

Midlothian Council's Housing Services Assurance Statement 2020**Report by Kevin Anderson, Executive Director - Place****Report for Decision****1 Recommendations**

Council is recommended to approve the AAS attached at Appendix 1 for submission to the SHR by this year's revised deadline date of 30 November, 2020.

2 Purpose of Report/Executive Summary

To comply with the Scottish Housing Regulator's (SHR) Regulatory Framework, the Council must approve and submit an Annual Assurance Statement (AAS) each year providing assurance that it is meeting legislative and regulatory standards for social housing in Scotland. This report explains the Regulatory Framework and appends an Assurance Statement for approval by Council.

The AAS confirms where the Council meets the SHR required standards and outcomes and provides information on some areas for improvement. Following Council approval, the AAS will be published on the SHR and Midlothian Council's websites.

Date: 26 October 2020**Report Contact:** Simon Bain, Acting Head of Housing Services**email:** simon.bain@midlothian.gov.uk**tel:** 0131 271 6679

3 Background

The Housing (Scotland) Act 2010 sets out the requirement for a Scottish Social Housing Charter (SSHC) and the statutory objectives, functions, duties and powers of the SHR.

The SSHC sets the standards and outcomes that all social landlords should aim to achieve when performing their housing activities. The SHR monitors, assesses and reports on the SSHC. The SHR's statutory objective is to safeguard and promote the interests of current and future tenants, people who are homeless, factored owners and Gypsy/Travellers.

A Regulatory Framework sets out the approach to regulation.

<https://www.housingregulator.gov.scot/for-landlords/regulatory-framework#>.

The SHR monitors, assesses, reports and intervenes (as appropriate) in relation to Scottish social landlords' performance and housing activities. The current framework came into force in April 2019 and it requires all social landlords to submit an AAS providing assurance that their organisation complies with the relevant requirements of Chapter 3 of the framework. The AAS provided at Appendix 1 replaces the AAS submission for 2019 approved by Council in November 2019.

As the governing body, Midlothian Council is required to approve Midlothian Council's Housing Services Assurance Statement 2020, provided at Appendix 1, and an Annual Assurance Statement of Compliance, provided at Appendix 2.

All Scottish social landlords are required to report performance to the SHR annually through the Annual Return on the Charter (Midlothian Council submitted this in July 2019) and report to tenants during December 2020. The SHR analyses each charter return and then publishes an individual Engagement Plan for each landlord, which focuses on areas for improvement. Due to Covid-19, the SHR is not producing Engagement Plans in 2020.

Midlothian Council has existing scrutiny and performance structures in place to ensure assurance can be given that housing services are delivered in accordance with legislation, regulatory standards and best practice guidance.

Midlothian Council can give assurance in compliance with all but one of the statutory obligations. The exception is in relation to five breaches of The Homeless Persons (Unsuitable Accommodation) (Scotland) Amendment Order 2017, where four families were placed in unsuitable accommodation for more than seven days during October 2019 (three households) and December 2019 / January 2020 (one household. As this household moved to a different room within the emergency accommodation, reported as 2 breaches in accordance with Scottish Government guidance). The underlying reason for all of these breaches was a lack of suitable available temporary accommodation. The Order places a limit of seven days on the time pregnant women and families with

dependent children spend in unsuitable temporary accommodation, unless there are exceptional circumstances.

To address the risk of further breaches of the Order, the Council has committed to ending the use of bed and breakfast accommodation as part of its transformation of temporary accommodation services. The Council's approved Rapid Rehousing Transition Plan sets out a range of initiatives to achieve this by 1st December 2020.

4 Report Implications (Resource, Digital and Risk)

4.1 Resource

There are no resource implications related to this report.

4.2 Digital

There are no digital implications related to this report.

4.3 Risk

There are no risk implications related to this report.

4.4 Ensuring Equalities (if required a separate IIA must be completed)

The contents of this report were considered under the Council's Integrated Impact Assessment process and it was determined that undertaking such an assessment was not required.

4.5 Additional Report Implications

Appendix 1 – Annual Assurance Statement

Appendix 2 – Annual Assurance Statement Assessment of Compliance

[Link to Members' Resource Library on CMIS](#)

APPENDIX A – Report Implications

A.1 Key Priorities within the Single Midlothian Plan

Delivering housing services in accordance with legislation, regulatory standards and best practice guidance contributes to the Midlothian 2020 vision of improving the quality of life for Midlothian's citizens and safeguarding housing assets for future generations.

