

ITEM No ...2.....

REPORT TO: NEIGHBOURHOOD SERVICES COMMITTEE - 27SEPTEMBER 2021

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

REPORT BY: EXECUTIVE DIRECTOR OF NEIGHBOURHOOD SERVICES

REPORT NO: 255-2021

1 PURPOSE OF REPORT

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

2 RECOMMENDATION

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 BACKGROUND

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 In addition, the Regulator published revised guidance in June 2021 in recognition of the ongoing Covid-19 pandemic and the potential impact on service delivery.

4.3 It also gave some further guidance on the expectations in relation to landlords approaches to equalities and human rights and has recently published guidance on their requirements for data collection in this area, asking landlords to consider their approach to complying with this.

The Council is committed to taking a human rights-based approach to its policies and practices through good participation and empowerment, accountability, non-discrimination and meeting legal requirements. This can be demonstrated by the Council's support and adoption of the recommendations of the Dundee Fairness Commission reports the most recent was published in May of this year.

The Council also contributes to the Vulnerable Persons Resettlement scheme (VPRS) and the Vulnerable Children's Resettlement Scheme (VCRS), and will continue with its humanitarian approach to those in need in the future.

Accolades received by the partnership since it was established five years include a COSLA Gold award for the Get Ready for Work Programme, and the Scottish Social Services Council (SSSC) award, 'Silo buster', recognising joined up thinking, working and delivering.

The Council continues to develop its Housing Management IT system with a view to enhancing information gathering in relation to our tenants and will ensure, as far as possible, that we will capture all relevant equalities information once this is fully developed.

- 4.4 The Council submitted its first statement in October 2019 and this is the third which covers 1st April 2020 to 31st March 2021.
- 4.5 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.
- 4.6 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.
- 4.7 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.
- 4.8 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.
- 4.9 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.
- 4.10 There is also scrutiny of Housing Services through annual reporting on complaints and relevant Internal Audit Reports which are reported to Scrutiny Committee.

- 4.11 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 meant we have had to adapt how we consult and this has been reflected 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. This has continued to meet virtually throughout the pandemic.
 - Dundee Area Scrutiny Panel – this panel of tenants reviews the Council’s performance against the Scottish Social Housing Charter, approves our Annual Report on the Charter (ARC) which is published at the end of October each year and completes tenant inspections and mystery shopping exercises to test Housing Services. It has not been possible to continue with these meetings during the pandemic, however we anticipate that these an recommence in 2022/23.
 - Dundee Federation of Tenants Associations - there are quarterly meetings between the Neighbourhood Services Convenor, senior staff in the Housing Service and the DFTA Executive Committee to discuss housing performance and any issues of interest or concern. These meetings have continued virtually throughout the pandemic and have been very productive.
 - 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 four 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 2020 event was a virtual meeting due to the current pandemic and encouragingly this had more than double the previous year’s number of participants.

The Annual Assurance Statement

- 4.12 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.
- 4.13 In its Engagement Plan for Dundee 2019/20 the Scottish Housing Regulator identified two areas where they required further information and assurance. Due to the Covid-19 pandemic no engagement plans were published for 2020/21 by the Scottish Housing Regulator. As with other landlords we continue to work with the housing regulator to discuss the requirements of the 2019/20 plan and respond to the housing challenges posed by the Covid-19 pandemic.

Neighbourhood Services Committee agreed Dundee City Councils Rapid Rehousing Transition Plan in 2019 and annual updates have continued to be submitted to Scottish Government and Committee since approval. The Council has made good progress in delivering the Housing First Model with the Pathfinder in Dundee and is now mainstreaming this service in partnership with Dundee Health & Social Care Partnership and 3rd sector partners.

The Covid-19 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.

During Covid-19 pandemic, the Housing Options service saw a significant and sustained increase in the demand for temporary accommodation. The earlier restrictions in lockdown, advising people not to move home, also impacted on the service as all allocations of property had to stop between April 2020 – July 2020. In order to meet this exceptional demand for temporary accommodation and to continue to meet our statutory homelessness duties we, like a number of local authorities, had to increase our stock of temporary accommodation as well as making use of bed and breakfast accommodation.

The use of bed and breakfast accommodation is never our preference but is permissible, in crisis situations, in order to temporarily accommodate homeless persons. Where alternatives did not exist we had to make use of such accommodation, particularly at the peak of the pandemic. Where bed and breakfast accommodation is used, the Unacceptable Accommodation Order requires the authority to find alternative accommodation within 7 days.

Due to the exceptional demands on temporary accommodation during this period, the Council was unable to identify move-on accommodation and meet the 7 day limit for stays in in Bed and Breakfast accommodation for some clients between 5th May 2020 and 30th September 2020. We are still awaiting guidance from Scottish Government/Scottish Housing Regulator on a technical point to allow us to report the number of instances involved.

The Council did ensure that it met its statutory duty by providing temporary accommodation on all occasions even though there was a significant increase in those requiring such accommodation throughout the pandemic.

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 and will re-engage shortly with 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.

- 4.14 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 & Diversity, Fairness & Poverty, Environment and Corporate Risk. A copy of the Impact Assessment is available on the Council's website at www.dundee.gov.uk/iia/reports.

6 CONSULTATIONS

- 6.1 The Council Management Team and Dundee Federation of Tenants' Associations have been consulted in the preparation of this report and agree 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 and Communities

30 August 2021

APPENDIX 1

Dundee City Council Annual Assurance Statement 2020/210

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) during 2020/21 in relation to the length of stay in bed and breakfast accommodation as a result of the pressure on temporary accommodation during the pandemic.

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. This plan is the most recent Engagement Plan in place and remains applicable for 2020/21. The areas covered were in Homelessness and Gas Safety.

Neighbourhood Services Committee agreed Dundee City Councils Rapid Rehousing Transition Plan in 2019 and annual updates have continued to be submitted to Scottish Government and Committee. The Council has made good progress in delivering the Housing First Model with the Pathfinder in Dundee and is now mainstreaming this service in partnership with Dundee Health and Social Care Partnership and 3rd sector partners.

The Council achieved 100% compliance for gas safety in 2019 /20 and this continued for 2020/21.

The Covid-19 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 and are implementing a recovery plan to ensure that services return to normal as far as is possible

Dundee City Council is committed to taking a human rights-based approach to its policies and Practices through good participation and empowerment, accountability, non-discrimination and meeting legal requirements. The Council has a robust framework for Equality Impact Assessment of its policies which was recently reviewed

We will put in place mechanisms to collect the relevant data and equality monitoring requirements as per Scottish Housing Regulator guidance.

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

Signed

Convener of Neighbourhood Services
Anne Rendall

