Agenda Item 6 **Scottish Housing Regulator** Annual Assurance Statement

Falkirk Council

Title: Scottish Housing Regulator Annual Assurance Statement

Meeting: Executive

Date: 29 October 2019

Submitted By: Director of Corporate & Housing Services

1. Purpose of Report

1.1 This report provides an Annual Assurance Statement on the activities of the Council's Housing Service for approval.

2. Recommendations

- 2.1 It is recommended that the Executive:
 - (1) Approves the Annual Assurance Statement that will be submitted to the Scottish Housing Regulator (SHR) on the 31st October 2019.
 - (2) Authorises the Convener to sign the Annual Assurance Statement.

3. Background

- 3.1 The Scottish Housing Regulator (SHR) was formed as part of the Housing (Scotland) Act 2010. The SHR has statutory powers to monitor, assess, report and, where they deem appropriate, intervene in relation to social landlords' performance of housing activities. In order to comply with the requirement contained in SHR's new Regulatory Framework, the Council has to submit their Annual Assurance Statement by no later than the 31st of October each year.
- 3.2 This statement is required to be signed off by the delegated Local Authority Committee. The statement will provide assurance that the service is compliant with all the requirements set out in of the Chapter 3 of the Regulatory Framework.
- 3.3 The Annual Assurance Statement confirms the extent to which the Housing Service complies with the standards and outcomes in the Scottish Social Housing Charter (SSHC) for tenants, people who are homeless, and others who use our services. Assurance is also provided on our compliance with our legal obligations relating to housing and homelessness, equalities and human rights, and tenant and resident safety.
- 3.4 The new framework includes SHR's commitment to publicise engagement plans for all social landlords in Scotland on an annual basis. The Annual Assurance Statement will form part of the evidence used to assess the level of engagement the Regulator will have with the Housing Service. Other evidence that will be used to assess the level of engagement includes the Annual

- Return on the Charter (ARC) and the Rapid Rehousing Transition Plan (RRTP).
- 3.5 The SHR published guidance on the completion of the Annual Assurance Statement, including a template for use. This template was used to develop the proposed format for Falkirk Council's submission (Appendix 1)
- 3.6 There is no requirement to send any supporting evidence with the statement, however, this must be available should the SHR ask to see it. It is therefore up to the Executive to decide whether they have seen sufficient evidence to be assured. Appendix 2 provides a detailed evidence checklist of the Housing Services' compliance with our regulatory requirements.

4. Considerations

- 4.1 In preparing the Annual Assurance Statement, the following was considered:
 - the required level of assurance;
 - sources of assurance, and the evidence to support this; and
 - the need for independent assurance from Internal Audit.
- 4.2 The Annual Assurance Statement complements a number of internal and external reports that demonstrate the service's commitment to performance reporting and scrutiny. These include the ARC, which was tenant approved before submitting to the SHR, and had also been subject to both internal and external audit checks. Performance is also reported to the Council's Scrutiny Committee.
- 4.3 A self-assessment approach on compliance with our regulatory requirements was undertaken. The evidence checklist relating to each of the requirements is set out at Appendix 2, and a copy of an Internal Audit report, providing independent assurance on the statement, is at Appendix 3.
- 4.4 This self-assessment approach is also supported by our 'Embedding Excellence' programme, which we are working on with the external organisation HouseMark. This programme has led to the development of an improvement plan, which will further strengthen the service's commitment to self-awareness and continuous improvement.
- 4.5 The key points arising from the self-assessment (as set out at Appendix 2) are summarised below:

 We comply with the regulatory requirements set out in Chapter 3 of the
 - We comply with the regulatory requirements set out in Chapter 3 of the Regulatory Framework. This includes that we:
 - achieve all the standards and outcomes in the Scottish Social Housing Charter for tenants, people who are homeless and others who use our services;
 - comply with our legal obligations relating to housing and homelessness, equality and human rights, and tenant and resident safety.

5. Consultation

5.1 The Annual Assurance Statement is required to be confirmed and signed by the Executive exclusively; therefore no consultation was undertaken.

