



REPORT TO: COMMUNITIES COMMITTEE ON 20 NOVEMBER 2018

SUBJECT: SCOTTISH SOCIAL HOUSING CHARTER COMPLIANCE

**BY: CORPORATE DIRECTOR (ECONOMIC DEVELOPMENT,
PLANNING AND INFRASTRUCTURE)**

1. REASON FOR REPORT

- 1.1 To inform the Committee of the details of the Council's landlord report from the Scottish Housing Regulator (SHR), progress on the Annual Performance Report to tenants and other customers and the SHR consultation on the review of the regulatory framework for social housing landlords.
- 1.2 This report is submitted to Committee in terms of Sections III (A) (4) and III (G) (15) of the Council's Scheme of Administration relating to contributing to public performance reporting; and developing and monitoring the Council's Performance Management Framework for the Communities Services.

2. RECOMMENDATION

2.1 It is recommended that the Communities Committee:

- i) **reviews the Council's performance against the Scottish Social Housing Charter in 2017/18;**
- ii) **considers and notes the Annual Performance Report to tenants and other customers; and**
- iii) **considers and approves the draft response to the Scottish Housing Regulator's consultation on the review of the regulatory framework.**

3. BACKGROUND

- 3.1 The Scottish Social Housing Charter came into force on 1 April 2012. The aim of the Charter is to improve the quality and value of the services provided by social landlords. The Charter sets out the minimum standards and outcomes that tenants can expect from their landlord, including the quality of and value for money of services, the standard of homes and the opportunities to participate in their landlord's decision making processes. Using a range of performance indicators, the SHR monitors, and assesses landlords' performance against the Charter.

- 3.2 Each year, social landlords must submit an Annual Return on the Charter (ARC) to the SHR. On 26 June 2018, this Committee was informed that the Council's ARC was submitted in May 2018 and that the results for all social landlords would be published on 31 August 2018 (paragraph 10 of the Minute refers).

4. LANDLORD REPORT

- 4.1 On 31 August 2018, the SHR published the landlord reports for 2017/18. The Council's landlord report can be found in **APPENDIX I**.
- 4.2 The landlord report compares the Council's performance on the key Charter indicators with the Scottish average. It should be noted that the average performance for local authorities tends to be below the Scottish average which includes all social landlords (local authorities, housing associations and housing co-operatives). Where appropriate, both are included in this report to provide further context.
- 4.3 The 2017/18 performance is summarised below under 6 themes:

Overall Satisfaction

- 4.4 The 2015 tenant survey found that 80% of tenants were satisfied with the overall service. However, this percentage takes no account of improvements implemented since the 2015 survey. The Scottish average was 90.5% but the local authority average was 83.6%. The tenant survey 2018 is currently underway and the findings of this will inform the Annual Return on the Charter (ARC) for 2018/19.

The Customer/Landlord Relationship

- 4.5 The 2015 tenant survey identified that 77.7% of tenants felt that the Council was good at keeping them informed about services and decisions. This is lower than the Scottish average (91.7%) and the local authority average (80.8%). Tenants are informed about services and decisions through a range of methods including a six-monthly newsletter, a comprehensive tenant handbook, an extensive range of leaflets, an annual performance report, and also through the Council's website and social media.
- 4.6 In 2017/18, the Housing Service responded to 77.8% of 1st stage complaints within the Scottish Public Sector Ombudsman (SPSO) timescale of 5 working days. This is below the Scottish average of 86.3% but close to the local authority average of 79.6%. For 2nd stage complaints, 74.3% were responded to within the SPSO timescale of 20 working days. This is also below the Scottish average of 83.4% but slightly better than the local authority average of 73.1%. A lower proportion of complaints were upheld in Moray with 37.6% of 1st stage complaints and 38.6% of 2nd stage complaints upheld. The Scottish average was 54.3% and 49% respectively. There were no complaints relating to equalities issues in 2017/18.
- 4.7 The 2015 tenant survey found that 60.3% of tenants were satisfied with the options to participate in their landlord's decision making processes. However, a third of respondents were 'neither satisfied nor dissatisfied' and therefore performance was below the Scottish average (85.9%) and the local authority average (73.5%). The Council's tenant participation strategy was reviewed in 2016/17 and the Tenants' Voice newsletter regularly contains information on

tenant participation opportunities and updates on how tenant feedback has been used to improve services.