A.2 Key Drivers for Change

Key drivers addressed in this report:

- ☐ Modern
- ☐ Sustainable
- ☐ Asset-based
- ☒ Continuous Improvement

A.3 Key Delivery Streams

Key delivery streams addressed in this report:

- ☐ One Council Working with you, for you
- ☒ Preventative and Sustainable
- ☐ Efficient and Modern
- ☐ Innovative and Ambitious

A.4 Delivering Best Value

Midlothian Council manages all aspects of its business so that tenants and other customers receive services that provide value for money for the rent and other service charges they pay.

A.5 Involving Communities and Other Stakeholders

Information sharing and consultation has taken place with the Midlothian Tenants Panel on 27 October 2020 to review the AAS and scrutinise the evidence provided and improvement actions contained within the AAS Assessment of Compliance.

The AAS will be made available on the Council's website along with the SHR's Landlord Performance Report and Engagement Plan.

A.6 Impact on Performance and Outcomes

Referenced in section 3 of this report.

A.7 Adopting a Preventative Approach

Not applicable.

A.8 Supporting Sustainable Development

Not applicable.

Midlothian Council Assurance Statement

17 November 2020

Midlothian Council complies with duties, obligations, and responsibilities placed on landlords by legislation and through statutory guidance and is working towards delivering good outcomes set out in the Scottish Social Housing Charter for tenants, people who are homeless and others who use our services.

The one exception to this is in relation to five breaches of The Homeless Persons (Unsuitable Accommodation) (Scotland) Amendment Order 2017, where four families were placed in unsuitable accommodation for more than seven days during October 2019 (three households) and December 2019 / January 2020 (one household. As this household moved to a different room within the emergency accommodation it has been reported as 2 separate breaches in accordance with Scottish Government guidance). The underlying reason for all of these breaches was a lack of suitable available temporary accommodation. The Order places a limit of seven days on the time pregnant women and families with dependent children spend in unsuitable temporary accommodation, unless there are exceptional circumstances.

The Council has made significant steps to ending the use of bed and breakfast accommodation as part of its transformation of temporary accommodation services during 2020. The Council's approved Rapid Rehousing Transition Plan sets out a range of initiatives to achieve this by 1st December 2020. As of 31st October 2020 there were 9 single person households residing in bed and breakfast accommodation, compared to 40 households as at 1st August 2020.

I confirm I have seen and considered appropriate information and evidence necessary to give me assurance.

The Annual Assurance Statement was approved at the Council meeting held on 17th November 2020.

Signed:

Date of Signing:

