**CLACKMANNANSHIRE COUNCIL**

**THIS PAPER RELATES TO ITEM 11**

**ON THE AGENDA**

---

**Report to Clackmannanshire Council**

---

**Date of Meeting: 26 November 2026**

---

**Subject: Housing Policies: Damp and Mould Policy, Housing Eviction Policy, Housing Repairs Policy & Westhaugh Allocations Policy**

---

**Report by: Director (Place & Economy)**

---

## 1.0 Purpose

1.1. This report outlines the work undertaken to review Housing Policies within the following areas:

- Damp and Mould;
- Evictions;
- Housing Repairs;
- Westhaugh Allocations

And asks members to note, review and approve the proposed changes to the policies.

## 2.0 Recommendations

2.1. It is recommended that the Council:

2.2. Note the changes to the Housing Service's policies referenced within this report:

- Damp and Mould Policy (Appendix 1)
- Housing Eviction Policy (Appendix 2)
- Housing Repairs Policy (Appendix 3)
- Westhaugh Allocations Policy (Appendix 4)

2.3. Approve the proposed changes to the policies.

## 3.0 Background

3.1. The Damp and Mould, Housing Repairs and Westhaugh Allocations Policies were last reviewed and brought forward to the Council for consideration and approval in August 2025, whereas the Housing Eviction Policy was last approved back in October 2024.

3.2. Generally, the Housing Service seeks to carry out a full review of housing policies on a 3-year cycle. However, since the policies were last approved at the October 2024 and August 2025 Council meetings, there have a been a number of major legislative and regulatory changes within the Scottish social housing sector alongside internal operational developments within Housing and Property Services, including the completion of the Westhaugh Gypsy/Traveller site re-development project. As such the Service requires to amend the policies to ensure that they align with the statutory requirements and remain relevant, fit-for-purpose, and reflective of the strategic priorities of the Service and the wider Council as well as the needs of its customers.

3.3. The Damp and Mould, Housing Repairs and Housing Eviction policies were reviewed following consultations with tenants and Registered Tenant Organisations (RTOs). Feedback from online and in-person sessions held with Clackmannanshire Tenants and Residents Federation (CTRF) and the Sauchie Community Group informed the final policy documents.

3.4. Throughout spring 2026, the Housing Service engaged with Westhaugh residents on the development of the tenancy agreement ahead of the site's re-opening. Subsequently, the Westhaugh Allocations Policy was amended embedding the tenancy provisions developed through this process, particularly the Council's discretion to consider tenancy transfer requests. These provisions seek to provide current and future Westhaugh tenants with rights comparable to those of Scottish Secure Tenants, insofar as the differing legislation allows.

3.5. In reviewing the policies, careful consideration was also given the Promise and the Council's duties under the UNCRC (Incorporation) (Scotland) Act 2024. The policies were reviewed against the strategic aims and objectives set out within the Council's Keeping the Promise Plan to ensure that, where relevant, the proposed changes reflect the commitments of the Promise.

## 4.0 Considerations

<u>Damp and Mould</u>

4.1. The Housing (Scotland) Act 2025 and the Investigation and Commencement of Repair (Scotland) Regulations 2026 introduce the core damp and mould provisions, commonly known as "Awaab's Law" that all social housing providers within Scotland must meet.

4.2. The Regulations make amendments to the Scottish Secure Tenants (Right to Repair) Regulations 2002 (The "Right to Repair" scheme), offering tenants with greater protections and rights in relation to damp and/or mould concerns. From 6th October 2026, any damp and/or mould issues that have been reported or discovered within tenants' homes must be addressed within prescribed timescales.

4.3. The Damp and Mould Policy is being amended to set out how the Council will respond to damp and/or mould within tenants' homes. All reports or identified cases of damp and/or mould will be dealt with in line with the relevant statutory timescales as follows:

- Following the initial report or discovery of damp and/or mould within tenant's home, an investigation will be carried to assess the nature and scope of the issue within 10 working days;

- Tenants will be provided within a written summary of the investigation results within 3 working days following the results of the investigation;

- If the investigative officer determines that the property is not substantially free from damp and/or mould, any qualifying repairs will commence within 5 working days of the investigation being completed and will be completed within 20 working days of the repair commencing.

4.4. In certain extenuating circumstances beyond the Council's control, the Council may not be able to meet these timescales. This includes, but is not limited to: severe weather conditions, unforeseen resource shortages or supply chain issues, or where complex structural repairs are required to remediate the issue in full. In line with regulations and national guidance issued by the Scottish Government, the Council may suspend these statutory timescales, provided that tenants are notified of the suspension, including reasons for the suspension and revised timescales to address the issue.

4.5. However, where the Council has failed to adhere to statutory timescales and where suspensions do not apply, the tenant may seek redress via the Council's Corporate Complains Procedure. Where the tenant remains dissatisfied with the resolution and it is determined that the Council has failed to meet the statutory timescales, the tenant may eligible for monetary compensation of an initial £15 payment with a further £3 for each working day of delay up to a maximum of £100 for any one repair issue.

<u>Housing Repairs</u>

4.6. The Housing Repairs Policy is being amended to include references to the above-mentioned changes to the Damp and Mould Policy, as they are being incorporated into the tenants' overarching rights under the "Right to Repair" scheme to have certain repairs carried out within legal prescribed timescales.

4.7. Furthermore, the Scottish Housing Regulator (SHR) requires social landlords to report on their repairs service performance and associated response timescales, which includes new damp and mould indicators. However, this excludes cases where the landlord was unable to gain access to the properties as per the landlord's own policies.

4.8. The Policy seeks to provide further clarity on the Council's no access arrangements. Where trades operatives cannot gain access to the property for repairs appointment, a calling card will be left at the property and a "No Access" letter will be issued, advising the tenant to contact the Council to arrange a further appointment within 5 working days If the tenant fails to response within 5 working days, the repairs request will be cancelled and the case will be

closed, with a new repairs case opened when the tenant re-engages with the tenant.

4.9. Moreover, the Housing Repairs Policy seeks to further clarify and embed its approach to out-of-hours emergency repairs response with the aim of reducing the number of inappropriate callouts and ensure a more effective use of staff time in line with Working Time Regulations 1998.

4.10. In circumstances where the tenant reports an emergency out-of-hours repair, the Council will provide an out-of-hours emergency repairs service only where it is unreasonable and/or safe for the repair to wait until the next working day to reduce inappropriate callouts. This will be determined on a case-by-case basis with considerations given to household vulnerabilities, nature and severity of the reported fault, the time of the year, including periods of colder weather and reduced daylight hours

4.11. The Policy also seeks to solidify the Council's current informal approach to installation and maintenance of Solid Fuel Heating Systems in tenants' homes. The Council will not grant approval for the installation of any new solid fuel heating systems, nor will it permit replacement with another solid fuel appliances. Where a previous permission has been granted, the tenant will be allowed to keep the appliances, so long as it has been installed by HETAS-registered installer with annual servicing carried out by HETAS-approved contractor.

<u>Housing Eviction</u>

4.12. Part 3 of the Domestic Abuse (Protection) (Scotland) Act 2021 went live in August 2026 and makes changes to the Schedule 2 of the Housing (Scotland) Act 2001. It introduces a new ground for eviction on the basis of abusive behaviour, known as the "Domestic Abuse" ground, permitting social landlords to seek eviction action against tenants who have engaged in abusive behaviour towards their partner/ex-partner with the aim of supporting the victim/survivor and any affected household members to remain in their homes where they wish to do so.

4.13. The Housing Eviction Policy is being amended to reflect these changes. In line with the newly introduced legislation, the Council may seek to evict a tenant or a joint tenant where they have engaged in abusive behaviour towards their partner or ex-partner ("victim/survivor"), where it is the victim/survivor's only or principal home, and they wish to remain in their home.

4.14. When considering the use of Domestic Abuse ground, the Council will consider whether eviction action is necessary, appropriate and proportionate in the circumstances of the case and whether it supports the victim/survivor to remain safely within their home. The Council will also adopt a victim/survivor-centred approach and will prioritise the wishes, safety and wellbeing of the victim/survivor and any children affected by the domestic abuse before, during and after any eviction action is taken.

4.15. Where the tenant or joint tenant has been convicted of an offence punishable by imprisonment relating to the abusive behaviour, the Council will use a streamlined eviction process, which removes the requirement for the Court to consider if it is reasonable to pursue eviction.

4.16. Furthermore, to help embed the new policy provisions in practice, a multi-agency short-life working group is being established in order to develop an effective housing eviction framework where eviction action is sought on the basis of domestic abuse.

4.17. A separate Housing Domestic Abuse Policy is currently under development which will seek to provide an overarching framework for the Council Housing Service's approach to responding to domestic abuse in association with its properties, and the provision of support to victims/survivors with the aim of preventing homelessness.

Westhaugh Allocations

4.18. The Westhaugh Site redevelopment project has been completed. All Gypsy/Traveller residents who had been decanted to mainstream Council accommodation have now successfully returned to the site and all remaining vacant pitches have been allocated to eligible applicants in line with the approved Westhaugh Allocation Policy.

4.19. To reside on the Site, all existing and incoming residents have had to sign new Westhaugh tenancy agreements. Due to the nature of the site, Westhaugh tenancy agreements are governed by the Mobile Homes Act 1983 and Mobile Homes (Written Statement) (Scotland) Regulations 2013 rather than Housing (Scotland) Act 2001 and do not result in Scottish Secure Tenancies (SST) being formed.

4.20. Due to the differences in legislation, model lease agreements under the Mobile Homes Act 1983 do not automatically provide residents with the same rights or provisions as SSTs, with the most salient difference being the absence of transfer of tenancy provisions within model 1983 Act agreements.

4.21. In consultations with the residents and MECOPP, a national charity support Gypsy/Traveller communities across Scotland, input from Legal Services and insofar as it is possible by differing legislation, the Service sought to streamline the Westhaugh Tenancies with SSTs to ensure that tenants who hold a Westhaugh Tenancy Agreement under the Mobile Homes Act 1983 are afforded comparable rights, responsibilities and protections to those available to tenants in mainstream housing under a Scottish Secure Tenancy governed by the Housing (Scotland) Act 2001.

4.22. As a result, the Westhaugh tenancy agreement allows the Council, at its own discretion, consider written requests from tenants to assign their tenancy to someone else or allow an eligible person to transfer to the tenancy following the tenant's death.

4.23. The Westhaugh Allocations Policy is being amended to reflect this provision and provide a framework for how the Council will assess and process transfer of tenancy requests from residents living at Westhaugh.

4.24. To be eligible for a transfer of tenancy, the Council must be satisfied that all criteria have been met and that approval is reasonable in the circumstances. This includes, but is not limited to, the following:

- The tenant and the eligible person must have lived in a caravan on the same pitch for a continuous period of 6 months (for successions) or 12 months (for assignations);

- To be eligible, the individual other than the tenant must have been a registered member of the tenant's household, residing in a caravan stationed on the pitch as their only or principal home;

- The person to whom the tenancy is to be transferred must be in possession of, or have access to, a caravan that can lawfully and practicably be station on the pitch.

4.25. Applications for tenancy transfer may be refused in a number of circumstances, including where the tenant and/or proposed assignee/succeeding applicant have tenancy-related debts, there is antisocial behaviour associated with the tenancy, qualifying period and/or caravan requirements are not met.

4.26. The Westhaugh Allocations Policy will be further reviewed in the future in parallel with the Council's general Housing Allocations Policy to ensure consistency and alignment across related policies and procedures.

4.27. Furthermore, any future legislative changes affecting any of the policies presented in this paper will be applied without further procedure.

## 5.0 Sustainability Implications

5.1. There are no sustainability implications.

## 6.0 Resource Implications

*6.1. Financial Details*

6.2. The full financial implications of the recommendations are set out in the report. This includes a reference to full life cycle costs where appropriate. Yes ☒

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

*6.4. Staffing*

There are no direct impacts to staff arising from this report

## 7.0 Exempt Reports

7.1. 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**

| | |
|---|---|
| Clackmannanshire will be attractive to businesses & 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**

Complies with relevant Council Policies ☒

## 8.0 Impact Assessments

8.1 Have you attached the combined equalities impact assessment to ensure compliance with the public sector equality duty and fairer Scotland duty? (All EFSIAs also require to be published on the Council's website)

Yes ☒

8.2 If an impact assessment has not been undertaken you should explain why:

## 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

10.1 Please list any appendices attached to this report. If there are no appendices, please state "none".

Appendix 1. Damp and Mould Policy

Appendix 2. Housing Eviction Policy

Appendix 3. Housing Repairs Policy

Appendix 4. Westhaugh Allocations Policy

Appendix 5. Damp and Mould Policy EFSIA

Appendix 6. Housing Eviction Policy EFSIA

Appendix 7. Housing Repairs Policy EFSIA

Appendix 8. Westhaugh Allocations Policy EFSIA

## 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 ☐ (please list the documents below) No ☒

**Author(s)**

| NAME | DESIGNATION | TEL NO / EXTENSION |
|---|---|---|
| Monika Bicev | Policy Officer (Housing) | 5170 |

**Approved by**

| NAME | DESIGNATION | SIGNATURE |
|---|---|---|
| Kevin Wells | Strategic Director – Place & Economy | [redacted] |

Clackmannanshire Council | Comhairle Siorrachd Chlach Mhanann
www.clacks.gov.uk

# Clackmannanshire Council
# Housing Service
# Damp and Mould Policy
# August 2025

**Contents**

1. Introduction ..... 3
2. Aims of the Policy ..... 3
3. Legislative Framework ..... 3
4. Definition of Damp and Mould ..... 4
5. Council's Responsibilities ..... 5
6. Tenant's Responsibilities ..... 5
7. Prevention and Guidance to Tenants in Managing Damp and Mould ..... 6
8. Tenant Support ..... 7
9. Reporting Issues ..... 7
10. Identifying Damp and Mould ..... 7
11. Responding to Damp and Mould Reports ..... 8
11.1.1. Determining Whether a Property is Substantially Free from Damp and Mould ..... 9
12. Remedial Action ..... 9
13. Allowing Access for Inspections and Repairs ..... 10
14. Extenuating Circumstances ..... 10
15. Compensation for Repairs ..... 11
16. Equal Opportunities and Diversity ..... 11
17. Privacy Statement ..... 12
18. Complaints ..... 12
19. Monitoring and Reviewing ..... 13

## 1. ~~Scope of the Policy~~Introduction

Clackmannanshire Council is committed to ensuring that its housing stock is well maintained, safe, secure and compliant with the Scottish Housing Quality Standard (SHQS), and that tenants live in warm, comfortable, safe and secure homes that are free from damp and mould. The Council recognises the negative impacts that damp and mould can have on tenants' health and well-being, and as such aims to respond to any damp and mould concerns raised by tenants quickly and effectively.

Clackmannanshire Council's Damp and Mould Policy provides a framework of how the Council will aim to prevent, respond to and manage any damp and mould concerns within Council-owned properties and any communal areas. This Policy should be read in conjunction with Clackmannanshire Council's Scottish Secure and Short Scottish Secure Tenancy Agreements as well as the Council's Housing Repairs Policy.

## 2. Aims of the Policy

The policy aims to:

- Outline how the Council will respond to and implement a proactive and early intervention approach in the management of any damp and mould issues within Council properties in line with statutory requirements and prescribed timescales;
- Outline how the Council plans to help prevent the occurrence of damp, mould, and condensation in Council properties by maintaining and improving the condition of Council housing;
- Outline the Council's and Tenants' responsibilities in responding to and managing any damp, mould and condensation issues;
- Support tenants to resolve any damp and mould issues and provide them with comprehensive advice on managing and controlling damp and mould within their homes;
- Provide clarity and improve collaborative working with Council tenants to resolve issues relating to damp, mould, and condensation.

## 3. Legislative Framework

Clackmannanshire Council will ensure that this policy complies with all relevant legislative requirements and has due regard to Scottish Government guidance. The legal framework governing the Council's responsibilities in relation to damp and mould within Council-owned properties, including the rights and responsibilities of both the Council and its tenants, is set out in the following legislation:

- Housing (Scotland) Act 2001
- Housing (Scotland) Act 2025
- The Investigation and Commencement of Repair (Scotland) Regulations 2026
- The Scottish Secure Tenants (Right to Repair) Regulations 2002

## ~~3.~~4. ~~Types of Damp~~Definition of Damp and Mould

There are different causes of damp and mould which may require different solutions:

**Penetrating Damp** occurs when water enters the property through the external structure of the building, or where internal leaks cause damp, rot and damage to internal surfaces and structure.

Examples of causes of penetrating damp include, but are not limited to:

- Damaged, displaced or missing roof tiles or flashings;
- Defective, damaged or blocked guttering and downpipes; and
- Defects to roofs, external walls, rainwater goods and external building components.

**Rising Damp** is caused by moisture from the ground rising up through the fabric of the building, after being absorbed from the surrounding ground.

Examples of causes of rising damp include, but are not limited to:

- Absence of an effective damp-proof course; and
- A damaged, deteriorated or otherwise ineffective damp-proof course.

**Condensation** occurs when warm, moist air touches cooler surfaces such as tiles or windows. Condensation is often caused by high levels of moisture in the air, combined with poor ventilation. If left untreated over a prolonged period, condensation can result in dampness and create conditions in which mould can develop and spread. ~~and usually leads to moisture on walls, windows and ceiling if left untreated for a long period of time.~~

Environmental conditions that can increase the risk of condensation and subsequent damp and mould include, but are not limited to:

- Insufficient ventilation;
- Inadequate heating;
- Insufficient loft insulation;
- High humidity;
- Property overcrowding.

**Traumatic Damp** refers to dampness caused by sudden and unforeseen events which introduce significant amounts of water into a property. This includes, but is not limited to:

- Leaking water, heating or waste pipes;
- Overflowing baths, sinks or sanitary fittings;
- Burst pipes;
- Defective water storage tanks or vessels; and
- Flooding from neighbouring properties or environmental flooding events.

### ~~4.~~5. Council's Responsibilities

The Council is responsible for maintaining the tenant's home as set out in Clackmannanshire Council's Tenancy Agreement. It is responsible for repairing and maintaining the structure and the exterior of the property as well as any installations within the property which are provided by the Council. The Council will carry out repairs or other work necessary to keep the property in a liveable, wind and watertight condition which is reasonably fit for human habitation. This includes carrying out repairs relating to water penetration, rising dampness and condensation.

The Council has a duty to ensure that tenants' homes are substantially free from rising and penetrating damp and to take appropriate action where damp and mould issues are identified. The Council has a duty to ensure that all reports of damp and mould are investigated and responded to legally prescribed timescales.

The Council will ensure that sufficient internal staffing resources are in place to effectively and efficiently respond to any issues of condensation, damp and/or mould concerns reported by tenants.

Where relevant and appropriate, the Council may undertake works to assist in managing and controlling damp and condensation such as the installation of extractor fans, upgrading heating systems and undertaking additional energy efficiency measures.

The Council will maintain its housing stock to an acceptable standard so that tenants can heat their homes to a reasonable temperature and at a reasonable cost. This will assist in reducing the risk of condensation, damp and mould.

Where appropriate, the Council will provide tenants with appropriate advice, guidance and support to help prevent and manage damp and mould within the home, including information on ventilation, heating and moisture control.

~~The Council will seek to maintain its housing stock to an acceptable standard so that tenants can heat their homes to a reasonable temperature and at a reasonable cost, this will aid in reducing instances of condensation and mould issues. Tenants will be offered appropriate advice and guidance on how to prevent and manage damp in their homes, such as improving ventilation and maintaining appropriate heating.~~

### ~~5.~~6. Tenant's Responsibilities

In line with Clackmannanshire Council's Tenancy Agreement, Council tenants are responsible for reporting any arising issues, damage, or required repairs to the property, including reporting any signs of damp and/or mould as soon as they are discovered as well as faulty equipment that may affect the effective management of moisture in the home, including faulty extractor fans or issues with the heating system.

Tenants must provide the Council with access to their property for any inspection and repair works following adequate notice. Tenants are also responsible for taking reasonable care of the

property and all fittings and fixtures within it as set out in the Tenancy Agreement, including adequately heating and ventilating the property.

Tenants should follow guidance provided by the Council on preventing the build-up of condensation and mould.

### ~~6.~~7. Prevention and Guidance to Tenants in Managing Damp and Mould

Before the start of their tenancy, tenants will receive information on how to effectively manage and prevent condensation, damp and mould in their home.

To prevent mould and damp from becoming an issue which would require further intervention, tenants should:

- Maintain a warm living environment, between 18 and 21 degrees Celsius;
- Keep rooms well-ventilated and open windows, do not cover any air vents;
- Use extractor fans and close kitchen and bathroom doors when the rooms are in use to prevent the steam from escaping;
- Use lids on pans when cooking;
- Leave gap between furniture and walls;
- Regularly clean all vents and extractor fans to prevent build-up of dust and blockage;
- Wipe down any moisture and condensation from surfaces, including windows and sills;
- Do not dry clothes indoors unless the room is isolated and well ventilated.

The tenants should also regularly check for any issues. Signs of damp and mould can include:

- Damp and musty smell;
- Mould or mildew on walls, floor or ceilings;
- Excessive condensation on windows;
- Walls, floors or ceiling that feel cold or damp.

The Council is committed to ensuring effective systems are in place to prevent and address issues related to damp, mould, and condensation. To support this, the Council is adopting innovative technologies designed to identify and mitigate potential problems. This includes the trialling of indoor air quality monitors and smart sensors to measure humidity and $CO_2$ levels and identify areas that may be at risk of damp.

The data collected by these sensors will provide real-time insights into the condition of properties, enabling more proactive and predictive maintenance. This approach allows for better planning and informed decision-making to support tenants and protect their homes, and prevent any damp and mould issues from escalating.

At the stage where tenants move out and properties become void, the Council will conduct an inspection to assess the condition of the property. Any required repair and remedial works will be

carried out, including addressing any damp, mould or condensation issues before re-letting the property to address the issue and reduce the risk of damp and mould from returning.

## ~~7.~~8. Tenant Support

Clackmannanshire Council recognises that some tenants may struggle to keep their homes warm, leading to damp and mould issues. In such circumstances, tenants will be provided support and guidance where possible and referred to the Council's Home Energy Advice Team who can offer free and impartial energy efficiency advice and a fuel poverty service for tenants struggling to pay their energy bills or where there are issues with energy supply.

If damp and mould is caused by overcrowding, the Council will support the tenant by exploring alternative housing options and will assist the tenants with applying for a tenancy transfer in line with Clackmannanshire Council's Allocations Policy, where appropriate and where the tenant wishes to do so.

## ~~8.~~9. Reporting Issues

Tenants should report any condensation, damp and/or mould issues and concerns as soon as they are noticed or identified. Reports can be made using the following methods:

- Online using the online contact form;
- By calling the Repairs Centre on 01259 452000;
- Directly to their Housing Officer.

When making a report, tenants should provide as much detail as possible, including:

- The extent and the location of the problem;
- Information about any children in the household;
- Any medical or health concerns of any members of the household.

Timely and accurate reporting allows the Council to assess and address issues quickly, and take action to prevent further damage to the property, as well as reduce health risks associated with damp and mould.

## 10. Identifying Damp and Mould

Damp and mould concerns may be identified through a range of sources, including:

- Direct reports from tenants;
- Routine property inspections or home visits carried out by Council staff, including Housing Officers;
- Reports made during unrelated repair or maintenance activities; and

- Notifications from third parties, including contractors, health professionals or partner agencies.

## ~~9.~~11. Responding to Damp and Mould Reports~~Reports~~

Once a report is received or damp and mould concerns are otherwise identified, the Repairs Team will assess the nature and urgency of the issue. Priority will be given to households with identified vulnerabilities, young children, pregnant individuals, older people, or anyone with a medical condition that may be adversely affected by damp and mould.~~Once a report is received, the Repairs team will assess the urgency of the concern. Priority will be given to households with young children, pregnant individuals or those with a medical condition which could be exasperated by damp and mould.~~

### 11.1. Investigation

Following the report or identification of damp and/or mould within the property, the Repairs Team arrange for an initial, non-intrusive inspection of the property to assess the nature, scope and extent of the damp and mould concern.

In line with statutory requirements, all reported or identified damp and mould concerns will be investigated within 10 working days following the day on which the concern was reported or otherwise brought to the Council's attention.

