areas for improvement as per the outcomes outlined in the Scottish Social Housing Charter.

It is not yet clear exactly how the Scottish Housing Regulator will report its findings: the dissemination of this information is vital to ensuring that Social Landlords are held publically accountable and we hope to hear of further details prior to the completion of any process development.

Adaptations

There is great concern around the removal of the adaptations outcome: "[tenants]...can get adaptations and equipment they need to help them stay in their home, where this is appropriate" Whilst the Repairs, Maintenance and Improvements section alludes to the timely provision of improvements, this falls far short of the acknowledgement required of such a fundamental aspect of independent living for disabled people. This removal would seem to negate the importance of a Social Landlords responsibility to provide necessary adaptations, and undermines the significance of adaptation for disabled people in Social Housing.

Further, in light of the recent decision to revert back to a landlords liability for the first £1000 of any adaptation, there is a risk of the threshold criteria for adaptation being raised. Members have raised concern that there is little information available on this issue, considering the significant impact it will have on independent living for many disabled people.

Lastly, the current process for accessing funding for adaptations is unnecessarily complex. Streamlining the adaptation process will satisfy the Government's objective of 'simplifying arrangements for the public and housing providers to access adaptations'. We call for the adaptations outcome to be reinstated to ensure that tenants are aware of their rights to adaptation and Social Landlords aware of this expectation from their tenants.

We call for the Adaptations Outcome reinstated, with full information on tenants rights and Social Landlords' responsibilities to provide safe, adequate and adapted housing for disabled people.

10: Access to social housing

To practice equality of choice in housing options, there must be a selection of housing and locations from which a disabled tenant may choose. This requires reasonable efforts on the part of a landlord to provide, as far as possible, a fair distribution of adapted housing stock across of varying size categories. We consider that the Joseph Rowntree Foundation's recommended target of 10% wheelchair accessible homes for England and Wales, whilst useful, falls short of Scotland's requirements due to a higher percentage of disabled people. We would recommend that decisions on percentage of adapted homes are taken in coproduction with local disabled people.

However, as the following SDEF member highlights, there may potentially be problems surrounding the accurate mapping of adapted/adaptable homes. A disabled person may be faced with the choice of taking an adaptable home in another area, losing their network of support, or perhaps losing their right to an adaptable home should they refuse it. These concerns must be addressed when agreeing the housing selection process.

"Would it count as a fair offer if a house did not fully meet a tenants needs and they refused it? At present our local authority does not hold a list of adapted properties and by doing so, may better serve the needs of applicants that require these property types.

The Common Housing Register (CHR) in Fife does not give a clear picture of unmet need in Fife at present, particularly for specific needs housing as people can only apply for property types currently in existence. Applicants are unable to choose where they do actually want to live because the type of property they need does not exist there.

Housing Options interviews currently in place ensure that applicants are steered to areas where the properties required actually are, often removing them from their support networks rather than tracking where the required properties actually should be built."

Outcome 11: Tenancy sustainment

Partnerships are a vital part of developing a holistic service which caters for the varied needs of disabled people. A clear and accessible register of partnerships and contacts should be made available to ensure that tenants can easily be signposted to the relevant organisation, and a commitment to developing this register should be included in the Charter.

Outcomes 9 and 11 are similar, but do not clearly specify what issues the Charter is referring to. We suggest these be identified so that tenants know what support may be available to help them stay in their property. For example, help with rent arrears, maintenance of property and grounds, etc. In addition, since disabled people often rely on a variety of support e.g. as outlined in the section on independent living and the basic rights essential to this aim, they may require information and support from outwith the direct housing remit e.g. social care and support, education, employment. Information and signposting to such support will be essential to ensuring disabled people can live in their own homes for longer.

With regard to the issue of tenancy sustainment, some members felt that there should be an independent service to provide information and advice to support for disabled tenants with any major housing issues. This was due to concerns from the families of those with disabilities/health conditions who had found difficulty in accessing support. However, this issue is more indicative of the need for improved communication services, disability awareness and equality training across all front-line delivery services. With almost one in five HA/Co-op tenants and one in six working-age tenants receiving Disability Living Allowance the proposed 20% cuts, including community charges and the under-occupancy rule will see

many disabled people struggling to pay their rent. It is therefore even more vital that support is readily available.