Councillor Stephen Curran, Cabinet Member for Housing Services

Appendix 2

Appendix 2	Assured		
Scottish Housing Regulator (SHR) - Annual Assurance Statement (AAS) Assessment of Compliance	Partially assured		
SHR Requirement	Status	Evidence	Action
Prepare an AAS in accordance with published guidance, submit it to the SHR between April and 30th November 2020 and make it available to tenants and other service users.		Committee Report and Appendices, 17th November 2020. The AAS is published on the Council website at http://www.midlothian.gov.uk/info/917/housing/323/housing_strategy_and_performance and can be provided in other formats as requested.	The winter tenant newsletter will provide information on and how to access the 2020 /21 AAS.
Notify the SHR during the year of any material changes to the assurance on our AAS.		There are no material changes to report at present.	
Have assurance and evidence that we are meeting all our legal obligations associated with housing and homelessness services, equality and human rights, and tenant and resident safety.		Housing services are delivered in accordance with legislation, regulatory standards and taking account of best practice guidance. Since the start of Covid-19, the focus of the Housing Service has been ensuring the health and safety of tenants, other service users and Council employees, whilst maintaining core services and providing reassurance and contact for tenants and service users. This has been done in accordance with guidance issued by the Scottish Government, Public Health Scotland and the SHR. The SHR introduced a requirement for social landlords to submit monthly monitoring information which has been shared with senior officers and councillors, in addition to general service updates provided to Council outlining all Covid-19 service related initiatives implemented by the Housing Service. Policies and procedures provide clear direction to the Housing Services staff. The Making Performance Matter Appraisal process supports staff to achieve work related objectives linked to service / corporate plans and provide good levels of service to customers. Internal audit reviews are carried out on the housing service, most recently on the management of contracts including the Housing Service. Internal audit are currently undertaking an audit of social housing rents and the Homelessness Service will be included in the Audit Plan for 2021/22. Audits are reported to Audit Committee and development plans implemented. Housing Services data is reported quarterly to the Council's Cabinet and the Performance, Review and Scrutiny Committee. The Council is a member of the Scottish Housing Network and benchmarks performance against peer local authorities and regularly engages with best practice networks in a culture of scrutiny connected to performance management. No health and safety matters have been reported to the Health and Safety Executive in the last 12 months. There are no reports from regulatory or statutory authorities relating to safety concerns.	The Council provides the SHR with regular performance information and updates on areas for improvement identified in the Council's Engagement plan. The exception is in relation to 5 breaches of The Homeless Persons (Unsuitable Accommodation)(Scotland) Amendment Order 2017, where four households placed in unsuitable accommodation during October and December 2019. The Council has committed to ending the use of bed and breakfast accommodation as part of its transformation of temporary accommodation services. The Council's Rapid Rehousing Transition Plan sets out a range of initiatives to achieve this by 1st December 2020.
Notify the SHR of any tenant and resident safety matters which have been reported to or are being investigated by the Health and Safety Executive, or reports from regulatory or statutory authorities, or insurance providers, relating to safety concerns. Make our Engagement Plan easily available and accessible to our tenants and service users, including online. Submit an Annual Return on the Charter to the SHR each year in accordance with the SHR published guidance. Involve tenants, and where relevant, other service users, in the preparation and scrutiny of performance information. We must: agree our approach with tenants; ensure that it is meaningful - that the chosen approach gives tenants a real and demonstrable say in the assessment of performance; publicise the approach to tenants; ensure that it can be verified and be able to show that the agreed approach to involving tenants has happened; involve other service users in an appropriate way, having asked and had regard to their needs and wishes.		The Council's current Engagement Plan is published on the Council website at http://www.midlothian.gov.uk/info/917/housing/323/housing_strategy_and_performance The Annual Return was completed and submitted by 31st July 2020, in accordance with the SHR revised response timescale due to Covid 19. The Tenant Participation and Customer Engagement Strategy 2017-20 sets out the framework for tenant scrutiny opportunities and is available on the Council's website at https://www.midlothian.gov.uk/info/200277/tenancy/224/tenant_participation . Funding is provided to support tenant participation and engagement. The Strategy has recently been reviewed and is currently subject to wider consultation and will be considered further at the Council meeting to be held on 15th December 2020. Feedback from homeless service users has shaped the Council's Rapid Rehousing Transition Plan in respect of developing alternative housing options to end the use of bed and breakfast accommodation. The annual performance report is provided to tenants and is available on the Council's website at http://www.midlothian.gov.uk/info/917/housing/323/housing_strategy_and_performance There are a range of ways tenants can engage with the Housing Service to discuss performance and influence the format and design of the annual performance report.	The winter tenant newsletter will provide annual reminder information how to access the Engagement Plan.
Report our performance in achieving and progressing towards the Charter outcomes and standards to our tenants and other service users. We must agree the format of performance reporting with tenants, ensuring that it is accessible for tenants and other service users, with plain and jargon free language. When reporting our performance to tenants and other service users we must: provide them with an assessment of performance in delivering each of the Charter outcomes and standards which are relevant to the Council; include relevant comparisons - these should include comparisons with previous years, with other landlords and with national performance; set out how and when we intend to address areas for improvement; give tenants and other service users a way to feed back their views on the style and form of the reporting. Make the SHR report on our performance easily available to our tenants, including online.		In addition to published quarterly performance data reported to the Performance, Review and Scrutiny Committee, the annual performance report provides a comparison with other councils based on the Scottish Housing Network's peer group system. The report compares the Council's performance with the Scottish average and if performance has improved or deteriorated over the previous year. A narrative is provided highlighting key points and identifies areas for improvement.	Meeting scheduled with Midlothian Tenants Panel on 19th November 2020 to review 2019/20 performance, facilitated by the Scottish Housing Network (this is an annual event). This will include considering feedback received regarding the format and design of the performance report for 2019/20. The winter tenant newsletter will include the performance report for 2019/20.