Housing Quality and Maintenance

- 4.8 At 31 March 2018, 95.8% of properties met the Scottish Housing Quality Standard (SHQS) against the Scottish average of 94.2%. The remainder were exempt (203 properties) because they were either 'hard to treat' or classed as an abeyance (where work cannot be done for 'social' reasons such as the tenant refusing remedial works).
- 4.9 All social landlords must meet the Energy Efficiency Standard for Social Housing (EESH) by December 2020. At 31 March 2018, 55.4% of properties met the EESH which is below the Scottish average (79.8%) and the local authority average (75.3%). A programme of works to improve the Council's EESH performance will be delivered in 2018/19 and 2019/20.
- 4.10 Tenants satisfied with the standard of their home when moving in (78.9%) was below the Scottish average (90.2%) and the local authority average (88.3%). Out of the 90 responses received in 2017/18, just 11 tenants expressed dissatisfaction with the standard of their home when moving in.
- 4.11 The 2015 survey found that 86% of tenants were satisfied with the quality of their home. This is close to the Scottish average (87.9%) and better than the local authority average (81.8%).
- 4.12 In 2017/18, the average time to complete emergency repairs was 2.6 hours which places the Council within the upper quartile of local authorities (Scottish average 4.0 hours, local authority average 4.6 hours). Non-emergency repairs were completed within an average of 7.7 working days (Scottish average 6.4 working days, local authority average 7.5 working days).
- 4.13 The Council completed 81.2% of non-emergency repairs right first time in 2017/18 (Scottish average 92.2%, local authority average 92.4%). This indicator remains difficult to measure and officers believe that the Council's performance against this indicator is higher than what is being calculated.
- 4.14 The Council kept 93.3% of non-emergency repairs appointments. This was similar to both the Scottish average (95.5%) and the local authority average (95.2%).
- 4.15 There was an improvement in performance on gas safety management with 100% of properties requiring a gas safety record having a gas safety check completed by the anniversary date. This performance was better than the Scottish average (99.8%) and places the Council within the upper quartile.
- 4.16 Satisfaction with the repairs service (83.2%) was below the Scottish average (92.1%) and the local authority average (94.4%). A new process was introduced in November 2017 to gather customer feedback by telephone and only 21 of the 375 tenants responding expressed dissatisfaction.

Neighbourhood and Community

- 4.17 The 2015 tenant survey found that satisfaction with the management of the neighbourhood at 76% was below the Scottish average (88%) and the local authority average (81%).
- 4.18 In 2017/18, 95.1% of antisocial behaviour cases were resolved within local target timescales which was higher than the Scottish average (87.9%). There was a significant improvement in performance but this was partly due to a review of resolution target timescales, which extended the time to respond to category B (less serious or non-criminal antisocial behaviour complaints) and category C (low level neighbour disputes and minor tenancy breaches) complaints.
- 4.19 The percentage of tenancy offers refused (31.7%) was better than the Scottish average (35.9%) and placed the Council within the upper quartile of local authorities. A low refusal rate helps to minimise void periods and rent loss.