6. Implications

Financial

6.1 There are no financial implications anticipated.

Resources

6.2 No additional resources are required.

Legal

6.3 There are no legal implications anticipated.

Risk

6.4 There are no additional risk implications anticipated.

Equalities

6.5 There are no further equalities implications anticipated.

Sustainability/Environmental Impact

6.6 There is no sustainability or environmental implications anticipated.

7. Conclusions

7.1 The Annual Assurance Statement, evidence supporting this, and independent assurance from Internal Audit, provide the relevant basis to confirm that Falkirk Council's Housing Service comply with the requirements set out under Chapter 3 of the Regulatory Framework published by the Scottish Housing Regulator.

Head of Housing Services

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List of Background Papers

- 1 Our Regulation of Scottish Housing: Final Framework 2019
- 2 Scottish Social Housing Charter

- Annual Assurance Statement: Statutory Guidance 2019
 Annual Assurance Statement: Frequently Asked Questions

APPENDICES:

- **Copy of Annual Assurance Statement** 1
- **Evidence Checklist** 2
- **Internal Audit Report** 3

Appendix 1 Annual Assurance Statement

Our Annual Assurance Statement

The following statement confirms that:

We comply with the regulatory requirements set out in Chapter 3 of the Regulatory Framework. This includes that we:

- achieve all the standards and outcomes in the Scottish Social Housing Charter for tenants, people who are homeless and others who use our services:
- comply with our legal obligations relating to housing and homelessness, equality and human rights, and tenant and resident safety.

We confirm that we have seen and considered an appropriate level of evidence to give us this assurance. The evidence provided has been reviewed by our Internal Audit Team and was awarded 'Substantial Assurance'. The information required to provide the necessary level of assurance will continue to re reviewed on an on-going basis.

We approved our Annual Assurance Statement at the meeting of our Executive on 29th October 2019.

I sign this statement on behalf of the Executive.

Cllr Cecil Meiklejohn Convener

Housing Services

Annual Assurance Statement: Evidence Checklist

Performance Information Period: 2018/19

Annual Assurance
Statement: Evidence
Checklist

This checklist will set out and evidence where the Housing Service meets the following requirements:

- > all the relevant regulatory requirements set out in Chapter 3 of the Regulatory Framework;
- > all the relevant standards and outcomes in the Scottish Social Housing Charter &
- all relevant legislative duties including those related to homeless people, equalities and human rights and tenant/residents safety.

All of the information provided has been subject to scrutiny by Internal Audit who reviewed the information. This achieved 'Substantial Assurance' status. A copy of Internal Audit's report is available at appendix 2.

Annual Assurance Statement Progress



Requirement is significantly behind target.



Requirement is slightly behind target or in danger of not achieving deadline.



Requirement is on target.



Requirement is completed.

Annual Assurance Statement Checklist

Assurance and Notification

Requirement	SSHC Outcome/Standard	Deadline	Progress	Responsibility
Prepare an Annual Assurance Statement in accordance with guidance & submit Annual Assurance Statement to Scottish Housing Regulator between April and October each year	ALL	October 2019	A briefing is to be provided to members of the Executive on the 8 October 2019. Following this, the committee report and appendices will be presented at the meeting of the Executive on the 29 ^h October 2019. On target to be submitted by 31 October 2019.	Head of Housing Services & Performance and Compliance Officer
Make Annual Assurance Statement available to tenants and other service users	ALL	October 2019	This will be added to the Housing Services performance webpage. Additionally, it will be discussed at the Tenants and Residents Forum. Copies will be sent to our Registered Tenant's Organisations (RTO's). We will also provide an update in the winter edition of our Tenant Talk magazine.	Head of Housing Services & Performance and Compliance Officer
Notify Scottish Housing Regulator during the year of any material changes to the assurance in the Annual	ALL	On-going as required	This will be completed as required.	Head of Housing Services & Performance and Compliance Officer

