

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

**REPORT TO: NEIGHBOURHOOD REGENERATION, HOUSING & ESTATE MANAGEMENT  
COMMITTEE – 28 OCTOBER 2024**

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

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

**REPORT NO: 286-2024**

**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. The framework and associated indicators are to be reviewed during 2024/25 and the new indicators to be reported in 2025/26.

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 (37 households), private lets supported by our Homefinder team (18 households), Local Authority housing (80 households) and RSL properties (75 households). In addition, 2 new build properties have been purchased on the open market specifically for Ukrainian families.

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 This Annual Assurance statement covers the period 1st April 2023 to 31st March 2024. The Regulatory Framework requires every landlord to:

- Submit an Annual Return on the Charter to the Scottish Housing Regulator (SHR) each year in accordance with its published guidance;
- Prepare an Annual Assurance Statement in accordance with published guidance and submit it to the 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; and
- Report its performance in achieving or progressing towards Charter outcomes and standards to its tenants and other service users.

4.5 Landlords must ensure that they meet all 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.

4.6 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.

4.7 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).

4.8 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.

4.9 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.
- Dundee Federation of Tenants Associations (DFTA) - these are 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,” together with an on-line survey, 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.
- A housing seminar held in June 2024 bringing together people from across the sector, elected members, tenants' representatives and service users, to understand the scale and scope of our local challenges around housing in the city and how we work more collegially to improve housing outcomes for people in Dundee
- In addition, the Council is required to undertake a consultation exercise annually on the proposals for the following years rent charges. In 2023/24 responses were received from 2,330 households which is 18.6% of all Council properties

4.10 As has been demonstrated above, the Council has a comprehensive framework for assurance and performance monitoring about 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.

4.11 Every year the Scottish Housing Regulator (SHR) sets out how they will engage with each landlord in an engagement plan. Through this the SHR will seek assurance (backed by evidence) that landlords are complying with regulatory requirements.

During 2023/24, the Scottish Housing Regulator reviewed and compared the data for all local authorities from the Scottish Government’s national homelessness statistics. They also spoke to all local authorities to gather further information and assurance about their homelessness services. To assess the risks to people who are threatened with or experiencing homelessness they will engage with all local authorities during 2024/25 with a focus on the provision of appropriate temporary accommodation.

They will engage with Dundee City in particular about the following areas:

- the provision of temporary accommodation by Dundee City to people who are homeless; and
- outcomes for people who are homeless.

In addition, we are required to

- send them the information they require in relation to our homelessness service;
- continue best efforts to meet our statutory duty to provide temporary accommodation when we should and to comply with the Unsuitable Accommodation Order;

- keep the regulator updated on our capacity to meet our statutory duty to provide temporary accommodation when we should and to comply with the Unsuitable Accommodation Order;
  - tell the regulator if there are any material adverse issues which might affect our capacity to manage the risks associated with RAAC; and
  - send the regulator monthly updates on our progress to improve the quality of its data used to report compliance with the electrical safety requirements of the SHQS and on achieving compliance with electrical safety requirements;
- 4.12 Article V of the minute of meeting of the Neighbourhood Services Committee of 7<sup>th</sup> 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.
- 4.13 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.
- 4.14 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 urgent 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.
- 4.15 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 227 occasions during 2023/2024.

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.

- 4.16 The Scottish Housing Quality Standard (SHQS) requires properties to have safe electrical systems and from 2021/22 it was required to inspect every 5 years. At the end of 2023/24 1,000 properties failed SHQS as they did not have a current electrical certificate. Of those tests carried out in 2023 /24 1,222 were completed beyond the 5 year anniversary of the previous test.
- 4.17 All landlords have a duty to carry out an annual safety check on all gas appliances. Through our checks we identified that 4 gas safety checks had been missed. As a result, we carried out a full audit on all gas safety checks from March 2023, when the original one was identified, until November 2023. We also carried out a full review of our gas safety processes across both Housing and Construction.

- 4.18 RAAC - During 2023/24, DCC identified Reinforced Aerated Autoclaved Concrete (RAAC) in the roofs of 81 blocks of flats and 293 cottages in Dundee. Although used elsewhere in floors and wall panels, in Dundee RAAC was used solely in roofs. Of the affected properties, 2 blocks of flats and 131 cottages are privately owned. DCC Structural Engineers have inspected all of the 79 blocks of flats which are either mixed tenure or wholly owned by DCC, and the 162 cottages owned by DCC during 2024 and have categorised them by frequency of re-inspection required: 12 months, 6 months or remedial action required. Of the two blocks of flats and two individual flats where remedial action is required, a project is currently being designed to remove and replace the roofs. Additional support works recommended by the Institution of Structural Engineers are currently being designed to be implemented at 5 different pilot properties by the end of 2024, with the aim of gathering information to inform the treatment of the remainder of RAAC properties. DCC is committed to a transparent communication strategy to ensure tenants and owners are fully involved in the remediation process.
- 4.19 During 2024/25 a damp and mould oversight board comprising Housing & Construction staff has been re-established to review lessons learned, update guidance for tenants, review re-occurring cases, and drive compliance in this critical sphere.
- 4.20 In May 2024 a recovery plan to address the backlog of void properties was agreed at committee. The purpose being to drive up performance and improve outcomes for tenants and residents in Dundee, reducing the number of people in temporary accommodation, achieving the objectives set out in our rapid rehousing plan and reducing void rent loss. By returning void properties to permanent lets we can eliminate the number of people staying in B and B accommodation and therefore the subsequent breaches of the unsuitable accommodation order
- 4.21 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.housingregulator.gov.scot/for-landlords/regulatory-framework/>

Scottish Housing Regulator - Engagement Plan for Dundee City Council 2023/24  
<https://www.housingregulator.gov.scot/landlord-performance/landlords/dundee-city-council/engagement-plan-from-31-march-2023-to-31-march-2024/>

Tony Boyle  
**Executive Director of Neighbourhood Services**

Olga Clayton  
**Interim Head of Housing & Construction**

30 September 2024

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**Dundee City Council Annual Assurance Statement 2023/2024**

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 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 2023/24 in relation to the length of stay in bed and breakfast accommodation as a result of the pressure on temporary accommodation on 227 occasions.

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.

The Scottish Housing Regulator identified one area in its Engagement Plan for Dundee 2023/24 where they required further information in relation to Dundee's homelessness service. In addition, have asked for regular information on electrical testing.

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.

At the end of 2023/24 1,000 properties failed SHQS as they did not have a current electrical certificate. Of those tests carried out in 2023/24, 1,222 were completed beyond the 5 year anniversary of the previous test. We continue to work with tenants to carry out this work with legal action undertaken where required.

In addition, 4 properties did not have their annual gas safety check carried out within the 1-year anniversary of the previous check

All properties have been surveyed for the presence of Reinforced Aerated Autoclaved Concrete (RAAC) and 5 pilot remedial projects are about to commence. We are committed to a transparent communication strategy to ensure tenants and owners are fully involved in the remediation process.

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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