The inspection will be carried out by appropriately trained Council staff and will seek to:

- Determine whether the property is substantially free from damp and mould; and
- Where the property is not substantially free from damp and mould, identify the likely causes of the issue and any repairs, remedial works or other actions required.

Following completion of the investigation, a responsible Council Officer will provide the tenant with a written summary of the inspection findings within 3 working days. The summary will include details of the investigation outcomes, any recommended actions and the proposed next steps.

Where the findings of the initial investigation are inconclusive, where further technical assessment is required, or where the damp and mould concern is considered significant, an external contractor will conduct a follow-up, more detailed survey to identify the full extent of the issue and required remedial action.

~~Once at the property, a dedicated Council Officer will then carry out an initial, non-intrusive survey to assess and determine the extent of the damp and mould issue. If further investigation is required or the problem is deemed significant, an external contractor will conduct a more detailed survey to identify the extent of the issue and the required remedial action.~~

**11.1.1. Determining Whether a Property is Substantially Free from Damp and Mould**

When carrying out an investigation, a responsible Council Officer will assess whether the property is substantially free from damp and mould.

This assessment will be undertaken on a case-by-case basis, having regard to the individual circumstances of the property and the household. Consideration will include, but is not limited to:

- The extent and severity of the damp and/or mould, including the number of rooms and areas affected;
- The persistence and frequency of the problem;
- Vulnerabilities of the household, as well as the presence of children, young people, older people or individuals with health conditions that may be affected by damp and mould;
- Any suspected structural defects or underlying building issues;
- The likelihood of the issue continuing or recurring if no remedial action is taken.

11.2. Commencement of Repairs

Where an investigation determines that a property is not substantially free from damp and mould, the Council will seek to commence any necessary repair or remedial works within 5 working days, after the day on which the investigation was concluded.

**~~10.~~12. Remedial Action**

Remedial action will depend on the type, severity and the extent of the condensation, damp and/or mould issue. Actions may include, but are not limited to:

- Advice and information to tenants on how to manage condensation and mould, including steps to improve ventilation and heating;
- Installing additional insulation or ventilation;
- Applying damp-proofing treatments to walls.

In severe cases, the Council may implement temporary measures to reduce the impact of damp and mould whilst permanent repairs are being arranged. Where necessary, the Council may temporarily decant the tenant to alternative accommodation whilst works are undertaken.

Clackmannanshire Council is committed to addressing damp and mould concerns promptly and effectively to minimise the risk of recurrence and ensure that properties are substantially free from damp and mould.

Where a property is found not to be substantially free from damp and mould, the Council will seek to complete the required remedial works within 20 working days of repair works commencing. Individual timescales may vary depending on the extent, complexity and nature of the works required.

~~In severe instances of damp and mould within the property, the Council may temporarily decant the tenant to another property whilst the necessary works are being carried out.~~

~~Clackmannanshire Council is committed to addressing condensation, damp, and mould concerns promptly, ensuring that repairs are done effectively to prevent recurrence. Resolution timescales may depend on the severity and the extent of the issue.~~

12.1. Advice-Only Cases

Following inspection, there may be circumstances where no repairs or remedial works are required.

In such cases, the Council will provide the tenant with appropriate advice, guidance and support to assist them in managing and reducing condensation and damp within the home. Once the advice has been provided and no further action is required, the case will be closed.

## 13. Allowing Access for Inspections and Repairs

In line with Clackmannanshire Council's Housing Repairs Policy, the Council will make reasonable attempts to gain access to the property to investigate reported damp and mould concerns and carry out any necessary repairs or remedial works.

Where an officer, contractor or a tradesperson is unable to gain access to the property following an agreed appointment, reasonable attempts will be made to contact the tenant at the time of the visit.

Where access cannot be gained:

- A calling card will be left at the property where possible;
- The Council will issue a written "No Access" letter to the tenant, advising the tenant to contact the Council to arrange a further appointment within 5 working days.

If the tenant does not respond within 5 working days, the Council may close the damp and mould case. A new case will be opened once the tenant re-engages and suitable access arrangements can be made.

## 14. Extenuating Circumstances

There may be circumstances beyond the Council's control which prevent it from investigating, commencing or completing damp and mould repairs within the prescribed timescales.

This may include, but is not limited to:

- Severe weather conditions;
- Staff illness or unforeseen resource shortages;

- Contractor or supply chain issues;
- Failure to gain access despite reasonable attempts;
- Delays in obtaining permissions, approvals or specialist reports; and
- Complex structural repairs required to remediate the issue in full.

In such circumstances, the Council may suspend the applicable timescales. Where a timescale is suspended, the Council will notify the tenant in writing, explain the reasons for the delay, advise of any interim measures being taken and provide revised timescales for addressing and remediating the issue.

The Council will take reasonable interim steps to minimise the impact of damp and mould on the tenant and the property while permanent solutions are being progressed.

## 15. Compensation for Repairs

The Council will seek to comply with all relevant statutory timescales relating to the investigation of damp and mould concerns, the provision of investigation findings and the commencement of any qualifying repair works.

Where a tenant believes that the Council has failed to comply with the applicable timescales and the matter has not been resolved through engagement with the service, the tenant should raise their concerns through the Council's Complaints Procedure as outlined in Section 18 of this Policy.

If, following completion of the complaints process, it is determined that the Council has failed to meet the applicable statutory investigation and/or repair commencement and/or completion timescales, compensation may be payable in accordance with the Scottish Secure Tenants (Right to Repair) Regulations 2002 and the Investigation and Commencement of Repair (Scotland) Regulations 2026.

Eligible compensation includes:

- An initial payment of £15; and
- A further payment of £3 for each working day of delay,

Up to a maximum of £100 for any one qualifying repair.

## ~~11.~~16. Equal Opportunities and Diversity

Clackmannanshire Council is committed to the elimination of unlawful discrimination, advancing equality of opportunity and fostering good relations between people.

The Council believes that equality of opportunity should be a guiding principle in all of its activities. The Council aims to ensure that its commitment to equality is embedded in all council services and in the organisations that it funds.

In accordance with the Equality Act 2010, the Council is actively working towards the elimination of policies and practices that discriminate unfairly on grounds including age; disability; gender

reassignment; marriage and civil partnership; pregnancy and maternity; race including colour, nationality, ethnic or national origin; religion or belief; sex; and sexual orientation.

### ~~12.~~17. Privacy Statement

Clackmannanshire Council must adhere with its legal obligations under Data Protection Legislation as set out in the Data Protection Act 2018 and UK General Protection Regulation (UK GDPR).

In order to provide the required and/or requested services, the Council will collect, store and process relevant personal information or data.

Personal information may also be shared with other partner agencies and organisations.

Personal information will be kept securely, as long as required by law and/or by specific service requirements. Once the data is no longer required, it will be securely disposed of. The Council has a Record Retention Schedule which sets out the period of time and reasons for keeping particular records. The Retention Schedule is available on request.

Under the Data Protection Act 2018 and the Freedom of Information (Scotland) Act 2002, individuals have the right to access personal information and data held about them by Clackmannanshire Council as well as the right to access information from records held by the Council.

To submit a Subject Access or Freedom of Information request, please follow the link.

To make a complaint in relation to the Council's handling and processing of personal data and information, please contact the Information Commissioner's Office.

For further information on Clackmannanshire Council's data protection practices, please visit the Council's Data Protection Statement. For the Council's Data Protection Policy, please follow the link. For further information on freedom of information laws, please visit the Scottish Information Commissioner webpage.

### ~~13.~~18. Complaints

If the service user is dissatisfied with the provided services and/or the standards of service, please follow the Council's Complaints Procedure. Complaints can be made in person, in writing, by email or online. For further information on the Complaints Procedure and how to make a complaint, please visit the Council's Complaints Procedure webpage.

If the service user remains dissatisfied with the final decision or the way the complaint has been handled following the Council's Complaints Handling Procedure, they can make a complaint to the Scottish Public Services Ombudsman (SPSO) by completing a complaints form found online or calling on 0800 377 7330.

For further information on how to make a complaint to SPSO, please visit the SPSO website.

## ~~14.~~19. Monitoring and Reviewing

The policy will be continuously monitored to ensure that it is performing efficiently against the aims set out in the policy as well as against the new damp and mould indicators linked to the Scottish Social Housing Charter.

The Council will review and evaluate this policy every 3 years to ensure the adherence to the relevant legislation and statutory guidance as well as changes in organisational practices and policies.

For the avoidance of doubt, any future legislative changes affecting this policy will be applied without further procedure.

Clackmannanshire Council | Comhairle Siorrachd Chlach Mhanann
www.clacks.gov.uk

# Clackmannanshire Council

# Housing Service

# Eviction Policy

# October 2024

**Contents**

1. Introduction ..... 1
2. Aims of the Policy ..... 1
3. Legal Framework ..... 1
4. The Grounds for Recovery of Possession ..... 2
4.1. Ground 1 ..... 2
4.2. Ground 2 ..... 2
4.3. Ground 7 ..... 3
4.4. Ground 15A ("Domestic Abuse" Ground) ..... 3
5. Tenancy Support ..... 4
5.1. Tenancy Support to Victims/Survivors in Domestic Abuse Cases ..... 4
5.2. Provision of Advice and Assistance to the Perpetrator of Domestic Abuse ..... 5
6. Pre-action Requirements (Ground 1) ..... 5
7. Test of Reasonableness ..... 6
8. Notice of Proceedings ..... 6
9. Streamlined Evictions ..... 7
10. Authorising and Enforcing the Eviction ..... 8
11. Equal Opportunities and Diversity ..... 8
12. Privacy Statement ..... 9
13. Complaints ..... 9
14. Appeals ..... 10
15. Monitoring and Reviewing ..... 10
Appendices ..... 11
Appendix 1. Glossary of Terms and Interpretations ..... 11
Appendix 2. Complete List of Grounds for Recovery of Possession ..... 11

## 1. Introduction

Clackmannanshire Council Housing Service's Eviction Policy sets out the framework of for how and when the Council's Housing Service will pursue eviction action against Council tenants, with the intention of ending a tenancy or a tenant's interest in a tenancy.

~~how a Tenancy Agreement between the Service and the tenant will end due to eviction action pursued by the Council's Housing Service.~~

The Housing Service has the responsibility to act within the legislative framework and adhere to statutory guidelines and recommendations. This policy recognises that the Council's role as a landlord may conflict with its statutory homelessness duties. As such, it also outlines the processes that will be followed to ensure that potential alternative solutions have been explored before resorting to eviction action.

Where eviction action is being considered under Ground 15A (the "Domestic Abuse" ground), before taking any action, the Service will consider the wishes, best interests, safety and wellbeing of any victim/survivor of domestic abuse and any children affected.

## 2. Aims of the Policy

The specific aims of the policy are:

- To identify tenants' support needs, use preventative action and provide early intervention in an attempt to prevent evictions and potential homelessness from occurring;
- To ensure that Clackmannanshire Council has a clear and concise policy for eviction action and the recovery of possession of the property;
- To deal with all repossession actions and evictions in a consistent way;
- To support victims/survivors of domestic abuse to remain safely in their homes wherever appropriate and to prevent homelessness resulting from domestic abuse;
- For all repossession actions to meet all legislative requirements and statutory guidelines.

## 3. Legal Framework

Clackmannanshire Council will ensure that this policy adheres to all legislative requirements under relevant legislation and gives due regard to statutory guidance.

The main legislative framework for tenancy repossession action and eviction is set out in the following acts:

- Domestic Abuse (Protection) (Scotland) Act 2021
- Housing (Scotland) Act 2001
- Housing (Scotland) Act 2010
- Housing (Scotland) Act 2014

Additional guidance may be sought in:

- Antisocial Behaviour etc. (Scotland) Act 2004
- Human Rights Act 1998
- Homelessness etc. (Scotland) Act 2003
- United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024

## 4. The Grounds for Recovery of Possession

The complete list for grounds for recovery of possession of a property are contained within the Housing (Scotland) Act 2001, Schedule 2, Part 1, as amended by the Housing (Scotland) Act 2010, Part 16, Sections 153 and 155(2)-(7) ~~and,~~ Part 2, Section 14 of the Housing (Scotland) Act 2014 and Part 2, Section 22 of the Domestic Abuse (Protection) (Scotland) Act 2021.

For the complete list of the grounds, please see appendix 2.

The main grounds that the Council ~~will~~ may use to form the basis for eviction are the following conduct grounds:

### *4.1. Ground 1*

- The tenant has rent arrears, or any other obligation of their tenancy agreement has been broken.

### *4.2. Ground 2*

- The tenant, or someone living in or visiting the property, has been convicted of (a) using the house for immoral or illegal purposes or (b) an offence punishable by imprisonment committed in, or in the locality of, the house.
- An "offence punishable by imprisonment" means that the offence carries imprisonment as a possible, but not definite penalty.

### *4.3. Ground 3*

- The tenant, or someone living in the property, has caused deterioration of the property or common parts.

*4.4. Ground 7*

- The tenant, or someone living in or visiting the property, has acted in an antisocial manner within the locality, or pursued a course of conduct amounting to harassment or antisocial behaviour.

*4.5. Ground 15A ("Domestic Abuse" Ground)*

- A person who is the tenant, or one of the joint tenants, has engaged in behaviour which is abusive towards a person who is their partner or ex-partner (the "victim/survivor").

Eviction action under Ground 15A may be considered where:

- The property is the victim/survivor's only or principal home;
- The victim/survivor wishes to remain in the property; and
- The Council considers it appropriate to end the perpetrator's tenancy or interest in the tenancy.

For the purposes of Ground 15A and in line with the definition provided within the Domestic Abuse (Protection) (Scotland) Act 2021, behaviour by a tenant is abusive of their partner or ex-partner if the behaviour is likely to cause the victim/survivor to suffer physical or psychological harm, including fear alarm or distress. Abusive behaviour may consist of a single incident or a course of conduct.

A partner or ex-partner includes a current or former spouse, civil partner, or cohabitant of the perpetrator. To be considered a cohabitant, the victim/survivor must have lived with the perpetrator for a period amounting to at least six months within the 12 months preceding the raising of court proceedings. This six-month period may be cumulative and include more than one period of residence.

Before progressing eviction action under the Domestic Abuse ground, the Council will also seek to ensure that appropriate arrangements relating to the care and residence of any children have been considered and settled.

In all circumstances, only the Sheriff, and not the Council, has the authority to grant a decree for repossession of the tenancy. To grant the decree for repossession, the Court must be satisfied that:

- Pre-action requirements have been complied with, if eviction action is sought under Ground 1 on the basis of rent arrears;
- The statutory criteria for Ground 15A have been met, where eviction action is sought on the basis of abusive behaviour;
- It is reasonable to grant the decree, except where repossession is sought as part of the streamlined eviction process;
- A valid statutory notice of proceedings has been served on the tenant and all qualifying occupiers.

## 5. Tenancy Support

At the start of a tenancy, the Council will aim to establish a strong relationship with its tenant. The Council will aim to ensure that the tenant is informed of all of their responsibilities associated with maintaining the tenancy.

The tenant will be informed once it becomes apparent that their tenancy is at risk. In line with the Council's tenancy management, antisocial behaviour and any other relevant policies and procedures, appropriate preventative and early intervention action will be considered and taken. The Council will aim to ensure that the relevant information, advice and/or support is given to the tenant. It will work together with other relevant internal departments and external partner agencies and third sector organisations to identify the needs of the tenant and deliver tailored support packages.

The Council will adopt a trauma-informed approach which considers the individual circumstances of the tenant and ensures that all other potential actions have been pursued before considering eviction action as a last resort.

Where all other remedies have been exhausted and eviction action is due to take place, the Council will advise the tenant and any qualifying occupiers of the homelessness duties that the Council has towards them.

### *5.1. Tenancy Support to Victims/Survivors in Domestic Abuse Cases*

Where the Council is considering eviction action on the basis of abusive behaviour, it will adopt a person-centred and trauma-informed approach. The Council will take a zero-tolerance approach towards domestic abuse and will seek to support victims/survivors to remain safely within their home wherever appropriate, with the aim of preventing homelessness.

The Council will engage with the victim/survivor before pursuing and throughout any eviction action. The Council will aim to:

- Engage with and keep the victim/survivor informed of any proposed action;
- Explain the court process and provide appropriate information about what to expect;
- Take account of the victim/survivor's views and wishes before progressing eviction action;
- Consider the safety, wellbeing and best interests of the victim/survivor and any children affected by the abuse;
- Ensure that appropriate safety planning is in place before and during court proceedings;
- Provide information about available housing, support and advocacy services; and
- Work in partnership with relevant internal services, partner agencies and third sector organisations to promote the safety and wellbeing of the victim/survivor and any children involved.

The Council will act in accordance with its Housing Domestic Abuse Policy and any relevant statutory guidance when considering and progressing eviction action under Ground 15A.

*5.2. Provision of Advice and Assistance to the Perpetrator of Domestic Abuse*

Where Court proceedings have been raised and the Court grants a decree for repossession, the Council will provide the tenant and any qualifying occupiers with appropriate advice and assistance regarding alternative accommodation options, taking account of their individual circumstances and the Council's statutory duties.

## 6. Pre-action Requirements (Ground 1)

If eviction action is sought on the basis of rent arrears, the Council must ensure that pre-action requirements have been fulfilled before serving the notice of proceedings and applying for the recovery of possession to the Court. Pre-action requirements are aimed at providing support and further protection for tenants facing eviction for rent arrears, and aiming to resolve the arrears before applying for eviction action as a last resort. The Council must:

- Provide the tenant with clear information about the terms of the tenancy agreement and any rent or other financial arrears owed to the Council;
- Aim to provide the tenant with advice and assistance on benefits available to them;
- Provide the tenant with information where they can seek help to manage their debts and make reasonable efforts to refer the tenant to appropriate support services;
- Aim to establish a rental payment/arrear repayment plan with the tenant;

- Provide the tenant with an opportunity to apply for housing benefits, adhere to a payment plan, or explore alternative measures of reducing outstanding arrears before initiating the formal eviction process.

## 7. Test of Reasonableness

Where the Court must be satisfied that it is reasonable to grant the decree for repossession, the Court must have regard to:

- The nature, frequency and duration of the conduct;
- The extent to which the tenant was personally responsible for the behaviour leading to eviction action;
- The impact of the conduct on other individuals and the wider community;
- Any alternative actions the Council has taken prior to eviction action in an effort to address the conduct of the individual in question.

## 8. Notice of Proceedings

To start the formal eviction process, the Council will send a notice of proceedings to the tenant and any qualifying occupier who lives with the tenant. A qualifying occupier is a person who is 16 years old or more, or who may turn 16 during the life of any proposed legal action, and occupies the house as their main or only home.

The notice of proceedings must include the following:

- Signal the intent of the Council to apply for a decree for repossession from the Court;
- The reasons and grounds for recovery of possession;
- The earliest date the Council can request a Court hearing;
- How the Council has met the pre-action requirements where eviction action is sought on the basis of rent arrears.

The date given in the notice is the earliest date on which the Council can start court action for possession. Following the date, the Council has a 6-month window to initiate court action. Where the process of streamlined eviction is sought under ground 2 or ground 15A, the notice of proceedings must be served anytime within 12 months of the conviction, or where the conviction was appealed, the day on which the appeal was dismissed or abandoned.

Where eviction action is pursued under the Domestic Abuse Ground and the victim/survivor is a joint tenant or a qualifying occupier, the Council will ensure that they are informed of the proceedings. Where the Council is seeking to transfer the tenancy to the victim/survivor or to end

the perpetrator's interest in a joint tenancy, the victim/survivor will be sisted as a party to the repossession proceedings in line with legislation and statutory guidance.

## 9. Streamlined Evictions

The Council may seek to use the streamlined eviction process where eviction action is pursued under:

- Ground 2, where the Council has served a Notice of Proceedings for recovery of possession within 12 months of the relevant conviction; or
- Ground 15A, where the tenant has been convicted of an offence punishable by imprisonment relating to the abusive behaviour upon which the eviction action is based, and the Council has served a Notice of Proceedings within 12 months of that conviction.

~~If eviction is sought under ground 2, and the Council has served the notice of proceedings to the tenant for the recovery of possession within 12 months of the conviction, streamlined eviction process is followed.~~ The streamlined eviction process removes the test of reasonableness, but the Council must give considerations to the relevant statutory guidance in relation to raising eviction action using the streamlined eviction process.

Before pursuing streamlined eviction on ground 2, the Council will give due regard to relevant Council policies, strategies and plans and will seek to uphold commitments to care experienced children and young people contained within The Promise.

Where streamlined eviction is pursued under Ground 15A, the Council will adopt a victim/survivor-centred approach and will prioritise the wishes, safety and wellbeing of the victim/survivor and any children affected by the domestic abuse. The Council will consider whether eviction action is necessary, appropriate and proportionate in the circumstances of the case and whether it supports the victim/survivor to remain safely within their home

~~and will exhaust other relevant Council policies and plans such as keeping to the commitments contained within the Promise to care experienced children and young people, considering the objectives of the Local Outcomes Improvement Plan as well as the Community Justice Improvement Plan.~~

In all cases, the Services should also consider whether the reasons for pursuing streamlined eviction are appropriate and proportionate. This includes taking into account:

- The nature and severity of the offence(s);
- The individual who has been convicted of the offence and their connection to the property;
- Where the offence occurred and its relevance to the Council housing tenancy;

- The extent to which the offence has affected other individuals within the community, considering its impact over time and its influence on the stability of the community;
- Any proactive steps taken by the convicted individual to make positive change;
- Impact of eviction on household members;
- Other measures taken/that could be taken by the Council or partner agencies to address the conduct in question.

**10. Authorising and Enforcing the Eviction**

Having served the notice of proceedings to the tenant, the tenant will be served the Statement of Claim and a warrant from the Court, which summons the tenant to a Court hearing and outlines the first date of the hearing. ~~The papers will be served by hand by the responsible housing officer. On occasion, they may also be served by recorded delivery or by Sheriff Officers if the tenant is in prison or is living under non-usual circumstances.~~

If the Court agrees to proceed with the eviction action at the Court hearing, a decree for repossession will be granted, specifying the date for the tenancy to end. The Court must wait at least 14 days in case the tenant appeals the decision to evict. For further information on appeals procedure, please see the appeals section.

After the appeal period, Sheriff Officers will send the tenant a form of charge of removing, which sets out the deadline by which the tenant must vacate the property. Following the deadline, the Sheriff Officers will be sent to the tenant's home to remove them from it.

Once the removal is complete, Sheriff Officers must serve a letter to the tenant, informing them of the completion of the removal, the date it occurred and the individuals responsible for carrying it out.

Where the Court grants recovery of possession under Ground 15A and the tenancy is ended as a result of abusive behaviour, the Council will seek to transfer the tenancy to the victim/survivor within 28 days of the abusive tenant's tenancy ending. Where this is not reasonably practicable due to the individual circumstances of the victim/survivor and/ or other members of the household, the Council will progress the transfer as soon as reasonably practicable and will provide appropriate advice and support throughout the process.

**11. Equal Opportunities and Diversity**

Clackmannanshire Council is committed to the elimination of unlawful discrimination, advancing equality of opportunity and fostering good relations between people.

The Council believes that equality of opportunity should be a guiding principle in all of its activities. The Council aims to ensure that its commitment to equality is embedded in all council services and in the organisations that it funds.

In accordance with the Equality Act 2010, the Council is actively working towards the elimination of policies and practices that discriminate unfairly on grounds including age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race including colour, nationality, ethnic or national origin; religion or belief; sex; and sexual orientation.

**12. Privacy Statement**

Clackmannanshire Council must adhere with its legal obligations under Data Protection Legislation as set out in the Data Protection Act 2018 and UK General Protection Regulation (UK GDPR).

In order to provide the required and/or requested services, the Council will collect, store and process relevant personal information or data.

Personal information may also be shared with other partner agencies and organisations.

Personal information will be kept securely, as long as required by law and/or by specific service requirements. Once the data is no longer required, it will be securely disposed of. The Council has a Record Retention Schedule which sets out the period of time and reasons for keeping particular records. The Retention Schedule is available on request.

Under the Data Protection Act 2018 and the Freedom of Information (Scotland) Act 2002, individuals have the right to access personal information and data held about them by Clackmannanshire Council as well as the right to access information from records held by the Council.

To submit a Subject Access or Freedom of Information request, please follow the link.

To make a complaint in relation to the Council's handling and processing of personal data and information, please contact the Information Commissioner's Office.