Requirement	SSHC Outcome/Standard	Deadline	Progress	Responsibility
Assurance Statement		-		
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	7, 8, 9, 11 & 12	Ongoing	In terms of meeting our obligations associated with homelessness, this can be evidenced through the actions contained in the Rapid Rehousing Transition Plan (RRTP) and the Local Housing Strategy (LHS). This is also further evidenced through the review of and submission of homeless statistics to the Scottish Government on a quarterly and annual basis. (HL & PREVENT data) In terms of equalities and human rights, evidence of where we meet our obligations is contained in the Council's Mainstreaming Report. This details where equalities and human rights information has been considered when making decisions on the design of services. The Fairer Falkirk Strategy 2019- 2024 also provides evidence of where we meet our obligations in terms of equalities and human rights. It sets out a vision for a fairer Falkirk, with equality and equity for all.	Head of Housing Services & Performance and Compliance Officer
Notify Scottish Housing Regulator of safety matters which have been reported to or investigated by the Health and Safety Executive (HSE), or reports from other	4, 5 & 6	Ongoing	As of December 2019, we will have two Housing Staff with a health and safety qualification. They will support the service and provide guidance on health and safety matters.	Head of Housing Services & Performance and Compliance Officer

Requirement	SSHC Outcome/Standard	Deadline	Progress	Responsibility
regulatory or statutory authorities or insurance providers, relating to safety concerns				
Make Engagement Plan easily available and accessible to tenants and service users, including online	ALL	May 2019	We have included a link to the Scottish Housing Regulator"s website where the Engagement Plan is Located. This was also discussed at the Tenants and Residents Forum. We also sent copies to our RTOs.	Head of Housing Services & Performance and Compliance Officer

Scottish Social Housing Charter Performance

Requirement	SSHC Outcome/Standard	Deadline		Progress	Responsibility
Submit Annual Return on the Charter (ARC) to the Scottish Housing Regulator in accordance to the published guidance.	ALL	May 2019	②	Submitted by 31 May 2019. This was reviewed and agreed by a group of tenants before submitted to the Scottish Housing Regulator. The supporting data is subject to integrity checks through both internal and external audits.	Head of Housing Services & Performance and Compliance Officer
Involve tenants, and where relevant, service users in the preparation and scrutiny of	ALL	Ongoing		We have an active Tenant Scrutiny Panel, who have developed improvement plans for specific areas of the service. We involved tenant groups, including the Tenants' and Residents' Forum and Editorial Panel, in the development	Performance and Compliance Officer & Community Engagement Coordinator

Requirement	SSHC Outcome/Standard	Deadline	Progress	Responsibility
performance information			of our annual report.	
 Agree an effective and meaningful approach with tenants 			We were recently awarded our TPAS gold award. As a standard, we host an annual meeting with tenants to discuss and confirm our ARC before submitting to the Scottish Housing Regulator.	
 Publicise approach to tenants Verify approach and evidence involving tenants has happened Involve other service users in an appropriate way 			The ARC was reviewed and agreed by a group of tenants before submitted to the Scottish Housing Regulator.	
Report performance to tenants and other service users no later than October each year: • Agree format of performance reporting with tenants and	ALL	October 2019	Tenant groups have been involved in the design and content of our annual Landlord Report. This includes the design format, recommended improvements and level of comparative information provided. This year we have also consulted with tenant groups on a video format for our annual report, which also includes information on what rent money is spent on.	Performance and Compliance Officer & Community Engagement Coordinator

Requirement	SSHC Outcome/Standard	Deadline		Progress	Responsibility
ensure accessible with plain and jargon free language Provide assessment of performance in delivering Charter outcomes Include relevant comparison including previous years, other landlords and with national performance; Set out how we intend to address areas for improvement; Give tenants and service users a way to feedback views on style and form of reporting				We provide information on the annual report detailing how people can feedback and get involved. All information is publicly available on the Housing Services Performance Webpage. Information is available in hard copies, in different languages, Braille or other formats on request.	
Make Scottish Housing Regulator report on our	ALL	Ongoing	②	We provide a link within the Housing Service performance webpage to the Scottish Housing Regulator's page containing their annual Landlord Report. We also discuss the report with our	Performance and Compliance Officer &

Requirement	SSHC	Deadline	Progress	Responsibility
	Outcome/Standard			
performance easily available to tenants including online			tenant's groups.	Community Engagement Coordinator

