

Scottish Social Housing Charter consultation



Respondent's information form

Please make sure you return this form with your response so that we can handle your response properly.

1. Name/organisation

Name of organisation (if any)

Scottish Refugee Council

Title Mr Ms Mrs Miss Dr *Please tick as appropriate*

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3. Permissions – I am responding as...

Individual

/

Group/organisation

Please tick as appropriate

(a) Do you agree to your response being made available to the public (in the Scottish Government library or on the Scottish Government website or both)?

Please tick your choice Yes No

(b) If yes, we will make your response available to the public on the following basis

Please tick ONE of the following boxes

Yes, make my response, name and address all available

or

Yes, make my response available, but not my name and address

or

Yes, make my response and name available, but not my address

(c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library or on the Scottish Government website or both).

Are you content for your **response** to be made available?

Please tick your choice Yes No

(d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we need your permission to do so. Are you happy for the Scottish Government to contact you again in relation to this consultation exercise?

Please tick your choice Yes No

Consultation questions

We listened to what you told us at the roadshow events, on our website, and in your responses to the discussion paper, and we think we have identified all the important areas that the Charter should cover.

1. Have we missed out any areas that the Charter should cover ? If so, please tell us.

In our response to the discussion document, Scottish Refugee Council had promoted the inclusion of specific outcomes on equalities, human rights and on hate crime. None of those outcomes are included in the draft submitted for consultation. Scottish Refugee Council strongly continues to contend that these should be included in the charter.

- Equality Outcome

The Scottish Government takes the view that equalities should be “mainstreamed and thus integrated with each outcome”¹. Scottish Refugee Council is disappointed with this approach. Whilst strongly believing that mainstream services should be accessible and approachable by any members of minority groups and multi-identity groups, equality duties must be promoted to truly ensure these groups benefit from accessible services and do not experience discriminatory practice. Including a separate outcome on equality is the only way to guarantee effective improvement of landlords’ performance. Despite the intention of the Scottish Government to include equality in each outcome, we believe that the way outcomes have been drafted do not allow this, and as a result the Scottish Housing Regulator will not be able to hold landlords to account on this issue.

Scottish Refugee Council believes that by not taking a clearer position on equality in the charter, the Scottish Government may miss an opportunity to make further progress towards its national outcome to tackle the significant inequalities in Scottish society.

The Equality Act 2010 introduced the Public Sector Equality Duty which requires that Government and other public bodies take action which advance equality of opportunity and fosters good community relations. In relation to housing, this means that Government should take every opportunity to redress existing inequalities which will be not only remedied simply by providing equality of access.

“The Public Sector Equality Duty has three aims. It requires public bodies to have **due regard** to the need to:

- **eliminate unlawful discrimination**, harassment, victimisation and any

¹ Paragraph 4.17, p. 11 of the Consultation document

other conduct prohibited by the Act;

- **advance equality of opportunity** between people who share a protected characteristic and people who do not share it; and
- **foster good relations** between people who share a protected characteristic and people who do not share it.”²

The Public Sector Equality Duty clearly encourages a proactive approach in relation to equalities. We believe that the Scottish Government should show stronger leadership in promoting such approach in the housing sector.

Taking the example of succession rights to a tenancy, individuals have been successful, in case law, in promoting their right to equality. The House of Lord decided to interpret a statutory succession right for a person living as if they were the ‘husband and wife’ of the deceased as one capable of being satisfied by a member of a same sex couple³. This decision was based on the Human Rights Act and the prohibition of discrimination within the right to respect of family life. Such decision gives a clear message to housing providers about what their practice should be however it does not necessary lead to an efficient and consistent improvement of practice in the whole sector.

In order to really promote equality, prevent discriminatory practice and ensure that vulnerable people do have their rights respected we cannot only rely on individual legal challenges and on a case by case approach.

Our concerns are reinforced by research⁴ (research also stated by the Scottish Government in the Annexe 1 of the consultation document) which demonstrates that landlords across the social housing sector need to improve their performance in relation to equality. In the same research, it was demonstrated that social landlords “considered [the regulator] assessment framework to be one of their top four drivers for improvement”.

