Agenda Item 7 **Scottish Housing Regulator Annual Assurance Statement**

Falkirk Council

Title: Scottish Housing Regulator Annual Assurance Statement

Meeting: Executive

Date: 19 October 2021

Submitted By: Director of Corporate & Housing Services

1. Purpose

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, prior to its submission to the Scottish Housing Regulator.

3. Background

- 3.1 The Scottish Housing Regulator was formed as part of the Housing (Scotland) Act 2010. The Regulator has statutory powers to monitor, assess, report and, where they deem appropriate, intervene in the performance of housing activities of social landlords.
- 3.2 To comply with the Regulatory Framework, the Council has to submit their Annual Assurance Statement to the Regulator by the 31st October. This statement requires sign off by the delegated Local Authority Committee.
- 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 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 Regulator publicises their engagement plans for all social landlords in Scotland on an annual basis. Our Annual Assurance Statement is part of the evidence that the Regulator uses to assess the required level of engagement

with us. Other evidence used includes our Annual Return on the Charter and our Rapid Rehousing Transition Plan.

4. Considerations

- 4.1 To prepare our Annual Assurance Statement, we considered:
 - the required level of assurance;
 - o sources of assurance, and the evidence to support this; and
 - the need for independent assurance from Internal Audit.
- 4.2 We undertook a self-assessment approach on compliance with our regulatory requirements. The evidence checklist relating to each of the requirements is set out at Appendix 2. An Internal Audit report, providing independent assurance on the statement, is at Appendix 3. Internal Audit awarded the evidence provided for the report "Substantial Assurance".
- 4.3 The Regulator published guidance on the completion of the Annual Assurance Statement, including a template which was used to develop Falkirk Council's submission (Appendix 1). There is no requirement to send any supporting evidence with the statement, however, this must be available should the Regulator ask to see it. It is therefore up to the Executive to decide whether they have seen sufficient evidence to be assured.
- 4.4 The evidence checklist provided (Appendix 2) builds on the information provided for last year's statement. This includes evidence of the improvements we have made throughout the year, and the impact the Covid-19 pandemic had on the service we provide to tenants. In June 2021, the Regulator advised that landlords should identify in their Annual Assurance Statement where they are not fully compliant and whether that was due to the Covid-19 pandemic (Appendix 4)
- 4.5 Despite the challenge of the pandemic, the service met the majority of our regulatory requirements and statutory responsibilities. We did not meet our full regulatory requirements for Quality of Housing and Repairs. This was due to the Covid-19 pandemic. Details of the standards/outcomes where we reported not being fully compliant can be viewed at the background paper Social Housing Charter under outcomes/standards 4 & 5. Further information on these challenges and the Services' response can be found at Appendix 2. As restrictions ease, we are aiming to be fully compliant again in 2022.
- 4.6 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 Annual Return to the Charter, which was tenant approved before submitting to the Regulator, and had also been subject to both internal and external audit checks. Performance is also reported to the Council's Scrutiny Committee.

5. Consultation

5.1 The Annual Assurance Statement is required to be confirmed and signed by the Executive exclusively.

6. Implications

Financial

6.1 No financial implications are anticipated.

Resources

6.2 No additional resources are required.

Legal

6.3 No legal implications are anticipated.

Risk

6.4 No additional risk implications are anticipated.

Equalities

6.5 The Regulator requested that landlords have a plan in place to meet their requirements for equalities collection, and for considering a human rights approach in housing. We have developed an action plan for equalities monitoring which will be expanded once human rights guidance is published, which is provided at Appendix 5.

Sustainability/Environmental Impact

6.6 No sustainability or environmental implications are anticipated.

7. Conclusions

7.1 The Annual Assurance Statement confirms Falkirk Council's Housing Service compliance with the requirements set out under Chapter 3 of the Regulatory Framework published by the Scottish Housing Regulator. We did not fully meet our requirements in two areas, Quality of Housing and Repairs. This was due to the pandemic and we are working towards full compliance for 2022.

