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**Report to: Council**

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**Date of Meeting: 24 October 2019**

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**Subject: Scottish Housing Regulator Annual Assurance Statement**

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**Report by: Strategic Director (Place)**

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## **1.0 Purpose**

- 1.1. This report provides an update for members on the recent changes to the regulatory framework for social housing in Scotland and seeks council approval for submission of Clackmannanshire Council's Annual Assurance Statement to the Scottish Housing Regulator (SHR) by the deadline of 31<sup>st</sup> October 2019. (The council's Annual Assurance Statement is attached as Appendix 2).

## **2.0 Recommendations**

- 2.1.1 It is recommended that the Council:
- 2.1.2 Approve the 2019/20 submission of the Annual Assurance Statement to the Scottish Housing Regulator, noting the relevant changes to the regulatory framework for social housing in Scotland.

## **3.0 Considerations**

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

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

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

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

- 3.5. The introduction of the Annual Assurance Statement requires that all social landlords in Scotland provide assurance to the regulator that they comply with the relevant regulatory standards and legal requirements, and are able to provide evidence in support of this. Areas of non-compliance are required to be stated, these termed as “material non-compliances”.
- 3.6. The first submission of the Annual Assurance Statement is to be made to the Regulator by 31<sup>st</sup> October 2019. Clackmannanshire Council’s first submission is attached as Appendix 2.
- 3.7. The Council is required to publish and make available to tenants and service users the Assurance Statement submission, the Statement will be made available on the Council’s website relating to Housing Performance.
- 3.8. SHR guidance suggests that the statement submitted should provide a short overview of compliance level with supplementary evidence to support the statement being held elsewhere by each landlord. This overview evidence has been shared with elected members.
- 3.9. The supplementary evidence provides assurance that the Council has in place robust mechanisms to ensure that appropriate levels of governance and monitoring of relevant service provision against the statutory and regulatory standards takes place.
- 3.10. Supplementary evidence has been gathered through interrogation of both local and corporate arrangements currently in place to ensure effective service delivery. It is a key requirement by the SHR that assurance be reviewed by each landlord throughout the year, for Clackmannanshire Council the Housing Business Management Team will lead a working group to review performance quarterly.
- 3.11. The Convenor (Place) is required to sign off on the Assurance Statement as being a true and accurate reflection of assurance within the housing service.
- #### 3.12. ***Forward engagement by SHR***
- 3.13. Clackmannanshire Council achieve all but the following standard and outcome in the Scottish Social Housing Charter for tenants, people who are homeless and others who use our services:
- Involve tenants, and where relevant other service users, in the preparation and scrutiny of performance information.*
- 3.14. This area of service delivery has been reported to the regulator as an item of material non-compliance given our current lack of tenant scrutiny arrangements.

- 3.15. The Council took the decision corporately in 2014 to no longer pursue Customer Service Excellence accreditation, a key aspect of this accreditation being service user engagement and partnership working.
- 3.16. In addition, there have been significant challenges over the past 18 months within the position of tenant participation officer and the resourcing of this role (this reported to Council in February within the approved paper on the HRA budget 2019-20). A lesser level of available resource capacity and the ongoing internal restructure within the place service have hampered our ability to provide provision for tenant scrutiny.
- 3.17. Areas of non-compliance must be reported. Where assurance is provided to the SHR that effective plans and the capacity and willingness to improve or resolve the issue are in place the SHR will ask to be kept up to date on progress within the improvement area.
- 3.18. In these circumstances the SHR will not engage with the landlord unless the issue presents such a significant risk to the interests of tenants and service users that they need to monitor it closely, or take action, to ensure it is resolved successfully.
- 3.19. A forward plan of improvement actions has been developed and is being implemented to address the under performance within the area of tenant scrutiny. These actions as outlined within the Assurance Statement.

#### **4.0 Sustainability Implications**

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

#### **5.0 Resource Implications**

##### *5.1. Financial Details*

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

#### **6.0 Exempt Reports**

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

#### **7.0 Declarations**

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

- (1) **Our Priorities** (Please click on the check box )  
 Clackmannanshire will be attractive to businesses and people and ensure fair opportunities for all   
 Our families, children and young people will have the best possible start in life



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

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

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

**8.0 Equalities Impact**

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

Yes

No

**9.0 Legality**

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

**10.0 Appendices**

Appendix 1 - Clackmannanshire Council SHR Engagement Plan  
Appendix 2 – Annual Assurance Statement to the Scottish Housing Regulator 2019/20.

