
Report to: Clackmannanshire Council

Date of Meeting: 1st December 2022

Subject: Scottish Housing Regulator Annual Assurance Statement

Report by: Strategic Director (Place)

1.0 Purpose

- 1.1. This report references the 2019 changes to the regulatory framework for social housing in Scotland and asks members to approve the submission of Clackmannanshire Council's Annual Assurance Statement to the Scottish Housing Regulator (SHR) on 31st October 2022. (The Council's Annual Assurance Statement is attached as Appendix 1).

2.0 Recommendations

- 2.1. It is recommended that Council:
- 2.1.1 Approve the 2021/22 submission of the Annual Assurance Statement to the Scottish Housing Regulator, noting the relevant changes to the regulatory framework for social housing in Scotland and the impact of Covid-19 on our ability to implement the improvement actions required to be undertaken.

3.0 Considerations

- 3.1. As required by section 31 of the Housing (Scotland) Act 2010, the Scottish Ministers set the standards and outcomes that all social landlords should aim to achieve when performing their housing activities.
- 3.2. The Charter was approved by resolution of the Scottish Parliament in 2012, taking effect from 1 April 2012. Reporting on performance against the Charter is undertaken via the Annual Return of Charter (ARC), which all social landlords are required to return annually by 31st May.
- 3.3. Following consultation a revised Regulatory Framework was introduced in February 2019 detailing revised regulatory requirements for social landlords in Scotland:
- New requirements for collection and publishing of data,
 - New requirement for social landlords to submit annually an Annual Assurance Statement to the SHR to provide assurance that social

landlords are meeting the standards and outcomes set out within the Scottish Social Housing Charter,

- How forward engagement by the SHR with landlords will take place.

3.4. ***The Annual Assurance Statement***

3.5. The Annual Assurance Statement requires that all social landlords in Scotland provide assurance to the regulator that they comply with the relevant regulatory standards and legal requirements, and are able to provide evidence in support of this. Areas of non-compliance are required to be stated, these termed as “material non-compliances”.

3.6. The first submission of the Annual Assurance Statement was made to the Regulator on 31st October 2019 with subsequent submissions then made in 2020 and 2021. Clackmannanshire Council’s Annual Assurance Statement for 2021-22 is attached as Appendix 1.

3.7. The Council are required to publish and make available to tenants and service users the Assurance Statement submission, the Statement will be made available on the Council’s webpage relating to Housing Performance.

3.8. SHR guidance suggests that the statement submitted should provide a short overview of compliance level with supplementary evidence to support the statement being held elsewhere by each landlord. This overview evidence has been shared in members rooms.

3.9. The supplementary evidence provides assurance that the Council has in place robust mechanisms to ensure that appropriate levels of governance and monitoring of relevant service provision against the statutory and regulatory standards takes place.

3.10. Supplementary evidence has been gathered through interrogation of both local and corporate arrangements currently in place to ensure effective service delivery. It is a key requirement by the SHR that assurance be reviewed by each landlord throughout the year, for Clackmannanshire Council the Housing Business Management Team will lead a working group to review performance quarterly.

3.11. The Housing Spokesperson (Place) is required to sign off on the Assurance Statement as being a true and accurate reflection of assurance within the housing service.

3.12. ***Forward Engagement by SHR***

3.13. The Assurance Statement notes that Clackmannanshire Council achieves all but the following standards and outcomes in the Scottish Social Housing Charter for tenants, people who are homeless and others who use our services:

Type of Material Non-Compliance	Area of Material Non – Compliance	Reason for Material Non-Compliance
Legislative	Anti-Social Behaviour	No corporate or housing policy in place currently

Legislative	Homelessness	Breach of the Homeless Persons (Unsuitable Accommodation) Order (Scotland) due to use of temporary accommodation out with the local authority area. Works are ongoing to make as many council owned properties available as possible within the local authority area.
Legislative	Tenant and Resident Safety	Postponed electrical safety checks as result of Covid-19 have meant 1540 properties are now overdue an electrical safety check. A planned catch up works programme is underway and due to be completed by August 2023. The normal programme for testing is based on 1,000 properties being tested each year with every domestic property then having been tested once every 5 years in line with electrical safety guidance. The number of properties being tested over the next year is two and a half times what would ordinarily be tested.
Legislative	Involve Tenants and other Service Users in the preparation and scrutiny of performance information	The current Tenant Participation Strategy is now out of date with a new Strategy required to be developed and implemented, this to include for detail on planned tenant scrutiny arrangements.

