

**ITEM No ...3.....**

**REPORT TO: NEIGHBOURHOOD SERVICES COMMITTEE – 28 SEPTEMBER 2020**

**REPORT ON: REGULATION OF SOCIAL HOUSING IN SCOTLAND – ANNUAL ASSURANCE STATEMENT**

**REPORT BY: EXECUTIVE DIRECTOR OF NEIGHBOURHOOD SERVICES**

**REPORT NO: 215-2020**

**1. PURPOSE OF REPORT**

1.1 To seek approval of the “Annual Assurance Statement” for submission to the Scottish Housing Regulator.

**2. RECOMMENDATIONS**

2.1 It is recommended that the Committee:

- Notes the requirements of the Scottish Housing Regulator’s Framework for the Regulation of Social Housing in Scotland.
- Notes the range of existing opportunities for tenants and Elected Members to scrutinise the operation and performance of the Council in relation to its duties as a social landlord.
- Approves the Annual Assurance Statement at Appendix 1, authorises its submission to the Scottish Housing Regulator and publication on the Council’s web-site.

**3. FINANCIAL IMPLICATIONS**

3.1 There are no direct financial implications resulting from this report.

**4. MAIN TEXT**

**Requirements of the Regulatory Framework**

4.1 The Scottish Housing Regulator published its revised Regulation Framework in February 2019. This framework set out how they regulate both Registered Social Landlords (RSLs) and the housing and homelessness services provided by local authorities.

4.2 The Council submitted its first statement in October 2019, this is the second and covers 1<sup>st</sup> April 2019 to 31<sup>st</sup> March 2020

4.3 The Regulatory Framework requires every landlord to:

- Submit an Annual Return on the Charter to the SHR each year in accordance with its published guidance.
- Prepare an Annual Assurance Statement in accordance with published guidance, submit it to the Scottish Housing Regulator (SHR) between April and the end of October each year, and make it available to tenants and other service users.

- Involve tenants, and where relevant other service users, in the preparation and scrutiny of performance information.
  - Report its performance in achieving or progressing towards Charter outcomes and standards to its tenants and other service users.
- 4.4 Landlords must ensure that they meet all of their legal duties and responsibilities and that they adhere to relevant guidance and the requirements of other regulators. Local authorities must confirm that they meet these duties in their Annual Assurance Statement, or set out how they are addressing any material non-compliance.
- 4.5 The Regulatory Framework states that it is important that landlords involve tenants and other service users in the scrutiny of their performance and in discussions about affordability and what they get for their rent. To meet the requirement to involve tenants, service users and elected members we employ a range of methods to give assurance that we are meeting all statutory and legal requirements.
- 4.6 The Council already has a robust approach to self-assurance which is evidenced through our Annual Governance Statement and Risk Management Strategy. Housing Services are included within these assessments and both are reported to the Scrutiny and Policy & Resources Committees.
- 4.7 The Council's Performance Framework specifies how progress against our strategic plans and strategies is monitored. These plans incorporate a comprehensive range of actions and performance indicators for the Housing Service which are reported to Policy and Resources Committee and Scrutiny Committee for the City Plan, Council Plan and Local Government Benchmarking Framework. Revenue and Capital Plans and budget monitoring reports are considered by Policy and Resources Committee.
- 4.8 There is also scrutiny of Housing Services through annual reporting on complaints and relevant Internal Audit Reports which are reported to Scrutiny Committee.
- 4.9 In addition to the arrangements for formal reporting to the Council, the Housing Service has a comprehensive framework for reporting performance and including tenants and other service users in the scrutiny of its services. Clearly the current pandemic has made some of this consultation challenging for the current year but has been in place for the reporting year covered by this report. These include:
- Housing Best Value Review Group – this working group comprises tenants' representatives, Elected Members Trades Unions and Shelter. The group meets quarterly to consider a wide range of housing policy and performance issues including Repairs Performance, progress against the Scottish Housing Quality Standard and Energy Efficiency for Social Housing (ESSH) standards.
  - Dundee Area Scrutiny Panel – this panel of tenants reviews the Council's performance against the Scottish Social Housing Charter and completes tenant inspections and mystery shopping exercises to test Housing Services. The Panel approves our Annual Report on the Charter (ARC) which is published at the end of October each year.
  - Dundee Federation of Tenants Associations - there are quarterly meetings between the Housing Convenor, senior staff in the Housing Service and the DFTA Executive Committee to discuss housing performance and any issues of interest or concern.

- HRA Methodology and Rent Setting – we comply with Guidance on the Operation of Local Authority Housing Revenue Accounts (HRAs) in Scotland by publishing an annual Housing Revenue Account Methodology. This has been developed by a tenant/officer working group and outlines how the Council sets its rent and what rent pays for. We have held an information workshop “How your rent is spent” for the last three years to help explain the rent-setting process to tenants and to give tenants an opportunity to input to the subsequent rent-setting consultation.

### **The Annual Assurance Statement**

- 4.10 As has been demonstrated above the Council has a comprehensive framework for assurance and performance monitoring with regard to the Housing Service. A review of these frameworks already used by the Council and on-going service improvement activity have not identified any areas of concern to be highlighted in the Assurance Statement.
- 4.11 In its Engagement Plan for Dundee 2019/20 the Scottish Housing Regulator identified two areas where they required further information and assurance. These were in Homelessness and Gas Safety.;

The Council has made good progress in pursuing the Housing First Model for Homelessness and the Council agreed our Rapid Rehousing Transition Plan in 2019.