For further information on Clackmannanshire Council's data protection practices, please visit the Council's Data Protection Statement. For the Council's Data Protection Policy, please follow the link. For further information on freedom of information laws, please visit the Scottish Information Commissioner webpage.

**13. Complaints**

If the tenant is dissatisfied with the provided services and/or the standards of service, please follow the Council's Complaints Procedure. Complaints can be made in person, in writing, by email or online. For further information on the Complaints Procedure and how to make a complaint, please visit the Council's Complaints Procedure webpage.

If the tenant remains dissatisfied with the final decision or the way the complaint has been handled following the Council's Complaints Handling Procedure, they can make a complaint to the Scottish Public Services Ombudsman (SPSO) by completing a complaints form found online or calling on 0800 377 7330.

For further information on how to make a complaint to SPSO, please visit the SPSO website.

**14. Appeals**

If the tenant or their representative was absent at the Court hearing for the decree for repossession, a process of Minute for Recall may be initiated. This gives the tenant another opportunity to state a defence at the Court and potentially recall the decree for repossession. The Minute for Recall must be submitted within 14 days of receiving the date for eviction.

In all other cases, the tenant can also appeal the Court's decision to grant an eviction decree within 14 days of granting the decree if the tenant believes that the Sheriff did not follow the law or the Court procedures correctly.

**15. Monitoring and Reviewing**

The policy will be continuously monitored to ensure that it is performing efficiently against the aims set out in the policy.

The Council will review and evaluate this policy every 3 years to ensure the adherence to the relevant legislation and statutory guidance as well as changes in organisational practices and policies.

For the avoidance of doubt, any future legislative changes affecting this policy will be applied without further procedure.

**Appendices**

*Appendix 1. Glossary of Terms and Interpretations*

**Abusive Behaviour** – behaviour as defined by section 2 of the Domestic Abuse (Protection) (Scotland) Act 2021. Abusive behaviour occurs where a person, by virtue of their behaviour, is likely to cause another person to suffer physical or psychological harm, including fear, alarm or distress. Abusive behaviour may consist of a single incident or a course of conduct, and may be directed towards the person themselves, their property or carried out through a third party.

**Antisocial Behaviour** – behaviour as defined by section 143 of the Antisocial Behaviour etc. (Scotland) Act 2004. Antisocial behaviour occurs where a person "acts in a manner that causes or is likely to cause alarm or distress; or pursues a course of conduct that causes or is likely to cause alarm or distress to at least one person who is not of the same household."

**Decree for Repossession** – an order for recovery of possession granted by the Court

**Eviction** – the physical removal of a tenant from the premises following Court action

**Form of Charge for Removing** – an official Court letter sent to the tenant which confirms the enforcement and the deadline for the eviction

**Notice of Proceedings** – legal document which states that the Council may raise proceedings in the Court to gain possession of the tenancy

**Tenant** – includes any joint tenants

**Recovery of Possession** – Court proceedings for recovery of possession of the tenancy

*Appendix 2. Complete List of Grounds for Recovery of Possession*

There are 14 grounds that Clackmannanshire Council may use to form the basis for eviction, as defined by Housing (Scotland) Act 2001, and amended by Housing (Scotland) Act 2010 and Housing (Scotland) Act 2014.

Where eviction action is sought under grounds 1 to 8, the Court must be satisfied that it is reasonable to grant the decree for repossession. Grounds 9 to 15 are known as 'management' grounds and require the Council to offer suitable alternative accommodation to the tenant in order for the Court to grant decree for repossession.

The grounds for recovery of possession that the Council may use are as follows:

1. The tenant has rent arrears, or any other obligation of their tenancy agreement has been broken;
2. The tenant, or someone living in or visiting the property, has been convicted of (a) using the house for immoral or illegal purposes or (b) an offence punishable by imprisonment committed in, or in the locality of, the house;
3. The tenant, or someone living in the property, has caused deterioration of the property or common parts;
4. The tenant, or someone living in the property, has caused deterioration of furniture provided with the property;
5. The tenant has been absent from the property for a continuous period of more than 6 months without a reasonable cause;
6. The tenant knowingly or recklessly made a false statement in order to obtain the tenancy;
7. The tenant, or someone living in or visiting the property, has acted in an antisocial manner within the locality, or pursued a course of conduct amounting to harassment or antisocial behaviour;
8. The tenant, or someone living in the property, has been guilty of conduct which is a nuisance or annoyance within the locality, or harassed someone living in or visiting the local area;
9. The tenant has allowed the property to become overcrowded;
10. The Council intends to demolish or carry out substantial works on the property;
11. The property is designed or adapted for a person with special needs, there is currently no one living in the property with such needs, and the Council requires it for a person who has such needs.
12. The property is designed, provided with or located near facilities for a person with special needs, there is currently no one living in the property with such needs, and the Council requires it for a person who has such needs;
13. The Council has leased the property and the lease has ended;
15. The tenant has had a relationship breakdown and their spouse, civil partner or cohabitee has requested that the tenancy is transferred to them;

15A. A person ("person T") who is the tenant or one of the joint tenants has engaged in behaviour which is abusive of a person ("person P") who is a partner or ex-partner of Person T.

# Clackmannanshire Council

# Housing Service

# Housing Repairs Policy

# August 2025

**Contents**

1. Introduction ..... 4
2. Aims of the policy ..... 4
3. Legislative Framework ..... 4
4. Council's Responsibilities ..... 5
5. Tenant's Responsibilities ..... 5
6. Repair Categories ..... 6
6.1 Emergency Repairs ..... 6
6.2 Non-emergency repairs ..... 7
6.3 Planned Maintenance Works ..... 8
7 Reporting Repairs ..... 8
7.1 Emergency Repair ..... 9
7.2 Non-emergency Repair ..... 9
7.3 Gas Leaks ..... 9
8 Responding to Repairs ..... 9
8.1 Repairs appointment ..... 10
8.2 Exceptions to scheduling appointments ..... 10
8.3 Inspection visits ..... 10
8.4 Refusal to carry out repairs ..... 10
9 Allowing access for repairs ..... 11
9.1 No Access ..... 11
10 Right to Repair Scheme ..... 11
10.1 Compensations ..... 12
11 Exceptional circumstances ..... 13
12 Gas Safety ..... 13
12.1 Gas Heating System Installations ..... 13
12.2 Solid Fuel System Installations ..... 13
12.2.1 Maintenance of Approved Systems ..... 14
13 Circumstances where repairs service may be restricted ..... 14
14 Equal Opportunities and Diversity ..... 14
15 Privacy Statement ..... 15
16 Complaints ..... 15
17 Monitoring and Reviewing ..... 16

18 Appendix 1. Qualifying repairs under the Right to Repair Scheme and the associated timescales ..... 17

## 1. ~~Scope of the policy~~Introduction

Clackmannanshire Council is committed to ensuring that its housing stock is well-maintained, safe, secure and compliant with the Scottish Housing Quality Standard (SHQS), and that tenants live in warm, comfortable, safe and secure homes by delivering a high quality, efficient and effective responsive repairs service to tenants.

Clackmannanshire Council's Housing Repairs Policy provides a framework for how the Council will deliver responsive repairs to its housing stock. Responsive repairs are defined as repairs carried out in response to the tenant notifying of a problem or defect with their home.

The Housing Repairs Policy should be read in conjunction with Clackmannanshire Council's Scottish Secure and Short Scottish Secure Tenancy Agreements, Clackmannanshire Council's Damp and Mould Policy and Rechargeable Repairs Policy.

## 2. Aims of the policy

The overall aim of this Policy is to deliver a high quality, reliable, efficient and cost-effective responsive repairs service that ensures effective maintenance of the Council's housing stock and provides tenants with a safe, secure and comfortable living environment.

The specific aims of the policy are to:

- Comply with all legal and statutory requirements;
- Recognise a commitment to repairs being carried out "right the first time" and that they meet established target timescales;
- Ensure that the repairs service offers value for money to both the Council and its tenants;
- Ensure that the Council meets its repairing obligations in full;
- Ensure that tenants are aware of, and are supported in understanding, their rights and responsibilities in relation to housing repairs.

## 3. Legislative Framework

The Housing Repairs Policy follows the terms set out in the Repairs, Maintenance, Improvements and Alterations to the House sections within the Clackmannanshire Council's Scottish Secure and Short Scottish Secure Tenancy Agreements.

The Council will ensure that this policy adheres to all legislative requirements under relevant legislation and gives due regard to statutory guidance. The rules and regulations governing the Council's responsibilities in relation to carrying out repairs is set out in the following legislation:

- Gas Safety Management Regulation 1998
- Housing (Scotland) Act 1987
- Housing (Scotland) Act 2001
- Housing (Scotland) Act 2006
- Housing (Scotland) Act 2025
- The Investigation and Commencement of Repair (Scotland) Regulations 2026

- The Scottish Secure Tenants (Right to Repair) Regulations 2002

## 4. Council's Responsibilities

The Council is responsible for maintaining the tenant's home as set out in the Tenancy Agreement. It is responsible for repairing and maintaining the structure and the exterior of the property as well as any installations within the property which are provided by the Council, including, but not limited to:

- Walls, floors and ceilings;
- Window frames and external doors;
- Heating systems and equipment;
- Electrical installations and fittings.

The Council will carry out repairs or other work necessary to keep the property in a liveable, wind and watertight condition which is reasonably fit for human habitation.

All repairs will be completed within a reasonable timeframe after the Council becomes aware that repairs need to be completed, meeting the required repair standards and using good quality materials.

Under the Right to Repair Scheme, certain repairs will be carried out within legally specified timescales. For further information, please see section 10 'Right to Repair Scheme.'

## 5. Tenant's Responsibilities

In line with Clackmannanshire Council's Tenancy Agreement, tenants are responsible for reporting any arising issues, damage, or required repairs to the property to the Council as soon as they are discovered. Tenants must provide the Council with access to their property for any inspection and repair works following adequate notice given in writing.

Tenants are also responsible for taking reasonable care of the property and all fittings and fixtures within it as set out in the Tenancy Agreement. This includes carrying out all repairs and maintenance which are not part of the Council's responsibilities, including, but not limited to:

- Keeping the property reasonably clean;
- Repairing and maintaining improvements made by the tenant (after having sought agreement where applicable to install such improvement), where permission was required and granted by the Council;
- Replacing lost or broken keys or broken locks and;
- Adequately heating and ventilating the property.

In some instances, the tenant may be charged for any costs associated with required repairs to the property and to any fixtures/fittings within it which are deemed to be the tenant's

responsibility and which the Council carries out on behalf of the tenant. For further information on rechargeable repairs, please see Clackmannanshire Council's Rechargeable Repairs Policy.

## 6. Repair Categories

The Council categorises repairs based on urgency, ensuring that the most critical issues are addressed first. Repairs are grouped into the following categories:

### *6.1 Emergency Repairs*

Emergency repairs are defined as repairs which are necessary due to a threat or danger to health and safety, or where there is a risk of serious loss or damage to the property. Emergency repairs include, but are not limited to:

- Total failure of central heating systems;
- Loss of water, gas or electric supply;
- Significant water leaks from internal or external sources such as burst pipes.

Appointments for emergency repairs will be made within 8 hours of the repair being reported or by the next day. The Council will aim to complete the full repair during this visit. If this is not possible, a temporary repair will be carried out to make the property and the tenants safe, with any follow-up repair works arranged.

#### 6.1.1 Out-of-hours Repairs

Where a serious fault occurs outside normal working hours, the Council will provide an out-of-hours emergency repairs service.

An emergency repair will be attended to during out of hours only where it is not reasonable or safe for the repair to wait until the next working day. This includes circumstances where:

- There is a serious risk to the health or safety of the tenant or others;
- There is a serious risk of damage to the structure of the property;
- The property is insecure; or
- Delaying the repair until the next working day is likely to result in significant deterioration of the fault or damage to the property

When responding to an out-of-hours repair request, the responsible Repairs Adviser will determine whether the reported issue qualifies as an out-of-hours emergency repair and will advise the tenant accordingly. In making this determination, consideration will be given to:

- The nature and severity of the reported fault;
- The time of year, including periods of colder weather and reduced daylight hours;

- Any known vulnerabilities, medical needs or other relevant household circumstances;
- The likely impact on the tenant, occupants and the property if the repair is delayed until normal working hours resume.

Examples of repairs that may require an out-of-hours response include, but are not limited to:

- Total or significant partial loss of electrical power;
- Loss of electrical heating and hot water where there is no alternative means of heating during winter months;
- Complete loss of water supply;
- Loss of washing facilities, such as a shower, where the tenant is elderly, vulnerable or has specific medical needs;
- A toilet that will not flush where there is no alternative toilet within the property, or where the tenant is elderly, vulnerable or has specific medical needs;
- A tenant being locked out of their property;
- A broken window or external door where the property cannot be made secure.

Where the Repairs Adviser determines that the repair does not qualify for an out-of-hours response but still meets the definition of an emergency repair, the repair will be attended by the next working day or within 8 hours.

Where the tradesperson attends an out-of-hours request, they will assess the reported issue to determine whether it qualifies as an out-of-hours emergency repair. If the nature or severity of the issue has been inaccurately described and/or where the works are assessed to be the responsibility of the tenant, the tenant may be recharged the costs of works in line with the Council's Rechargeable Repairs Policy.

*6.2 Non-emergency repairs*

All other responsive repairs are classed as non-emergency or routine repairs. Examples of non-emergency repairs include, but are not limited to:

- Minor leaks and overflow;
- Superficial damage to floors, walls, ceilings;
- Faults in the central heating system;
- Non-emergency electrical issues.

An appointment for non-emergency repairs will be made within 20 working days of the repair being reported. However, the individual response timescales will depend on the urgency and nature of the repair reported as well as the right to repair timescales (Appendix 1).

In certain circumstances, the urgency of a repair and its response timescale may be flexible and subject to re-categorisation, which includes (but is not limited) to preventing non-urgent repairs (such as a minor water leak) from escalating to a more serious issue. Re-categorisation may also take place where the tenant has specific special need or identified vulnerabilities such as older people or individuals with medical needs.

*6.3 Planned Maintenance Works*

Planned maintenance includes large-scale internal or external upgrades carried out across multiple properties. These are not classified as reactive repairs but are delivered as part of a scheduled programme of works. Planned maintenance works include, but are not limited to:

- Kitchen replacements;
- Electrical upgrades;
- Window replacements;
- Large dry/wet rot work repairs;
- Roof and render works.

All planned maintenance works are identified ahead of time. Planned works are scheduled based on property condition, stock condition survey data and the established life cycle component replacement schedules currently in use. Tenants and any affected neighbouring residents will be notified in advance of works starting and be provided with relevant information as required to allow them to prepare for works commencement.

## 7 Reporting Repairs

In line with the Tenancy Agreement, tenants are required to report repairs that are the responsibility of the Council as soon as reasonably possible to prevent further damage to the property and ensure that the property does not fall into disrepair.

When reporting a repair, the tenant should provide the Repairs Team with:

- Their name and, address and contact number;
- Details of the required repair;
- Any areas of vulnerability or impairment that may be adversely affected by the reported repair issue or that which may affect the arrangement of the appointment.

Before the repair visit, tenants must ensure that the following measures are taken to allow safe and effective access for Council staff to carry out the repair:

- An adult over the age of 16 is present during the visit;
- Clear and tidy the area around the repair to make it accessible. This may include, but is not limited to lifting carpets, laminate flooring, clearing work surfaces, moving furniture;

- Let the Council know in advance of anything that may stop Council staff gaining access to the property or to the area around the fault;
- Take reasonable steps to prevent further damage to the property once a fault has been identified;
- Keep pets away from staff or representatives when they enter the home.

*7.1 Emergency Repair*

The Council operates a 24/7 emergency repairs service. Emergency repairs cannot be reported online. To report an emergency repair, the tenant must contact the Housing Repairs Team on **01259 452000**.

*7.2 Non-emergency Repair*

Non-emergency repairs can be reported by:

- visiting a local Council Office,
- contacting the Housing Repairs Team on 01259 452000
- emailing the Housing Repairs Team at repairs@clacks.gov.uk, or
- completing the online contact form.

*7.3 Gas Leaks*

In the event of a suspected gas leak, the tenant must immediately turn off the gas supply, open windows and contact SGN on 0800 111 999.

The tenant must then contact the Housing Repairs Team on 01259 452000 to report the leak, confirm that SGN have been contacted, and advise that the gas supply has been turned off.

Where the tenant reports loss of gas central heating, hot water and/or general loss of gas supply, the Housing Repairs Team will assess whether the reported issue may be caused by a gas leak, requiring emergency gas leak response. All gas leaks will be dealt in line with the emergency response timescales within 8 working hours or by the next day as set out in section 6.1 of the Policy.

## 8 Responding to Repairs

Upon receiving a repair request, a Repairs ~~Officer~~ Adviser will assess:

- The urgency of the repair;
- Whether the repair is a qualifying repair covered by the Right to Repair scheme and whether the tenant has been informed of this;
- Whether the responsibility lies with the Council or the tenant in line with the Rechargeable Repairs Policy;
- Whether further technical inspection is required.

*8.1 Repairs appointment*

Where appropriate, non-emergency repairs will be completed by appointment agreed with the tenant, or alternatively, a person reporting the repair on the tenant's behalf, within the relevant target timescale.

There are currently 2 appointment categories:

- Morning. Between 8.00am and 12.00pm
- Afternoon. Between 12.30pm and 4.00pm (excluding Friday)

If the repair is no longer required or the appointment time is inconvenient, the tenant should contact the repairs centre to cancel or rearrange the appointment. Failure to do so may result in a charge made to the tenant in line with the Rechargeable Repairs Policy.

*8.2 Exceptions to scheduling appointments*

In some instances, the tenant may not be given an appointment at time of reporting the non-emergency repair. This includes, but is not limited to the following circumstances:

- Council staff do not need access to the property to carry out the work;
- A larger repair is needed that will involve work by more than one trade.
- An inspection is needed to determine the work required.

In such circumstances, the Housing Repairs Team will contact the tenant to schedule the repair works once the necessary resources have been allocated and suitable arrangements in place.

*8.3 Inspection visits*

In certain circumstances, a Repairs Officer may need to carry out an inspection before proceeding with the works where there is a need for further information and/or technical decision has to be made regarding the repair. If an inspection is required, an appointment will be arranged with the tenant. The tenant will be informed if no repair is necessary following the inspection.

*8.4 Refusal to carry out repairs*

Council staff will always adhere to the Council's Health and Safety Policy when carrying out repairs, and will follow all relevant procedures and guidelines. Please note that there may be cases where Council staff may not be able to carry out the works or may reserve the right to refuse to undertake the repair. This includes, but is not limited to the following circumstances:

- There are people smoking to excess within the property;
- People within the property are engaging in antisocial behaviour;
- The operative fears for their personal safety;

- The tenant has failed to clear and tidy the area around the repair and the Council staff cannot gain access to the area around the fault.

## 9 Allowing access for repairs

In line with the Tenancy Agreement, the tenant is responsible for providing access to their property for any required repairs and inspections.

Where possible, the Council will provide reasonable notice requesting access to and will aim to carry out repairs by appointment, except for emergency works.

In emergency situations where the tenant does not provide access to the property, the Council may require to force entry in order to make the property safe and/or to protect the health and safety of the tenant, and any neighbouring properties.

If the tenant does not provide access or has missed an appointment for repairs without a reasonable cause, the tenant may be charged for the cost of the call-out associated with the missed appointment.

*9.1 No Access*

Where an officer, contractor or a tradesperson is unable to gain access to the property following an agreed appointment, reasonable attempts will be made to contact the tenant at the time of the visit.

Where access cannot be gained:

- A calling card will be left at the property where possible;
- The Council will issue a written "No Access" letter to the tenant, advising the tenant to contact the Council to arrange a further appointment within 5 working days.

If the tenant fails to respond to the letter within 5 working days, the Council will cancel the repair request and close the repair case. A new repair request will be opened when the tenant re-engages with the Council and access can be arranged.

Separate access arrangements apply to Gas Safety Inspections, as set out in Section 12 of this Policy.

## 10 Right to Repair Scheme

Under the Housing (Scotland) Act 2001, tenants have the right to have certain small urgent repairs carried out within legally prescribed timescales. Tenants also have the right to have reports of damp and mould investigated to assess whether the property is substantially free from damp and mould, and, where substantial damp and mould is identified, for qualifying repair works to be commenced within the prescribed timescales. ~~If not completed in time~~Where the relevant timescales are not met, tenants may be entitled to compensation.

To qualify for the Right to Repair scheme:~~, the repair must:~~

- The repair must be a 'qualifying repair'. For the full list of qualifying repairs and the associated timescales, please see appendix 1;
- The repair must have an estimated value of £350 or less, unless the repair relates to a substantial damp and/or mould concern; or
- ~~•~~ There is a need to investigate an identified damp and/or mould concern~~;~~.
- ~~•~~
- 

At the time of reporting, the Repairs Team will advise the tenant if the repair is a qualifying repair covered by the Scheme.

The Right to Repair will not apply where:

- The cost of the qualifying repair exceeds £350;
- Following investigation, the property is assessed as being substantially free from damp and mould;~~i~~
- The Council is unable to gain access to inspect, investigate or carry out the repair; or
- The repair does not meet the criteria of a qualifying repair.

Where the Council is unable to gain access, the Right to Repair process will end~~and/or where the Council has been unable to gain access for inspection or for the repair to be carried out~~. In such circumstances, the tenant will need to make a new repair request and/or start the right to repair process again, or the repair will need to be re-categorised.

*10.1 Compensations*

If the Council has started but not completed the qualifying repair within the legally prescribed timescale, the tenant will be entitled to compensation of £15.

In relation to damp and/or mould concerns, the tenant will be entitled to an initial compensation of £15 where the Council has failed to complete the damp and mould investigation, provide a written summary of the investigation, commence and/or complete the qualifying repair works within the prescribed timescales.

Except where the repair relates to a damp and mould investigation or associated repair works, if ~~If~~ the Council has not started the repair within the timescale, the tenant has the right to approach an alternative contractor nominated by the Council to carry out the repair, and the tenant will be entitled to £15 compensation.

The alternative contractor has the same length of time to carry out the repair as the Council's main contractor.~~I~~

~~I~~f the~~y do not carry out the repair~~ prescribed timescales have not been met, ~~within the timescale,~~ the tenant will be entitled to another £3 compensation for each working day until the investigation and/or repair has been completed, up to a maximum payment of £100 for any one repair. If the tenant is in arrears or owes money to the Council, any compensation due will first be used to pay these debts with any remainder issued to the tenant.

For further information on the Council's approach to investigating and responding to damp and mould concerns, and the associated 'Right to Repair' timescales and compensations, please refer to Clackmannanshire Council's Damp and Mould Policy.

## 11 Exceptional circumstances

In certain circumstances, it may not be possible to carry out the repair within the prescribed timescales. This could be due to factors such as severe weather conditions or delays in sourcing parts from suppliers.

In such cases, the Council may need to make temporary arrangement and extend the maximum time to complete the repair. The Council will notify the tenant if there is a need to do this, and an appointment will be offered as soon as the parts become available.

## 12 Gas Safety

The Council must carry out annual inspections of gas appliances to ensure all appliances are in safe working order. The Council will send a letter to tenants advising when the next gas service is due and will arrange a convenient appointment to access the property. If the proposed date is unsuitable, tenants must contact the Council to rearrange.

The tenant must allow access to their property for this work. If the Council cannot obtain access to a property after three attempts and the tenant has not made contact, the Council may force entry to the home. In such cases, the tenant may be liable for the cost of the forced entry, lock change, and any other associated charges.

### *12.1 Gas Heating System Installations*

Tenants who wish to install or replace their own gas heating system must obtain written permission from the Council beforehand. Any new gas appliance must be installed by a qualified and registered gas engineer.

Once installed, the appliance will be inspected by the Council and will then be included in the Council's future planned programme of maintenance and servicing (as required). If the tenant wishes to take the appliance with them at the end of their tenancy, the tenant must obtain a written permission from the Council in advance.

### *12.2 Solid Fuel System Installations*

In some circumstances, tenant may wish install solid fuel heating systems instead of traditional systems. Solid fuel heating system use materials such as coal, peat, or wood to generate heat and hot water, which may include open fires, multi-fuel stoves, and wood-burning stoves.

While sometimes seen as an alternative to gas or electric heating, solid fuel systems may contribute to carbon monoxide poisoning, reduce indoor air quality, and present a risk of chimney fires.