- 3.14. The above noted areas of service delivery has been reported to the Regulator as items of material non-compliance.
- 3.15. Performance has and still does continue to be impacted by significant challenges ongoing due to Covid-19 with a lesser level of available resource capacity and the ongoing internal restructure within the Place Service restricting our ability to progress performance improvement actions required.
- 3.16. Areas of non-compliance must be reported. Where assurance is provided to the SHR that effective plans and the capacity and willingness to improve or resolve the issue are in place the SHR will ask to be kept up to date on progress within the improvement area.
- 3.17. In these circumstances the SHR will not engage with the landlord unless the issue presents such a significant risk to the interests of tenants and service users that they need to monitor it closely, or take action, to ensure it is resolved successfully.
- 3.18. A forward plan of improvement actions has been developed and is being implemented to address the under performance within the areas noted in the above table. These actions are outlined within the Assurance Statement (attached as Appendix 1).
- 3.19. The Scottish Housing Regulator Engagement Plan (2021/22 and 2022-23) for Clackmannanshire Council highlights an intention to analyse the councils work in relation to services to people who are homeless and the site for

Gypsy/Travellers. We will continue to work with the SHR to provide required information on our homeless service and the Gypsy/Travellers site.

4.0 Sustainability Implications

- 4.1. The information contained within the Assurance Statement and its supporting evidence demonstrates that housing priorities contribute positively to sustainability.

5.0 Resource Implications

5.1. *Financial Details*

Finance have been consulted and have agreed the financial implications as set out in the report. Yes

6.0 Exempt Reports

- 6.1. Is this report exempt? Yes (please detail the reasons for exemption below) No

7.0 Declarations

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

- (1) **Our Priorities** (Please click on the check box)

Clackmannanshire will be attractive to businesses and people and ensure fair opportunities for all

Our families, children and young people will have the best possible start in life

Women and girls will be confident and aspirational, and achieve their full potential

Our communities will be resilient and empowered so that they can thrive and flourish

- (2) **Council Policies** (Please detail)

8.0 Equalities Impact

- 8.1. Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations? Yes No

9.0 Legality

- 9.1. It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes

10.0 Appendices

Appendix 1 - Annual Assurance Statement to the Scottish Housing Regulator 2021/22.

11.0 Background Papers

- 11.1. Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered).

Yes No

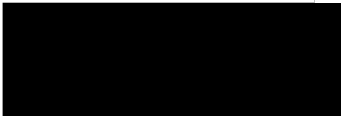
(please list the documents below)

Clackmannanshire Council – SFHA & ALACHO Self Assurance evaluation working papers – *shared in member's room*

Author(s)

NAME	DESIGNATION	TEL NO / EXTENSION
Andrew Buchanan	Team Leader Business Improvement	5169
Tony Cain	Service Manager Housing (Place) (Acting)	5113

Approved by

NAME	DESIGNATION	SIGNATURE
Pete Leonard	Strategic Director (Place)	



Clackmannanshire Council Annual Assurance Statement 2022 to the Scottish Housing Regulator

Clackmannanshire Council complies with all relevant regulatory requirements set out in Chapter 3 of the Regulatory Framework.

We meet all but the below noted relevant standards and outcomes in the Scottish Social Housing Charter for tenants, people who are homeless and others who use our services:

Legislative Duties - Homelessness

Legislative duties associated with housing and homelessness services, equality and human rights, and tenant and resident safety.

- Have assurance and evidence that the Council is meeting all its legal obligations associated with housing and homelessness services.

We do not materially comply with meeting our legal obligations in Homelessness due to our non compliance with the Scottish Governments Homeless Persons (Unsuitable Accommodation) (Scotland) Order. This is due to our current need for use of temporary accommodation located out with our Local Authority area.