For this reasons, Scottish Refugee Council urges the Scottish Government to adopt a proactive approach in the promotion of equality by adding a separate outcome and by giving a role to the regulator to drive improvement of performance in relation to equality.

Scottish Refugee Council would like to suggest the following as an equality outcome to be included in the charter:

Landlords and homeless services:

- *Know and understand the diversity and needs of their service users;*

² Equality act 2010: Public Sector Equality Duty what do I need to know? A quick start guide for public sector organisations, page 4 (<http://www.homeoffice.gov.uk/publications/equalities/equality-act-publications/equality-act-guidance/equality-duty?view=Binary>)

³ *Ghaidan v Godin-Mendoza* [2004] UKHL 305 [2004] 2 AC 557, HL.

⁴ Communities Scotland (2006), Equalities in practice follow-up study

- *Demonstrate that they adopt a pro-active approach in raising awareness about equality, multi-discrimination and intersectionality to their staff and embed equality to their policy and practice;*
- *Challenge discriminatory behaviour and practice when they become aware of it.*

Tenants, applicants and other customers:

- *Know and understand that social landlords and homelessness services must have non-discriminatory practice and policy;*
- *Know and understand how to complain if they believe they are a victim of discriminatory practice;*
- *Are not directly or indirectly discriminated by practice and/or policy of social landlords and homeless services;*
- *Can access evidence that their landlord meet their public equality duty.*

- Human rights outcome

Scottish Refugee Council would like to suggest again that an outcome on Human Rights duty is included in the charter. It is essential that such an outcome is separate from the outcome on Equality as the legislation and the duties are different.

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

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 Act⁵ 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 6 of European Convention of Human Rights "Right to a fair trial".
- Article 8 of European Convention of Human Rights "Everyone has the right to respect for his private and family life, his home and his

⁵ Section 6 of Human Rights Act 1998

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 research to explore how public authorities comply with Section 6 of the Human Rights Act. The research⁶ 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.

- Hate crime

Scottish Refugee Council also strongly recommends that hate crime is clearly included in the Charter. This could be by adding it to the anti-social behaviour outcome. Any anti-social behaviour motivated by a form of prejudice should always be treated as an aggravated incident or crime. Charter should emphasise it as such incident requires a certain understanding and attitude towards victims and that different actions can be taken to prevent it, tackle it and work with both victims and perpetrators. (See further comments under question 11a.)

Tackling and preventing hate crime is also part of fostering good relations which is a key element of the Public Sector Equality Duty that homeless services and registered social landlords are required to comply with.

The customer/landlord relationship

We want the outcomes in this section to cover the important aspects of the customer/landlord relationship. We would like to know if you agree with the outcomes in the draft charter, and if the wording is clear and understandable.

2a. Do you agree with the ‘participation’ outcome?

Yes No

If yes, please use the box to provide any comments. If no, please tell us why.

⁶ [Delivering Human Rights in Scotland - An update on Scottish Public Authorities in 2010](#), a report by SAMH, SWA, SRC and AI, February 2011.

Scottish Refugee Council agrees with the outcome on participation. The main difficulty with tenant participation is to encourage some groups to engage. The first barrier in this situation is often that some people do not know if and how to participate. For this reason, Scottish Refugee Council would like to suggest rephrasing the first line of the outcome.

Tenants and other customers:

- *Know and understand how they can participate in their landlord's decisions, policy and activities.*

2b. Is the 'participation' outcome clear and understandable?

Yes No

If no, please tell us why.

3a. Do you agree with the 'communication and customer services' outcome?

Yes No

If yes, please use the box to provide any comments. If no, please tell us why.

3b. Is the 'communication and customer services' outcome clear and understandable?

Yes No

If no, please tell us why.

Quality of housing and the environment

We want the outcomes in this section to cover the important aspects of the quality of housing and the environment. We would like to know if you agree with the outcomes in the draft charter, and if the wording is clear and understandable.

4a. Do you agree with the 'housing quality' outcome?

Yes No

If yes, please use the box to provide any comments. If no, please tell us why.