We suggest that the Charter include a specific category on 'tenancies at risk'. This category will outline landlords' commitment to provide tenants with clear information on the types of support which will be available, and a clear responsibility which Landlords have towards

Getting Good Value from Rents and Service Charges

13: Value for money

SDEF notes that the Transparency Outcome has, in principle, been included in the 'Rents and Services Charges'. However, the only commitment that Landlords appear to have under this change from the original outcome is that of discussion with tenants about what information they wish to release publically. The Charter previously included a Transparency Outcome so that tenants could 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.

It is imperative that a greater degree of transparency be gleaned from Social Landlords with regard to what they spend their money on. This may influence a Landlord's decisions on what work is carried out, if they know that this will be open to scrutiny. If executed appropriately, the transparency outcome as originally outlined in the Charter should provide a tool for identifying notable discrepancies in rent and service charges across regions. We expect that such discrepancies would be highlighted and actioned by the Social Housing Regulator and would like to see this clearly outlined in the Charter as a duty of the Social Housing Regulator.

"...Whether information about expenditure above a particular level is published and in what form and detail is a matter for each landlord to decide in discussion with its tenants..."

SDEF feels that the above statement suggests too broad an outline on whether, when and how spending information is disseminated in comparison to the original outcome.

We call for the Transparency Outcome to be reinstated within the Charter, with the Equalities and Communication Outcomes highlighted to reinforce Landlords' responsibilities towards the provision of comprehensive and accessible reports.

WRITTEN EVIDENCE FROM THE TENANTS INFORMATION SERVICE

1.0 Introduction

- 1.1 The Tenants Information Service (TIS) is a national training, support and advice organisation promoting innovative tenant participation practice in Scotland. We welcome the opportunity to provide a written statement to the Infrastructure and Capital Investment Committee prior to giving evidence at the meeting on January 25th 2012.

2.0 Shaping the Charter

- 2.1 TIS have been working closely with tenants, landlords and the Scottish Government to share views and ideas on how to develop the Scottish Social Housing Charter. During the consultation period, TIS consulted with its members and tenants organisations throughout Scotland. TIS has also consulted “hard to reach” groups including homeless people, supported housing tenants, young people and minority ethnic groups and separate consultation reports have been submitted to the Scottish Government regarding this consultation.

3.0 Views on the Charter

- 3.1 We believe that the introduction of the Charter for the social housing sector in Scotland should act as a platform for tenants and landlords to work together to review and improve services. It will hopefully improve the way in which tenants can influence housing services and standards.
- 3.2 The revised Charter is much more focused and an improvement on earlier drafts. However, the greatly reduced number of outcomes means that the 16 outcomes cover a wide range of issues. Central to the effectiveness of the Charter will therefore be the performance measures that the Scottish Housing Regulator will put in place to measure compliance against the Charter and the role that tenants will have in this process.
- 3.3 There is no specific reference in the outcomes and standards to environmental improvements and wider regeneration. These are critical issues for tenants and areas they wish to have more dialogue on with landlords. We would therefore recommend inclusion of this in outcome 4 or at the least in the accompanying comments.

4.0 Putting the Charter into Practice

- 4.1 Tenants and their representatives want to participate fully in working with their landlords to assess housing services. For this to be a meaningful process tenants do not want to be involved in just a “tick box exercise”. It is essential for self-assessment to work that tenants and landlords work closely from the beginning of the process to identify how tenants and their representatives want to be involved and what issues tenants want to influence.
- 4.2 Tenants who actively participate with their landlords at the moment, have raised concerns that the focus of their participation will become more about meeting the requirements of their landlord for self-assessment, rather than about issues that are important to tenants. It is important that tenants have the opportunity to participate on issues that matter to their local communities.
- 4.3 During our consultation tenants raised concerns about the additional workload which will be placed on a traditionally small pool of volunteers to become involved in self-assessment and performance monitoring of landlord services. In the current economic climate tenants are experiencing reductions in the tenant participation budgets. Tenants have raised concerns that the level of development support required to increase their capacity to become involved at the level required will not be adequately resourced by their landlords. It is essential that tenants involved in the scrutiny process have the relevant training, skills and knowledge to participate fully.
- 4.4 We believe that evidence from England suggests that tenants can get effectively involved in scrutiny activities with their landlord and increase their participation when these activities are properly resourced. There has to be a culture within a landlord organisation that demonstrates there is a commitment to tenant participation activities and puts tenants at the heart of decision making.
- 4.5 The Scottish Housing Regulator intends to publish a strategy for consulting and involving tenants and their representatives in the regulatory framework. TIS has highlighted to the Regulator that it is important that tenants and their representatives are involved in developing a tenant involvement and participation strategy.

