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scottish  
refugee  
council

## Consultation response



### Social Housing Charter

#### Introduction

Scottish Refugee Council welcomes the opportunity to respond to this consultation. Our response is based on our experiences of providing services, including housing advice, to asylum seekers and refugees in Scotland. It is also based on recently published research we commissioned into refugees' experiences of accessing stable housing in Scotland (see [http://www.scottishrefugeecouncil.org.uk/assets/0000/0101/Navigating\\_the\\_maze\\_refugee\\_routes\\_to\\_housing\\_support\\_and\\_settlement.pdf](http://www.scottishrefugeecouncil.org.uk/assets/0000/0101/Navigating_the_maze_refugee_routes_to_housing_support_and_settlement.pdf)).

We preface our response with an overview of refugees and the particular issues they face in relation to housing access in Scotland.

#### Background

An asylum seeker is a person who has made an application to the UK Government for protection and who is waiting for a decision on their application. Asylum seekers are persons subject to immigration control with temporary admission but not leave to enter or remain in the UK. While they await a decision on their claim they may receive financial support and accommodation from the UK Border Agency. In Scotland, Glasgow currently remains the only area where asylum seekers are accommodated (under contractual arrangement) by the UK Border Agency, however there are a number of asylum seekers across Scotland who stay with family and friends and only receive financial support.

An asylum seeker's application for asylum is assessed by the UK Border Agency and if he or she meets the criteria set out in the 1951 UN Convention relating to the status of refugees, the asylum seeker will be recognised as a refugee and granted refugee status. In some circumstances, the asylum seeker may be granted a form of "subsidiary protection" and status; either Humanitarian Protection or Discretionary Leave. The asylum seeker may also be granted an immigration status outside of the immigration rules.

Refugees and people granted Discretionary Leave or Humanitarian Protection or Indefinite Leave to Remain are all entitled public funds and have access to full housing options, including homelessness and social housing. All refugees will be most vulnerable to both homelessness and destitution at the point of receiving a positive decision on their asylum claim. Support and

accommodation provided by the UK Border Agency is terminated after 28 days. Despite being entitled to all housing options available in Scotland, refugees can realistically only access social housing. While claiming asylum, they are not allowed to work and receive financial support equivalent to 70% of basic Income Support. With low income and no savings, private rented accommodation is not an affordable option for refugees, nor is home ownership. Social housing is the only suitable housing options for refugees but 28 days is a too short period of time to expect securing secure accommodation in the social housing sector. Homelessness presentations are therefore very high amongst refugees. In 2009/10, 96% of refugees who sought advice to the Housing Team of the Scottish Refugee Council had experienced homelessness at some point.

Section 6.12 of the Code of Guidance on Homelessness highlights refugees as having priority need. This is because they display multiple indicators of homelessness risk through their personal circumstances and lack many resilience characteristics which can mitigate against these risks. Many are likely to have experienced persecution, torture or trauma in their country of origin or severe hardship in their efforts to reach the UK. As a result many may have medical, community care or mental health needs and a fear of authority.

### **General comments on the discussion paper**

Scottish Refugee Council is broadly supportive of the Social Housing Charter. It is welcomed that the Charter is aimed at tenants and service users to improve their understanding of their rights and knowledge of what they can expect from their landlords and homeless services.

- Human Rights approach

As the Charter will be a statutory instrument, Scottish Refugee Council would strongly support the Charter if it adopts a Human Rights approach. We would recommend that the Charter remind Local Authorities and RSLs of their public authority's duties under the Human Rights Act<sup>1</sup> and other International treaties for which the Scottish Government is responsible with regards to devolved matters.

Human Rights legislation especially relevant to the housing sector is (this list is not exhaustive):

- Article 11 of the Covenant on Economic, Social and Cultural Rights: "The States Parties to the present Covenant recognise the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions."
- Article 8 of European Convention of Human Rights "Everyone has the right to respect for his private and family life, his home and his correspondence."
- Article 14 of European Convention of Human Rights "The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status."

In collaboration with Amnesty International, SAMH and Scottish Women's Aid, Scottish Refugee Council commissioned a research to explore how public authorities comply with the Section 6 of

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<sup>1</sup> Section 6 of Human Rights Act 1998

the Human Rights Act. The research<sup>2</sup> concluded that although a few public authorities have taken positive steps to comply with their human rights duties, human rights are still not fully understood and mainstreamed across the public sector in Scotland. It was also apparent that there was confusion amongst public authorities of their duties to human rights and with their other duties with regards to equality.