Access to Housing and Support

- 4.20 Tenancy sustainment, where tenancies lasted for more than 12 months, was significantly higher in Moray (94.3%) than the Scottish average (88.7%). The Council had the highest sustainment rate of all local authorities.
- 4.21 The turnover of properties in Moray (6.9%) was lower than the Scottish average (8.6%) and for local authorities only (8.3%). This demonstrates the acute pressures that continue to prevail in terms of the supply of affordable housing in Moray.
- 4.22 The Council approved 82.9% of medical adaptations and completed these within an average of 43.2 days. This compares nationally at 84.3% and 51.3 days respectively. The governance arrangements for adaptations have now transferred to the Integration Joint Board which has established a governance group to drive improvements in the delivery of adaptations. The Housing service is represented in this group.
- 4.23 The proportion of court actions resulting in eviction in Moray (14.8%) was lower than the Scottish average (16.8%) but slightly higher than the local authority average (13.7%). All court actions in 2017/18 were for rent arrears with 9 resulting in eviction. The Housing Service only uses eviction as a last resort where all efforts to engage with the tenant have been unsuccessful.
- 4.24 The average stay in temporary accommodation (90.5 days) was shorter than the national average (103.2 days). The Council made an offer of temporary accommodation to all homeless households who required it. The refusal rate for temporary accommodation (7.9%) has consistently improved in each of the past three reporting years and is better than the Scottish average (9.0%). Most refusals were for the Council's private hostel and the most common reason for refusing a property was location.
- 4.25 Although the response rates for households satisfied with the quality of their temporary accommodation remains low, 94.4% of households who were accommodated were satisfied which is better than the national average of 87.9% and within the upper quartile.

Getting Good Value from Rents and Service Charges

- 4.26 Despite the increase in rents in recent years to support investment in the new build programme, the overall average weekly rent for a Council home in Moray (£57.38) remains significantly lower than both the Scottish average (£76.23) and the local authority average (£70.36). Moray has the second lowest overall average weekly rent of all local authorities and housing associations.
- 4.27 The 2015 survey found that 84% of tenants feel their rent is good value for money which was better than the Scottish average of 83.2%.
- 4.28 The rent lost through properties being vacant in Moray was 0.7%, which is the same as the Scottish average and within the upper quartile for local authorities. The time to re-let empty properties in Moray (34.8 days) was slightly higher than the Scottish average (30.7 days) and the local authority average (34.3 days).
- 4.29 The Council collected 101.8% of the total rent due which was better than the Scottish average (99.4%) and the highest result of all local authorities. Current and former tenant arrears are included within the calculation which explains why the figure is over 100%.
- 4.30 The Council had the lowest rent arrears (2.4%) of all local authorities. The Scottish average was 5.2% and the local authority average was 6.7%.

5. ANNUAL PERFORMANCE REPORT

- 5.1 The SHR requires social landlords to produce an annual report on their performance against the Charter and make it available to tenants and other customers by no later than 31 October. The Annual Performance Report can be found in **APPENDIX II**. The report must:
- assess performance in delivering the Charter outcomes and standards relevant to the landlord;
 - include relevant comparisons with previous years, other landlords and with national performance; and
 - identify how and when the landlord intends to address areas for improvement.
- 5.2 The SHR expects the report to be developed in partnership with tenants and other customers, rather than exclusively by the Council. The format, content and design of the Council's report has been developed in discussion with the Moray Tenants' Forum and also from tenant feedback on the 2016/17 performance report. The report mirrors the key themes of the Charter which are:
- Customer satisfaction and tenant participation;
 - Housing quality, repairs, maintenance and improvements;
 - Estate management and antisocial behaviour;
 - Housing options and access to social housing;
 - Tenancy sustainment;
 - Homeless people; and
 - Value for money, rents and service charges.
- 5.3 The report is available on the Council's website. It has been promoted through social media and also within the Summer Tenants' Voice newsletter

where tenants were given the option to request a paper copy. Copies have also been issued to access points, homeless hostels and to tenant representatives.

6. CONSULTATION ON THE REGULATION OF SOCIAL HOUSING IN SCOTLAND

- 6.1 The SHR is consulting on changes to its regulatory framework and all associated statutory guidance. The Council intends to participate in this consultation which is due to end on 14 December 2018. The consultation can be found online at:

www.scottishhousingregulator.gov.uk/what-we-do/how-we-regulate/our-regulation-social-housing-scotland-consultation-2018. The key changes proposed are the introduction of landlord assurance statements and a review of the statutory performance indicators.