Whistleblowing

Requirement	SSHC Outcome/Standard	Deadline		Progress	Responsibility
Ensure effective arrangements and a policy for whistleblowing for staff and elected members	ALL	Ongoing		Falkirk Council has a whistleblowing policy which is publicly available on the internet. Further to this, the Council also ran a 'See Something Say Something' campaign, which involved members of the Corporate Fraud team attending offices to inform staff about how and where they could report any concerns. This campaign is advertised through posters at offices and other related paraphernalia. Elected Members have arrangements in place through their Code of Conduct.	Director of Corporate & Housing Services
Make Whistleblowing policy easily available and promote its existence.	ALL	Ongoing	②	See above	Director of Corporate & Housing Services

Tenant and Service Users Redress

Requirement	SSHC Outcome/Standard	Deadline	Progress	Responsibility
Make information on reporting our significant performance failures, including the Scottish Housing Regulator's leaflet, available to our tenants	ALL	September 2019	A link to the Scottish Housing Regulator's webpage on how to report a significant failure is provided on the Housing Services performance webpage. We also provide a link on the Housing Service complaints webpage. We have hard copies of the significant performance failure leaflet at relevant reception areas. We sent copies of this leaflet to all RTO's. We updated tenant groups including the Tenant and Residents Forum on how and where to report a significant failure. We attended housing staff meetings to discuss this.	Head of Housing Services & Performance and Compliance Officer

Requirement	SSHC Outcome/Standard	Deadline		Progress	Responsibility
Provide tenants and service users with the information they need to exercise right to complain and seek redress	1, 2, 3 & 5	Ongoing	•	We have a corporate complaints policy which is in line with the Scottish Public Services Ombudsman (SPSO) guidance. We also publish an Annual Complaints Report which is available online or as a hard copy if requested.	Head of Housing Services & Performance and Compliance Officer
Respond to tenant complaints within our service standards timescales and in accordance with the Scottish Public Services Ombudsman guidance	1, 2, 3 & 5	Ongoing		We report against the SPSO timescales in our ARC submission. The data that supports this was subject to external validation. We can confirm that the Housing Service works to the standards and timescales set out in the SPSO'S Model Complaints Handling Procedure.	Head of Housing Services & Performance and Compliance Officer
Ensure we have effective arrangements to learn from complaints and other tenant and service user feedback, in accordance with SPSO guidance	2	Ongoing		We have created a Complaints Case Review Group. This group looks at any trends in complaints to identify what can be learned and also to ensure that we can resolve issues that customers are complaining to use about.	Head of Housing Services & Performance and Compliance Officer

Equality and Human Rights

Requirement	SSHC Outcome/Standard	Deadline	Progress	Responsibility
Have assurance and evidence we consider equality and human rights issues properly when making decisions, in the design and review of internal and external policies, and in our day to day service delivery	1	Ongoing	We have evidence of this through the Mainstreaming Report. This details where equalities and human rights information has been considered when making decisions on the design of services. The Fairer Falkirk Strategy 2019- 2024 also provides evidence of where we meet our obligations in terms of equalities and human rights. It sets out a vision for a fairer Falkirk, with equality and equity for all.	Head of Housing Services & Performance and Compliance Officer
Collect data relating to protected characteristics for existing tenants, new tenants, people on waiting lists and elected Members and staff	1	March 2021	The Council's Mainstreaming Report detail how we collect and use equalities and human right information in terms of staff. We also report on this for the ARC. We have consistently reported in our ARC the ethnic origin for over 50% of our current tenants as unknown. The new emphasis on equalities and human rights and the requirement to collect information on all the protected characteristics means that this will need to be addressed. In 2017/18, our ARC reported the number of tenants who consider themselves as having a disability as 2,962. This is 9.7% of our total number of tenants. Our last large scale tenant satisfaction survey	Head of Housing Services & Performance and Compliance Officer