Director of Corporate and Housing Services

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List of Background Papers

- 1 Our Regulation of Scottish Housing: Final Framework 2019
- 2 Scottish Social Housing Charter
- 3 Annual Assurance Statement: Statutory Guidance 2019
- 4 Annual Assurance Statement: Frequently Asked Questions

APPENDICES:

- 1 Copy of Annual Assurance Statement
- 2 Evidence Checklist
- 3 Internal Audit Report
- 4 Letter to Landlords from Scottish Housing Regulator
- 5 Equalities Action Plan

The following papers were relied on in the preparation of this report in terms of the Local Government (Scotland) Act 1973:

None

The Forum, Callender Business Park, Falkirk FK1 1XR Telephone: 01324 506070



Our Annual Assurance Statement

The following statement confirms that:

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

- ✓ Are achieving 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.

However, our review of outcomes 4 and 5 of the Scottish Social Housing Charter, relating to quality of housing and repairs, have shown that we are not fully compliant with these outcomes in the following ways:

- Gas safety checks we were unable to carry out 205 checks within the required timescales in 2019/20.
- We have been unable to carry out non-emergency repairs for substantial periods, meaning we could not maintain tenants homes to our normal standards
- The number of properties meeting the Scottish Housing Quality Standard (SHQS) reduced to 89.96%, as we were unable to carry out electrical safety checks

These have been as a direct result of the Covid-19 pandemic and associated restrictions. As outlined in the evidence checklist, we anticipate that we will return to full compliance with these outcomes next year as Covid-19 restrictions are eased. This will be achieved by closely monitoring the backlogs of non-emergency repairs and electrical checks, to ensure these are appropriately prioritised. Additional contracting resource may require to be procured in order to accelerate the reduction in the backlog.

The Regulator has asked us to ensure we have appropriate plans in place for the collection of equalities data, and for considering a human rights approach in our work. It has been confirmed that this is in place, and will be progressed over the next year.

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 be reviewed on an on-going basis.

We approved our Annual Assurance Statement at the meeting of our Executive Committee on 19th October 2021.

I sign this statement on behalf of the Executive Committee.

Chairs signature:

Signed

Director: Stuart Ritchie
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Falkirk FK1 5RS
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Housing Services

Annual Assurance Statement: Evidence Checklist

Performance Information Period: 2020/21

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/resident's 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	Deadline	Progress	Responsibility
	Outcome/Standard			
Prepare an Annual	ALL	October 2021	Last year's Annual Assurance Statement was presented at the	Head of Housing
Assurance			meeting of the Executive on 27 October 2020, and submitted to	Services &
Statement in			the Scottish Housing Regulator (SHR) by 31 October 2020.	Performance and
accordance with				Compliance
guidance &			We are on track to submit this year's statement to SHR by 31	Coordinator
submit Annual Assurance			October 2021.	
Statement to Scottish				
Housing Regulator				
between April and October				
each year				
Make Annual Assurance	ALL	October	There is a link on the Housing Services performance webpage	Head of Housing
Statement available to		2021	(www.falkirk.gov.uk/housingperformance) to the SHR website,	Services &
tenants and other service			where the Annual Assurance Statement is held. Additionally,	Performance and
users			this has previously been discussed at the Tenants and	Compliance

Requirement	SSHC Outcome/Standard	Deadline	Progress	Responsibility
			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.	Coordinator
Notify Scottish Housing Regulator during the year of any material changes to the assurance in the Annual Assurance Statement	ALL	On-going as required	This will be completed as required. We contacted the SHR in May 2021, to advise of the number of gas safety checks that had not been completed and to ascertain if it was considered a notifiable event. The SHR advised that as it was a consequence of the Covid-19 pandemic, and we would provide contextual information on our Charter return regarding this, it was not considered a notifiable event.	Head of Housing Services & Performance and Compliance Coordinator
Have assurance and evidence that we are meeting all our legal obligations associated with housing and homelessness services, equality and human rights,	7, 8, 9, 11 & 12	Ongoing	Homelessness 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). Our RRTP provides the foundations to ensure that we can build strong partnerships to meet the needs of homeless individuals	Head of Housing Services & Performance and Compliance Coordinator