As suggested later in our response a specific outcome on equality should be included in the Charter we would recommend introducing an outcome on human rights duties as well.

- Asserting the ethos of the Charter in a preamble

Scottish Refugee Council would recommend adding a preamble to the Charter that states clearly what the Charter is for and who it is applicable to. i.e. tenants, applicants, statutory homeless and other customers (e.g. other residents and owners receiving a factoring service). It is essential to state in the preamble that the outcomes listed in the Charter must be met by local authority landlords, RSLs and local authority homeless services.

Such preamble would help to make the Charter, as it is intended, a document that aims to be understood by a wide audience. It is not a document to be only used by housing and legal professionals but should become a document that current and future tenants and people who receive assistance from homeless services will be able to claim for their own benefits in their dealings with social landlords and homeless services.

- Need for clear and accurate terminology

Scottish Refugee Council feels that the terminology used in the discussion paper is not always accurate and may lead to confusion about who an outcome is aimed at.

- Scottish Refugee Council disagrees with the statement made in the discussion paper that “Social landlords” are:
  - council landlords; or
  - not-for-profit landlords who are registered with the Scottish Housing Regulator (for example, housing associations); or
  - councils that do not own any housing but provide housing services (for example, services for homeless people).

The term “social landlords” cannot be used to describe local authority homeless services. Some local authorities have completed a full housing stock transfer and therefore are no longer landlords. In such local authorities, homeless services sublet from other RSLs or private landlords. Also the role and duties of local authorities when they act as landlord and when they provide homeless assistance under homelessness legislation are clearly different.

- The term “tenants” is used in outcomes that are not only relevant to tenants of social housing landlords but that are also relevant to service users of homelessness services, e.g. outcomes on communication, customer services, anti-social behaviour etc. People who

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<sup>2</sup> [Delivering Human Rights in Scotland - An update on Scottish Public Authorities in 2010](#)

receive assistance from homeless services have been accepted as statutory homeless and therefore cannot be seen as tenants. A similar argument can be made for applicants. The discussion paper also refer to residents, it is unclear who exactly the document is referring to.

Scottish Refugee Council understands that the language used in the Charter should be jargon free and not too technical, it is however essential that a clear, accurate and consistent language is used throughout the Charter.

The term “tenants” should be used solely for people having a tenancy agreement with a social landlord.

The term “statutory homeless households” should be used to describe people who receive homelessness assistance from their local authority’s homeless services.

If terms such as residents or customers are used, there should be a brief explanation on who these refer to.

### **Comments on specific outcomes included in the discussion paper**

Scottish Refugee Council does not aim to comment on all the outcomes suggested in the discussion paper but will focus on those most relevant to refugees.

#### **1. Participation**

Scottish Refugee Council welcomes the fact that the discussion paper includes specific outcomes on customer participation, however we feel that the way the outcome is written is too vague and may not lead to improved participation from “hard to reach” groups.

The term “all types of tenants”, although may sound inclusive for some, does not clearly promote the engagement with different groups and excludes people receiving assistance from homeless services. If the Charter is to be promoted to tenants of social housing landlords and to people receiving assistance from homeless services, the latter will not recognise themselves when reading this outcome and may understand that outcomes are therefore not applicable to them.

Scottish Refugee Council recommends that the outcome on participation is more specific so homeless services and social landlords are encouraged to actively seek out opportunities for involving and assist individuals from minority groups and to develop activities and mechanism to overcome barriers to participation, e.g. building links with community organisations and groups alongside to providing support to enhance engagement, publicising use of interpreters for meeting and distributing translated documentation.

#### **2. Communication**

Scottish Refugee Council agrees that the Charter should include a general outcome on communication. We would like to suggest adding to the outcome that all tenants and service

users have access to clear information, in plain English, about how to contact their landlord or homeless services and are aware of their rights to access interpreters, translated documents or other appropriate communication tools. Clear information about complaint procedures should also be part of this outcome.

### 3. Customer service

Scottish Refugee Council agrees that clear outcomes on customer service should be included in the Charter.

When working with refugees, we are often told by our clients that attitudes of staff of mainstream services may have a negative attitude towards them. In addition, research (Steele 1997) suggests that people from ethnic minorities are more likely to perceive homeless agencies and local authorities as lacking sensitivity and more likely to believe that they will receive poor advice and unsympathetic treatment from those services.