The Council will not grant approval for the installation of new solid fuel heating systems or allow the opening of an existing flue or old fireplace to install solid fuel appliance.

Where an existing solid fuel heating system is no longer operational, the Council will not permit to replace it with another solid fuel appliance, and the tenant will be required to remove it.

Any solid fuel heating systems installed without the Council's written consent will be deemed unauthorised. Retrospective permission will not be granted. In such cases, tenants will be instructed to remove the unauthorised system. If the tenant fails to do so, the Council may remove the system and recharge the tenant for the associated costs.

*12.2.1 Maintenance of Approved Systems*

Where a solid fuel heating system has been installed with prior written approval, the tenant is allowed to keep the appliance. The tenant must be able to provide evidence that the system has been installed by HETAS-registered installer.

The tenant is responsible for the ongoing maintenance of the system. Maintenance and servicing must be carried in accordance with the manufacturer's instructions, at least annually be a HETAS-approved contractor. Tenants are required to retain and present service records to the Council when requested.

At the end of a tenancy, tenants will be responsible for ensuring that any approved solid fuel system is removed before vacating the property, unless the Council agrees otherwise in writing.

## 13 Circumstances where repairs service may be restricted

In certain circumstances, the Council may limit a tenant's access to the repairs service if the repair is not of an emergency nature. This will be as a last resort, and only after the tenant has been advised of this in writing. The repairs service may be restricted in circumstances where:

- The tenant, family or visitors pose a risk of violent or abusive behaviour towards Council staff or representatives;
- The tenant makes persistent and unreasonable demands for repairs which are not required, or are a result of malicious damage or wilful neglect;
- The home is scheduled for demolition;
- The fault reported is included in a planned maintenance programme to be completed in the next 12 months and there is no immediate risk or danger posed to the tenant.

## 14 Equal Opportunities and Diversity

Clackmannanshire Council is committed to the elimination of unlawful discrimination, advancing equality of opportunity and fostering good relations between people.

The Council believes that equality of opportunity should be a guiding principle in all of its activities. The Council aims to ensure that its commitment to equality is embedded in all council services and in the organisations that it funds.

In accordance with the Equality Act 2010, the Council is actively working towards the elimination of policies and practices that discriminate unfairly on grounds including age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race including colour, nationality, ethnic or national origin; religion or belief; sex; and sexual orientation.

## 15 Privacy Statement

Clackmannanshire Council must adhere with its legal obligations under Data Protection Legislation as set out in the Data Protection Act 2018 and UK General Protection Regulation (UK GDPR).

In order to provide the required and/or requested services, the Council will collect, store and process relevant personal information or data.

Personal information may also be shared with other partner agencies and organisations.

Personal information will be kept securely, as long as required by law and/or by specific service requirements. Once the data is no longer required, it will be securely disposed of. The Council has a Record Retention Schedule which sets out the period of time and reasons for keeping particular records. The Retention Schedule is available on request.

Under the Data Protection Act 2018 and the Freedom of Information (Scotland) Act 2002, individuals have the right to access personal information and data held about them by Clackmannanshire Council as well as the right to access information from records held by the Council.

To submit a Subject Access or Freedom of Information request, please follow the link.

To make a complaint in relation to the Council's handling and processing of personal data and information, please contact the Information Commissioner's Office.

For further information on Clackmannanshire Council's data protection practices, please visit the Council's Data Protection Statement. For the Council's Data Protection Policy, please follow the link. For further information on freedom of information laws, please visit the Scottish Information Commissioner webpage.

## 16 Complaints

If the tenant is dissatisfied with the provided services and/or the standards of service, please follow the Council's Complaints Procedure. Complaints can be made in person, in writing, by

email or online. For further information on the Complaints Procedure and how to make a complaint, please visit the Council's Complaints Procedure webpage.

If the tenant remains dissatisfied with the final decision or the way the complaint has been handled following the Council's Complaints Handling Procedure, they can make a complaint to the Scottish Public Services Ombudsman (SPSO) by completing a complaints form found online or calling on 0800 377 7330.

For further information on how to make a complaint to SPSO, please visit the SPSO website.

## 17 Monitoring and Reviewing

The Council will monitor its performance in delivering the commitments set out in this policy through a range of key performance indicators. This will include assessing how effectively target timescales are being met, alongside several indicators linked to the Scottish Social Housing Charter.

To ensure a high standard of workmanship, the Council will carry out post-inspections on a random sample of completed repairs. These inspections will cover work undertaken by both Council officers and sub-contractors.

The Council will also actively seek tenants' views through customer satisfaction surveys. The feedback gathered will help to identify any issues with the repairs service and inform future improvements.

The Council will review and evaluate this policy every 3 years to ensure the adherence to the relevant legislation and statutory guidance as well as changes in organisational practices and policies.

For the avoidance of doubt, any future legislative changes affecting this policy will be applied without further procedure.

## 18 Appendix 1. Qualifying repairs under the Right to Repair Scheme and the associated timescales

| Type of Repair | Timescales (days) |
|---|---|
| Blocked flue to open fire or boiler | 1 |
| Blocked or leaking foul drains, soil stacks or toilet pans where there is no other toilet in the house | 1 |
| Blocked sink, bath or basin | 1 |
| Electric Power | |
| • Loss of electric power | 1 |
| • Partial loss of electric power | 3 |
| Insecure external window, door or lock | 1 |
| Unsafe access to a path or step | 1 |
| Significant leaks or flooding from water or heating pipes, tanks, cisterns | 1 |
| Loss or partial loss of gas supply | 1 |
| Loss or partial loss of space or water heating where no alternative heating is available | 1 |
| Toilet not flushing where there is no other toilet in the house | 1 |
| Unsafe power or lighting socket, or electrical fitting | 1 |
| Water Supply | |
| • Loss of water supply | 1 |
| • Partial loss of water supply | 3 |
| Loose or detached banister or handrail | 3 |
| Unsafe timber flooring or stair treads | 3 |
| Mechanical extractor fan in internal kitchen or bathroom not working | 7 |

Clackmannanshire Council | Comhairle Siorrachd Chlach Mhanann
www.clacks.gov.uk

# Clackmannanshire Council

# Housing Service

# Westhaugh ~~Traveller Site~~

# ~~Pitch~~ Allocations Policy

# August 2025

**Contents**

1. Introduction ..... 4
2. Aims of the Policy ..... 4
3. Legislative Framework ..... 5
4. Applying for the Pitch ..... 5
4.1 Making an application ..... 5
4.2 Assessing Accommodation Need ..... 6
4.3 Allocating a pitch ..... 6
4.4 Time in Need points ..... 6
5. Managing Applications ..... 7
5.1 Making an Offer ..... 7
5.2 Refusing an Offer ..... 7
5.3 Suspending Applications ..... 7
5.3.1 Antisocial Behaviour ..... 8
5.3.2 Previous occupancy/tenancy-related debts ..... 8
5.3.3 Previous/current tenancy has been neglected ..... 8
5.4 Cancelling Applications ..... 8
5.5 Withdrawing an Offer ..... 9
6. Transfer of Tenancy ..... 9
7. Transfer of Tenancy (Assignation) ..... 9
7.1 Making an Application ..... 9
7.2 Criteria for Considerations ..... 9
7.3 Eligible Persons ..... 10
7.4 Caravan Requirements ..... 10
7.5 Decision Making ..... 10
7.6 Application Accepted ..... 10
7.7 Application Refused ..... 10
8. Transfer following a Death ..... 11
8.1 Eligible Applicants and Priority ..... 11
8.2 Criteria for Consideration ..... 12
8.3 Making an Application ..... 12
8.4 Caravan Requirements ..... 12

8.5 Decision Making ..... 12
8.6 Application Accepted ..... 13
8.7 Application Refused ..... 13
9. Equal Opportunities and Diversity ..... 13
10. Privacy Statement ..... 13
11. Complaints and Appeals ..... 14
12. Monitoring and Reviewing ..... 14
13. Appendix 1. Terms and Interpretations ..... 16

## 1. ~~Scope~~ Introduction~~of the Policy~~

Clackmannanshire Council operates one ~~Gypsy/Traveller Site~~protected caravan site at Westhaugh, near Alva. The site has 16 pitches with a community hub and a play park. Each pitch has its own hardstanding for parking a caravan and another vehicle, with space for a second caravan, an amenity block with toilet, shower/bath, kitchen area, hot and cold water and storage, as well as a hook-up facility for electricity to the caravan.

The policy aims to ensure a fair and transparent system of allocation of pitches and sets out a framework of how the Council will process applications, assess accommodation needs and allocate any vacant caravan pitches at Westhaugh.

~~This policy has been developed in order to allocate pitches fairly and transparently and sets out a framework of how the Council will process applications, assess accommodation need and allocate any vacant caravan pitches on the Westhaugh site.~~

The policy also establishes the Council's approach to the transfer of tenancy interests for existing tenancies held under the Westhaugh Tenancy Agreement. This includes requests for assignation by existing tenants and requests for the transfer of a tenancy following the death of a tenant. These provisions are intended to provide a clear and streamlined framework for managing such requests and to support effective and consistent decision-making.

## 2. Aims of the Policy

The overarching aim of this policy is to ensure an equitable and transparent system for the allocation of pitches, recognising the differing tenancy types, individual circumstances and cultural needs of applicants.

It also seeks to ensure that tenants who hold a Westhaugh Tenancy Agreement under the Mobile Homes Act 1983 are afforded comparable rights, responsibilities and protections to those available to tenants in mainstream housing under a Scottish Secure Tenancy governed by the Housing (Scotland) Act 2001, insofar as this is allowed by the differing legislative requirements.

The specific aims of the policy are to:

- Address and respond to the accommodation needs of the Gypsy/Traveller community;
- Provide a suitable means of allocating pitches and create a sustainable and balanced community;
- Ensure equality of opportunity and fair and transparent allocation of the pitches based on needs of the applicants;
- Ensure an accessible, consistent, efficient and easily understood allocation system;

- Comply with and adhere to the relevant legislation and associated codes of practice and guidelines, including the Equalities Act 2010 and the Council's equal opportunities policies;
- Support a consistent and streamlined approach to tenancy management across different tenancy types;
- Protect and promote rights of all Clackmannanshire Council tenants.

## 3. Legislative Framework

Clackmannanshire Council will ensure that this policy adheres to all legislative requirements under relevant legislation and gives due regard to statutory guidance. The legal framework governing tenancy agreements at Westhaugh, including the rights and responsibilities of tenants and the Council, is set out in the following legislation:

- Mobile Homes Act 1983
- Mobile Homes (Written Statement) (Scotland) Regulations 2013
- Housing (Scotland) Act 2025

## ~~3.~~4. Applying for the Pitch

### ~~3.1~~4.1 *Making an application*

Anyone aged 16 and over who self-identifies as a Gypsy/Traveller, with the right to reside in the UK, can apply and be considered for a vacant caravan pitch.

Application form can be obtained by:

- Requesting by email at home@clacks.gov.uk;
- Collecting in-person from Place, Housing Services, Kilncraigs, Greenside Street, Alloa, FK10 1EB;
- Calling the Housing Department on 01259 225122 where a form can be posted out or where one of the housing officers can fill out on behalf of the applicant over the phone;
- Visiting the site office at Westhaugh, ~~Alva~~Alloa, FK10 ~~2AT~~3AT.

Once obtained, the applicant should fill out the form and send it back by email or hand it in in-person.

The Council may request a tenancy reference from the applicant's previous or current landlord.

Applicants should notify the Council if there have been any changes in their living circumstances which may affect their pitch application, such as change in family circumstances, phone number or current address.

### ~~3.2~~4.2 *Assessing Accommodation Need*

The Council will maintain a waiting list for the pitches on the site. The Council operates a bands and points-based system for assessing need, rewarding priority and allocating vacant pitches to the applicants. Depending on the applicant's needs and circumstances, the application will fall into one of the following categories, based on the criteria that the applicant fulfils:

| Bands | Criteria | Points |
|---|---|---|
| Band 1 | • The applicant has a caravan or access to a caravan which is their principal home but has nowhere to locate it* | - |
| Band 2 | • The applicant has been assessed as unintentionally homeless or threatened with homelessness* | 14 |
| Band 3 | • The applicant is living on a site/property which does not meet their medical or support needs* | 12 |
| | • The applicant is living on a site/property that is assessed as being below tolerable standard* | 8 |
| | • The applicant is living on a private site* | 4 |
| Band 4 | • The applicant is assessed as adequately housed with no recognised accommodation need (clarify that this is highly unlikely of offer being made)* | - |

*Applicants with the highest priority will receive an offer when a pitch becomes available. The applicants must have a caravan at the point of sign up and provide evidence of this.

### ~~3.3~~4.3 *Allocating a pitch*

When the application form is received, the Council will assess the applicant's need, place the applicant into one of the four bands and award the applicant with the highest number of points based on the housing need.

Applicants in bands 2 and 3 are placed in points order. These applicants are also awarded 'time in need' points. Applicants in bands 1 and 4 are placed in order of date of application.

The applicant will be awarded with only one set of points. Where two or more sets of points apply, the Council will award the highest set of points available.

### ~~3.4~~4.4 *Time in Need points*

| | Time in Need | Points |
|---|---|---|
| Applicants in Bands 2 and 3 will be awarded points reflecting the time they have had the assessed accommodation need. These are referred to as 'time in need' points and the maximum number of points that can be accrued is 4 points. | 3+ years | 4 points |
| | 2 years | 3 points |
| | 1 year | 2 points |
| | 6 months | 1 point |

When a pitch becomes vacant, the Council will offer the pitch to the applicant assessed as having the highest priority need taking into consideration local connection.

Applicants in band 1 will be considered first, followed by bands 2 and 3 and band 4 respectively.

Applicants in band 4 will only be considered once band 1, 2 and 3 have been exhausted.

Applicants with a local connection will be given preference. For further information on the definition of local connection, please see appendix 1 – Terms and Interpretations.

## ~~4.~~5. Managing Applications

### ~~4.1~~5.1 *Making an Offer*

Applicants with the highest priority will receive an offer when a pitch becomes available. The applicants must have a caravan at the point of sign up and provide evidence of this.

Prior to extending any offers, the Council reserves the right to consider the needs of the broader community and the potential impact that the allocation may have on the site.

### ~~4.2~~5.2 *Refusing an Offer*

If the applicant refuses the offer, the pitch will be offered to the next applicant who meets the criteria.

### ~~4.3~~5.3 *Suspending Applications*

Clackmannanshire Council reserves the right to suspend an application for a specified period of time. If an application is suspended, this will be communicated to the applicant and followed up in writing explaining why the decision has been made regarding any suspension.

During the suspension period, the applicant will not be considered for any allocations of vacant pitches and will not receive any offers. Suspension may last up to 12 months but will be reviewed on an individual basis.

The application may be suspended in cases of:

~~4.3.1~~5.3.1 *Antisocial Behaviour*

Where there has been antisocial behaviour established/under investigation either by a member of the applicant's household or the applicant themselves. Offers will be held pending the outcome of any investigation. Where antisocial behaviour has been established, the application will be suspended and the offer of a pitch withdrawn.

Where the applicant can show that an appropriate support package is in place and that they are working with others to improve their behaviour and change their actions, the application will be reviewed for active consideration for housing.

~~4.3.2~~5.3.2 *Previous occupancy/tenancy-related debts*

This includes debt that has been accrued by the applicant from a previous tenancy within the last 3 years, relating to rent arrears, rechargeable repairs or other tenancy-related debt.

Exceptions apply where the debt has been paid in full; the debt is no more than one month's rent (4 weeks' rental charge); repayment plan has been agreed with the applicant and has been upheld for 3 months.

~~4.3.3~~5.3.3 *Previous/current tenancy has been neglected*

This is following a tenant reference from the previous/current tenancy states that the property has been neglected and is in a poor condition.

Where the applicant can show that the condition of the property has improved to a reasonable standard, following updated tenancy reference, the application will be reviewed for active consideration for housing.

~~4.4~~5.4 *Cancelling Applications*

The Council reserves the right to cancel the application, if the Applicant:

- Has supplied false information;
- Has persistently failed to respond to contact attempts made by the Council;

- Has failed to respond to the periodic review of the application list;
- Has requested to be removed from the application list;
- Has died and there are no joint applicants;
- No longer requires a pitch;
- Has been allocated a pitch.

*~~4.5~~5.5 Withdrawing an Offer*

The Council will withdraw an offer of a vacant pitch if the applicant does not own or has no access to a caravan.

## 6. Transfer of Tenancy

In accordance with the terms of Clackmannanshire Council Westhaugh Tenancy Agreement, Clackmannanshire Council may, at its discretion, consider written requests from tenants to transfer (assign) their tenancy or allow an eligible person to transfer to the tenancy following the tenant's death.

## 7. Transfer of Tenancy (Assignation)

Under the Westhaugh Tenancy Agreement, the Council may consider written requests from a tenant seeking permission to transfer their tenancy (assign) to another person. Assignation is not an automatic right and will only be approved where the Housing Service is satisfied that all relevant criteria are met and that approval is reasonable in the circumstances.

*7.1 Making an Application*

Any request to assign a Westhaugh tenancy must be made in writing by the tenant to the Housing Service. The request must clearly outline the:

- Details of the proposed change,
- identify the person to whom the tenancy is to be assigned and specify the pitch concerned, and
- state the intended date on which the assignation is to take effect.

*7.2 Criteria for Considerations*

In order for an assignation request to be considered, the tenant must have occupied the caravan stationed on the pitch as their only or principal home for a continuous period of at least 12

months immediately prior to the date of the written request. The person proposed as the assignee must also have lived in a caravan on the same pitch as their only or principal home for a minimum of 12 months prior to the request.

The Housing Service must have been formally notified that the proposed assignee was living on the pitch. The qualifying period will only begin from the date on which such notification was received by the Housing Service from the tenant, a joint tenant, or the proposed assignee.

*7.3 Eligible Persons*

Assignation requests will only be considered where the proposed assignee is a registered member of the tenant's household and is currently residing in a caravan on the pitch as their only or principal home.

*7.4 Caravan Requirements*

The person to whom the tenancy is to be assigned must be in possession of, or have access to, a caravan that can lawfully and practically be stationed on the pitch. This requirement must be satisfied before an assignation request is submitted.

*7.5 Decision Making*

Upon receipt of a valid written request, the Housing Service will assess the application and carry out appropriate checks in relation to both the tenant and the proposed assignee. A decision will then be made to approve or refuse the request, based on the information available and the criteria set out in this policy.

*7.6 Application Accepted*

Where an application is approved, the tenant will be notified in writing. The person to whom the tenancy is assigned will be required to enter into a new Westhaugh Tenancy Agreement prior to the transfer taking effect.

*7.7 Application Refused*

The Council will have discretion in determining whether a request to transfer or assign the tenancy. In making the decision, the Council will consider a number of factors. Requests may be refused in circumstances including, but not limited to, the following:

- A notice of potential eviction has been served on the tenant;
- An order for eviction has been granted against the tenant;
- The tenant and/or the proposed assignee has rent arrears;
- The tenant and/or proposed assignee has other outstanding tenancy-related debts;
- There is a history of serious, ongoing, or repeated antisocial behaviour associated with the tenancy;
- The Housing Service has not been notified that the proposed assignee has been residing on the caravan stationed on the pitch as their only or principal home;
- The proposed assignee has not met the required qualifying period of residence on the pitch;
- The proposed assignee does not have access to, or possession of, a suitable caravan to reside on the pitch following the assignation.

## 8. Transfer following a Death

In line with the Westhaugh Tenancy Agreement and the Mobile Homes Act 1983, there is no automatic right for any person to transfer the tenancy to a Westhaugh tenancy following the death of the tenant. However, the Council may, at its discretion, consider written requests from eligible individuals seeking to be granted a new tenancy of the pitch.

### *8.1 Eligible Applicants and Priority*

Any individual seeking to transfer to a Westhaugh tenancy following the death of a tenant must be considered an eligible applicant under the terms of this policy. Any requests will be considered in the following order of priority:

- **Level One:** Priority is given to the surviving spouse, civil partner or a joint tenant, provided their caravan parked on the Pitch was his or her only or principal home at the time at the time of the tenant's death.
- **Level Two:** If no one qualifies or chooses to transfer from Level One, priority passes to other members of the tenant's family, provided they are aged at least 16 years and the caravan parked on the Pitch is their only or principal home at the time of the tenant's death.
- **Level Three:** If no one qualifies or chooses to transfer under the above categories, priority goes to carers aged at least 16 years where the caravan parked on the Pitch was their only or principal home at the time of the tenant's death, they had given up their own home before the tenant's death, and they are providing, or have provided care for the tenant or a member of the tenant's family.

Where an individual does not fall within one of the above categories, they will not be considered eligible to succeed to the tenancy.

*8.2 Criteria for Consideration*

To be considered eligible, the applicant must have been a registered member of the tenant's household and must have lived in the caravan parked on the Pitch as their only or principal home for a qualifying period of at least 6 months immediately before the tenant's death.

The tenant, any joint tenants, or the person wishing to transfer the tenancy must have notified the Housing Service that the applicant was living in the caravan parked on the Pitch as their only or principal home.

The qualifying period cannot begin unless the Housing Service have been notified that the applicant was living in the caravan parked on the Pitch as their only or principal home by the tenant, a joint tenant, or the applicant themselves. The qualifying period starts from the date the Housing Service was informed.

*8.3 Making an Application*

All requests for transfers on death must be made in writing to the Housing Service within one month of the death of the Tenant. Rent will be charged for any period of occupation after the death of the Tenant.

*8.4 Caravan Requirements*

Any person seeking to transfer to a tenancy following death of the tenant must be in possession of, or have access to, a suitable caravan capable of being stationed on the pitch.

*8.5 Decision Making*

Upon receipt of a valid written request, the Housing Service will assess the application and carry out all necessary checks before making a decision to approve or refuse the request, based on the information available and the criteria set out in this policy and within the Tenancy Agreement. Any decision whether to grant a transfer is entirely at the Council's discretion and the Council is under no obligation to grant a tenancy to any person, regardless of their relationship to the Tenant, length of occupation, or any other factor.

*8.6 Application Accepted*

Where a request is approved, the applicant will be notified in writing and will be required to sign a new Westhaugh Tenancy Agreement, unless they already hold a joint tenancy.

*8.7 Application Refused*

The Council will have discretion in determining whether a request to transfer following death should be refused. These may include, but are not limited to, the following circumstances:

- A notice of potential eviction had been served on the tenant prior to their death;
- An order for eviction had been granted against the tenant prior to their death;
- There were outstanding rent arrears at the time of the tenant's death, and no payment had been made to clear the arrears.
- There was a history of serious, ongoing, or repeated antisocial behaviour associated with the tenancy.

## ~~5.~~9. Equal Opportunities and Diversity

Clackmannanshire Council is committed to the elimination of unlawful discrimination, advancing equality of opportunity and fostering good relations between people.

The Council believes that equality of opportunity should be a guiding principle in all of its activities. The Council aims to ensure that its commitment to equality is embedded in all council services and in the organisations that it funds.

In accordance with the Equality Act 2010, the Council is actively working towards the elimination of policies and practices that discriminate unfairly on grounds including age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race including colour, nationality, ethnic or national origin; religion or belief; sex; and sexual orientation.

## ~~6.~~10. Privacy Statement

Clackmannanshire Council must adhere with its legal obligations under Data Protection Legislation as set out in the Data Protection Act 2018 and UK General Protection Regulation (UK GDPR).

In order to provide the required and/or requested services, the Council will collect, store and process relevant personal information or data.

Personal information may also be shared with other partner agencies and organisations.

Personal information will be kept securely, as long as required by law and/or by specific service requirements. Once the data is no longer required, it will be securely disposed of. The Council has a Record Retention Schedule which sets out the period of time and reasons for keeping particular records. The Retention Schedule is available on request.

Under the Data Protection Act 2018 and the Freedom of Information(Scotland) Act 2002, individuals have the right to access personal information and data held about them by Clackmannanshire Council as well as the right to access information from records held by the Council.

To submit a Subject Access or Freedom of Information request, please follow the link.

To make a complaint in relation to the Council's handling and processing of personal data and information, please contact the Information Commissioner's Office.

For further information on Clackmannanshire Council's data protection practices, please visit the Council's Data Protection Statement. For the Council's Data Protection Policy, please follow the link. For further information on freedom of information laws, please visit the Scottish Information Commissioner webpage.