- 4.6 In conclusion, a priority for TIS is to work with tenants, landlords, the Scottish Housing Regulator and other key stakeholders to develop a framework for involving tenants in self-assessment that can be developed throughout Scotland.

SECTION 2

Written evidence has also been received from-

- Alacho (Association Of Local Authority Chief Housing Officers)
- COSLA
- Capability Scotland

WRITTEN EVIDENCE FROM ALACHO (ASSOCIATION OF LOCAL AUTHORITY CHIEF HOUSING OFFICERS)

General Comments

The new draft Charter is **an improvement** on the previous draft, in that:

- It is clearly more **outcome focused**
- It has **reduced the amount of outcomes from 19 to 13**
- It has completely **removed the 63 standards which could have been viewed as prescriptive**. Similarly it has removed any reference to tenant satisfaction, although it is **generally accepted that tenant satisfaction will be widely used in measuring success against the Charter**.

The previous draft Charter set out a range of standards that many Councils are already seeking to meet through service delivery. However there were practical issues which may have caused us some difficulty in measuring and reporting on the proposed standards because of the way they were worded in the previous draft Charter. The new draft has 13 outcomes that are **open ended enough to allow a basket of methods to measure success**.

It does appear that the revised Charter has taken account of these comments.

Estate Management: - This has been revised and also includes a reference to anti-social behaviour. The outcome is reasonable and one we can work with to draw up some suitable measures to monitor success.

Some of our members have a slightly different view though. One could argue that the housing legislation is designed, at present, to be enforcement led. If there is a shift, and this section is worded that way, we must be equipped to enforce that shift and Sheriff's directed to support that shift as well. It also seems incongruous to highlight enforcement but retain the never ending duty

It's perhaps worth pointing out that for most people affected by ASB, they feel the system is **too slow to react** and act and **not strong enough when it finally does**. In this regard we often get criticized for being slow even when we're moving as fast as we can. It may be that we also need to revisit the rules governing anti-social behaviour.

Access to social housing: - Although we agreed with the principle of the suggestions it has been suggested that the number of measures were excessive. By removing the measure, (and in particular asking about satisfaction with the best use of the housing stock), and replacing with a manageable outcome we should be able to measure this using our own indicators.

Allocations: - The new outcome is improved in that it removes the suggestion that people must have a say in the type of house they would want to live in (due to scarcity this is not always possible). The new outcome includes comments in home loss advice and prevention which is welcomed, especially as we noted this was missing from the original charter.

We do need to be more robust in making the case that in reality our primary housing duty is to assess and advise on all housing options. This is very different from councils being seen as the ones who have to always directly provide housing. This is one of the key shifts we need government support on.

Homeless People: - Many councils agreed with the proposals for homeless people and, while the previous standards were acceptable, they were not outcomes. Although some commented that it would be challenging to identify sufficient numbers of homeless people willing to give their views on partnership working, this may be a genuinely difficult question for people to come to a view on. Helpfully, the revised charter has removed this statement and is outcome focused.

Rents/Value for Money: - In principle many agreed with the measures set out in the previous charter, albeit they were not outcomes. Some commented that rent setting is embedded in SHQS Business plans, which was agreed after tenant consultation. Further explanation of the comment '**individual items of expenditure above thresholds agreed between landlords and tenants.**' would be welcomed.

Other customers: - This outcome has been removed, many commented previously that we have no right to impose factoring on owners in all instances.

Equalities: - The revised charter now includes a specific equalities outcome. The equalities outcome itself is reasonable, although there is an argument which suggests that equalities should be embedded throughout the charter and not bolted on. At least by separating equalities it will draw attention to the needs of customers in respect of equalities issues. Difficult to argue against but the last sentence is full of ambiguity as to how far we go in this direction and how much resource is deployed against this goal. Perhaps this is a key role for the LHS?

Quality of Housing:

The lack of precise wording on "*clean and tidy*" may be an issue but probably one we can negotiate with tenants locally.