Scottish Refugee Council recommends adding another outcome as part of customer service which states that staff of social housing landlords and local authority homeless services will have a better understanding of needs, experience and circumstances of specific client groups to improve the quality of service they provide.

### 4. Housing quality

Scottish Refugee Council agrees that an outcome on housing quality should be included in the Charter. We would also suggest ensuring this includes quality of temporary accommodation to this outcome. See point 5.

### 5. Access to housing

Scottish Refugee Council agrees that a general outcome on accessing housing should be included in the Charter.

We would suggest adding an outcome about people looking for housing having a clear understanding on how they can apply for housing. In the research [Navigating the Maze, Refugee Routes to Housing, Support and Settlement in Scotland](#), it was demonstrated that refugees need to access advice and information on how to access suitable and affordable housing. This may be more complicated, when in some area, applicants need to complete both a “waiting list” application and register for choice based letting.

The discussion paper suggests including here an outcome about temporary accommodation meeting the needs of homeless households. Scottish Refugee Council agrees with such an outcome but feels that it would be more suitable to include it in the wider outcome on housing quality. Access to temporary accommodation is given to households to whom local authorities have a legal duty to provide assistance. Temporary accommodation that meets the needs of

households is more to do with physical standards, location and physical access and this may fit better under the housing quality outcome.

## 6. Homelessness

The discussion paper suggests including an outcome on homelessness to promote the provision of housing options advice, accommodation and support. Scottish Refugee Council agrees with the content of this outcome but would like to question why the provision of such services should be limited to homeless households and who this outcome is aimed at: local authority homeless services or social housing landlords?

Some RSLs in Scotland are developing new initiatives with their applicants that include support needs assessment, affordability check and housing option advice. The latter will be provided if following an assessment it appears that a tenancy may not be the most sustainable option for the applicant. Such initiatives are not limited to homeless households.

The outcome included in the discussion paper should be renamed “housing option advice and support need assessment” and be relevant for all applicants to social landlords and for people receiving assistance from local authority’s homeless services.

## 7. Tenancy support

Scottish Refugee Council agrees that an outcome on tenancy support should be included to the Charter. However we would like to suggest the inclusion of a wider outcome on tenancy sustainment. See comments on point 2 in the following section.

## 8. Anti-social behaviour

Scottish Refugee Council agrees that an outcome on anti-social behaviour should be included to the Charter. However we would like to suggest the inclusion of a wider outcome on safety. See comments on point 1 of the following section.

## 9. A separate equality outcome?

Despite the fact that social landlords and homelessness services have an equality duty, Scottish Refugee Council believes that a separate outcome on equality should be created.

All outcomes of the Charter should include an equality dimension, not only those on participation, communication and customer service. Equality is essential to access to housing, tenancy support, housing quality, development planning, evaluation and monitoring etc.

Adding a general outcome on equality is the only guarantee that equal practice and equal opportunities are embedded in all outcomes. Such outcome should highlight multiple

discrimination people may face, e.g. racial and disability discrimination or LGBT from minority ethnic groups<sup>3</sup>.

A separate outcome on equality would also send a strong message to tenants, applicants and service users of homeless services that they have a right to equal treatment and to receive services free of discrimination.

### **Proposed outcomes to be included in the Social Housing Charter**

1. Outcomes on the safety whatever the accommodation occupied is temporary (homelessness) or permanent

Scottish Refugee Council would like to recommend that a general outcome about safety is included to the Charter. Safety in the home and neighbourhood is a major concern for refugees but also for other members of our communities – as it has been raised a number of times during the consultation.

The research, Navigating the Maze: Refugees' Route to Housing, Support and Settlement in Scotland highlights that safety is in fact refugees' greatest concern when deciding where to live longer term.

Scottish Refugee Council welcomes the fact that the discussion paper includes an outcome on anti-social behaviour and that the outcome on estate management includes the notion of safety. However we believe this should be part of a wider outcome on safety. Both anti-social behaviour and safety as part of estate management are too restrictive. Some safety issues are more serious than anti-social behaviour and others are more relevant to housing management than purely estate management.

A wider outcome on safety should aim to include issues around hate crime, domestic violence and anti-social behaviour.

This would meet the concerns of people consulted and of vulnerable groups. This would also encourage housing providers in improving their practice, policies and train their staff on very specific issues and enable them to assist their tenants better but also to allocate more suitable properties to applicants.