## ~~7.~~11. Complaints and Appeals

If the applicant is dissatisfied with the provided services and/or the standards of service, please follow the Council's Complaints Procedure. Complaints can be made in person, in writing, by email or online. For further information on the Complaints Procedure and how to make a complaint, please visit the Council's Complaints Procedure webpage.

If the applicant remains dissatisfied with the final decision or the way the complaint has been handled following the Council's Complaints Handling Procedure, they can make a complaint to the Scottish Public Services Ombudsman (SPSO) by completing a complaints form found online or calling on 0800 377 7330.

For further information on how to make a complaint to SPSO, please visit the SPSO website.

## ~~8.~~12. Monitoring and Reviewing

The policy will be continuously monitored to ensure that it is performing efficiently against the aims set out in the policy.

The Council will review and evaluate this policy every 3 years or earlier, as necessary, to ensure the adherence to the relevant legislation and statutory guidance as well as changes in organisational practices and policies.

For the avoidance of doubt, any future legislative changes affecting this policy will be applied without further procedure.

## ~~9.~~13. Appendix 1. Terms and Interpretations

**Antisocial Behaviour** – behaviour as defined by section 143 of the Antisocial Behaviour etc. (Scotland) Act 2004. Antisocial behaviour occurs where a person "acts in a manner that causes or is likely to cause alarm or distress; or pursues a course of conduct that causes or is likely to cause alarm or distress to at least one person who is not of the same household."

Within this policy, antisocial behaviour applies to the following behaviour and circumstances:

- Annoyance, harassment, violent or intimidating behaviour towards staff, neighbours or others;
- Criminal convictions related to a tenancy such as drug dealing, prostitution, illegal gambling or betting and fire raising;
- Extensive damage caused to the landlord's property;
- Eviction decree previously granted for antisocial behaviour;
- Antisocial behaviour order has been granted;
- If you/any member of your household has been evicted for ASB, has current ASBO, waiting for a court decision on eviction or antisocial behaviour order (ASBO).

**Local Connection –** the applicant's local connection will be considered when assessing housing need and allocating pitches. Local connection includes, but is not limited to, being employed within the local authority area, living within the area, having family associations within the area (such as parents, siblings, grandparents, children) or any other special circumstances such as attending specialist health treatment within the area.

**Unintentionally homeless or threatened with homelessness** – the applicant will be placed into band 2 where they have been assessed as unintentionally homeless or threatened with homelessness. This means that the applicant has presented to the Council as homeless, and the Council has assessed the applicant as homeless or threatened with homelessness, and not intentionally homeless.

An applicant may be considered unintentionally homeless if they have been forced to leave their home due to abuse or harassment, including domestic abuse, or if they have been evicted or required to leave their accommodation through no fault of their own.

**Tolerable standard** is a minimum standard of housing that all residential dwellings must meet. To meet the tolerable standard, all dwelling houses should:

- Be structurally stable;
- Be substantially free from rising or penetrating damp;

- Have enough natural and artificial lighting, ventilation and heating;
- Have enough thermal insultation;
- Have adequate piped supply of water for domestic use;
- Have a sink with supply of both hot and cold water within the house;
- Have a toilet;
- Have a fixed bath or shower and wash-hand basin with a supply of both hot and cold water;
- Have effective system for the drainage and disposal of foul or surface water;
- Have a supply of electricity (where supplied to the property) that is compliant with relevant electrical installation regulations, and is safe to use;
- Have facilities for cooking food;
- Have access to all external doors and outbuildings;
- Have equipment installed for detecting fire and warning of fire/suspected fire;
- Have equipment installed for detecting and giving warning of excessive levels of carbon monoxide.

Clackmannanshire Council | Comhairle Siorrachd Chlach Mhanann
www.clacks.gov.uk

# Equality and Fairer Scotland Impact Assessment (EFSIA) Summary of Assessment

**Title: Damp and Mould Policy**
*Name of your decision, activity, policy, strategy or proposal. Referred to throughout as 'proposal' in this document.*

**Key findings from this assessment (or reason why an EFSIA is not required):**

The assessment identified positive impacts for children, older people, disabled people, pregnant individuals and those with existing health conditions, who may be more vulnerable to the effects of damp and mould. No negative impacts or risks of unlawful discrimination were identified, and no major changes to the policy are required.

**Summary of actions taken because of this assessment:**

The policy prioritises vulnerable households, incorporates the statutory response timescales introduced by Awaab's Law and commits to providing accessible advice and guidance. Consultation feedback also informed the policy and identified wider opportunities to improve repair quality, communication and tenant confidence.

**Ongoing actions beyond implementation of the proposal include:**

The Housing Service will monitor equality impacts through scheduled policy reviews and associated tenant consultations. The EFSIA will be reviewed alongside the policy, with emerging impacts and tenant feedback informing any future changes.

**Lead person(s) for this assessment: Monika Bicev**

**Senior officer approval of assessment: Katie Roddie**

**DATE: 06/10/2026**

# Equality and Fairer Scotland Impact Assessment (EFSIA)

An Equality and Fairer Scotland Impact Assessment (EFSIA) must be completed in relation to any decisions, activities, policies, strategies or proposals of the Council (referred to as 'proposal' in this document). The first stage of the assessment process will determine the level of impact assessment required.

This form should be completed using the guidance contained in the document: ['NAME']. Please read the guidance before completing this form.

The aim of this assessment is to allow you to critically assess:

- the impact of the proposal on those with protected characteristics and, where relevant, affected by socio-economic disadvantage (referred to as 'equality groups' in this document);
- whether the Council is meeting its legal requirements in terms of Public Sector Equality Duty and the Fairer Scotland Duty;
- whether any measures need to be put in place to ensure any negative impacts are eliminated or minimised.

The Fairer Scotland Duty requires public authorities to pay 'due regard' to how they can reduce inequalities of outcome caused by socio-economic disadvantage, when making **strategic decisions**. Strategic decisions are key, high-level decisions such as decisions about setting priorities, allocating resources, delivery or implementation and commissioning services and all decisions that go to Council or committee for approval.

---

## Step A – Confirm the details of your proposal

### 1. Describe the aims, objectives and purpose of the proposal.

The Housing Services is committed to ensuring that tenants can live in warm, comfortable, safe and secure homes that are free from damp and mould. It recognises the negative impacts that damp and mould can have on tenants' health and well-being, and as such aims to respond to any damp and mould concerns raised by tenants quickly and effectively.

In response to growing awareness and concern about the impact of damp and mould in social housing, alongside the introduction of new regulatory requirements that place greater responsibility on social landlords to address these issues promptly, Clackmannanshire Council's Housing Service is developing a dedicated Damp and Mould Policy.

The Damp and Mould policy provides a framework of how the Council will aim to prevent, respond to and manage any damp and mould concerns within Council-owned properties. The policy will aim to:

- Effectively respond to and implement a proactive and early intervention approach in the management of any damp and mould issues within Council properties;
- Prevent the occurrence of damp, mould, and condensation in Council properties by maintaining and improving the condition of Council housing;
- Outline the Council's and Tenants' responsibilities in responding to and managing any damp, mould and condensation issues;
- Support tenants to resolve any damp and mould issues and provide them with comprehensive advice on managing and controlling damp and mould within their homes;
- Work together with Council tenants to resolve issues relating to damp, mould, and condensation.

The developed policy brings forward proposed amendments in November 2026 following the introduction of Awaab's Law to reflect the introduction of statutory requirements for:

- Timescales to meet the investigation, commencement of repairs, and completion of repairs
- The extenuating circumstances in which the Council may seek to suspend the investigation and repairs timescales
- When the Council would seek to suspend the investigation and repairs timescales

**2. Why is the proposal required?**

The policy was developed and approved in August 2025 to establish Clackmannanshire Council Housing Service's approach to responding to and managing damp and mould concerns in Council homes. It is being amended in November 2026 to reflect the requirements introduced by Awaab's Law, including statutory timescales for investigation, response and remediation, the circumstances in which these timescales may be suspended, and the associated communication standards.

**3. Who is affected by the proposal?**

The proposal may affect all Clackmannanshire Council tenants living in Council homes, particularly those whose properties are affected by damp or mould. It is especially relevant to tenants and household members who may be more vulnerable to the associated health impacts, including children, older people, pregnant individuals, disabled people and those with pre-existing medical conditions.

**4. What other Council policies or activities may be related to this proposal? The EFSIAs for related policies might help you understand potential impacts.**

**5. Is the proposal a strategic decision? If so, please complete the steps below in relation to socio-economic disadvantage. If not, please state why it is not a strategic decision:**

This is a policy-level decision, not a strategic one. It sets out how the Council's Housing Service will deal with damp and mould concerns within Council tenants' homes and is closely linked with day-to-day operations of the Housing Service, rather than key strategic decisions which determine the Service priority-setting and service delivery.

## Step B – Consider the level of EFSIA required

*You should consider the available evidence and data relevant to your proposal. You should gather information in order to:*

- *help you to understand the importance of your proposal for those from equality groups,*
- *inform the depth of EFSIA you need to do (this should be proportionate to the potential impact), and*
- *provide justification for the outcome, including where it is agreed an EFSIA is not required.*

**6. What information is available about the experience of those with protected characteristics in relation to this proposal? Does the proposal relate to an area where there are already known inequalities? Refer to the guidance for sources of evidence and complete the table below.**

| **Equality Group** | **Evidence source** (e.g. online resources, report, survey, consultation exercise already carried out) | **What does the evidence tell you about the experiences of this group in relation to the proposal?** NB Lack of evidence may suggest a gap in knowledge/ need for consultation (Step C). |
|---|---|---|
| **Age** | Scottish Census 2022<br>Clackmannanshire Council's Tenant Satisfaction and Aspiration Survey 2023 | UK Government guidance on Understanding and Addressing the Health Risks of Damp and Mould in the Home identifies heightened risk among children, older people, pregnant women, and individuals with pre-existing health conditions or weakened immune systems. These findings have informed the policy's focus on identifying and prioritising vulnerable households.<br><br>Clackmannanshire Council's Tenant Satisfaction and Aspiration Survey 2023 highlights that over 30% of tenancies include households with at least one child under the age of 16, and 26% of households contain individuals aged 65 or over, both groups which are known to be at greater risk from the health impacts of damp and mould.<br><br>The policy is particularly relevant to both younger and older age groups, who are more susceptible to the health risks associated with damp and mould. |

| Equality Group | Evidence source (e.g. online resources, report, survey, consultation exercise already carried out) | What does the evidence tell you about the experiences of this group in relation to the proposal? NB Lack of evidence may suggest a gap in knowledge/ need for consultation (Step C). |
|---|---|---|
| | | It is important that the policy considers and establishes priority criteria which considers households with children or older adults when assessing and responding to reports of damp and mould. |
| **Disability** | Scottish House Condition Survey 2017–2019 | Research indicates that individuals with pre-existing health conditions, weakened immune systems, mental health conditions, or mobility issues are at greater risk from the effects of damp and mould. Limited ability to leave the home or access fresh air can further exacerbate health impacts.<br><br>The *Scottish House Condition Survey 2017–2019* found that 58% of households in the social rented sector include at least one person who is long-term sick or disabled. However, this data is not currently available for Clackmannanshire Council tenancies, and there is a lack of information available on the specific types or severity of disabilities represented.<br><br>UK Government guidance on Understanding and Addressing the Health Risks of Damp and Mould in the Home identifies heightened risk among children, older people, pregnant women, and individuals with pre-existing health conditions or weakened immune systems. These findings have informed the policy's focus on identifying and prioritising vulnerable households.<br><br>The policy recognises these risks and includes provisions to prioritise cases involving disabled tenants or household members, ensuring that vulnerability related to disability is a key factor in determining response urgency. |
| **Race** | Scottish Census 2022 | There is no indication at this stage that this protected characteristic would be impacted. |
| **Sex** | Scottish Census 2022 | There is no indication at this stage that this protected characteristic would be impacted. |
| **Gender Reassignment** | Scottish Census 2022 | There is no indication at this stage that this protected characteristic would be impacted. |
| **Sexual orientation** | Scottish Census 2022 | There is no indication at this stage that this protected characteristic would be impacted. |
| **Religion or Belief** | Scottish Census 2022 | There is no indication at this stage that this protected characteristic would be impacted. |
| **Pregnancy or maternity** | NICE 2020 | According to NICE (2020) guidance on indoor air quality, pregnant women, unborn babies, and women who have recently given birth may be more vulnerable to the health |

| Equality Group | Evidence source (e.g. online resources, report, survey, consultation exercise already carried out) | What does the evidence tell you about the experiences of this group in relation to the proposal? NB Lack of evidence may suggest a gap in knowledge/ need for consultation (Step C). |
|---|---|---|
| | | impacts of damp and mould, particularly due to weakened immune systems.<br><br>UK Government guidance on Understanding and Addressing the Health Risks of Damp and Mould in the Home identifies heightened risk among children, older people, pregnant women, and individuals with pre-existing health conditions or weakened immune systems. These findings have informed the policy's focus on identifying and prioritising vulnerable households.<br><br>It is important that the maternity is taken into the account when developing the policy, and that the appropriate priority criteria is established to address the needs of the relevant protected groups. |
| **Marriage or civil partnership** (only the first aim of the Duty is relevant to this protected characteristic and only in relation to work matters) | | Not applicable, not an employment matter. |
| **Socio economic disadvantage (if required)** | | Not applicable, not a strategic decision. |

**7. Based on the evidence above, is there relevance to some or all of the equality groups?** Yes
**If yes or unclear, proceed to further steps and complete full EFSIA**

**If no, explain why below and then proceed to Step E:**

## Step C – Stakeholder engagement

This step will help you to address any gaps in evidence identified in Step B. Engagement with people who may be affected by a proposal can help clarify the impact it will have on different equality groups. Sufficient evidence is required for you to show 'due regard' to the likely or actual impact of your proposal on equality groups.

8. **Based on the outcome of your assessment of the evidence under Step B, please detail the groups you intend to engage with or any further research that is required in order to allow you to fully assess the impact of the proposal on these groups. If you decide not to engage with stakeholders, please state why not:**

The Housing Service is actively seeking views on the potential impacts of the proposed Damp and Mould Policy and any additional mitigation measures that should be considered. Engagement with a broad and diverse range of tenants and residents is essential to ensure the policy is inclusive and responsive to the needs of all communities.

Tenants and residents are invited to complete an online survey, open from 15 May 2025 to 15 June 2025, which seeks feedback on personal experiences of damp and mould and views on how cases should be prioritised. In addition, in-person consultation sessions will be held with Clackmannanshire Tenants' and Residents' Federation and Sauchie Community Group to gather more in-depth, qualitative feedback on the lived experiences of tenants.

The Housing Service will update and publish this Equality Impact Assessment upon completion of the consultation period and analysis of feedback, to reflect the findings and any resulting changes to the policy.

9. **Please detail the outcome of any further engagement, consultation and/or research carried out:**

The development of this Equality and Fairer Scotland Impact Assessment and the subsequent policy has been informed by a wide-ranging and inclusive consultation programme. This programme was conducted as part of the broader review and development of policies relating to damp and mould, housing repairs, and rechargeable repairs.

Key engagement activities included an online public survey hosted on Citizens Space, which was open from 15 May to 15 June 2025. In addition, an in-person focus group session was held at Sauchie Resource Centre on 5 June 2025, providing an opportunity for more in-depth dialogue with tenants. Further targeted consultation was carried out with the Clackmannanshire Tenants and Residents Federation through an online session held on 18 June 2025. Feedback was also gathered through ongoing engagement with Housing and Property Officers and representatives from the Council's Direct Labour Organisation.

Across all engagement activities, there was a broad consensus in support of the core principles and key indicators of the policy. However, several concerns were raised regarding the operational delivery of the broader housing repairs service. In particular, consultees expressed a desire for improvements in the consistency and quality of repair works, clearer and more timely communication between the repairs service and tenants, and action to address a perceived lack of trust in the repairs process. These insights will support ongoing service improvement planning, ensuring that tenant voice remains central to service delivery and policy development.

## Step D - Impact on equality groups and steps to address this

### 10. Consider the impact of the proposal in relation to each protected characteristic under each aim of the general duty:

- Is there potential for discrimination, victimisation, harassment or other unlawful conduct that is prohibited under the Equality Act 2010? How will this be mitigated?
- Is there potential to advance equality of opportunity between people who share a characteristic and those who do not? How can this be achieved?
- Is there potential for developing good relations between people who share a relevant protected characteristic and those who do not? How can this be achieved?

**If relevant, consider socio-economic impact.**

| **Age** | Place 'X' in the relevant box(es) | | | Describe any actions you plan to take, eg. to mitigate any impact, maximise positive impact, or record your justification to not make changes |
|---|---|---|---|---|
| | Positive impacts | Negative impacts | No impact | |
| risk of discrimination | X | | | The Housing Service has carefully considered its responsibilities under the Equality Act 2010 to eliminate unlawful discrimination, harassment, victimisation, and other prohibited conduct. The Damp and Mould Policy is designed to ensure that all tenants have equitable access to housing services, including the ability to report issues without fear of discrimination and with confidence that their concerns will be addressed promptly and fairly.<br><br>The Housing Service recognises that certain groups protected under the Equality Act – such as young children, older people, disabled individuals, and those with existing health or respiratory conditions – may be disproportionately affected by damp and mould. As such, the policy aims to ensure that cases are prioritised based on the individual circumstances of the household and potential severity of impact, ensuring that the needs of the most vulnerable households are identified and addressed appropriately.<br><br>The amended Policy also reflects the changes brought forward by the Awaab's law to ensure that statutory response timescales are met. |
| potential for developing good relations | X | | | The proposed Damp and Mould Policy includes measures that will contribute to advancing equality of opportunity, particularly for individuals and households who share relevant protected characteristics. By prioritising cases involving young children and tenants or household members with serious medical or health conditions, the policy aims to ensure that those at greater risk of harm receive timely intervention and support. |
| potential to advance equality of opportunity | | | X | Impacts are assessed as low. However, the Housing Service recognises the importance of inclusive communication and engagement in promoting understanding and respect among all tenants. To support this aim, the policy establishes a commitment |

| | | | | |
|---|---|---|---|---|
| | | | | to provide accessible advice and guidance on the prevention and management of damp and mould. This will be through a range of formats, including in-person advice during visits from repairs officers, online resources such as relevant webpages on Clackmannanshire Council website, as well as printed materials in accessible formats such as damp and mould FAQ leaflets. |

| **Disability** | Place 'X' in the relevant box(es) | | | Describe any actions you plan to take, eg. to mitigate any impact, maximise positive impact, or record your justification to not make changes |
|---|---|---|---|---|
| | Positive impacts | Negative impacts | No impact | |
| risk of discrimination | X | | | The Housing Service has carefully considered its responsibilities under the Equality Act 2010 to eliminate unlawful discrimination, harassment, victimisation, and other prohibited conduct. The Damp and Mould Policy is designed to ensure that all tenants have equitable access to housing services, including the ability to report issues without fear of discrimination and with confidence that their concerns will be addressed promptly and fairly.<br><br>The Housing Service recognises that certain groups protected under the Equality Act – such as young children, older people, disabled individuals, and those with existing health or respiratory conditions – may be disproportionately affected by damp and mould. As such, the policy aims to ensure that cases are prioritised based on the individual circumstances of the household and potential severity of impact, ensuring that the needs of the most vulnerable households are identified and addressed appropriately.<br><br>The amended Policy also reflects the changes brought forward by the Awaab's law to ensure that statutory response timescales are met. |
| potential for developing good relations | X | | | The proposed Damp and Mould Policy includes measures that will contribute to advancing equality of opportunity, particularly for individuals and households who share relevant protected characteristics. By prioritising cases involving young children and tenants or household members with serious medical or health conditions, the policy aims to ensure that those at greater risk of harm receive timely intervention and support. |
| potential to advance equality of opportunity | | | X | Impacts are assessed as low. However, the Housing Service recognises the importance of inclusive communication and engagement in promoting understanding and respect among all tenants. To support this aim, the policy establishes a commitment to provide accessible advice and guidance on the prevention and management of damp and mould. This will be through a range of formats, including in-person advice during visits from repairs officers, online resources such as relevant webpages on Clackmannanshire Council website, as well as printed materials in accessible formats such as damp and mould FAQ leaflets. |

| Race | Place 'X' in the relevant box(es) | | | Describe any actions you plan to take, eg. to mitigate any impact, maximise positive impact, or record your justification to not make changes |
|---|---|---|---|---|
| | Positive impacts | Negative impacts | No impact | |
| risk of discrimination | | | X | There is no indication at this stage that this protected characteristic would be impacted. |
| potential for developing good relations | | | X | There is no indication at this stage that this protected characteristic would be impacted. |
| potential to advance equality of opportunity | | | X | There is no indication at this stage that this protected characteristic would be impacted. |

| **Sex** | Place 'X' in the relevant box(es) | | | Describe any actions you plan to take, eg. to mitigate any impact, maximise positive impact, or record your justification to not make changes |
|---|---|---|---|---|
| | Positive impacts | Negative impacts | No impact | |
| risk of discrimination | | | X | There is no indication at this stage that this protected characteristic would be impacted. |
| potential for developing good relations | | | X | There is no indication at this stage that this protected characteristic would be impacted. |
| potential to advance equality of opportunity | | | X | There is no indication at this stage that this protected characteristic would be impacted. |

| **Gender Reassignment** | Place 'X' in the relevant box(es) | | | Describe any actions you plan to take, eg. to mitigate any impact, maximise positive impact, or record your justification to not make changes |
|---|---|---|---|---|
| | Positive impacts | Negative impacts | No impact | |
| risk of discrimination | | | X | There is no indication at this stage that this protected characteristic would be impacted. |
| potential for developing good relations | | | X | There is no indication at this stage that this protected characteristic would be impacted. |
| potential to advance equality of opportunity | | | X | There is no indication at this stage that this protected characteristic would be impacted. |

| **Sexual Orientation** | Place 'X' in the relevant box(es) | | | Describe any actions you plan to take, eg. to mitigate any impact, maximise positive impact, or record your justification to not make changes |
|---|---|---|---|---|
| | Positive impacts | Negative impacts | No impact | |
| risk of discrimination | | | X | There is no indication at this stage that this protected characteristic would be impacted. |
| potential for developing good relations | | | X | There is no indication at this stage that this protected characteristic would be impacted. |
| potential to advance equality of opportunity | | | X | There is no indication at this stage that this protected characteristic would be impacted. |

| **Religion or Belief** | Place 'X' in the relevant box(es) | | | Describe any actions you plan to take, eg. to mitigate any impact, maximise positive impact, or record your justification to not make changes |
|---|---|---|---|---|
| | Positive impacts | Negative impacts | No impact | |
| risk of discrimination | | | X | There is no indication at this stage that this protected characteristic would be impacted. |
| potential for developing good relations | | | X | There is no indication at this stage that this protected characteristic would be impacted. |
| potential to advance equality of opportunity | | | X | There is no indication at this stage that this protected characteristic would be impacted. |

| Pregnancy/maternity | Place 'X' in the relevant box(es) | | | Describe any actions you plan to take, eg. to mitigate any impact, maximise positive impact, or record your justification to not make changes |
|---|---|---|---|---|
| | Positive impacts | Negative impacts | No impact | |
| risk of discrimination | X | | | The Housing Service has carefully considered its responsibilities under the Equality Act 2010 to eliminate unlawful discrimination, harassment, victimisation, and other prohibited conduct. The Damp and Mould Policy is designed to ensure that all tenants have equitable access to housing services, including the ability to report issues without fear of discrimination and with confidence that their concerns will be addressed promptly and fairly.<br><br>The Housing Service recognises that certain groups protected under the Equality Act – such as young children, older people, disabled individuals, and those with existing health or respiratory conditions – may be disproportionately affected by damp and mould. As such, the policy aims to ensure that cases are prioritised based on the individual circumstances of the household and potential severity of impact, ensuring that the needs of the most vulnerable households are identified and addressed appropriately.<br><br>The amended Policy also reflects the changes brought forward by the Awaab's law to ensure that statutory response timescales are met. |
| potential for developing good relations | X | | | The proposed Damp and Mould Policy includes measures that will contribute to advancing equality of opportunity, particularly for individuals and households who share relevant protected characteristics. By prioritising cases involving young children and tenants or household members with serious medical or health conditions, or pregnant individuals, the policy aims to ensure that those at greater risk of harm receive timely intervention and support. |
| potential to advance equality of opportunity | | | X | Impacts are assessed as low. However, the Housing Service recognises the importance of inclusive communication and engagement in promoting understanding and respect among all tenants. To support this aim, the policy establishes a commitment to provide accessible advice and guidance on the prevention and management of damp and mould. This will be through a range of formats, including in-person advice during visits from repairs officers, online resources such as relevant webpages on Clackmannanshire Council website, as well as printed materials in accessible formats such as damp and mould FAQ leaflets. |

| | Place 'X' in the relevant box(es) | |
|---|---|---|

| **Marriage/civil partnership** | Positive impacts | Negative impacts | No impact | Describe any actions you plan to take, eg. to mitigate any impact, maximise positive impact, or record your justification to not make changes |
|---|---|---|---|---|
| risk of discrimination (only the first aim of the Duty is relevant to this protected characteristic and only in relation to work matters) | | | X | Not applicable, not an employment matter. |

| **Socio-economic disadvantage** | Place 'X' in the relevant box(es) | | | Describe any actions you plan to take, eg. to mitigate any impact, maximise positive impact, or record your justification to not make changes |
|---|---|---|---|---|
| | Yes | No | No impact | |
| **(**If required) Will the proposal reduce inequalities of outcome caused by socio-economic disadvantage? | | | X | Not applicable, not a strategic decision. |

## 11. **Describe how the assessment might affect the proposal or project timeline?**

Examples of the items you should consider here include, but are not limited to:

- **Communication plan**: do you need to communicate with people affected by proposal in a specific format (e.g. audio, subtitled video, different languages) or do you need help from other organisations to reach certain groups?
- **Cost**: do you propose any actions because of this assessment which will incur additional cost?
- **Resources**: do the actions you propose require additional or specialist resource to deliver them?
- **Timing**: will you need to build more time into the project plan to undertake research, consult or to complete any actions identified in this assessment?