Councils will have concerns about the cost of what further statutory requirements will follow on from meeting the SHQS targets and the deliverability of these, not least financially now the benefit reforms are clearer (but still vastly unchanged), but also how future SHQS requirements will compete for resources with other areas needing investment.

Summary

ALACHO is content that the latest revision of the Charter is moving broadly in the right direction. We look forward to continued dialogue with Scottish Government and the Scottish Housing Regulator as the Charter makes further progress, particularly on the measures by which compliance with the Charter is to be assessed.

WRITTEN EVIDENCE FROM COSLA

Scottish Social Housing Charter

1. The Housing (Scotland) Act 2010 requires that the Scottish Government sets out the standards and outcomes that social landlords should be aiming to achieve. The document in which these standards and outcomes are set out is known as the Scottish Social Housing Charter.
2. We welcome the publication of the Draft Charter and its overall aims and support the improvement of rights and services for tenants. We believe it is right that tenants have high expectation of the services they receive from social landlords. However, we have concerns with regard to the way the Charter addresses these aims.
3. The Charter needs to take account of Single Outcome Agreements and Best Value 2 and allow for more local flexibility and responsiveness.
4. Tenants' rights and expectations need to be seen in the context of the current financial climate and in light of available resources. Services required by the Charter need to be fully resourced, such as, but not only, housing support. There is a tension between the Charter's stated requirement to keep rent and service charges as low as possible, and the desire to provide a wide range of high quality services.
5. We are moving into a changing context for public services, with a culture shift placing individual and communities at the centre of policy. There is also a strong focus on partnership working, and an integrated local delivery of services. Any new policy or Charter needs to take account of this and the roles and responsibilities of all groups involved, including tenants and the police.
6. Throughout the Charter, there is little balance between tenants' rights and responsibilities. For example, the Charter states that "Tenants are satisfied that homes are clean, tidy and in a good state of repair when they are allocated". However, there is no requirement that tenants hand back their accommodation clean, tidy and in a good state of repair.
7. The Charter needs to achieve a better balance between rights and responsibilities here and should make explicit reference to this in the "statement of purpose".
8. Ambivalent language in the Charter, such as "tenants are satisfied that disputes are dealt with quickly and effectively and tenancy conditions are promptly and fairly enforced" makes it open to very different interpretations, and will present problems when translating into measurable outcomes. There needs to be more work undertaken here, and any measures should be linked firmly into BV2 and SOAs, as a lot of research has gone into developing robust and realistic outcome indicators, and there is no point in developing a new parallel structure.
9. Also, such simple statements do not take account of the complexities faced by councils, which have to manage the different and often conflicting needs of different groups of tenants, such as homeless single mothers, young people, sex-offenders and ex-prisoners. Moreover, the measures do not reflect that a wider range of services, such as the police, have important roles here.
10. The Charter should focus on a small number of priority issues and approaches in ways which allow for local flexibility and responsiveness. The Charter should enable processes of co-production and engagement with stakeholders locally, rather than supporting a tick-box, one-size fits all mentality which actually works against meaningful engagement.
11. While it is right that tenants have high expectation of the services they receive, we need to be aware of existing commitments such as Scottish Housing Quality Standard, 2012 Homelessness targets and new energy efficiency targets, especially in view of expected increasing demand and, given the last spending review and likely subsequent developments, reducing resources.
12. We would welcome the opportunity to work with the Scottish Government on the Charter.

WRITTEN EVIDENCE FROM CAPABILITY SCOTLAND

Consideration of the Scottish Social Housing Charter

Capability Scotland would like to request that the Capital Investment and Infrastructure Committee consider the concerns highlighted in this letter in advance of your consideration of the Scottish Social Housing Charter later this month. Capability is in favour of the Charter and is particularly pleased by the recent addition of an equalities outcome. However we have several concerns which we would ask the Committee to consider relating to:

1. The removal of an outcome (included in previous drafts of the Charter) stating that, 'Tenants can get the adaptations and equipment they need to help them stay in their home, where this is appropriate'
2. Failure to include an outcome on the role of social landlords in facilitating independent living for older and disabled people.

1. Removal of the Outcome on Adaptations and Equipment

Including an outcome on the provision of adaptations and equipment in the Charter would have had the potential to make a real difference to thousands of disabled people across Scotland. Removal of the outcome is unacceptable given that the Scottish House Condition Surveys (SCHS) suggests that 137,000 homes in Scotland require adaptations.

