

ITEM No ...2.....

**REPORT TO: NEIGHBOURHOOD REGENERATION, HOUSING & ESTATE MANAGEMENT
COMMITTEE – 23 OCTOBER 2023**

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

REPORT BY: EXECUTIVE DIRECTOR OF NEIGHBOURHOOD SERVICES

REPORT NO: 277-2023

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:

2.1.1 Notes the requirements of the Scottish Housing Regulator's Framework for the Regulation of Social Housing in Scotland.

2.1.2 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.

2.1.3 Approves the Annual Assurance Statement at Appendix 1.

2.1.4 Authorises its submission to the Scottish Housing Regulator and publication on the Council's website.

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, further guidance on the expectations in relation to landlords approaches to equalities and human rights has been published, setting out the 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 within the Dundee Fairness and Child Poverty Action Plan.

- 4.3 Dundee City Council are working closely with both the UK and Scottish Governments to support the Humanitarian Response. Accolades received by the partnership since it was established five years ago 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.
- Dundee City Council in partnership with local registered social landlords are currently supporting 315 (145 households) people in the community in a mixture of hosted accommodation (47 households), private lets supported by our Homefinder team (17 households), Local Authority housing (45 households) and RSL properties (36 households).
- 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.
- 4.4 The Council continues to introduce its integrated Housing Management IT in phases with the next phases due in 2023/24 and 2024/25. Recent phases that have gone live include the Housing Support and Estates Modules. The IT modernisation will allow us to enhance 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.
- 4.5 This Annual Assurance statement covers the period 1st April 2022 to 31st March 2023. The Regulatory Framework requires every landlord to:
- 4.5.1 Submit an Annual Return on the Charter to the SHR each year in accordance with its published guidance.
 - 4.5.2 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.
 - 4.5.3 Involve tenants, and where relevant other service users, in the preparation and scrutiny of performance information.
 - 4.5.4 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 their rent covers. 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. The Housing Service is included within these assessments, and both are reported to the Scrutiny and City Governance Committees (previously Policy & Resources Committee).
- 4.9 The Council's Performance Framework reports progress against our strategic plans and policies. These plans incorporate a comprehensive range of actions and performance indicators for the Housing Service which will be reported to City Governance Committee and Scrutiny Committee for the City Plan, Council Plan, Neighbourhood Services Plan and Local Government Benchmarking Framework. Revenue and Capital Plans and budget monitoring reports are considered by City Governance 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. 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. 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, Housing Service updates, Policy changes and consultation feedback, progress against the Scottish Housing Quality Standard and Energy Efficiency for Social Housing (EESH) standards.
- Dundee Federation of Tenants Associations (DFTA)- these are quarterly face to face meetings between the Neighbourhood Regeneration, Housing and Estates Management Convener, senior staff in the Housing Service and the DFTA Executive Committee, in addition to bi-monthly housing management meetings with the DFTA, 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 charges pay for. We hold a face to face information workshop “How your rent is spent” annually which helps to explain the rent-setting process to tenants and to give tenants an opportunity to input to the subsequent rent-setting priorities and consultation.
- In addition, the Council is required to undertake a consultation exercise annually on the proposals for the following years rent charges. In 2022/23 responses were received from 2,149 households which is 17.2% of all Council properties

4.11 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 identified areas of concern as highlighted in the Assurance Statement.

4.12 During 2021/22, the Scottish Housing Regulator reviewed and compared the data for all Councils from the Scottish Government’s national homelessness statistics and the Annual Returns on the Charter. They also spoke to all Councils to gather further information and assurance about their homelessness services.

In order to assess the risks to people who are threatened with or experiencing homelessness, the Regulator engaged with all Councils during 2022/23. In the Engagement Plan for Dundee 2022/23 the Scottish Housing Regulator identified three areas in relation to services for people who are homeless. The specific areas covered were assessment of homeless applications, the provision of temporary accommodation and outcomes for people who are homeless.

It should be noted that due to the progress made within the service, the Engagement Plan for Dundee 2023/24, only contains 2 areas of engagement from the Scottish Housing Regulator in relation to services for people who are homeless.

4.13 Article V of the minute of meeting of the Neighbourhood Services Committee of 7th January 2019 agreed Dundee City Councils Rapid Rehousing Transition Plan and annual updates have continued to be submitted to Scottish Government and Committee since approval.