The assessment is not expected to affect the overall timeline of the development of policy. Equality considerations are embedded into the early stages of Policy development, with the needs of different equality groups taken into account from the outset.

12. **Having considered the potential or actual impacts of your proposal, you should now record the outcome of this assessment**. Choose from one of the following:

| Please select (X) | **Implications for the proposal** |
|---|---|
| X | **No major change**<br>Your assessment demonstrates that the proposal shows no risk of unlawful discrimination and that you have taken all opportunities to advance equality of opportunity and foster good relations, subject to continuing monitoring and review. |
| | **Adjust the proposal and/or implement mitigations**<br>You have identified ways of modifying the proposal to avoid discrimination or to better advance equality of opportunity or foster good relations. In addition, or alternatively, you will introduce measures to mitigate any negative impacts. Adjustments and mitigations should be recorded in the tables under Step D above and summarised in the summary sheet at the front of the document. |
| | **Continue the proposal with adverse impact**<br>The proposal will continue despite the potential for adverse impact. Any proposal which results in direct discrimination is likely to be unlawful and should be stopped and advice taken. Any proposal which results in indirect discrimination should be objectively justified and the basis for this set out in the tables under Step D above and summarised in the summary sheet at the front of the document. If objective justification is not possible, the proposal should be stopped whilst advice is taken. |
| | **Stop the proposal**<br>The proposal will not be implemented due to adverse effects that are not justified and cannot be mitigated. |

## Step E - Discuss and review the assessment with decision-makers

**13. You must discuss the findings of this assessment at each stage with senior decision makers during the lifetime of the proposal and before you finalise the assessment. Record details of these discussions and decisions taken below:**

## Step F – Post-implementation actions and monitoring impact

It is important to continue to monitor the impact of your proposal on equality groups to ensure that your actual or likely impacts are those you recorded. This will also highlight any unforeseen impacts.

14. **Record any post-implementation actions required.**

15. **Note here how you intend to monitor the impact of this proposal on equality groups**.

The impact of the policy on equality groups will be monitored through scheduled policy reviews and ongoing consultation with Council tenants, including those from affected equality groups.

16. **Note here when the EFSIA will be reviewed as part of the post-implementation review of the proposal:**

The EFSIA will be reviewed concurrently with the scheduled review of the Policy.

## Step G – Assessment sign off and approval

Lead person(s) for this assessment: Monika Bicev

Signed: MBicev

Date: 06/10/2026

Senior officer approval of assessment:

Signed:

Date:

All full EFSIAs must be published on the Council's website as soon as possible after the decision is made to implement the proposal.

Clackmannanshire Council | Comhairle Siorrachd Chlach Mhanann
www.clacks.gov.uk

# Equality and Fairer Scotland Impact Assessment (EFSIA) Summary of Assessment

**Title: Housing Eviction Policy Policy**
*Name of your decision, activity, policy, strategy or proposal. Referred to throughout as 'proposal' in this document.*

## Key findings from this assessment (or reason why an EFSIA is not required):

The assessment found no evidence that the revised Housing Eviction Policy would result in unlawful discrimination or significant adverse impacts on protected groups. The Policy is being updated in November 2026 to include the new domestic abuse ground, which is expected to have a positive impact, particularly for women and girls, by enabling a victim/survivor-led, trauma-informed approach that may help them remain safely in their home.

The revised definition of a qualifying occupier also ensures that young people aged 16, or approaching 16 during legal proceedings, receive appropriate homelessness advice and assistance. No material impacts were identified for the other protected characteristics, and socio-economic disadvantage was not assessed as the proposal is not a strategic decision.

## Summary of actions taken because of this assessment:

The policy was reviewed against current legislative requirements and equality evidence, with feedback sought from, Clackmannanshire Tenants' and Residents' Federation and children and young people. The wording and layout were amended following consultation. The policy also embeds proportionate safeguards, including consideration of the victim/survivor's wishes, safety planning, homelessness prevention advice and assistance for affected tenants, qualifying occupiers and any perpetrator subject to eviction action.

## Ongoing actions beyond implementation of the proposal include:

The Housing Service will continue to monitor the policy's impact through scheduled policy reviews and ongoing engagement with Council tenants and affected equality groups. Any gaps in support, unforeseen impacts or further mitigating actions identified through monitoring and consultation will be addressed. The EFSIA will be reviewed alongside the scheduled review of the Housing Eviction Policy.

## Lead person(s) for this assessment: Monika Bicev

## Senior officer approval of assessment: Katie Roddie

**DATE: 06/10/2026**

# Equality and Fairer Scotland Impact Assessment (EFSIA)

An Equality and Fairer Scotland Impact Assessment (EFSIA) must be completed in relation to any decisions, activities, policies, strategies or proposals of the Council (referred to as 'proposal' in this document). The first stage of the assessment process will determine the level of impact assessment required.

This form should be completed using the guidance contained in the document: ['NAME']. Please read the guidance before completing this form.

The aim of this assessment is to allow you to critically assess:

- the impact of the proposal on those with protected characteristics and, where relevant, affected by socio-economic disadvantage (referred to as 'equality groups' in this document);
- whether the Council is meeting its legal requirements in terms of Public Sector Equality Duty and the Fairer Scotland Duty;
- whether any measures need to be put in place to ensure any negative impacts are eliminated or minimised.

The Fairer Scotland Duty requires public authorities to pay 'due regard' to how they can reduce inequalities of outcome caused by socio-economic disadvantage, when making **strategic decisions**. Strategic decisions are key, high-level decisions such as decisions about setting priorities, allocating resources, delivery or implementation and commissioning services and all decisions that go to Council or committee for approval.

## Step A – Confirm the details of your proposal

### 1. Describe the aims, objectives and purpose of the proposal.

Clackmannanshire Council's Eviction Policy sets out the framework of how a Tenancy Agreement between the Council and the tenant will end due to eviction action pursued by the Council. Clackmannanshire Council has the responsibility to act within the legislative framework and adhere to statutory guidelines and recommendations, including statutory homelessness duties by preventing homelessness from occurring and providing the relevant support. This policy aims to recognise that the Council's role as a landlord may conflict with its statutory homelessness duties. As such, it also outlines the processes that will be followed to ensure that potential alternative solutions have been explored before resorting to eviction action.

The Council's Evictions policy must comply with statutory obligations set out in the Housing (Scotland) Act 2001, Housing (Scotland) Act 2010 and Housing (Scotland) Act 2014. The Policy has been reviewed to ensure that it complies with the most recent legislative changes found within the relevant legislation.

The Policy is being further amended in November 2026 to include a new ground for eviction on the grounds abusive behaviour by a tenant towards their partner or ex-partner.

### 2. Why is the proposal required?

The policy was reviewed and approved in October 2024 to establish an updated approach by Clackmannanshire Council's Housing Service to initiating eviction action against Council tenants.

It is being amended in November 2026 to reflect the changes brought forward by the Domestic Abuse (Protection) (Scotland) Act 2021 which introduces a new "Domestic Abuse" ground for eviction to enable victim/survivors to remain in their homes if they wish to do so.

### 3. Who is affected by the proposal?

The proposal may affect all Clackmannanshire Council tenants living in Council homes, who are at risk of eviction action. No particular protected group was found to be more at risk of being taken eviction action against.

The inclusion of the new domestic abuse provision, and associated protections afforded to victims/survivors of domestic abuse is likely to positively affect protected groups who are at heightened risk of domestic abuse, namely women and girls.

**4. What other Council policies or activities may be related to this proposal? The EFSIAs for related policies might help you understand potential impacts.**

**5. Is the proposal a strategic decision? If so, please complete the steps below in relation to socio-economic disadvantage. If not, please state why it is not a strategic decision:**

This is a policy-level decision, not a strategic one. It sets out a framework by which the Council's Housing Service may seek to take eviction action against its tenants and is linked to the day-to-day operations of the Housing Service, rather than key strategic decisions which determine Service's priority setting and key service delivery actions.

## Step B – Consider the level of EFSIA required

*You should consider the available evidence and data relevant to your proposal. You should gather information in order to:*

- *help you to understand the importance of your proposal for those from equality groups,*
- *inform the depth of EFSIA you need to do (this should be proportionate to the potential impact), and*
- *provide justification for the outcome, including where it is agreed an EFSIA is not required.*

**6. What information is available about the experience of those with protected characteristics in relation to this proposal? Does the proposal relate to an area where there are already known inequalities? Refer to the guidance for sources of evidence and complete the table below.**

| **Equality Group** | **Evidence source** (e.g. online resources, report, survey, consultation exercise already carried out) | **What does the evidence tell you about the experiences of this group in relation to the proposal?** NB Lack of evidence may suggest a gap in knowledge/ need for consultation (Step C). |
|---|---|---|
| **Age** | Scottish Census 2022<br>Clackmannanshire Council's Tenant Satisfaction and Aspiration Survey 2023<br>Equality Finder | According to the Scottish Census 2022, there were a total 12,652 individuals living social rented sector across Clackmannanshire. 29% of those individuals were aged 0-15, followed by 25% who were aged 50 to 64 and 23% of individuals aged 35 to 49.<br><br>Following advice from independent solicitors, the policy aims the definition of a qualifying occupier to include changes to the age of the qualifying occupier. The policy now aims to state that "the policy now states: "A qualifying occupier is a person who is 16 years old or more, or who may turn 16 during the life of any proposed legal action, and occupies the house as their main or only home."<br><br>This may impact young individuals who may be affected by any proceeding eviction action. Where eviction action is due to take place, the policy aims advise the tenant and any qualifying occupiers of the homelessness duties that the Council has towards them. This includes advice and assistance on temporary accommodation and ways to secure alternative permanent accommodation. |
| **Disability** | Scottish House Condition Survey 2017–2019<br>Clackmannanshire Council's Tenant Satisfaction and | There is no indication at this stage that this protected characteristic would be impacted. |

| Equality Group | Evidence source (e.g. online resources, report, survey, consultation exercise already carried out) | What does the evidence tell you about the experiences of this group in relation to the proposal? NB Lack of evidence may suggest a gap in knowledge/ need for consultation (Step C). |
|---|---|---|
| | Aspiration Survey 2023<br>Equality Finder | |
| **Race** | Scottish Census 2022<br>Clackmannanshire Council's Tenant Satisfaction and Aspiration Survey 2023<br>Equality Finder | There is no indication at this stage that this protected characteristic would be impacted. |
| **Sex** | Scottish Census 2022<br>Clackmannanshire Council's Tenant Satisfaction and Aspiration Survey 2023<br>Equality Finder<br>Domestic abuse: statistics recorded by the Police in Scotland - 2020/21 | According to Clackmannanshire Council's Tenant Satisfaction and Aspiration Survey, the sex split among Council tenants is broadly even, with 50% male and 49% female. National evidence indicates that women are disproportionately affected by domestic abuse. Police Scotland statistics for 2020/21 show that 80% of domestic abuse incidents recorded by the police involved a female victim and a male accused, while 16% involved a male victim and a female accused. The Scottish Government also recognises domestic abuse as a form of gender-based violence which is predominantly experienced by women and girls and predominantly perpetrated by men.<br><br>While the relevant policy provisions apply regardless of sex, the disproportionate experience of domestic abuse among women means that the proposals are likely to have a greater positive impact on women and girls experiencing domestic abuse.<br><br>In particular, provisions enabling the Council to consider eviction action against a perpetrator on the basis of domestic abuse may provide greater protection and housing stability for victims/survivors, while supporting them to remain safely within their home where appropriate. |
| **Gender Reassignment** | Scottish Census 2022<br>Clackmannanshire Council's Tenant Satisfaction and Aspiration Survey 2023<br>Equality Finder | There is no indication at this stage that this protected characteristic would be impacted. |
| **Sexual orientation** | Scottish Census 2022<br>Clackmannanshire Council's Tenant | There is no indication at this stage that this protected characteristic would be impacted. |

| Equality Group | Evidence source (e.g. online resources, report, survey, consultation exercise already carried out) | What does the evidence tell you about the experiences of this group in relation to the proposal? NB Lack of evidence may suggest a gap in knowledge/ need for consultation (Step C). |
|---|---|---|
| | Satisfaction and Aspiration Survey 2023<br>Equality Finder | |
| **Religion or Belief** | Scottish Census 2022<br>Clackmannanshire Council's Tenant Satisfaction and Aspiration Survey 2023<br>Equality Finder | There is no indication at this stage that this protected characteristic would be impacted. |
| **Pregnancy or maternity** | Scottish Census 2022<br>Clackmannanshire Council's Tenant Satisfaction and Aspiration Survey 2023<br>Equality Finder | There is no indication at this stage that this protected characteristic would be impacted. |
| **Marriage or civil partnership** (only the first aim of the Duty is relevant to this protected characteristic and only in relation to work matters) | | Not applicable, not an employment matter. |
| **Socio economic disadvantage (if required)** | | Not applicable, not a strategic decision. |

**7. Based on the evidence above, is there relevance to some or all of the equality groups?** Yes
**If yes or unclear, proceed to further steps and complete full EFSIA**

**If no, explain why below and then proceed to Step E:**

## Step C – Stakeholder engagement

This step will help you to address any gaps in evidence identified in Step B. Engagement with people who may be affected by a proposal can help clarify the impact it will have on different equality groups. Sufficient evidence is required for you to show 'due regard' to the likely or actual impact of your proposal on equality groups.

8. **Based on the outcome of your assessment of the evidence under Step B, please detail the groups you intend to engage with or any further research that is required in order to allow you to fully assess the impact of the proposal on these groups. If you decide not to engage with stakeholders, please state why not:**

As part of the initial review of the Housing Eviction Policy, views were sought from Registered Tenant Organisations, Clackmannanshire Tenants' and Residents' Federation as well as children and young people from local schools.

9. **Please detail the outcome of any further engagement, consultation and/or research carried out:**

Clackmannanshire Tenants' and Residents' Federation as well as Alloa Academy's Pupil Parliament will be consulted.

Following the engagement with Clackmannanshire Tenants' and Residents' Federation and Alloa Academy's Pupil Parliament, appropriate changes were made to alter the layout and the wording of the document following the feedback received from the groups.

## Step D - Impact on equality groups and steps to address this

**10. Consider the impact of the proposal in relation to each protected characteristic under each aim of the general duty:**

- Is there potential for discrimination, victimisation, harassment or other unlawful conduct that is prohibited under the Equality Act 2010? How will this be mitigated?
- Is there potential to advance equality of opportunity between people who share a characteristic and those who do not? How can this be achieved?
- Is there potential for developing good relations between people who share a relevant protected characteristic and those who do not? How can this be achieved?

**If relevant, consider socio-economic impact.**

| **Age** | Place 'X' in the relevant box(es) | | | Describe any actions you plan to take, eg. to mitigate any impact, maximise positive impact, or record your justification to not make changes |
|---|---|---|---|---|
| | Positive impacts | Negative impacts | No impact | |
| risk of discrimination | | | X | Clackmannanshire Council's Eviction Policy has considered potential unlawful discrimination to ensure that services are delivered to all and no one is unequally discriminated. The policy is written in adherence with all of the legislative requirements, following all of the relevant changes in legislation to make sure it does not discriminate disproportionally against any of the protected characteristics where the Council decides to pursue eviction action.<br><br>Following advice from independent solicitors, the policy aims the definition of a qualifying occupier to include changes to the age of the qualifying occupier. The policy now aims to state that "the policy now states: "A qualifying occupier is a person who is 16 years old or more, or who may turn 16 during the life of any proposed legal action, and occupies the house as their main or only home."<br><br>This may impact young individuals who may be affected by any proceeding eviction action. Where eviction action is due to take place, the policy aims advise the tenant and any qualifying occupiers of the homelessness duties that the Council has towards them. This includes advice and assistance on temporary accommodation and ways to secure alternative permanent accommodation.<br><br>The Council will continue to address gaps in provision of support and identify any potential mitigating action to be considered, and will consult the relevant protected groups. |
| potential for developing good relations | | | X | Impacts are assessed as low in relation to the proposed changes to the policy. |
| potential to advance equality of opportunity | | | X | Impacts are assessed as low in relation to the proposed changes to the policy. |

| | Place 'X' in the relevant box(es) | |
|---|---|---|

| **Disability** | Positive impacts | Negative impacts | No impact | Describe any actions you plan to take, eg. to mitigate any impact, maximise positive impact, or record your justification to not make changes |
|---|---|---|---|---|
| risk of discrimination | | | X | Clackmannanshire Council's Eviction Policy has considered potential unlawful discrimination to ensure that services are delivered to all and no one is unequally discriminated. The policy is written in adherence with all of the legislative requirements, following all of the relevant changes in legislation to make sure it does not discriminate disproportionally against any of the protected characteristics where the Council decides to pursue eviction action. |
| potential for developing good relations | | | X | Impacts are assessed as low in relation to this duty. |
| potential to advance equality of opportunity | | | X | Impacts are assessed as low in relation to this duty. |

| **Race** | Place 'X' in the relevant box(es) | | | Describe any actions you plan to take, eg. to mitigate any impact, maximise positive impact, or record your justification to not make changes |
|---|---|---|---|---|
| | Positive impacts | Negative impacts | No impact | |
| risk of discrimination | | | X | Clackmannanshire Council's Eviction Policy has considered potential unlawful discrimination to ensure that services are delivered to all and no one is unequally discriminated. The policy is written in adherence with all of the legislative requirements, following all of the relevant changes in legislation to make sure it does not discriminate disproportionally against any of the protected characteristics where the Council decides to pursue eviction action. |
| potential for developing good relations | | | X | There is no indication at this stage that this protected characteristic would be impacted. |
| potential to advance equality of opportunity | | | X | There is no indication at this stage that this protected characteristic would be impacted. |

| **Sex** | Place 'X' in the relevant box(es) | | | Describe any actions you plan to take, eg. to mitigate any impact, maximise positive impact, or record your justification to not make changes |
|---|---|---|---|---|
| | Positive impacts | Negative impacts | No impact | |
| risk of discrimination | X | | | The proposed policy updates in November 2026 are likely to have a positive impact on women and girls, who are disproportionately affected by domestic abuse. Where the Housing Service considers eviction action against a perpetrator on the basis of domestic abuse, the approach will be victim/survivor-led, trauma-informed and person-centred. The victim/survivor's wishes and views will be considered throughout the process, with appropriate safety planning undertaken to minimise risk and support their safety.<br><br>Any perpetrator subject to eviction action will also be offered appropriate advice and assistance regarding alternative accommodation options, with the aim of preventing homelessness. On this basis, the proposals are considered unlikely to result in discrimination on the basis of sex. |
| potential for developing good relations | | | X | There is no indication at this stage that this protected characteristic would be impacted. |
| potential to advance equality of opportunity | X | | | The proposed changes to the Eviction Policy in November 2026, particularly the introduction of a new ground for eviction on the basis of abusive behaviour, are likely to positively impact women and girls, who are disproportionately affected by domestic abuse. Where eviction action is taken against a perpetrator, with the wishes and views of the victim/survivor taken into account, this may help prevent homelessness and enable victims/survivors to remain safely within their homes. As victims/survivors are predominantly women, the proposed approach has the potential to advance equality of opportunity for this protected group. |

| **Gender Reassignment** | Place 'X' in the relevant box(es) | | | Describe any actions you plan to take, eg. to mitigate any impact, maximise positive impact, or record your justification to not make changes |
|---|---|---|---|---|
| | Positive impacts | Negative impacts | No impact | |
| risk of discrimination | | | X | Clackmannanshire Council's Eviction Policy has considered potential unlawful discrimination to ensure that services are delivered to all and no one is unequally discriminated. The policy is written in adherence with all of the legislative requirements, following all of the relevant changes in legislation to make sure it does not discriminate disproportionally against any of the protected characteristics where the Council decides to pursue eviction action. |

| | | | | |
|---|---|---|---|---|
| potential for developing good relations | | | X | There is no indication at this stage that this protected characteristic would be impacted. |
| potential to advance equality of opportunity | | | X | There is no indication at this stage that this protected characteristic would be impacted. |

| **Sexual Orientation** | Place 'X' in the relevant box(es) | | | Describe any actions you plan to take, eg. to mitigate any impact, maximise positive impact, or record your justification to not make changes |
|---|---|---|---|---|
| | Positive impacts | Negative impacts | No impact | |
| risk of discrimination | | | X | Clackmannanshire Council's Eviction Policy has considered potential unlawful discrimination to ensure that services are delivered to all and no one is unequally discriminated. The policy is written in adherence with all of the legislative requirements, following all of the relevant changes in legislation to make sure it does not discriminate disproportionally against any of the protected characteristics where the Council decides to pursue eviction action. |
| potential for developing good relations | | | X | There is no indication at this stage that this protected characteristic would be impacted. |
| potential to advance equality of opportunity | | | X | There is no indication at this stage that this protected characteristic would be impacted. |

| **Religion or Belief** | Place 'X' in the relevant box(es) | | | Describe any actions you plan to take, eg. to mitigate any impact, maximise positive impact, or record your justification to not make changes |
|---|---|---|---|---|
| | Positive impacts | Negative impacts | No impact | |
| risk of discrimination | | | X | Clackmannanshire Council's Eviction Policy has considered potential unlawful discrimination to ensure that services are delivered to all and no one is unequally discriminated. The policy is written in adherence with all of the legislative requirements, following all of the relevant changes in legislation to make sure it does not discriminate disproportionally against any of the protected characteristics where the Council decides to pursue eviction action. |
| potential for developing good relations | | | X | There is no indication at this stage that this protected characteristic would be impacted. |
| potential to advance equality of opportunity | | | X | There is no indication at this stage that this protected characteristic would be impacted. |

| **Pregnancy/maternity** | Place 'X' in the relevant box(es) | | | Describe any actions you plan to take, eg. to mitigate any impact, maximise positive impact, or record your justification to not make changes |
|---|---|---|---|---|
| | Positive impacts | Negative impacts | No impact | |
| risk of discrimination | X | | | The proposed policy updates in November 2026 are likely to have a positive impact on women and girls, who are disproportionately affected by domestic abuse, including women with children. Where the Housing Service considers eviction action against a perpetrator on the basis of domestic abuse, the approach will be victim/survivor-led, trauma-informed and person-centred. The victim/survivor's wishes and views will be considered throughout the process, with appropriate safety planning undertaken to minimise risk and support their safety. |
| potential for developing good relations | | | X | There is no indication at this stage that this protected characteristic would be impacted. |
| potential to advance equality of opportunity | X | | | The proposed changes to the Eviction Policy in November 2026, particularly the introduction of a new ground for eviction on the basis of abusive behaviour, are likely to positively impact women and girls, who are disproportionately affected by domestic abuse. Where eviction action is taken against a perpetrator, with the wishes and views of the victim/survivor taken into account, this may help prevent homelessness and enable victims/survivors, including any children to remain safely within their homes. As victims/survivors are predominantly women, the proposed approach has the potential to advance equality of opportunity for this protected group, especially where children are in the household. |

| **Marriage/civil partnership** | Place 'X' in the relevant box(es) | | | Describe any actions you plan to take, eg. to mitigate any impact, maximise positive impact, or record your justification to not make changes |
|---|---|---|---|---|
| | Positive impacts | Negative impacts | No impact | |
| risk of discrimination (only the first aim of the Duty is relevant to this protected characteristic and only in relation to work matters) | | | X | Not applicable, not an employment matter. |

| **Socio-economic disadvantage** | Place 'X' in the relevant box(es) | | | Describe any actions you plan to take, eg. to mitigate any impact, maximise positive impact, or record your justification to not make changes |
|---|---|---|---|---|
| | Yes | No | No impact | |
| | | | X | Not applicable, not a strategic decision. |

| | | | | |
|---|---|---|---|---|
| **(**If required) Will the proposal reduce inequalities of outcome caused by socio-economic disadvantage? | | | | |

## 11. **Describe how the assessment might affect the proposal or project timeline?**

Examples of the items you should consider here include, but are not limited to:

- **Communication plan**: do you need to communicate with people affected by proposal in a specific format (e.g. audio, subtitled video, different languages) or do you need help from other organisations to reach certain groups?
- **Cost**: do you propose any actions because of this assessment which will incur additional cost?
- **Resources**: do the actions you propose require additional or specialist resource to deliver them?
- **Timing**: will you need to build more time into the project plan to undertake research, consult or to complete any actions identified in this assessment?