In the "[Practitioners Guide to Housing Refugees](#)"<sup>4</sup> Scottish Refugee Council provides a list of recommendations on responding to and preventing hate crime by housing providers and homeless services. Although these recommendations are inputs and not outcomes, they may be a useful guide for the Scottish Government to establish an appropriate outcome around safety and hate crime. Below are the recommendations from the Practitioners Guide to Housing Refugees.

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<sup>3</sup> The project Everyone In focuses on such issues and complete relevant and useful research - [www.equality-network.org/minorityethniclgbt](http://www.equality-network.org/minorityethniclgbt)

<sup>4</sup> [www.scottishrefugeecouncil.org.uk/housingguide](http://www.scottishrefugeecouncil.org.uk/housingguide)

## **Recommendations for tackling racial harassment and hate crime to improve refugees' safety:**

- Clearly communicate to tenants procedures for reporting hate crime;
- Clearly inform people who experience hate crime of the support available;
- Provide training to staff members, front-line as well as management staff, on legislation on hate crime, how to identify it and how to support tenants/service users who are victim of it;
- Establish contact with the police and find out about the specific units specialising in equality and hate crime issues – take part in third party reporting scheme;
- Participate in Hate Crime Action Group<sup>5</sup>;
- Include 'fast track' management transfer to be applied to support victims of hate, or multi agency working groups that aim to monitor hate crime and develop a coordinated response to hate crime;
- Include 'fast track' management transfer to be applied to support victims of hate crime;
- Award high priority to applicants who are victims of hate crime and need re-housing for that reason;
- Promote a victim centred approach as explained in "Tackling Racist Incidents, A Toolkit for Scottish Housing Providers" by Positive Action in Housing and available on [www.challengeracism.com](http://www.challengeracism.com);
- Take sanctions against tenants who are perpetrators of hate crime; and
- Make sure that your policies and procedures reflect the above.

## 2. Outcomes on tenancy sustainment for both Homeless services and RSLs – this go beyond tenancy support

Scottish Refugee Council welcomes the fact that an outcome on tenancy support is included in the discussion paper, however it is unclear why tenancy support should focus on rent arrears only. Rent arrears are only one of the risk factors for tenancy failure. Other factors such as vulnerability, overcrowding or hate crime can really impact on the ability of tenants to manage their tenancy. Rent arrears is a risk factor that is easy to identify by housing providers and should not be ignored, however, housing providers also need to focus on identifying other risk factors with their tenants and applicants. The outcome proposed in the discussion paper specifically mentions vulnerable tenants when it is widely known that tenants who are vulnerable due to ill-health, mental health or because they have been victim of domestic or other types of violence will need support beyond financial and benefits advice.

Scottish Refugee Council would like to suggest that instead of a restricted outcome on tenancy support, the Charter should include an outcome on tenancy sustainment and early intervention to support vulnerable tenants or tenants who due to changes of circumstances become less able to cope with their tenancy.

An outcome on tenancy sustainment is relevant to social housing landlords and homeless services as both can cooperate to identify vulnerability and support needs, and to provide assistance at the settlement stage. Social housing landlords could aim to meet an outcome

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<sup>5</sup>Strathclyde Police Diversity Unit coordinates such groups in each of its division and other force may have similar multi-agency group.

on tenancy sustainment for tenant beyond the settlement stage.

### 3. Outcomes on planning housing development

Scottish Refugee Council would like to suggest adding a specific outcome on planning future housing development that meet the needs of current and future tenants, i.e. more large and adapted properties. Social landlords should be encouraged to analyse the needs of their tenants who may be in unsuitable or overcrowded properties but also the needs of their applicants and potential future applicants, i.e. homeless households.

### 4. Outcome on Human Rights duties

As we mentioned in our general comments, Scottish Refugee Council would recommend that an outcome on Human Rights duty is included in the Charter. It is essential that such outcome is separate from the outcome on Equality as the legislation and the duties are different.

A separate outcome on Human Rights would also send a strong message to tenants, applicants and service users of homeless services about the extent of their rights.

### 5. Outcomes on monitoring

The Charter will be used by the Scottish Housing Regulator to assess and report on local authorities and RSLs performance. The Charter should therefore include an outcome to ensure that a high quality of information is collected to give the right tools to the Regulator to fulfil its responsibilities but also enable Local authorities and RSLs to complete efficient self-assessments.

#### **For further information, please contact:**

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