Scottish Refugee Council agrees in principle with the outcome on 'housing quality'. We would like to recommend however that this outcome is not only limited to tenants but also includes homeless people residing in temporary accommodation. The Scottish Housing Quality Standards are applicable to temporary accommodation and there is no reason why temporary accommodation is not clearly included to the 'housing quality' outcome.

4b. Is the 'housing quality' outcome clear and understandable?

Yes No

If no, please tell us why.

5a. Do you agree with the 'repairs, maintenance and improvements' outcome?

Yes No

If yes, please use the box to provide any comments. If no, please tell us why.

Scottish Refugee Council agrees in principle with the 'repair, maintenance and improvements' outcome, however we would like, as above, to recommend that residents of temporary accommodation are included in this instance.

Although, it is understood that residents of temporary accommodation will not see planned improvements as important to them, they will see quality and timescale for the carrying out of repairs as very relevant to them and they should benefit from the same quality of service as tenants.

5b. Is the 'repairs, maintenance and improvements' outcome clear and understandable?

Yes No

If no, please tell us why.

6a. Do you agree with the 'estate management' outcome?

Yes No

If yes, please use the box to provide any comments. If no, please tell us why.

6b. Is the 'estate management' outcome clear and understandable?

Yes No

If no, please tell us why.

Access to housing and support

We want the outcomes in this section to cover the important aspects of access to housing and support. We would like to know if you agree with the outcomes in the draft charter, and if the wording is clear and understandable.

7a. Do you agree with the ‘housing options’ outcome?

Yes No

If yes, please use the box to provide any comments. If no, please tell us why.

7b. Is the ‘housing options’ outcome clear and understandable?

Yes No

If no, please tell us why.

8a. Do you agree with the ‘access to social housing’ outcome?

Yes No

If yes, please use the box to provide any comments. If no, please tell us why.

Scottish Refugee Council would however highlight the importance of this outcome to encourage landlords to improve the information they provide on how to apply for their housing. As stated in our former response, the research [Navigating the Maze, Refugee Routes to Housing, Support and Settlement in Scotland](#) demonstrated that refugees need to access advice and information on how to access suitable and affordable housing. This is also witnessed in our casework service which assists many refugees to access suitable housing. Clear information is even more vital when, in some areas, applicants need to complete both a “waiting list” application and an application to register for choice based letting schemes.

We would therefore suggest that the first line of the outcome is replaced by:

“People looking for housing:

- *Understand how to apply and are given accessible methods to apply for the widest choice of social housing that would meet their needs in the area.”*

8b. Is the ‘access to social housing’ outcome clear and understandable?

Yes No

If no, please tell us why.

9a. Do you agree with the ‘homeless people’ outcome?

Yes No

If yes, please use the box to provide any comments. If no, please tell us why.

Scottish Refugee Council welcomes the inclusion of an outcome to protect the interest of homeless households.

Scottish Refugee Council believes that a rights based approach should be adopted as well as the promotion of best practice. Refugees seek advice from Scottish Refugee Council soon after being granted leave to remain in the UK and often experience homelessness at this critical stage. Refugees will not have been in Scotland for a very long time, have little knowledge of their rights and entitlements but also of how the system works. As the aim of the Charter is to give service users a clear understanding of what they can expect from social landlords and statutory homelessness services we would recommend that information on rights and entitlements is added to this outcome.

We would like to suggest that the first line of the outcome is replaced by:

Homeless people:

- *Receive and understand information on their rights, entitlements and housing options available to be enabled to make informed choice and decisions.*

Scottish Refugee Council would also recommend deleting the word “can” from the second line of the outcome, so it reads as:

Homeless people:

- *Get accommodation and support that meets their needs and legal rights.*

Scottish Refugee Council would like to see an improvement of practice by local authorities when referring (via Section 5 referrals) homeless people to social landlords. Scottish Refugee Council is working increasingly with social landlords in order to improve housing options of refugees. This work has increased our awareness of the lack of information on support needs and special circumstances of homeless households referred to them. Such information is essential to be able to make a suitable allocation and to plan necessary support to increase the chances of tenancy sustainment. Scottish Refugee Council would like to suggest adding the following to this outcome:

Homeless people:

- *Benefit from positive and efficient communication between local authorities' homeless services and RSLs about their housing and support needs.*

9b. Is the 'homeless people' outcome clear and understandable?