The assessment is not expected to affect the overall timeline of the development of policy. Equality considerations are embedded into the early stages of Policy development, with the needs of different equality groups taken into account from the outset.

12. **Having considered the potential or actual impacts of your proposal, you should now record the outcome of this assessment**. Choose from one of the following:

| Please select (X) | **Implications for the proposal** |
|---|---|
| X | **No major change**<br>Your assessment demonstrates that the proposal shows no risk of unlawful discrimination and that you have taken all opportunities to advance equality of opportunity and foster good relations, subject to continuing monitoring and review. |
| | **Adjust the proposal and/or implement mitigations**<br>You have identified ways of modifying the proposal to avoid discrimination or to better advance equality of opportunity or foster good relations. In addition, or alternatively, you will introduce measures to mitigate any negative impacts. Adjustments and mitigations should be recorded in the tables under Step D above and summarised in the summary sheet at the front of the document. |
| | **Continue the proposal with adverse impact**<br>The proposal will continue despite the potential for adverse impact. Any proposal which results in direct discrimination is likely to be unlawful and should be stopped and advice taken. Any proposal which results in indirect discrimination should be objectively justified and the basis for this set out in the tables under Step D above and summarised in the summary sheet at the front of the document. If objective justification is not possible, the proposal should be stopped whilst advice is taken. |
| | **Stop the proposal**<br>The proposal will not be implemented due to adverse effects that are not justified and cannot be mitigated. |

## Step E - Discuss and review the assessment with decision-makers

**13. You must discuss the findings of this assessment at each stage with senior decision makers during the lifetime of the proposal and before you finalise the assessment. Record details of these discussions and decisions taken below:**

## Step F – Post-implementation actions and monitoring impact

It is important to continue to monitor the impact of your proposal on equality groups to ensure that your actual or likely impacts are those you recorded. This will also highlight any unforeseen impacts.

14. **Record any post-implementation actions required.**

15. **Note here how you intend to monitor the impact of this proposal on equality groups**.

The impact of the policy on equality groups will be monitored through scheduled policy reviews and ongoing consultation with Council tenants, including those from affected equality groups.

16. **Note here when the EFSIA will be reviewed as part of the post-implementation review of the proposal:**

The EFSIA will be reviewed concurrently with the scheduled review of the Policy.

## Step G – Assessment sign off and approval

Lead person(s) for this assessment: Monika Bicev

Signed: MBicev

Date: 06/10/2026

Senior officer approval of assessment:

Signed:

Date:

All full EFSIAs must be published on the Council's website as soon as possible after the decision is made to implement the proposal.

Clackmannanshire Council | Comhairle Siorrachd Chlach Mhanann
www.clacks.gov.uk

# Equality and Fairer Scotland Impact Assessment (EFSIA) Summary of Assessment

**Title: Housing Repairs Policy**
*Name of your decision, activity, policy, strategy or proposal. Referred to throughout as 'proposal' in this document.*

**Key findings from this assessment (or reason why an EFSIA is not required):**

The assessment identified no risk of unlawful discrimination and concluded that no major changes to the Housing Repairs Policy are required. The policy is expected to have positive impacts for older and disabled tenants through accessible reporting, appropriate prioritisation and improved communication.

**Summary of actions taken because of this assessment:**

The revised policy seeks to include strengthened no-access and out-of-hours arrangements to ensure reasonable contact attempts are made and urgent repairs are prioritised according to individual circumstances and vulnerability.

**Ongoing actions beyond implementation of the proposal include:**

Equality impacts will be monitored through tenant engagement and scheduled policy reviews, with the EFSIA reviewed alongside the policy.

**Lead person(s) for this assessment: Monika Bicev**

**Senior officer approval of assessment: Katie Roddie**

**DATE: 06/10/2026**

# Equality and Fairer Scotland Impact Assessment (EFSIA)

An Equality and Fairer Scotland Impact Assessment (EFSIA) must be completed in relation to any decisions, activities, policies, strategies or proposals of the Council (referred to as 'proposal' in this document). The first stage of the assessment process will determine the level of impact assessment required.

This form should be completed using the guidance contained in the document: ['NAME']. Please read the guidance before completing this form.

The aim of this assessment is to allow you to critically assess:

- the impact of the proposal on those with protected characteristics and, where relevant, affected by socio-economic disadvantage (referred to as 'equality groups' in this document);
- whether the Council is meeting its legal requirements in terms of Public Sector Equality Duty and the Fairer Scotland Duty;
- whether any measures need to be put in place to ensure any negative impacts are eliminated or minimised.

The Fairer Scotland Duty requires public authorities to pay 'due regard' to how they can reduce inequalities of outcome caused by socio-economic disadvantage, when making **strategic decisions**. Strategic decisions are key, high-level decisions such as decisions about setting priorities, allocating resources, delivery or implementation and commissioning services and all decisions that go to Council or committee for approval.

---

## Step A – Confirm the details of your proposal

**1. Describe the aims, objectives and purpose of the proposal.**

Clackmannanshire Council is committed to ensuring that its housing stock is well-maintained, safe, secure and compliant with the Scottish Housing Quality Standard (SHQS), and that tenants live in warm, comfortable, safe and secure homes by delivering a high quality, efficient and effective responsive repairs service to tenants.

Housing and Property Services have reviewed the Housing Repairs Policy in August 2025 to ensure that it can provide a framework of how the Council will deliver a high quality, reliable, efficient and cost-effective responsive repairs service to its housing stock.

The Policy is being further reviewed in November 2026 to reflect changes made to the Right to Repair Scheme due to the introduction of Awaab's Law, clarification to the Housing and Property Services' approach to out-of-hours emergency repairs, no access processes as well as approach to managing requests for solid fuel heating systems

**2. Why is the proposal required?**

The policy was reviewed and approved in August 2025 to establish Clackmannanshire Council Housing Service's approach to responding to and managing damp and mould concerns in Council homes. It is being amended in November 2026 to reflect the reflect changes made to the Right to Repair Scheme under the Commencement and Investigation of Repairs (Scotland) Regulations 2026, clarification to the Housing and Property Services' approach to out-of-hours emergency repairs, no access processes as well as approach to managing requests for solid fuel heating systems

**3. Who is affected by the proposal?**

The proposal may affect all Clackmannanshire Council tenants living in Council homes, requiring reactive repairs to be carried out to their properties.

**4. What other Council policies or activities may be related to this proposal? The EFSIAs for related policies might help you understand potential impacts.**

**5. Is the proposal a strategic decision? If so, please complete the steps below in relation to socio-economic disadvantage. If not, please state why it is not a strategic decision:**

This is a policy-level decision, not a strategic one. It sets out the Council's Housing and Property Services' responsive repairs processes and is closely linked with day-to-day operations of the Housing Service, rather than key strategic decisions which determine the Service priority-setting and service delivery.

## Step B – Consider the level of EFSIA required

*You should consider the available evidence and data relevant to your proposal. You should gather information in order to:*

- *help you to understand the importance of your proposal for those from equality groups,*
- *inform the depth of EFSIA you need to do (this should be proportionate to the potential impact), and*
- *provide justification for the outcome, including where it is agreed an EFSIA is not required.*

**6. What information is available about the experience of those with protected characteristics in relation to this proposal? Does the proposal relate to an area where there are already known inequalities? Refer to the guidance for sources of evidence and complete the table below.**

| **Equality Group** | **Evidence source** (e.g. online resources, report, survey, consultation exercise already carried out) | **What does the evidence tell you about the experiences of this group in relation to the proposal?** NB Lack of evidence may suggest a gap in knowledge/ need for consultation (Step C). |
|---|---|---|
| **Age** | Scottish Census 2022<br>Clackmannanshire Council's Tenant Satisfaction and Aspiration Survey 2023 | Clackmannanshire Council's Tenant Satisfaction and Aspiration Survey 2023 highlights that 26% of households contain individuals aged 65 or over.<br><br>Older tenants may be more likely to experience mobility issues, chronic health conditions, or sensory impairments that make it harder to manage repair issues in their homes. Delays in repairs may disproportionately affect their health, wellbeing and ability to live independently.<br><br>It is important that the Council takes into account the individual circumstances of the household, including age of the tenants when assessing the urgency and response timescales of the repairs. |
| **Disability** | Scottish House Condition Survey 2017–2019<br>Clackmannanshire Council's Tenant Satisfaction and Aspiration Survey 2023 | The *Scottish House Condition Survey 2017–2019* found that 58% of households in the social rented sector include at least one person who is long-term sick or disabled. However, this data is not currently available for Clackmannanshire Council tenancies, and there is a lack of information available on the specific types or severity of disabilities represented.<br><br>The policy may be relevant to individuals with disabilities, who may face additional challenges in reporting, accessing, or managing housing repairs. The policy includes provisions for assessing the urgency and type of response required based on individual circumstances, including disability. This ensures that repairs can be prioritised appropriately, and that the service is responsive to tenants who may be at greater risk due to health or mobility-related issues. |
| **Race** | Scottish Census 2022 | There is no indication at this stage that this protected characteristic would be impacted. |

| Equality Group | Evidence source (e.g. online resources, report, survey, consultation exercise already carried out) | What does the evidence tell you about the experiences of this group in relation to the proposal? NB Lack of evidence may suggest a gap in knowledge/ need for consultation (Step C). |
|---|---|---|
| | Clackmannanshire Council's Tenant Satisfaction and Aspiration Survey 2023 | |
| **Sex** | Scottish Census 2022<br>Clackmannanshire Council's Tenant Satisfaction and Aspiration Survey 2023 | There is no indication at this stage that this protected characteristic would be impacted. |
| **Gender Reassignment** | Scottish Census 2022<br>Clackmannanshire Council's Tenant Satisfaction and Aspiration Survey 2023 | There is no indication at this stage that this protected characteristic would be impacted. |
| **Sexual orientation** | Scottish Census 2022<br>Clackmannanshire Council's Tenant Satisfaction and Aspiration Survey 2023 | There is no indication at this stage that this protected characteristic would be impacted. |
| **Religion or Belief** | Scottish Census 2022<br>Clackmannanshire Council's Tenant Satisfaction and Aspiration Survey 2023 | There is no indication at this stage that this protected characteristic would be impacted. |
| **Pregnancy or maternity** | Scottish Census 2022<br>Clackmannanshire Council's Tenant Satisfaction and Aspiration Survey 2023 | There is no indication at this stage that this protected characteristic would be impacted. |
| **Marriage or civil partnership** (only the first aim of the Duty is relevant to this protected characteristic and only in relation to work matters) | | Not applicable, not an employment matter. |

| Equality Group | Evidence source (e.g. online resources, report, survey, consultation exercise already carried out) | What does the evidence tell you about the experiences of this group in relation to the proposal? NB Lack of evidence may suggest a gap in knowledge/ need for consultation (Step C). |
|---|---|---|
| **Socio economic disadvantage (if required)** | | Not applicable, not a strategic decision. |

**7. Based on the evidence above, is there relevance to some or all of the equality groups?** Yes
**If yes or unclear, proceed to further steps and complete full EFSIA**

**If no, explain why below and then proceed to Step E:**

## Step C – Stakeholder engagement

This step will help you to address any gaps in evidence identified in Step B. Engagement with people who may be affected by a proposal can help clarify the impact it will have on different equality groups. Sufficient evidence is required for you to show 'due regard' to the likely or actual impact of your proposal on equality groups.

8. **Based on the outcome of your assessment of the evidence under Step B, please detail the groups you intend to engage with or any further research that is required in order to allow you to fully assess the impact of the proposal on these groups. If you decide not to engage with stakeholders, please state why not:**

The Housing Service is actively seeking views on the potential impacts of the proposed Housing Repairs Policy and any additional mitigation measures that should be considered. Engagement with a broad and diverse range of tenants and residents is essential to ensure the policy is inclusive and responsive to the needs of all communities.

Tenants and residents are invited to complete an online survey, open from 15 May 2025 to 15 June 2025, which seeks feedback on personal experiences with the housing repairs service and the service standards. In addition, in-person consultation sessions will be held with Clackmannanshire Tenants' and Residents' Federation and Sauchie Community Group to gather more in-depth, qualitative feedback on the lived experiences of tenants.

The Housing Service will update and publish this Equality Impact Assessment upon completion of the consultation period and analysis of feedback, to reflect the findings and any resulting changes to the policy.

9. **Please detail the outcome of any further engagement, consultation and/or research carried out:**

The development of this Equality and Fairer Scotland Impact Assessment and the subsequent policy has been informed by a wide-ranging and inclusive consultation programme. This programme was conducted as part of the broader review and development of policies relating to damp and mould, housing repairs, and rechargeable repairs.

Key engagement activities included an online public survey hosted on Citizens Space, which was open from 15 May to 15 June 2025. In addition, an in-person focus group session was held at Sauchie Resource Centre on 5 June 2025, providing an opportunity for more in-depth dialogue with tenants. Further targeted consultation was carried out with the Clackmannanshire Tenants and Residents Federation through an online session held on 18 June 2025. Feedback was also gathered through ongoing engagement with Housing and Property Officers and representatives from the Council's Direct Labour Organisation.

Across all engagement activities, there was a broad consensus in support of the core principles and key indicators of the policy. However, several concerns were raised regarding the operational delivery of the broader housing repairs service. In particular, consultees expressed a desire for improvements in the consistency and quality of repair works, clearer and more timely communication between the repairs service and tenants, and action to address a perceived lack of trust in the repairs process. These insights will support ongoing service improvement planning, ensuring that tenant voice remains central to service delivery and policy development.

## Step D - Impact on equality groups and steps to address this

### 10. Consider the impact of the proposal in relation to each protected characteristic under each aim of the general duty:

- Is there potential for discrimination, victimisation, harassment or other unlawful conduct that is prohibited under the Equality Act 2010? How will this be mitigated?
- Is there potential to advance equality of opportunity between people who share a characteristic and those who do not? How can this be achieved?
- Is there potential for developing good relations between people who share a relevant protected characteristic and those who do not? How can this be achieved?

**If relevant, consider socio-economic impact.**

| **Age** | Place 'X' in the relevant box(es) | | | Describe any actions you plan to take, eg. to mitigate any impact, maximise positive impact, or record your justification to not make changes |
|---|---|---|---|---|
| | Positive impacts | Negative impacts | No impact | |
| risk of discrimination | X | | | Housing and Property Services aim to ensure that everyone has equitable access to services, are able to report any issues that they may have and that that their reports are addressed in a timely manner and no one is unlawfully discriminated.<br><br>Tenants have access to a range of different methods of reporting, including direct communication with housing officers during visits, direct contact with the repairs centre and the use of online reporting forms.<br><br>The revised no-access arrangements will ensure tenants receive appropriate communication and that all reasonable contact attempts are made before a repair is closed. More robust out-of-hours arrangements also aim to reduce inappropriate call-outs while ensuring that tenants requiring an urgent response, including because of age or vulnerability, are appropriately prioritised. |
| potential for developing good relations | | | X | Impacts are assessed as low in relation to this duty. However, the Housing Repairs Policy supports the Council's commitment to promoting understanding and fostering positive relations among all tenants by ensuring fair, transparent, and inclusive communication.<br><br>The policy ensures that regardless of their individual protected characteristics, all tenants receive clear, accessible information about their rights and responsibilities as a tenant, including those in relation to housing repairs and rechargeable repairs. The information is provided in a variety of ways, including during the tenancy sign-up process, the provision of easy-read documents and information available via Clackmannanshire Council's website. |
| potential to advance equality of opportunity | | | X | Impacts are assessed as low in relation to this duty. |

| Disability | Place 'X' in the relevant box(es) | | | Describe any actions you plan to take, eg. to mitigate any impact, maximise positive impact, or record your justification to not make changes |
|---|---|---|---|---|
| | Positive impacts | Negative impacts | No impact | |
| risk of discrimination | X | | | Housing and Property Services aim to ensure that everyone has equitable access to services, are able to report any issues that they may have and that that their reports are addressed in a timely manner and no one is unlawfully discriminated.<br><br>Tenants have access to a range of different methods of reporting, including direct communication with housing officers during visits, direct contact with the repairs centre and the use of online reporting forms.<br><br>The revised no-access arrangements will ensure tenants receive appropriate communication and that all reasonable contact attempts are made before a repair is closed. More robust out-of-hours arrangements also aim to reduce inappropriate call-outs while ensuring that tenants requiring an urgent response, including because of disabilities or vulnerability, are appropriately prioritised. |
| potential for developing good relations | X | | | Impacts are assessed as low in relation to this duty. However, the Housing Repairs Policy supports the Council's commitment to promoting understanding and fostering positive relations among all tenants by ensuring fair, transparent, and inclusive communication.<br><br>The policy ensures that regardless of their individual protected characteristics, all tenants receive clear, accessible information about their rights and responsibilities as a tenant, including those in relation to housing repairs and rechargeable repairs. The information is provided in a variety of ways, including during the tenancy sign-up process, the provision of easy-read documents and information available via Clackmannanshire Council's website. |
| potential to advance equality of opportunity | | | X | Impacts are assessed as low in relation to this duty. |

| Race | Place 'X' in the relevant box(es) | | | Describe any actions you plan to take, eg. to mitigate any impact, maximise positive impact, or record your justification to not make changes |
|---|---|---|---|---|
| | Positive impacts | Negative impacts | No impact | |
| risk of discrimination | | | X | There is no indication at this stage that this protected characteristic would be impacted. |
| potential for developing good relations | | | X | There is no indication at this stage that this protected characteristic would be impacted. |
| potential to advance equality of opportunity | | | X | There is no indication at this stage that this protected characteristic would be impacted. |

| **Sex** | Place 'X' in the relevant box(es) | | | Describe any actions you plan to take, eg. to mitigate any impact, maximise positive impact, or record your justification to not make changes |
|---|---|---|---|---|
| | Positive impacts | Negative impacts | No impact | |
| risk of discrimination | | | X | There is no indication at this stage that this protected characteristic would be impacted. |
| potential for developing good relations | | | X | There is no indication at this stage that this protected characteristic would be impacted. |
| potential to advance equality of opportunity | | | X | There is no indication at this stage that this protected characteristic would be impacted. |

| **Gender Reassignment** | Place 'X' in the relevant box(es) | | | Describe any actions you plan to take, eg. to mitigate any impact, maximise positive impact, or record your justification to not make changes |
|---|---|---|---|---|
| | Positive impacts | Negative impacts | No impact | |
| risk of discrimination | | | X | There is no indication at this stage that this protected characteristic would be impacted. |
| potential for developing good relations | | | X | There is no indication at this stage that this protected characteristic would be impacted. |
| potential to advance equality of opportunity | | | X | There is no indication at this stage that this protected characteristic would be impacted. |

| **Sexual Orientation** | Place 'X' in the relevant box(es) | | | Describe any actions you plan to take, eg. to mitigate any impact, maximise positive impact, or record your justification to not make changes |
|---|---|---|---|---|
| | Positive impacts | Negative impacts | No impact | |
| risk of discrimination | | | X | There is no indication at this stage that this protected characteristic would be impacted. |
| potential for developing good relations | | | X | There is no indication at this stage that this protected characteristic would be impacted. |
| potential to advance equality of opportunity | | | X | There is no indication at this stage that this protected characteristic would be impacted. |

| **Religion or Belief** | Place 'X' in the relevant box(es) | | | Describe any actions you plan to take, eg. to mitigate any impact, maximise positive impact, or record your justification to not make changes |
|---|---|---|---|---|
| | Positive impacts | Negative impacts | No impact | |
| risk of discrimination | | | X | There is no indication at this stage that this protected characteristic would be impacted. |
| potential for developing good relations | | | X | There is no indication at this stage that this protected characteristic would be impacted. |
| potential to advance equality of opportunity | | | X | There is no indication at this stage that this protected characteristic would be impacted. |

| **Pregnancy/maternity** | Place 'X' in the relevant box(es) | | | Describe any actions you plan to take, eg. to mitigate any impact, maximise positive impact, or record your justification to not make changes |
|---|---|---|---|---|
| | Positive impacts | Negative impacts | No impact | |
| risk of discrimination | | | X | There is no indication at this stage that this protected characteristic would be impacted. |
| potential for developing good relations | | | X | There is no indication at this stage that this protected characteristic would be impacted. |
| potential to advance equality of opportunity | | | X | There is no indication at this stage that this protected characteristic would be impacted. |

| **Marriage/civil partnership** | Place 'X' in the relevant box(es) | | | Describe any actions you plan to take, eg. to mitigate any impact, maximise positive impact, or record your justification to not make changes |
|---|---|---|---|---|
| | Positive impacts | Negative impacts | No impact | |
| risk of discrimination (only the first aim of the Duty is relevant to this protected characteristic and only in relation to work matters) | | | X | Not applicable, not an employment matter. |

| **Socio-economic disadvantage** | Place 'X' in the relevant box(es) | | | Describe any actions you plan to take, eg. to mitigate any impact, maximise positive impact, or record your justification to not make changes |
|---|---|---|---|---|
| | Yes | No | No impact | |
| **(**If required) Will the proposal reduce inequalities of outcome caused by socio-economic disadvantage? | | | X | Not applicable, not a strategic decision. |

## 11. **Describe how the assessment might affect the proposal or project timeline?**

Examples of the items you should consider here include, but are not limited to:

- **Communication plan**: do you need to communicate with people affected by proposal in a specific format (e.g. audio, subtitled video, different languages) or do you need help from other organisations to reach certain groups?
- **Cost**: do you propose any actions because of this assessment which will incur additional cost?
- **Resources**: do the actions you propose require additional or specialist resource to deliver them?
- **Timing**: will you need to build more time into the project plan to undertake research, consult or to complete any actions identified in this assessment?

The assessment is not expected to affect the overall timeline of the development of policy. Equality considerations are embedded into the early stages of Policy development, with the needs of different equality groups taken into account from the outset.

12. **Having considered the potential or actual impacts of your proposal, you should now record the outcome of this assessment**. Choose from one of the following:

| Please select (X) | **Implications for the proposal** |
|---|---|
| X | **No major change**<br>Your assessment demonstrates that the proposal shows no risk of unlawful discrimination and that you have taken all opportunities to advance equality of opportunity and foster good relations, subject to continuing monitoring and review. |
| | **Adjust the proposal and/or implement mitigations**<br>You have identified ways of modifying the proposal to avoid discrimination or to better advance equality of opportunity or foster good relations. In addition, or alternatively, you will introduce measures to mitigate any negative impacts. Adjustments and mitigations should be recorded in the tables under Step D above and summarised in the summary sheet at the front of the document. |
| | **Continue the proposal with adverse impact**<br>The proposal will continue despite the potential for adverse impact. Any proposal which results in direct discrimination is likely to be unlawful and should be stopped and advice taken. Any proposal which results in indirect discrimination should be objectively justified and the basis for this set out in the tables under Step D above and summarised in the summary sheet at the front of the document. If objective justification is not possible, the proposal should be stopped whilst advice is taken. |
| | **Stop the proposal**<br>The proposal will not be implemented due to adverse effects that are not justified and cannot be mitigated. |

## Step E - Discuss and review the assessment with decision-makers

**13. You must discuss the findings of this assessment at each stage with senior decision makers during the lifetime of the proposal and before you finalise the assessment. Record details of these discussions and decisions taken below:**

## Step F – Post-implementation actions and monitoring impact

It is important to continue to monitor the impact of your proposal on equality groups to ensure that your actual or likely impacts are those you recorded. This will also highlight any unforeseen impacts.