The Covid lockdown happened at the end of the 2019/20 reporting period and the Council made plans for delivery of priority services whilst ensuring the safety of tenants and staff. This included, for example, reviewing procedures for gas safety, emergency repairs and homeless services. Subsequently we have developed a recovery plan to ensure that services return to normal as far as is possible

However, the Council did fail to meet the requirements of the Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014 on 3 occasions in 2019/20. The use of Bed and Breakfast accommodation, in crisis situations, is permissible in order to temporarily accommodate homeless persons although it should be noted that the Council has always tried to avoid this form of temporary accommodation if alternatives are available. Where Bed and Breakfast accommodation is used the Unacceptable Accommodation Order requires the authority to find alternative accommodation within 7 days. On the 3 occasions highlighted Dundee City Council was unable to move the families on within this 7 day target. The Council ensured that it met its statutory duty by providing temporary accommodation, however the 3 households were large families and we were unable to source suitable alternative temporary or permanent accommodation within 7 days of the placement in Bed and Breakfast accommodation. As a result of a thorough review of all relevant factors contributing to this situation, steps were taken to ensure better monitoring of temporary accommodation focusing on the varying types/size available and quicker turnaround over when properties become vacant.

Due to the increased demand for temporary accommodation during the Covid-19 pandemic and restrictions due to lockdown, this has meant similarly to other Local Authorities, we have had to increase our stock of temporary accommodation as well as using bed and breakfast accommodation.

As part of the Engagement Plan, Dundee City Council were in discussion with the Scottish Housing Regulator at the time of lockdown regarding homelessness statistics/comparisons. Dundee City Council concluded by issuing a response to the Scottish Housing Regulator.

The Housing Service was already working towards the required level of compliance highlighted in the Engagement Plan for Gas Safety in its properties and was able to report 100% compliance for 2019/20.

- 4.12 The Scottish Housing Regulator has not given detailed guidance on what the Assurance Statement should look like but have confirmed that they expect statements should state whether we comply with relevant regulatory requirements on the date approved and signed. The Draft Statement for Dundee City Council is attached at Appendix 1 and Committee is asked to approve this for submission to the Scottish Housing Regulator and publication on the Council's website.

## **5. POLICY IMPLICATIONS**

- 5.1 This report has been subject to an assessment of any impacts on Equality and Diversity, Fairness and Poverty, Environment and Corporate Risks. A copy of the Impact Assessment is available on the Council's website at [www.dundeeccity.gov.uk/ia/reports](http://www.dundeeccity.gov.uk/ia/reports).

## **6. CONSULTATION**

- 6.1 The Council Management Team and Dundee Federation of Tenants' Associations have been consulted in the preparation of this report and are in agreement with its content.

## **7. BACKGROUND PAPERS**

- 7.1 Regulation of Social housing in Scotland: Our Framework. Scottish Housing Regulator. February 2019 (<https://www.scottishhousingregulator.gov.uk/media/1213/regulatory-framework-final-february-2019-june-19.pdf>)

Guidance on the Operation of Local Authority Housing Revenue Accounts (HRAs) in Scotland. Scottish Government, February 2014. (<https://www.gov.scot/publications/guidance-operation-local-authority-housing-revenue-accounts-hras-scotland/pages/3/>)

Scottish Housing Regulator - Engagement Plan for Dundee City Council 2019/20 (<https://directory.scottishhousingregulator.gov.uk/2019%20Documents/Dundee%20City%20Council%20EP.pdf>)

Elaine Zwirlein  
**Executive Director of Neighbourhood Services**

David Simpson  
**Head of Housing & Communities**

31 August 2020

## Dundee City Council Annual Assurance Statement 2019/2020

To comply with the Scottish Housing Regulator's Framework for the Regulation of Social Housing in Scotland, Dundee City Council confirms that the Council has met all of its legal obligations associated with housing and homelessness services, equality and human rights, and tenant/resident safety with regard to:

- The relevant regulatory requirements set out in Chapter 3 of the Regulatory Framework
- All relevant standards and outcomes in the Scottish Social Housing Charter
- All relevant legislative duties

However, Dundee City Council did breach the Homeless Persons (Unsuitable Accommodation) Order (2014) on 3 occasions during 2019/20.

This statement requires the Council to notify the Scottish Housing Regulator of any tenant and resident safety matters which have been reported to, or are being investigated by the Health and Safety Executive, or reports from regulatory or statutory authorities, or insurance providers, relating to safety concerns. There are no reports or investigations ongoing concerning Dundee City Council's Housing Service.

The Scottish Housing Regulator identified two areas in its Engagement Plan for Dundee 2019/20 where they required further information and assurance. These were in Homelessness and Gas Safety. The Council has made good progress as a pathfinder Housing First Model for homelessness and the Council agreed a Rapid Rehousing Transition Plan in 2019.

The Council was already working towards the required level of compliance highlighted in the Engagement Plan for Gas Safety in its properties and for 2019/20 is able to report 100% compliance.

The Covid lockdown happened at the end of the 2019/20 reporting period and the Council made plans for delivery of priority services whilst ensuring the safety of tenants and staff. This included, for example, reviewing procedures for gas safety, emergency repairs and homeless services. Subsequently we have developed a recovery plan to ensure that services return to normal as far as is possible

I confirm that the Council has sufficient assurance and scrutiny processes in place to support this statement.

Signed,

on behalf of Dundee City Council, at Committee date

Councillor Anne Rendall  
Convenor, Neighbourhood Services Committee  
Dundee City Council