Requirement	SSHC	Deadline	Progress	Responsibility
	Outcome/Standard			
and tenant and			with complex and multiple needs. It has been a challenging few	
resident safety			months for the service to ensure that we are still delivering our	
			core and vital services whilst still trying to continue to move	
			forward our RRTP. Whilst we have strived to keep to the core	
			principles of Rapid Rehousing, the Covid-19 pandemic will no	
			doubt have a lasting impact on our ambitions. We almost	
			doubled our numbers in temporary accommodation and are now	
			concentrating on reducing this backlog. Regular monitoring of	
			the RRTP, it's spend and activities takes place through annual	
			reviews and the action plan.	
			In order to achieve the objectives of the RRTP, we need to	
			increase access to settled accommodation for those who are	
		homeless. Our Allocations Policy was	homeless. Our Allocations Policy was revised in October 2020,	
			and has increased the quota of properties advertised for Home	
			Seekers to 45%. The number of offers for Home Seekers has	
			also reduced from 2 to 1. This is to help maximise the chances	
			of re-housing people in temporary accommodation, and to meet	
			our statutory duties in rehousing people. This was extensively	
			consulted on with both tenants and elected members as part of	
			the review.	

Requirement	SSHC	Deadline	Progress	Responsibility
	Outcome/Standard			
			A wide range of actions are contained in the RRTP, with the	
			intention of meeting the following five objectives:	
			The prevention of homelessness in the first place	
			Clear housing support pathways for at risk or who have	
			experienced homelessness	
			Increase access to settled accommodation	
			Fit for the future temporary accommodation	
			5. Improving the health and wellbeing of those affected by	
			homelessness	
			Progress against these actions are regularly monitored through	
			the RRTP action plan, monitoring report and performance	
			indicators. The updated RRTP, action plan and monitoring	
			report were recently submitted to the Scottish Government for	
			review and feedback was due to be provided at the end of	
			August. This includes details of what has been achieved so far	
			and also an updated action plan to include Covid-19 recovery	
			work.	
		_	The RRTP has a strong focus on prevention of homelessness in	

Requirement	SSHC	Deadline	Progress	Responsibility
	Outcome/Standard			
			the first place, including the following.	
			• launch of a Prevention Fund	
			• the development of Benefits Calculator, using the Low Income	
			Family Tracker (LIFT) Dashboard product. This enables Local	
			Authorities to identify, target and track individuals, families and	
			households who are, impacted by the Welfare Reform changes	
			to the social security system, living in out-of-work poverty, those	
			experiencing child poverty, and those at risk of becoming	
			homeless	
			developing an engagement strategy to ensure that our we	
			have a co-production approach to the delivery and improvement	
			of our services going forward.	
			developing a working group with Registered Social Landlords	
			(RSLs) to look at best practice	
			• launch of Housing First - Working closely with our partners in	
			Transform we launched our Housing First Service in February	
			2021. Due to the pressures within the Care Inspectorate during	
			the pandemic, this was significantly delayed however good	
			progress has been made to establish the project over the last	
			six months and improve and develop the service.	

Requirement	SSHC	Deadline	Progress	Responsibility
	Outcome/Standard			
			The Local Housing Strategy (LHS) 2017-2022 also states that:	
			"Advice and information is provided on a range of	
			affordable housing options in order to prevent	
			homelessness	
			Family mediation service was established	
			Mainstream housing options advice introduced	
			Prison outreach worker in post	
			Bed and breakfast is no longer used as temporary	
			homeless accommodation	
			Hospital discharge protocols developed in relation to	
			homelessness "	
			Under priority 3, 'Improving access to housing for all' (Local	
			Housing Strategy (Page 30) the service clearly sets out how it	
			will improve and monitor information on housing options	
			provided to people.	
			The most recent LHS Annual Review was approved at	
			Committee on the 17 November 2020. This provides further	