**11.0 Background Papers**

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

Yes

No

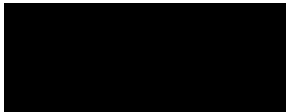
(please list the documents below)

*Clackmannanshire Council – SFHA & ALACHO Self Assurance evaluation working papers – distributed to members*

**Author(s)**

NAME	DESIGNATION	TEL NO / EXTENSION
Andrew Buchanan	Team Leader Business Improvement	Extension : 5169
Murray Sharp	Senior Manager (Housing)	Extension : 5113

**Approved by**

<b>NAME</b>	<b>DESIGNATION</b>	<b>SIGNATURE</b>
Pete Leonard	Strategic Director (Place)	



## Clackmannanshire Council

### Why we are engaging with Clackmannanshire Council (Clackmannanshire)

We are engaging with Clackmannanshire about its **services for people who are homeless**.

To assess the risks to people who are homeless we have reviewed and compared the data for all councils from the Scottish Government's 2017/18 national homelessness statistics and the Annual Returns on the Charter. From this we identified areas where we require further information from Clackmannanshire:

- Clackmannanshire's assessment of homelessness applications:
  - the percentage where contact was lost before assessment is above the Scottish average;
  - the percentage withdrawn before assessment is above the Scottish average; and
  - the percentage assessed within 28 days is below the Scottish average.
- temporary accommodation: the percentage of offers of temporary or emergency accommodation refused is above the Scottish average; and
- outcomes for people who are homeless: the percentage of unintentionally homeless people with whom Clackmannanshire lost contact is above the Scottish average.

### What Clackmannanshire must do

Clackmannanshire must provide us the information we require in relation to its homelessness service.

### What we will do

We will review:

- review the information we require from Clackmannanshire and determine what more we may require it to do;
- review our engagement with Clackmannanshire when it has finalised its Rapid Rehousing Transition Plan; and
- progress with homes not meeting Scottish Housing Quality Standard (SHQS) when we receive its Annual Return on the Charter in June 2019. At the end of the 2017/18, 115 of its homes did not meet SHQS.

### Regulatory returns

Clackmannanshire must provide us with the following annual regulatory returns:

- Annual Assurance Statement;
- Annual Return on the Charter; and
- the return on the Energy Efficiency Standard for Social Housing.

It should also notify us of any material changes to its Annual Assurance Statement, and any tenant and resident safety matter which has been reported to or is being investigated by the Health and Safety Executive or reports from regulatory or statutory authorities or insurance providers, relating to safety concerns.



**[Read more about Clackmannanshire Council >](#)**

**Our lead officer for Clackmannanshire Council is:**

**Name:** Kelda McMichael, Regulation Manager  
**Address:** Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF  
**Telephone:** 0141 242 5575  
**Email:** [Kelda.McMichael@scottishhousingregulator.gsi.gov.uk](mailto:Kelda.McMichael@scottishhousingregulator.gsi.gov.uk)





## Clackmannanshire Council

### Annual Assurance Statement 2019 to the Scottish Housing Regulator

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

We meet all legal obligations associated with housing and homelessness services, equality and human rights, and tenant and resident safety.

The Scottish Housing Regulator Engagement Plan (2019/20) for Clackmannanshire Council highlights, an intention to analyse the councils work in relation to services to people who are homeless. We will continue to work with the SHR in 2019/20 by providing required information on our homeless service, see Appendix 1.

We achieve all but the following standard and outcome in the Scottish Social Housing Charter for tenants, people who are homeless and others who use our services:

- Involve tenants, and where relevant other service users, in the preparation and scrutiny of performance information.

The below noted actions are aimed at ensuring improvements are made to achieve adequate levels of tenant and resident engagement and scrutiny –

1. A new Tenant Participation Strategy to be entered into working collaboratively with TIS (Tenant Information Service) and Paragon HA. This partnership working has worked well on previous TP strategies and is to be progressed with members, officers and RTOs being asked to participate.
2. Recruitment to be undertaken to position of Tenant Participation Officer (this was noted within HRA Business Plan approved by Council in February 2019).
3. A Scrutiny Panel (& or re-establishment of tenant HRA Board) to be set up to monitor and assess performance across the housing service.
4. A focus will be placed on reaching out to RTOs to re-engage with the council and foster sound lines of communication and partnership working.
5. The results from the recently completed tenant's satisfaction survey (3 yearly survey) to be assessed and areas of under performance addressed through joint working between the council and RTOs.

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

The Annual Assurance Statement 2019 to the Scottish Housing Regulator was approved at Council on 24th October 2019.

**Signed:**

**Convenor (Place):**

**Date:**

**Senior Manager (Housing):**

**Date:**

**Strategic Director (Place):**

**Date:**