Yes No

If no, please tell us why.

10a. Do you agree with the 'tenancy sustainment' outcome?

Yes No

If yes, please use the box to provide any comments. If no, please tell us why.

Scottish Refugee Council welcomes the inclusion of an outcome on tenancy sustainment. We would like however to recommend that the outcome is written in a way which encourages social landlords and homeless services to adopt a more pro-active approach in relation to early intervention.

Scottish Refugee Council would recommend adding to the outcome that:

Tenants and other customers:

- *Have their support needs identified and their financial circumstances assessed before they sign a tenancy in order to complete relevant referrals and put in place adequate support so*

they maximise their chance to have a positive resettlement.

Scottish Refugee Council would also recommend that the outcome encourages RSLs to engage better with their long term tenants who may experience difficulties in sustaining their tenancy but may not necessarily engage with their landlords.

Scottish Refugee Council would like to recommend adding the following to this outcome:

Tenants:

- *are given opportunities to have their support needs assessed beyond the sign-in stage to ensure that they manage their tenancy and to receive advice on support available if difficulties are indentified.*

10b. Is the 'tenancy sustainment' outcome clear and understandable?

Yes No

If no, please tell us why.

11a. Do you agree with the 'anti-social behaviour, neighbour nuisance and tenancy disputes' outcome?

Yes No

If yes, please use the box to provide any comments. If no, please tell us why.

Scottish Refugee Council agrees with the outcome on anti-social behaviour but would recommend that it includes situations of hate crime or incident. Although Hate crime is an aggravated form of anti-social behaviour, it is essential to encourage social landlords and homeless services to improve their practice in relation to recognising hate crime, tackling it, supporting victims and acting with perpetrators.

The legislation makes a clear difference between a simple anti-social behaviour act and one aggravated by prejudice motivated by race, religion, sexual orientation, gender, transgender and disability

The Scottish Police Force is committed to tackling hate crime and made it

one of its strategic priorities. In guidance published by ACPOS, it is stated that “Up to date research would indicate that all crime can produce post-traumatic stress (PTS) in victims, but it is recognised that PTS lasts longer in victims of hate crime, as a result of their continuing, often well-founded fear of being targeted because of their disability or colour or sexual orientation or faith: things that they cannot change.” This impact on victims justifies that agencies, including housing providers and homeless services, recognise the need for support to victim of hate crime and also to be aware of cases involving multi-discrimination and intersectionality which will mean that the person will need added sensitive support.

Within the context of the Scottish Government priorities to build strong and stable communities and to prevent homelessness, social landlords have a key role to play. For this reason it is essential that the charter becomes one of the drivers for RSLs to become more involved in tackling hate crime.

Scottish Refugee Council would recommend amending the outcome by adding hate crime to the list of incidents.

Tenants and residents:

- *are able to easily report tenancy disputes, neighbour nuisance, anti-social behaviour and hate incident or crimes*
- *get clear information on how tenancy disputes, neighbour nuisance, anti-social behaviour, hate incident or crime are dealt with*
- *are satisfied that disputes, report of hate incident or crime are dealt with quickly and effectively and tenancy conditions are promptly and fairly enforced*
- *are kept informed on progress with complaints, and understand the outcome*
- *if affected by anti-social behaviour, hate incident or crime, get the support they need to help them deal with the situation*
- *if causing nuisance or anti-social behaviour, hate incident or crime, get support to help them stop this and to keep to their tenancy agreement*
- *are satisfied that landlords are working in partnership with other agencies and the local community to prevent and tackle anti-social behaviour, hate incident or crime*

11b. Is the ‘anti-social behaviour, neighbour nuisance and tenancy disputes’ outcome clear and understandable?

Yes No

If no, please tell us why.

Getting good value from rents and service charges

We want the outcomes in this section to cover the important aspects of getting good value from rents and service charges. We would like to know if you agree with the outcomes in the draft charter, and if the wording is clear and understandable.

12a. Do you agree with the 'value for money' outcome?