The below noted actions are planned to be undertaken in order to help us move toward achieving adequate levels of accommodation provision within the Local Authority area and the meeting of the Homeless Persons (Unsuitable Accommodation) (Scotland) Order -

1. The service continues to monitor the local housing market for properties which may boost our own stock of suitable accommodation
2. The service continues to explore options with our RSL partners
3. The Service plans to consider some architectural changes to three of our managed temporary accommodation blocks. This would provide potential increase in number of units available within each block. Feasibility study is required.
4. The service is considering the guidance relating to the Rapid Re-housing Transition Plan (RRTP) grant fund with view to a pilot being enacted to address issues around qualification for Scottish Welfare Funding.

Legislative Duties – Anti-Social Behaviour

Legislative duties associated with housing and homelessness services, equality and human rights, and tenant and resident safety.

- Have assurance and evidence that the Council is meeting all of its legal obligations associated with housing and tenant and resident safety.

We do not materially comply with meeting our legal obligations toward management of anti-social behaviour due to there being no recognised anti-social behaviour policy in place.

The below noted actions are planned to be undertaken in order to achieve compliance in within this area -

1. Cross service corporate wide Anti-Social Behaviour Policy to be developed and in use by 31st October 2023. The requirement for this to be noted within the Business Plan for appropriate Directorate.

Legislative Duties – Tenant and Resident Safety

Legislative duties associated with housing and homelessness services, equality and human rights, and tenant and resident safety.

- Have assurance and evidence that the Council is meeting all of its legal obligations associated with housing and tenant and resident safety.

We do not materially comply with meeting our legal obligations to ensure that every council home has had an electrical safety check undertaken within 5 years and has a valid electrical safety certificate to show this. This is due to planned programme postponement during the Covid-19 pandemic.

The below noted actions are planned to be undertaken in order to achieve compliance in within this area –

1. A planned programme of catch up works has been devised and is underway, target date for completion is August 2023.

Legislative Duties – Tenant and Resident Safety

Legislative duties associated with housing and homelessness services, equality and human rights, and tenant and resident safety.

- Have assurance and evidence that the Council is meeting all of its legal obligations associated with housing and tenant and resident safety.

We do not materially comply with meeting our legal obligations to ensuring adequate provision is in place to involve tenants, and where relevant other service users, in the preparation and scrutiny of performance information. This is due to a lack of a current Tenant Participation Strategy containing defined methods for scrutiny.

The below noted actions are planned to be undertaken in order to achieve compliance in within this area –

1. Development of a new Tenant Participation Strategy to be progressed working collaboratively with TIS (Tenant Information Service). This partnership working has worked well on previous TP strategies and is to be progressed with members, officers and RTOs being asked to participate.
2. Recruitment to be undertaken to position of Tenant Participation Officer (this noted within HRA Business Plan approved by Council)
3. A Scrutiny Panel (& or re-establishment of tenant HRA Board) to be set up to monitor and assess performance across the housing service.

4. A focus will be placed on reaching out to RTOs to re-engage with the council and foster sound lines of communication and partnership working.

5. The results from the 2022 tenant's satisfaction survey (3 yearly survey) to be assessed and areas of under performance addressed through joint working between the council and RTOs

The Scottish Housing Regulator Engagement Plan (2021/22 and 2022/23) for Clackmannanshire Council highlights an intention to analyse the councils work in relation to services to people who are homeless and the site for Gypsy/Travellers. We will continue to work with the SHR in 2022/23 to provide required information on our homeless service and the Gypsy/Travellers site.

To meet our level of assurance we considered appropriate evidence against each of the requirements and will continue to do so during the course of the year.

Clackmannanshire Council have plans in place to revise our approach to the collection of equalities information and we have started to consider how to apply a human rights approach to our work.

The Annual Assurance Statement 2022 to the Scottish Housing Regulator will be presented to Council Audit Committee on 15^h December 2022.

Signed

Housing Spokesperson (Place): Councillor Jane McTaggart

Date: 04/11/22



Senior Manager (Housing): Tony Cain

Date: 08/11/2022



Strategic Director (Place): Pete Leonard

Date: 08/11/2022