- 4.14 The use of temporary accommodation has continued to be at a higher level than pre-pandemic. This is due to sustained pressures on the availability of permanent accommodation.
- 4.15 To meet demand for temporary accommodation, the Housing service has been required to continue the use of bed and breakfast accommodation. The use of bed and breakfast accommodation had reduced but has since increased as a result of the sustained pressures. The use of bed and breakfast accommodation is never the preference but is permissible, in crisis situations, in order to temporarily accommodate homeless persons. Where alternatives did not exist, the service had to make use of such accommodation and where used, the Unsuitable Accommodation Order requires the authority to find alternative accommodation within 7 days.
- 4.16 Due to the continued 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 people. The Council did ensure that it met its statutory duty by providing temporary accommodation on all occasions. The order was breached on 47 occasions during 2022/2023.

As documented in the recent SOLACE report, there is an ever-increasing risk to compliance with our statutory duties due to the overall housing pressures. Key issues highlighted in the report include; record and rising numbers in temporary accommodation, the cumulative impact of a wide range of humanitarian and asylum seeker programmes which would benefit from improved planning and co-ordination, continuing shortfall in the supply of mainstream social housing lets, a shrinking private rented sector, and unintended consequences of emergency legislation.

The temporary accommodation situation is well documented and the most immediate risk area. Our ability to secure permanent accommodation, particularly for single applicants who still make up the vast majority of applications is a particular area of challenge given the increasing demands on our stock.

- 4.17 The Scottish Housing Quality Standard requires properties to have safe electrical systems and from 2021/22 it was required to inspect every 5 years. Due to non-access it was not possible to undertake this for 656 properties during 2022/23 and legal action to access properties is being taken where necessary. In addition, 1 property remained outstanding from the smoke detector programme and legal action is currently being undertaken to gain access.
- 4.18 All landlords have a duty to carry out an annual safety check on all gas appliances. All gas safety checks were maintained throughout the COVID pandemic and during 2022/23 all council houses received an annual gas safety inspection within the anniversary of the previous one.
- 4.19 During 2022/23, in advance of national guidance, a taskforce comprising Housing and Construction staff undertook a formal review of the services where tenants were experiencing dampness and condensation in their homes. This included visiting outstanding cases, an audit where work had been undertaken, a review of new technologies, and a review of the impact of mould / dampness on vulnerable groups. In addition, a review of procedures, staff training and tenant and staff communication was undertaken.
- 4.20 The draft Annual Assurance 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 the Pre-IIA Screening Tool and does not make any recommendations for change to strategy, policy, procedures, services or funding and so has not been subject to an Integrated Impact Assessment. An appropriate senior manager has reviewed and agreed with this assessment.

6. CONSULTATIONS

- 6.1 The Council Leadership 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/regulatoryframework-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-operationlocal-authority-housing-revenue-accounts-hras-scotland/pages/3/>

Scottish Housing Regulator - Engagement Plan for Dundee City Council 2022/23
<https://www.housingregulator.gov.scot/landlord-performance/landlords/dundee-city-council/engagement-plan-from-31-march-2022-to-30-march-2023>

Elaine Zwirlein
Executive Director of Neighbourhood Services

Louise Butchart
Head of Housing & Construction

11 October 2023

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Dundee City Council Annual Assurance Statement 2022/2023

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 2022/23 in relation to the length of stay in bed and breakfast accommodation as a result of the pressure on temporary accommodation on 47 occasions in 2022/23.

This statement requires the Council to notify the Scottish Housing Regulator of any tenant and resident safety matters which have been reported 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.

During 2022/23 a formal review of the service to tenants experiencing dampness and condensation was carried out.

The Scottish Housing Regulator identified one area in its Engagement Plan for Dundee 2022/23 where they required further information in relation to Dundee's homelessness service.

Neighbourhood Services Committee agreed Dundee City Council's Rapid Rehousing Transition Plan in 2019 and annual updates have continued to be submitted to Scottish Government and Committee.

The council was unable to undertake 656 electrical tests during 2022/23 due to tenants not giving access, in addition 1 property was not accessed for the smoke detector programme. We continue to work with tenants to carry out this work with legal action undertaken where required.

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

Signed: Mark Flynn

Convener of Neighbourhood Regeneration, Housing & Estate Management

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