14. **Record any post-implementation actions required.**

15. **Note here how you intend to monitor the impact of this proposal on equality groups**.

The impact of the policy on equality groups will be monitored through scheduled policy reviews and ongoing consultation with Council tenants, including those from affected equality groups.

16. **Note here when the EFSIA will be reviewed as part of the post-implementation review of the proposal:**

The EFSIA will be reviewed concurrently with the scheduled review of the Policy.

## Step G – Assessment sign off and approval

Lead person(s) for this assessment: Monika Bicev

Signed: MBicev

Date: 06/10/2026

Senior officer approval of assessment:

Signed:

Date:

All full EFSIAs must be published on the Council's website as soon as possible after the decision is made to implement the proposal.

Clackmannanshire Council | Comhairle Siorrachd Chlach Mhanann
www.clacks.gov.uk

# Equality and Fairer Scotland Impact Assessment (EFSIA) Summary of Assessment

**Title: Westhaugh Allocations Policy**
*Name of your decision, activity, policy, strategy or proposal. Referred to throughout as 'proposal' in this document.*

**Key findings from this assessment (or reason why an EFSIA is not required):**

The assessment identified no risk of unlawful discrimination or significant negative impact. The policy is expected to positively impact Gypsy/Traveller households by providing a fair, transparent and culturally appropriate allocation framework, with further positive impacts for disabled applicants and residents through consideration of individual needs and strengthened transfer and succession rights.

**Summary of actions taken because of this assessment:**

The policy has been informed by consultation with Westhaugh residents, the wider Gypsy/Traveller community and MECOPP. It includes clear allocation criteria, consideration of medical, support and educational needs, and accessible information to support applicants and promote wider understanding of Gypsy/Traveller culture and accommodation needs.

**Ongoing actions beyond implementation of the proposal include:**

The impact of the policy will be monitored through ongoing engagement with affected equality groups and scheduled policy reviews. The EFSIA will be reviewed alongside the policy, with further action taken where any unforeseen impacts or additional support needs are identified.

**Lead person(s) for this assessment: Monika Bicev**

**Senior officer approval of assessment: Katie Roddie**

**DATE: 06/10/2026**

# Equality and Fairer Scotland Impact Assessment (EFSIA)

An Equality and Fairer Scotland Impact Assessment (EFSIA) must be completed in relation to any decisions, activities, policies, strategies or proposals of the Council (referred to as 'proposal' in this document). The first stage of the assessment process will determine the level of impact assessment required.

This form should be completed using the guidance contained in the document: ['NAME']. Please read the guidance before completing this form.

The aim of this assessment is to allow you to critically assess:

- the impact of the proposal on those with protected characteristics and, where relevant, affected by socio-economic disadvantage (referred to as 'equality groups' in this document);
- whether the Council is meeting its legal requirements in terms of Public Sector Equality Duty and the Fairer Scotland Duty;
- whether any measures need to be put in place to ensure any negative impacts are eliminated or minimised.

The Fairer Scotland Duty requires public authorities to pay 'due regard' to how they can reduce inequalities of outcome caused by
socio-economic disadvantage, when making **strategic decisions**. Strategic decisions are key, high-level decisions such as decisions about setting priorities, allocating resources, delivery or implementation and commissioning services and all decisions that go to Council or committee for approval.

---

## Step A – Confirm the details of your proposal

### 1. Describe the aims, objectives and purpose of the proposal.

As part of the Clackmannanshire Council's Mainstreaming Equality and Diversity Plan and its associated Outcome 7 – Access to Council services will be improved for citizens with a protected characteristic in Clackmannanshire Council – the Council has agreed to a programme of redevelopment of the Westhaugh travelling site in order to improve access to services for the Clackmannanshire Council's Gypsy/Traveller community.

As part of the redevelopment of the site and the provision of the associated services, in August 2025 the Council approved a Westhaugh Site-specific allocations policy to ensure a consistent and fair approach to the allocation of the available pitches, while taking into account the needs of the individuals within the Gypsy/Traveller community and adherence to the legislative requirements, including the Equalities Act 2010.

The Council aims to ensure that everyone who wants to live on the Westhaugh site has an equal opportunity to apply and receive offers for the available pitches, and that the policy clearly communicates the process for applying and receiving offers, including how to submit an application, how applications will be assessed, considerations for extenuating circumstances as well as potential reasons for suspending and cancelling applications.

The policy is being amended in November 2026 to introduce provisions for the transfer of an existing tenancy to an eligible individual where a pitch has already been allocated and a tenancy agreement entered into with the Council. These amendments aim to strengthen the rights of Westhaugh residents and, as far as possible within the separate legislative frameworks, provide greater consistency with the rights available to tenants living in mainstream Council tenancies.

### 2. Why is the proposal required?

The Westhaugh Allocations Policy is required to provide a clear, transparent, fair and consistent framework for the allocation of pitches at the Westhaugh site, ensuring decisions take account of individual housing needs and the specific circumstances of the Gypsy/Traveller community.

The November 2026 amendments are required to introduce clear provisions for the transfer of an existing tenancy to another eligible individual living on the pitch, as well as provisions for succession where a tenant has died and another eligible individual seeks to succeed to the tenancy. The amendments provide greater clarity and consistency around these circumstances and aim to strengthen the tenancy rights of Westhaugh residents, as far as permitted within the applicable legislative framework.

**3. Who is affected by the proposal?**

Any individual aged o16 and over who identify themselves as Gypsy/Traveller with the right to reside in the UK are affected by the proposals made in this policy.

**4. What other Council policies or activities may be related to this proposal? The EFSIAs for related policies might help you understand potential impacts.**

**5. Is the proposal a strategic decision? If so, please complete the steps below in relation to socio-economic disadvantage. If not, please state why it is not a strategic decision:**

The Westhaugh Allocations Policy is a policy-level decision, not a strategic one. It sets out the Council's framework to the allocation of empty pitches at the Westhaugh site, and covers the day-to-day operational activities of the Housing Service, rather than key strategic decisions which determine Service's priority setting.

## Step B – Consider the level of EFSIA required

*You should consider the available evidence and data relevant to your proposal. You should gather information in order to:*

- *help you to understand the importance of your proposal for those from equality groups,*
- *inform the depth of EFSIA you need to do (this should be proportionate to the potential impact), and*
- *provide justification for the outcome, including where it is agreed an EFSIA is not required.*

**6. What information is available about the experience of those with protected characteristics in relation to this proposal? Does the proposal relate to an area where there are already known inequalities? Refer to the guidance for sources of evidence and complete the table below.**

| **Equality Group** | **Evidence source** (e.g. online resources, report, survey, consultation exercise already carried out) | **What does the evidence tell you about the experiences of this group in relation to the proposal?** NB Lack of evidence may suggest a gap in knowledge/ need for consultation (Step C). |
|---|---|---|
| **Age** | Scottish Census 2022 | The policy is available to individuals aged 16 and over who self-identify as Gypsy/Travellers and have the right to reside in the United Kingdom.<br><br>According to the Scottish Census, the Gypsy/Traveller population includes 450 individuals aged 16-24, 553 aged 25-34, 689 aged 35-49, 638 aged 50-64 and 334 aged 65 and over.<br><br>There is no indication at this stage that age will have a direct or disproportionate impact on how individuals experience the proposals. Any eligible individual aged 16 or over may apply to be considered for an available pitch, with applications assessed in accordance with the criteria set out within the policy. |
| **Disability** | Scottish Census 2022 | There is currently limited information available on the disability status of individuals who identify as Gypsy/Travellers. |

| Equality Group | Evidence source (e.g. online resources, report, survey, consultation exercise already carried out) | What does the evidence tell you about the experiences of this group in relation to the proposal? NB Lack of evidence may suggest a gap in knowledge/ need for consultation (Step C). |
|---|---|---|
| | Scottish House Condition Survey 2017-2019 | However, individuals with disabilities, medical needs or additional support requirements may be particularly affected by decisions made under the policy. The allocation framework allows relevant medical and support needs to be taken into consideration when assessing housing need and determining priority for an available pitch. As such, the policy has the potential to positively impact disabled applicants by ensuring that relevant individual circumstances are considered as part of the allocation process. |
| **Race** | Scottish Census 2022 | According to the 2022 Scottish Census, more than 3,300 individuals across Scotland identify as Gypsy/Travellers, including 56 individuals living in Clackmannanshire.<br><br>As the Westhaugh Allocations Policy specifically governs allocation of pitches at the Council's Westhaugh Site, applications for which are open to individuals who identify as Gypsy/Travellers this group is most directly affected by the proposals where individuals wish to apply for accommodation at Westhaugh. |
| **Sex** | Scottish Census 2022 | Scottish Census data indicates an equal sex split within the Gypsy/Traveller population, with approximately 50% female and 50% male.<br><br>The policy applies equally to eligible members of the Gypsy/Traveller community regardless of sex. There is currently no evidence to indicate that the proposals would directly or disproportionately affect individuals on the basis of this protected characteristic. |
| **Gender Reassignment** | Scottish Census 2022 | The Scottish Census (2022) reports that 0.44% of people aged 16 and over in Scotland identify as transgender, with Clackmannanshire's rate slightly lower at 0.35%, representing approximately 151 individuals.<br><br>There is no indication at this stage that this protected characteristic would be impacted. |
| **Sexual orientation** | Scottish Census 2022 | According to the 2022 Census, 1,343 individuals (3.12%) aged 16 and over in Clackmannanshire identify as LGB+.<br><br>There is no indication at this stage that this protected characteristic would be impacted. |

| Equality Group | Evidence source (e.g. online resources, report, survey, consultation exercise already carried out) | What does the evidence tell you about the experiences of this group in relation to the proposal? NB Lack of evidence may suggest a gap in knowledge/ need for consultation (Step C). |
|---|---|---|
| | | |
| **Religion or Belief** | Scottish Census 2022<br>Poverty and Income Inequality in Scotland 2017-2019 | There is no indication at this stage that this protected characteristic would be impacted. |
| **Pregnancy or maternity** | Scottish Census 2022<br>People Community Wellbeing Plan 2024-25 | There is no indication at this stage that this protected characteristic would be impacted. |
| **Marriage or civil partnership** (only the first aim of the Duty is relevant to this protected characteristic and only in relation to work matters) | | Not applicable, not an employment matter. |
| **Socio economic disadvantage (if required)** | | Not applicable, not a strategic decision. |

**7. Based on the evidence above, is there relevance to some or all of the equality groups?** Yes
**If yes or unclear, proceed to further steps and complete full EFSIA**

**If no, explain why below and then proceed to Step E:**

## Step C – Stakeholder engagement

This step will help you to address any gaps in evidence identified in Step B. Engagement with people who may be affected by a proposal can help clarify the impact it will have on different equality groups. Sufficient evidence is required for you to show 'due regard' to the likely or actual impact of your proposal on equality groups.

8. **Based on the outcome of your assessment of the evidence under Step B, please detail the groups you intend to engage with or any further research that is required in order to allow you to fully assess the impact of the proposal on these groups. If you decide not to engage with stakeholders, please state why not:**

The Council is seeking views from protected groups, and in particular from: members of the Gypsy/Traveller community, those with a disabilities and/or communities and from organisations supporting residents with protected characteristics or who have social economic disadvantage.

We are seeking information on any impacts arising from the proposals and any additional mitigation that we should consider. We will update this impact assessment following the completion of the Westhaugh Site Allocation Policy consultations and analysis of feedback.

In particular, views are sought on the accessibility of advice and information necessary to support applications, and the assessment of housing need to ensure that policy does not inadvertently disadvantage Gypsy/Travellers compared to other applicants with or without the relevant protected characteristics

9. **Please detail the outcome of any further engagement, consultation and/or research carried out:**

Clackmannanshire Council has consulted with the Council's Gypsy/Traveller community on proposals for the development of the policy which includes proposals on the ways to allocate the pitches and suspensions and cancellations of applications by way of in-person engagement sessions with Clackmannanshire's local Gypsy/Traveller community.

An in-person consultation session was held on 1st May 2025 with residents of the Westhaugh site as well as MECOPP to ensure a broad and culturally informed evidence base and subsequently inform this EQIA and the development of the policy. This was followed by individual telephone surveys to capture feedback from those unable to attend or who preferred to share their views privately.

Feedback from these consultations has highlighted that the Gypsy/Traveller community possesses distinct cultural values and accommodation requirements that differ significantly from those of the settled population. In particular, strong familial and community ties are central to their way of life, and housing decisions are often made with an emphasis on maintaining these close social networks.

Further consultation was undertaken throughout the redevelopment of the Westhaugh site, including engagement on the development of the new Westhaugh Tenancy Agreement. This provided residents with an opportunity to consider the proposed tenancy provisions and the alignment of Westhaugh tenants' rights with those of Scottish Secure Tenants, as far as possible within the different legislative frameworks.

The agreed outcomes arising from the development of the Tenancy Agreement are reflected in the proposed amendments to the Westhaugh Allocations Policy being brought forward in November 2026.

## Step D - Impact on equality groups and steps to address this

### 10. Consider the impact of the proposal in relation to each protected characteristic under each aim of the general duty:

- Is there potential for discrimination, victimisation, harassment or other unlawful conduct that is prohibited under the Equality Act 2010? How will this be mitigated?
- Is there potential to advance equality of opportunity between people who share a characteristic and those who do not? How can this be achieved?
- Is there potential for developing good relations between people who share a relevant protected characteristic and those who do not? How can this be achieved?

**If relevant, consider socio-economic impact.**

| **Age** | Place 'X' in the relevant box(es) | | | Describe any actions you plan to take, eg. to mitigate any impact, maximise positive impact, or record your justification to not make changes |
|---|---|---|---|---|
| | Positive impacts | Negative impacts | No impact | |
| risk of discrimination | | | X | There is no indication at this stage that this protected characteristic would be impacted. |
| potential for developing good relations | | | X | There is no indication at this stage that this protected characteristic would be impacted. |
| potential to advance equality of opportunity | | | X | There is no indication at this stage that this protected characteristic would be impacted. |

| **Disability** | Place 'X' in the relevant box(es) | | | Describe any actions you plan to take, eg. to mitigate any impact, maximise positive impact, or record your justification to not make changes |
|---|---|---|---|---|
| | Positive impacts | Negative impacts | No impact | |
| risk of discrimination | X | | | There may be impact on applicants with disabilities. Proposals relating to the assessment of housing need may positively impact disabled applicants, where the assessment takes into account the medical or support needs of applicants. |
| potential for developing good relations | | | X | There is no indication at this stage that this protected characteristic would be impacted. |
| potential to advance equality of opportunity | X | | | There may be impact on applicants with disabilities. Proposals relating to the assessment of housing need may positively impact disabled applicants, where the assessment takes into account the medical or support needs of applicants. |

| **Race** | Place 'X' in the relevant box(es) | | | Describe any actions you plan to take, eg. to mitigate any impact, maximise positive impact, or record your justification to not make changes |
|---|---|---|---|---|
| | Positive impacts | Negative impacts | No impact | |
| risk of discrimination | X | | | The Westhaugh Allocations Policy is specifically designed to meet the accommodation needs of individuals who identify as Gypsy/Travellers and is intended to be culturally sensitive and responsive to the community's distinct traditions and way of life. The policy provides clear information on how to apply for a pitch and establishes a fair, transparent and consistent framework for assessing housing need and allocating available pitches. |

| | | | | |
|---|---|---|---|---|
| | | | | Overall, the policy seeks to minimise the risk of discrimination by ensuring that decisions are based on clearly defined criteria, while recognising and responding appropriately to the specific cultural and accommodation needs of the Gypsy/Traveller community. |
| potential for developing good relations | X | | | The policy recognises the distinct cultural needs and way of life of the Gypsy/Traveller community and seeks to ensure that access to Westhaugh is supported through a culturally appropriate and responsive allocation framework.<br><br>The policy also has the potential to support better understanding and relationships between the Gypsy/Traveller community and the wider population. Information on the policy and Westhaugh site will be made publicly available, alongside wider information intended to increase awareness and understanding of Gypsy/Traveller culture, accommodation needs and available support.<br><br>The policy will be made available online, and additional efforts will be made to ensure accessible information about the needs, culture, and support available to Gypsy/Travellers is widely promoted. These measures are intended not only to support applicants but also to enhance wider public awareness and understanding of the Gypsy/Traveller way of life, contributing to improved relations and reduced prejudice. Further data and evidence on impacts and the ways to foster good relations is invited as part of the consultation process. |
| potential to advance equality of opportunity | X | | | The redevelopment of the Westhaugh site and associated Allocations Policy are intended to improve access to modern, high-quality and culturally appropriate accommodation for Gypsy/Traveller households.<br><br>Following consultation with the local Gypsy/Traveller community, available pitches are allocated according to assessed housing need. The policy also provides for discretionary consideration of individual circumstances which may justify additional priority, including medical needs and requirements relating to special educational provision. This helps ensure that the allocation process remains responsive to individual circumstances while reflecting the specific accommodation needs of the Gypsy/Traveller community.<br><br>The November 2026 amendments have the potential to further advance equality of opportunity by introducing provisions for the transfer of existing Westhaugh tenancies between eligible individuals. This aims to strengthen the rights and housing security of Westhaugh residents and provide greater |

| | | | | |
|---|---|---|---|---|
| | | | | consistency with the tenancy rights available within mainstream Council housing, as far as possible within the different legislative frameworks governing the respective tenancy arrangements. |

| Sex | Place 'X' in the relevant box(es) | | | Describe any actions you plan to take, eg. to mitigate any impact, maximise positive impact, or record your justification to not make changes |
|---|---|---|---|---|
| | Positive impacts | Negative impacts | No impact | |
| risk of discrimination | | | X | There is no indication at this stage that this protected characteristic would be impacted. |
| potential for developing good relations | | | X | There is no indication at this stage that this protected characteristic would be impacted. |
| potential to advance equality of opportunity | | | X | There is no indication at this stage that this protected characteristic would be impacted. |

| Gender Reassignment | Place 'X' in the relevant box(es) | | | Describe any actions you plan to take, eg. to mitigate any impact, maximise positive impact, or record your justification to not make changes |
|---|---|---|---|---|
| | Positive impacts | Negative impacts | No impact | |
| risk of discrimination | | | X | There is no indication at this stage that this protected characteristic would be impacted. |
| potential for developing good relations | | | X | There is no indication at this stage that this protected characteristic would be impacted. |
| potential to advance equality of opportunity | | | X | There is no indication at this stage that this protected characteristic would be impacted. |

| Sexual Orientation | Place 'X' in the relevant box(es) | | | Describe any actions you plan to take, eg. to mitigate any impact, maximise positive impact, or record your justification to not make changes |
|---|---|---|---|---|
| | Positive impacts | Negative impacts | No impact | |
| risk of discrimination | | | X | There is no indication at this stage that this protected characteristic would be impacted. |
| potential for developing good relations | | | X | There is no indication at this stage that this protected characteristic would be impacted. |
| potential to advance equality of opportunity | | | X | There is no indication at this stage that this protected characteristic would be impacted. |

| Religion or Belief | Place 'X' in the relevant box(es) | | | Describe any actions you plan to take, eg. to mitigate any impact, maximise positive impact, or record your justification to not make changes |
|---|---|---|---|---|
| | Positive impacts | Negative impacts | No impact | |
| risk of discrimination | | | X | There is no indication at this stage that this protected characteristic would be impacted. |
| potential for developing good relations | | | X | There is no indication at this stage that this protected characteristic would be impacted. |
| potential to advance equality of opportunity | | | X | There is no indication at this stage that this protected characteristic would be impacted. |

| **Pregnancy/maternity** | Place 'X' in the relevant box(es) | | | Describe any actions you plan to take, eg. to mitigate any impact, maximise positive impact, or record your justification to not make changes |
|---|---|---|---|---|
| | Positive impacts | Negative impacts | No impact | |
| risk of discrimination | | | X | There is no indication at this stage that this protected characteristic would be impacted. |
| potential for developing good relations | | | X | There is no indication at this stage that this protected characteristic would be impacted. |
| potential to advance equality of opportunity | | | X | There is no indication at this stage that this protected characteristic would be impacted. |

| **Marriage/civil partnership** | Place 'X' in the relevant box(es) | | | Describe any actions you plan to take, eg. to mitigate any impact, maximise positive impact, or record your justification to not make changes |
|---|---|---|---|---|
| | Positive impacts | Negative impacts | No impact | |
| risk of discrimination (only the first aim of the Duty is relevant to this protected characteristic and only in relation to work matters) | | | X | Not applicable, not an employment matter. |

| **Socio-economic disadvantage** | Place 'X' in the relevant box(es) | | | Describe any actions you plan to take, eg. to mitigate any impact, maximise positive impact, or record your justification to not make changes |
|---|---|---|---|---|
| | Yes | No | No impact | |
| **(**If required) Will the proposal reduce inequalities of outcome caused by socio-economic disadvantage? | | | X | Not applicable, not a strategic decision. |

## 11. **Describe how the assessment might affect the proposal or project timeline?**

Examples of the items you should consider here include, but are not limited to:

- **Communication plan**: do you need to communicate with people affected by proposal in a specific format (e.g. audio, subtitled video, different languages) or do you need help from other organisations to reach certain groups?
- **Cost**: do you propose any actions because of this assessment which will incur additional cost?
- **Resources**: do the actions you propose require additional or specialist resource to deliver them?
- **Timing**: will you need to build more time into the project plan to undertake research, consult or to complete any actions identified in this assessment?

The assessment is not expected to affect the overall timeline of the development of policy. Equality considerations are embedded into the early stages of Policy development, with the needs of different equality groups taken into account from the outset.

12. **Having considered the potential or actual impacts of your proposal, you should now record the outcome of this assessment**. Choose from one of the following:

| Please select (X) | **Implications for the proposal** |
|---|---|
| X | **No major change**<br>Your assessment demonstrates that the proposal shows no risk of unlawful discrimination and that you have taken all opportunities to advance equality of opportunity and foster good relations, subject to continuing monitoring and review. |
| | **Adjust the proposal and/or implement mitigations**<br>You have identified ways of modifying the proposal to avoid discrimination or to better advance equality of opportunity or foster good relations. In addition, or alternatively, you will introduce measures to mitigate any negative impacts. Adjustments and mitigations should be recorded in the tables under Step D above and summarised in the summary sheet at the front of the document. |
| | **Continue the proposal with adverse impact**<br>The proposal will continue despite the potential for adverse impact. Any proposal which results in direct discrimination is likely to be unlawful and should be stopped and advice taken. Any proposal which results in indirect discrimination should be objectively justified and the basis for this set out in the tables under Step D above and summarised in the summary sheet at the front of the document. If objective justification is not possible, the proposal should be stopped whilst advice is taken. |
| | **Stop the proposal**<br>The proposal will not be implemented due to adverse effects that are not justified and cannot be mitigated. |

## Step E - Discuss and review the assessment with decision-makers

**13. You must discuss the findings of this assessment at each stage with senior decision makers during the lifetime of the proposal and before you finalise the assessment. Record details of these discussions and decisions taken below:**

## Step F – Post-implementation actions and monitoring impact

It is important to continue to monitor the impact of your proposal on equality groups to ensure that your actual or likely impacts are those you recorded. This will also highlight any unforeseen impacts.

14. **Record any post-implementation actions required.**
15. **Note here how you intend to monitor the impact of this proposal on equality groups**.

The impact of the policy on equality groups will be monitored through scheduled policy reviews and ongoing consultation with Council tenants, including those from affected equality groups.

**Note here when the EFSIA will be reviewed as part of the post-implementation review of the proposal:**

The EFSIA will be reviewed concurrently with the scheduled review of the Policy.

## Step G – Assessment sign off and approval

Lead person(s) for this assessment: Monika Bicev

Signed: MBicev

Date: 06/10/2026

Senior officer approval of assessment:

Signed:

Date:

All full EFSIAs must be published on the Council's website as soon as possible after the decision is made to implement the proposal.