Yes No

If yes, please use the box to provide any comments. If no, please tell us why.

12b. Is the 'value for money' outcome clear and understandable?

Yes No

If no, please tell us why.

13a. Do you agree with the 'rents and service charges' outcome?

Yes No

If yes, please use the box to provide any comments. If no, please tell us why.

Yes. Scottish Refugee Council welcomes the introduction of such an outcome, we would like to recommend however that this outcome includes temporary accommodation provided to homeless people. The average rent including service charges for temporary accommodation in a hostel or 1 bedroom temporary furnished flat is £250 per week. Such an amount can be covered by Housing Benefit but if the occupier loses her or his entitlement

to full benefit because of starting employment (often on low income), the rent will then become unaffordable. Even if in some cases, occupiers in that situation benefit from a reduction in their rent, such amounts are dissuasive to seek work or training in the first place.

Affordable rents and charges in temporary accommodation would encourage occupiers to accept opportunities that would help them move out of homelessness. Last year, as part of the working group on temporary accommodation led by the Scottish Government, Scottish Refugee Council provided evidence on the impact of rents and charges on employability of refugees.

Evidence provided to the Scottish Government at the time was taken from the Refugee Integration and Employability Service (RIES) of Scottish Refugee Council. RIES was a 12 month support service available to a small number of refugees who are directly referred to the service by the UK Border Agency when they have just been granted leave to remain. At the 29 October 2010, RIES was assisting:

- 307 refugees within the 12 months of service,
- 78% of them were homeless living in hostel or temporary furnished flat,
- 17% had secured settled accommodation in the private or social housing sector and
- only 8% had managed to secure employment.
- It is relevant to highlight that none of the people in employment were staying in homeless accommodation.

Scottish Refugee Council recommends that the outcome is rephrased and the following is added to the sub-outcome:

Tenants and other customers:

- *Are liable for rents and charges for settled housing and temporary accommodation that are affordable*

13b. Is the 'rents and service charges' outcome clear and understandable?

Yes No

If no, please tell us why.

14a. Do you agree with the ‘transparency’ outcome?

If yes, please use the box to provide any comments. If no, please tell us why.

Yes No

Scottish Refugee Council welcomes the introduction of a transparency outcome.

14b. Is the ‘transparency’ outcome clear and understandable?

Yes No

If no, please tell us why.

Other customers

We want the outcomes in this section to cover the important aspects of other customers. We would like to know if you agree with the outcomes in the draft charter, and if the wording is clear and understandable.

15a. Do you agree with the ‘services for Gypsies/Travellers’ outcome?

Yes No

If yes, please use the box to provide any comments. If no, please tell us why.

n/a

15b. Is the 'services for Gypsies/Travellers' outcome clear and understandable?

Yes No

If no, please tell us why.

16a. Do you agree with the 'other customers' outcome?

Yes No

If yes, please use the box to provide any comments. If no, please tell us why.

Scottish Refugee Council welcomes the fact that the Charter is clearly inclusive of service users other than tenants. The outcome however is solely relevant to home-owners. A choice needs to be made about either renaming the outcome 'home-owners' or including in this outcome, statements that are relevant to other groups. Scottish Refugee Council would recommend the latter and would suggest including at least homeless people who also may reside in property owned by social landlords. Scottish Refugee Council would suggest that outcome for homeless people could be written as the following:

Homeless households residing temporarily in social housing properties:

- *Benefit from repairs completed in timely manner*
- *Benefit from support when victim of anti-social behaviour or hate crime/incident*
- *Are given the opportunity to participate in the community*

16b. Is the 'other customers' outcome clear and understandable?

Yes No

If no, please tell us why.

Yes if aimed at home-owners only.

In conclusion

17. Do you think that a good landlord should be able to achieve these outcomes?

Yes No

Please explain your answer.

Good landlords should assess their performance against these outcomes to identify areas where improvement is needed in order to achieve these outcomes. These outcomes are objectives to work towards and it is expected that all landlords will need time and investment to achieve these. In the meantime, social landlords should be able to demonstrate how they are planning to achieve these and review their performance.

18. Do you wish to add anything that is not covered by the questions above?

No.