Supporting landlords' self-assurance

- 6.2 The SHR is proposing that annual Assurance Statements be produced by all social landlords. The draft statutory guidance on annual Assurance Statements can be found online at:

www.scottishhousingregulator.gov.uk/publications/annual-assurance-statement-statutory-guidance-draft-consultation-regulatory-framework. The main requirements are:

- The statement must come from the landlord's governing body or Committee;
- Landlords must notify the SHR of material changes including positive developments and areas of non-compliance; and
- The landlord must hold evidence to support the statement which could include committee reports, policy monitoring and compliance work, performance monitoring and the involvement of tenants and other customers in decision making processes.

- 6.3 The Assurance Statement will inform how the SHR engages with landlords. The SHR currently produce Engagement Plans for Registered Social Landlords (RSLs) and plan to extend this to local authorities.

- 6.4 The SHR is suggesting that social landlords would submit their first Assurance Statement between April and October 2019. The Assurance Statement and the landlord's Engagement Plan must also be made available to tenants and other service users.

Annual Return on the Charter (ARC)

- 6.5 The SHR is also reviewing the statutory performance indicators included in the ARC. It is likely that changes to the performance management framework would be implemented from 1 April 2019. Some of the changes may require a review of how data is collected and in some cases changes to reports or systems. Officers are concerned about the early introduction and have highlighted this in the draft consultation response.

- 6.6 The SHR has emphasised that landlords must give proper consideration to equality and human rights in how they take decisions, set policies and deliver services. Although the SHR is proposing to stop collecting the small number of equality indicators in the ARC, they will require landlords to monitor all of

the protected characteristics. Landlords will be expected to use this data to understand their customers' needs and discharge their legal duties.

- 6.7 A draft response to the consultation has been included in **APPENDIX III** for the Committee to consider and approve. Some of the proposed changes are technical therefore part of the response queries some of the indicators that are particularly difficult to measure. A further report, detailing the changes and their implications will be presented to a future meeting of this committee.

7. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

Moray 2026 and the Service Plan (Priority 4) identify the need to involve tenants in improving service quality. Good quality services for social housing tenants will help promote healthier citizens and adults living in healthier, sustainable independent lives safeguarded from harm.

(b) Policy and Legal

Reporting on Scottish Social Housing Charter performance indicators is a legal requirement under the Housing (Scotland) Act 2010.

(c) Financial Implications

There is a cost associated with producing and sending out the Annual Charter Performance Report. Tenant feedback indicated that paper copies of the report should only be available on request. As a result of this change in process it is expected that there will be a significant saving in the region of £5.5k.

(d) Risk Implications

The Scottish Housing Regulator requires that tenants are provided with meaningful opportunities to participate in the management of their homes and decision making processes. Failure to develop an appropriate tenant involvement structure presents a regulatory risk along with a failure to provide a customer focussed service.

(e) Staffing Implications

There are no staffing implications associated with this report.

(f) Property

There are no property implications associated with this report.

(g) Equalities/Socio Economic Impact

Equalities issues have been considered as part of the development of the ARC and the Annual Performance Report to tenants and other customers.

(h) Consultations

Consultation on this report has taken place with the Head of Housing and Property, senior managers within Housing and Property, the Committee Services Officer (Caroline Howie), the Legal Services Manager (Property and Contracts), the Principal Accountant (Deborah

O'Shea) and the Equal Opportunities Officer. Their comments have been incorporated in this report.

8. CONCLUSION

- 8.1 The report provides the Committee with an update on the Council's compliance with the Scottish Social Housing Charter and the Scottish Housing Regulator's proposals to change the regulatory framework for social landlords.**

Author of Report: Daska Murray, Senior Housing Officer (Information)
Background Papers: With author
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