Requirement	SSHC Outcome/Standard	Deadline	Progress	Responsibility
			(2018/19) reported 15% of respondents as having a physical disability, with the previous survey (2016/17) reporting the figure as 18.9%This would suggest the information we hold for current tenants under-reports the number of people who have a disability. In order to address these points, we will look to collect equalities data, including the protected characteristics, during annual tenant visits.	
Collect data on protected characteristics of people who apply as homeless	1	Ongoing	We collect equalities information at the homeless application stage, including the protected characteristics.	Housing Needs Manager & Performance and Compliance Officer
Collect data on protected characteristics of people who use our Gypsy / Traveller services	1	March 2021	We do not routinely collect this. However it will be built into the annual survey going forward. We will therefore achieve this requirement by March 2021 as requested by the Scottish Housing Regulator.	Community Engagement Coordinator



MEMO

Falkirk Council

Corporate and Housing Services
Finance

To: Kenny Gillespie, Head of Housing

Copy To: Stuart Ritchie, Director of Corporate and Housing Services

Bryan Smail, Chief Finance Officer

Daniel Keast, Performance and Compliance Officer

Gordon O'Connor, Internal Audit Manager

From: David Macleod, Internal Auditor

Date: 30 July 2019

Subject: INTERNAL AUDIT - SCOTTISH HOUSING REGULATOR -

ANNUAL ASSURANCE STATEMENT

1. Internal Audit work on the Scottish Housing Regulator Annual Assurance Statement forms part of our Internal Audit coverage for 2019/20, agreed by the Audit Committee on 08 April 2019.

Background

- 2. Starting from April 2019, the Head of Housing is required to submit an Annual Assurance Statement to the Scottish Housing Regulator. The statement should provide assurance that the Council's Housing Service is compliant with all the relevant requirements of Chapter 3 of the Regulation of Social Housing in Scotland. The statement is required to be submitted by the end of October each year and prior to that requires to be approved by the Council's Executive.
- 3. The approach taken by the Housing Service has been to evidence compliance with the 16 standards and outcomes in the Scottish Social Housing Charter (SSHC), and to highlight where the Service meets the requirements of Chapter 3 of the Regulation of Social Housing in Scotland.

Internal Audit Work

- 4. Internal Audit's work has involved:
 - reviewing the completeness and accuracy of the 16 draft standard and outcome statements, prepared by the Housing Service, for each of the standards and outcomes that will support the Council's Annual Assurance submission to the Scottish Housing Regulator;



- ensuring that the performance information reported in the draft standard and outcome statements is underpinned by adequate and robust supporting documentation; and
- checking the accuracy of all numerical information and percentages being reported in the draft standard and outcome statements.
- 5. We were content that the performance and numerical information reported was accurate, and agreed to supporting documentation. We provided initial comments on the draft standard and outcome statements to the Performance and Compliance Officer on 05 June 2019, 06 June 2019, 01 July 2019, 15 July 2019, 16 July 2019, and 17 July 2019. We are content these will be incorporated in the standard and outcome statements that will be submitted to the Executive and then to the Scottish Housing Regulator in October 2019.
- 6. The standard and outcome statements that have been subject to Internal Audit's validation work are summarised in **Table 1**. More detail on the SSHC standards and outcomes is at **Annex 1**.

Table 1
Description of standard / outcome statements

Standard / Outcome Number ¹	Description		
1	Equalities		
2	Communication		
3	Participation		
4	Quality of housing		
5	Repairs, maintenance, and improvements		
6	Estate management, anti-social behaviour, neighbour nuisance, and tenancy disputes		
7	Housing options		
8	Housing options		
9	Housing options		
10	Access to social housing		
11	Tenancy sustainment		
12	Homeless people		
13	Value for money		
14	Rents and service charges		
15	Rents and service charges		
16	Gypsy / Travellers		

Internal Audit Assurance

7. We can provide **SUBSTANTIAL ASSURANCE** in relation to the completeness and accuracy of the performance and numerical information in the standard and outcome statements (see **Annex 2** for assurance category definitions).

