SUBMISSION FROM TURNING POINT SCOTLAND

Housing (Scotland) Bill 2010
1. Turning Point Scotland provides person centred support to adults with a range of complex needs. We learn from services and service users and seek to influence social policy. We provide services to people who are homeless or at risk of becoming homeless, working with them to address the issues that might have caused this situation, such as substance misuse or mental health issues with the goal of enabling them to move on into appropriate permanent accommodation.

The Scottish Housing Regulator
2. “The Bill repeals Minister’s powers under the 2001 Act to inspect RSLs and local authority housing and homelessness services and replaces these with the powers to carry out inquiries about social landlords”

3. Turning Point Scotland’s main concern regarding this Bill is the removal of the existing explicit inclusion of housing and homelessness services in the remit of the current Housing Regulator. While it may be the Government’s intention to continue to include these services in the remit of the new Scottish Housing Regulator (SHR), the provisions of this Bill are not all consistent with this aim and require clarification. If it is in fact the Government’s intention to remove these services from the regulatory regime, we would argue strongly against this shift.

4. We only have to look at a sample of the Regulator’s reports on Local Authority Homelessness Services to see the inconsistency in standards of homelessness service provision across Scotland, and that there is still a great deal of work to be done if we are to truly tackle homelessness:

<table>
<thead>
<tr>
<th>Local Authority</th>
<th>Result of last inspection</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inverclyde</td>
<td>Grade C – Fair</td>
</tr>
<tr>
<td>Comhairle nan Eilean Siar</td>
<td>Grade C - Fair</td>
</tr>
<tr>
<td>Glasgow</td>
<td>Grade C - Fair</td>
</tr>
<tr>
<td>Edinburgh</td>
<td>Grade A – Excellent</td>
</tr>
<tr>
<td>West Lothian</td>
<td>Grade A – Excellent</td>
</tr>
<tr>
<td>Stirling</td>
<td>Grade C – Fair</td>
</tr>
<tr>
<td>North Lanarkshire</td>
<td>Grade C - Fair</td>
</tr>
</tbody>
</table>

5. Many C grades recognise positive areas of activity alongside areas in need of significant improvement. These reports shone a spotlight on such areas, and required the local authorities to develop improvement action plans to address these issues. This is an important activity and we strongly oppose any attempt to do away with it.

Policy Objectives of the Bill
6. The Bill’s policy objective adds to our fears that attention is shifting away from housing and homelessness services. Our understanding of “social housing” does not include these services, and the people who use them are not generally considered to be tenants.

1 Policy Memorandum – Pg. 19
7. It may be the Government’s intention that these services and the people who use them are included in the Bill’s proposals, but if this is the case then there must be greater consistency throughout the Bill to ensure that they are included on an equal basis. The following sections refer to tenants of social landlords but exclude users of these services – we would like to see both groups included:
   - Section 34 – Performance improvement targets
   - Section 35 – Guidance: housing activities
   - Section 45 – Information from tenants on specific performance failures
   - Section 48 – Code of Practice: inquiries

**Definition of a ‘social landlord’**

8. Again, this definition leads to some confusion. Although local authorities providing housing services are included, some local authorities such as Glasgow City Council no longer provide accommodation but do continue to provide housing services. They are no longer a social landlord in the generally understood sense. Further, the proposed Scottish Housing Regulator (SHR) will keep a register of social landlords, but this will not include local authority landlords or local authorities which provide housing services – although these are both considered social landlords under the definition in the Bill.

9. We want to see a clear definition of a ‘social landlord’ in order to ensure that local authorities providing housing and homelessness services are subject to at least the same, if not improved levels of accountability.

**Objective of the SHR**

10. We welcome the inclusion in Section 2(1) of people who are or who may become homeless or recipients of housing services, in answer to consultation responses on the Draft Bill. Having recognised the importance of these services and service users, we feel that Section 3 should make specific reference to homelessness services, rather than the existing general reference to “housing activities”.

**Self-assessment**

11. In our response to the consultation on the Draft Bill, Turning Point Scotland highlighted our concern that the proposed regulatory system relies on self-regulation and does not give sufficient attention to the views and experiences of people using the services. Section 38 should include a mechanism for this input to be considered by the SHR when assessing a social landlord’s performance.

12. We are concerned that a shift to full self-regulation may not achieve the stated objectives. We agree that social landlords who are performing well should not be over-burdened by the inspection regime, and that self-regulation may be appropriate in these cases. However we do not believe that it will be sufficient for social landlords who are not performing well. Turning Point Scotland supports the proposal made by Glasgow Homelessness Network for self-assessment to be introduced to social landlords who scored well in their previous inspection, while the existing system of inspections is maintained for those who did not.

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2 Section 20 (2)
13. One of our main concerns is that the self-assessment information on housing and homelessness services may not reflect the experiences of the people using them. One suggestion would be to set requirements on social landlords to fulfil specific involvement criteria and evidence the way in which they have involved the people using their services in their self-assessment. Section 42 provides another tool by giving the SHR the power to survey the physical condition of housing stock. If this power to validate self-assessment information is to be introduced, we believe it could go further than the current scope.

Assessment of social landlords
14. Section 38 makes specific reference to levels of rent and other service charges in the list of issues for the SHR to consider in the assessment of social landlords. We would like this section to include the requirement for the SHR to consider the level and quality of housing services provided by social landlords, with a particular regards to the prevention and alleviation of homelessness. We would also like this section to include the requirement for the SHR to consider input from users of these services.

Scottish Social Housing Charter
15. We have already highlighted the need for clarity around the terminology used in this Bill, and the Scottish Social Housing Charter is a further example. The definitions set out in Section 150 state that the “housing activities” referred to in Section 31 include homelessness and housing support services. However, these services are not considered social housing. To avoid any doubt over the importance of these services, and their inclusion in this charter – if that is indeed the Government’s intention – we would like to see them explicitly referred to, and consideration given to finding a more appropriate name for this charter.

Performance improvement targets
16. We are concerned that there is no requirement to consult tenants of social landlords, users of housing and homelessness services or their representatives when a proposed performance improvement target only affects one landlord. We feel that the people who use the services of the social landlord in question and their representatives should be involved.

Code of Practice
17. We feel that the wording of this section should be strengthened to place a clear requirement on the SHR to meaningfully involve the tenants of social landlords, users of housing and homelessness services and their representatives in the development of the code of practice, rather than consulting with them before the code is issued.

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Turning Point Scotland

2 March 2010