Disabled people across Scotland have told us that they are waiting months or even years for simple adaptations or pieces of equipment, including handrails, shower chairs and electrical sockets at the right height. One person we spoke to waited over two years to have a simple hoist fitted. Thousands of disabled people cannot function in their own homes as a result of this failure, with many unable to play with their children, go to the shops or use their toilet without assistance.

The Scottish Government has acknowledged that improved housing support and investment in equipment and adaptations would reduce the risk of avoidable hospital admissions and delayed discharge. In *'Age, Home and Community: A Strategy for Housing Scotland's Older People: 2012 – 2021'* published in December 2011, the Government reaffirmed its commitment to developing a system of adaptation and equipment provision which is fit for purpose. Registered social landlords have a major part to play in achieving this goal and we believe that the Scottish Government is missing a golden opportunity by failing to clarify their role in the Scottish Social Housing Charter.

While local authorities have a statutory obligation to provide certain equipment and adaptations, the situation in relation to housing associations is less clear. There is a great deal of variation from one social landlord to the next, with some landlords denying they have legal responsibility for certain adaptations. Until there is more 'tenure neutral' access to aids and adaptations, it is essential that designation of responsibility is made much clearer. The current situation is extremely confusing to tenants and can result in vulnerable individuals missing out on essential adaptations.

2. Need for an Outcome Relating to Independent Living

We also believe it is essential that the Charter includes an outcome on the wider role registered social landlords have to play in supporting people to live independently. The Scottish Government made a commitment to independent living in the Shared Vision "based on the core principles of choice, control, freedom and dignity, that disabled people across Scotland will have equality of opportunity at home and work, in education and in the social and civic life of the community."²

Inclusion of an independent living outcome could help to ensure that Scotland's social landlords understand and plan for future challenges posed by an ageing population and an increased proportion of disabled people. The kind of action that the Scottish Housing Regulator might use to measure the progress of landlords towards achieving the outcome might include:

- The development of clear plans on how the landlord will deal with the challenges posed by an ageing and consequentially more disabled population

² <http://www.scotland.gov.uk/Publications/2010/03/29164308/1>

- The introduction of incentives schemes to encourage people to move from accessible or adapted homes which they no longer need
- A clear policy on consistent provision of handy person, small repair and other preventative support services

Infrastructure and Capital Investment Committee

2nd Meeting, 2012 (Session 4), Wednesday, 25 January 2012

Subordinate Legislation Cover Note

| | |
|---|---|
| Title of Instrument | The Housing (Scotland) Act 2010 (Consequential Amendment) Order 2011 (SSI 2011/445) |
| Type of Instrument | Negative |
| Laid Date | 19 December 2011 |
| Circulated to Members | 20 January 2012 |
| Meeting Date | 25 January 2012 |
| Minister to attend the meeting | No |
| SSI drawn to the Parliament's attention by Subordinate Legislation Committee | No |
| Reporting Deadline | 6 February 2012 |

Purpose

1. This Order amends the power to make orders and regulations in the Housing (Scotland) Act 2001. The amendment is consequential to the amendment made to the 2001 Act by section 153(b) of the Housing (Scotland) Act 2010.

Additional information

2. Where previously, an order for possession automatically terminated a tenancy, Section 16(5A) of the 2001 Act (as added by section 153(a) of the 2010 Act) provides that, in cases where an order for recovery of possession of a tenancy in the social rented sector is made, on grounds including rent arrears, the tenancy is terminated only if the landlord recovers possession of the house in pursuance of the order.

3. New sections of the Act will ensure that a court order for possession in rent arrears cases must specify the period for which the landlord's right to recover possession is to have effect. A separate new section will strengthen the protection of tenants in the social rented sector, against eviction for rent

arrears, particularly providing further support for tenants unable to, or unaware of, the need to take legal advice at an early stage in order to prevent a decree being granted.

Subordinate Legislation Committee Report

4. The Subordinate Legislation Committee had no comments to make on this instrument.
5. A copy of the [SSI](#) and the [Executive Note](#) are included with the papers.

Recommendation

6. **The Committee is invited to consider any issues which it wishes to raise in reporting to the Parliament on this instrument.**

Steve Farrell
Clerk to the Committee
January 2012