David Macleod Internal Auditor 30 July 2019





Scottish Social Housing Charter Standards and Outcomes

Standard /	
Outcome Number ²	Description
1	The customer / landlord relationship Equalities
	Social landlords perform all aspects of their housing services so that:
	• every tenant and other customer has their individual needs recognised, is treated fairly and with respect, and receives fair access to housing and housing services.
	The customer / landlord relationship Communication
2	Social landlords manage their businesses so that:
2	• tenants and other customers find it easy to communicate with their landlord and get the information they need about their landlord, how and why it makes decisions, and the services it provides.
	The customer / landlord relationship Participation
3	Social landlords manage their businesses so that: • tenants and other customers find it easy to participate in, and influence, their landlord's decisions at a level they feel comfortable with.
	Housing quality and maintenance Quality of housing
4	Social landlords manage their businesses so that
4	• tenants' homes, as a minimum, meet the Scottish Housing Quality Standard (SHQS) when they are allocated; are always clean, tidy and in a good state of repair; and also meet the Energy Efficiency Standard for Social Housing (EESSH) by December 2020.
	Housing quality and maintenance Repairs, maintenance, and improvements
5	Social landlords manage their businesses so that:
	• tenants' homes are well maintained, with repairs and improvements carried out when required, and tenants are given reasonable choices about when work is done.

²Numbers 4 and 13 are Standards all others are Outcomes



Standard / Outcome Number ²	Description				
6	Neighbourhood and community Estate management, anti-social behaviour, neighbour nuisance, and tenancy disputes				
	Social landlords, working in partnership with other agencies, help to ensure as far as reasonably possible that:				
	• tenants and other customers live in well-maintained neighbourhoods where they feel safe.				
	Access to housing and support Housing options				
7	Social landlords work together to ensure that:				
	• people looking for housing get information that helps them make informed choices and decisions about the range of housing options available to them.				
	Access to housing and support Housing options				
8	Social landlords work together to ensure that:				
	• tenants and people on housing lists can review their housing options.				
	Access to housing and support Housing options				
9	Social landlords ensure that:				
	• people at risk of losing their homes get advice on preventing homelessness.				
	Access to housing and support Access to social housing				
10	Social landlords ensure that:				
	• people looking for housing find it easy to apply for the widest choice of social housing available and get the information they need on how the landlord allocates homes and on their prospects of being housed.				
	Access to housing and support Tenancy sustainment				
11	Social landlords ensure that:				
	• tenants get the information they need on how to obtain support to remain in their home and ensure suitable support is available, including services provided directly by the landlord and by other organisations.				



Standard / Outcome Number ²	Description
Titalinet	Access to housing and support
	Homeless People
12	Local councils perform their duties on homelessness so that:
	 homeless people get prompt and easy access to help and advice; are provided with suitable, good-quality temporary or emergency accommodation when this is needed; and are offered continuing support to help them get and keep the home they are entitled to.
	Getting good value from rents and service charges Value for money
13	Social landlords manage all aspects of their businesses so that:
	• tenants, owners and other customers receive services that provide continually improving value for the rent and other charges they pay.
	Getting good value from rents and service charges
	Rents and service charges
14	Social landlords set rents and service charges in consultation with their tenants and other customers so that:
	• a balance is struck between the level of services provided, the cost of the services, and how far current and prospective tenants and service users can afford them.
	Getting good value from rents and service charges
	Rents and service charges
15	Social landlords set rents and service charges in consultation with their tenants and other customers so that:
	• tenants get clear information on how rent and other money is spent, including details of any individual items of expenditure above thresholds agreed between landlords and tenants.
	Other Customers
16	Gypsy / Travellers
	Local councils and social landlords with responsibility for managing sites for Gypsy / Travellers should manage the sites so that:
	• sites are well maintained and managed, and meet the minimum site standards set in Scottish Government guidance.



DEFINITION OF ASSURANCE CATEGORIES

Level of Assurance	Definition
Substantial	The systems for risk, control, and governance are largely satisfactory, but
assurance	there is some scope for improvement as the present arrangements could
	undermine the achievement of business and/or control objectives and/or
	leave them vulnerable to some risk of error/abuse.
Limited assurance	The systems for risk, control, and governance have some satisfactory
	aspects, but contain a number of significant weaknesses that are likely to
	undermine the achievement of business and/or control objectives and
	leave them vulnerable to an unacceptable risk of error/abuse.
No assurance	The systems for risk, control, and governance are ineffectively designed
	and/or are operated ineffectively such that business and/or control
	objectives are not being achieved and the risk of serious error/abuse is
	unacceptable. Significant improvements are required.