Have effective arrangements and a policy for whistleblowing by staff and elected members, which it makes easily available and which we promote.		The current SHR report is available on the Council's website at http://www.midlothian.gov.uk/info/917/housing/323/housing_strategy_and_performance The Council's Whistleblowing Policy was last reviewed 17th August 2018. Details are available for staff on the Council's intranet site. Policies in respect of fraud, corruption and bribery are available to members of the public on the Council's website and staff undertake mandatory eLearning training. Concerns can be reported by telephone and email. https://www.midlothian.gov.uk/forms/form/57/en/report_a_possible_crime_fraud_or_similar_concern Hard copy leaflets on reporting significant performance failures are available in the main Council building at Buccleuch House, Dalkeith. A link to the SHR website is available on the Council's website at http://www.midlothian.gov.uk/info/917/housing/323/housing_strategy_and_performance The Council's complaints handling process is available on the Council's website (and link provided on the front page of the website) at https://www.midlothian.gov.uk/info/670/have_your_say/132/complaints_procedure . Leaflets are available in Council buildings used by members of the public and referred to in written and verbal communications as appropriate with customers. The complaints process is highlighted at the new tenant settling-in visit undertaken within the first 4-6 weeks of tenancy start date.	The winter tenant newsletter will provide information on how to access the SHR report for 2019/20 and this will be published on the Council's website.
Make information on reporting significant performance failures, including the SHR leaflet, available to tenants.		The Council's Whistleblowing Policy was last reviewed 17th August 2018. Details are available for staff on the Council's intranet site. Policies in respect of fraud, corruption and bribery are available to members of the public on the Council's website and staff undertake mandatory eLearning training. Concerns can be reported by telephone and email. https://www.midlothian.gov.uk/forms/form/57/en/report_a_possible_crime_fraud_or_similar_concern Hard copy leaflets on reporting significant performance failures are available in the main Council building at Buccleuch House, Dalkeith. A link to the SHR website is available on the Council's website at http://www.midlothian.gov.uk/info/917/housing/323/housing_strategy_and_performance The Council's complaints handling process is available on the Council's website (and link provided on the front page of the website) at https://www.midlothian.gov.uk/info/670/have_your_say/132/complaints_procedure . Leaflets are available in Council buildings used by members of the public and referred to in written and verbal communications as appropriate with customers. The complaints process is highlighted at the new tenant settling-in visit undertaken within the first 4-6 weeks of tenancy start date.	The winter tenant newsletter will provide annual reminder information on reporting significant performance failures.
Provide tenants and other service users with the information they need to exercise their right to complain and seek redress and respond to tenants within the timescales outlined in our service standards, in accordance with guidance from the Scottish Public Services Ombudsman (SPSO).		Leaflets are available in Council buildings used by members of the public and referred to in written and verbal communications as appropriate with customers. The complaints process is highlighted at the new tenant settling-in visit undertaken within the first 4-6 weeks of tenancy start date.	The winter tenant newsletter will provide annual reminder information on the complaints handling procedure.
Ensure we have effective arrangements to learn from complaints and from other tenant and service user feedback, in accordance with SPSO guidance.		Complaints performance data is considered at the Housing Services monthly performance review meeting attended by senior officers. This includes details of complaints received, outcomes and lessons learned where service failures are identified and remedial action is taken to improve service. Housing Services complaints data is reported to the Council's Cabinet and the Performance, Review and Scrutiny Committee. Mandatory eLearning training on Customer First and Complaints handling is undertaken by all staff to ensure they have the necessary skills, knowledge and confidence.	Undertake an internal audit review during 2021/22 of the complaints handling process to ensure continuous improvement of complaints handling performance.
Have assurance and evidence that we consider equality and human rights issues properly when making all of our decisions, in the design and review of internal and external policies, and in day to day service delivery.		The Council's Equality Plan 2017-21 commits all services to meeting the requirements of equalities legislation and promoting an equal opportunities culture. The Equality Mainstreaming Outcome Progress report (2017-19) sets out how the Council integrates equality across activities and functions when delivering services. This report and other reports is published on the Council's website at https://www.midlothian.gov.uk/info/200286/equality_and_diversity/136/equality_and_diversity_-_our_commitment . The Council's Integrated Impact Assessment (IIA) tool is used to ensure the consideration of equality and human rights issues and the impact of decisions on those with protected characteristics. The Council considers that the decision making process needs to consider the bigger picture and therefore the IIA also considers socio-economic inequality, health inequality, human rights, environmental and sustainability matters. All new and existing housing policies and procedures are considered as part of an IIA. The Council's Equality/Diversity Officer is consulted with when new policies, plans, strategies are being reviewed, renewed or developed through the IIA process. This helps to ensure that the needs of all our customers are met. The Council meets its legal requirements in respect of the corporate reporting. Equalities considerations are a standing item for consideration in all Council Reports being considered by Elected Members and the Corporate Management Team. The Council's Equality / Diversity Officer delivers appropriate training to the staff teams regarding equality and diversity awareness and IIA toolkit and guidance.	Undertake discussions with the Council's Engagement Officer and Midlothian Peoples Equality Group, which is a group of that represent all the protected characteristics, to establish arrangements to encourage feedback on future policies, plans, strategies.
To comply with these duties, we must collect data relating to each of the protected characteristics of our existing tenants, new tenants, people on waiting lists, governing body members and staff. We must also collect data on protected characteristics for people who apply to us as homeless and those who live on our Gypsy / Traveller site.		Midlothian Council collects data relating to protected characteristics for the specified groups.	Undertake a Council-tenant-wide profile survey to collect up to date information across all protected characteristics and socio-economic situation as part of the next tenant satisfaction survey in 2022.