Requirement	SSHC	Deadline	Progress	Responsibility
	Outcome/Standard			
			evidence of progress against the related actions and further	
			shows compliance with this outcome. The next LHS Annual	
			Review will be heard at Committee on 19 October 2021.	
			<u>Housing</u>	
			The whole Housing Service has now been accredited to the ISO	
			2015:9001 Standard. This is a first for a Housing Service in	
			Scotland and reinforces the overall commitment of the Service	
			to continuous improvement, self-assessment, and consistently	
			high levels of service delivery. This approach is advocated by	
			the SHR through its Regulatory Framework and Corporate Plan.	
			As part of this project, we were externally audited during 2020	
			by the British Standards Institute (BSi) to confirm compliance	
			with the ISO standard across the whole of the Housing Service.	
			We are also continuing our work with the external organisation	
			HouseMark to become the first Housing service in Scotland to	
			be awarded with 'Embedding Excellence' accreditation. This is a	
			great opportunity for the service to understand where we are on	
			our journey to excellence and further demonstrates our	
			commitment to self-awareness and continuous improvement.	

Requirement	SSHC	Deadline	Progress	Responsibility
	Outcome/Standard			
			The Covid-19 pandemic has impacted our ability to take this	
			forward, but is now on track for delivery by the end of 2021/22.	
			Equalities and Human Rights	
			At a Corporate level, 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.	
			Following publication of the Scottish Housing Regulator's	
			guidance on collecting equalities information in August 2021, we	
			have put in place an action plan for Housing to assess our	
			current equalities collection, and how we can embed the use of	
			equalities information in our service delivery. This will be	
			progressed over the next year, to increase compliance with this	
			requirement.	

SSHC	Deadline	Progress	Responsibility
Outcome/Standard			
		The Scottish Housing Regulator's Regulatory Framework makes	
		it clear that landlords must consider human rights in the	
		provision of its service. Further detailed guidance is to be	
		published on this shortly, and we will take full account of the	
		recommendations in this, and act upon this as required. The	
		current work of the service demonstrates several ways that we	
		are already compliant with the human right to adequate housing,	
		such as compliance with quality standards such as SHQS and	
		EESSH, the work of the Local Housing Strategy and Strategic	
		Housing Investment Plan, and support and advice provided to	
		people in all housing tenures about their homes.	
		Tenant and Resident Safety	
		We are committed to ensuring the safety of our tenants and	
		residents in our local areas. We have centralised the handling	
		of antisocial behaviour complaints to our Conflict Resolution	
		Service which has received positive feedback from service	
		users. We are collecting information on feelings of safety in	
		neighbourhoods, so we can act upon these findings, and are	
		developing the use of mobile CCTV cameras for use in areas	
		where needed. We also continue to respond to tenants	
			Outcome/Standard The Scottish Housing Regulator's Regulatory Framework makes it clear that landlords must consider human rights in the provision of its service. Further detailed guidance is to be published on this shortly, and we will take full account of the recommendations in this, and act upon this as required. The current work of the service demonstrates several ways that we are already compliant with the human right to adequate housing, such as compliance with quality standards such as SHQS and EESSH, the work of the Local Housing Strategy and Strategic Housing Investment Plan, and support and advice provided to people in all housing tenures about their homes. Tenant and Resident Safety We are committed to ensuring the safety of our tenants and residents in our local areas. We have centralised the handling of antisocial behaviour complaints to our Conflict Resolution Service which has received positive feedback from service users. We are collecting information on feelings of safety in neighbourhoods, so we can act upon these findings, and are developing the use of mobile CCTV cameras for use in areas

Requirement	SSHC	Deadline	Progress	Responsibility
	Outcome/Standard			
			concerns and requests about issues in their local areas as	
			required.	
			In terms of our properties, a five year Housing Investment	
			Programme in place to ensure our stock continues to be	
			maintained to the Scottish Housing Quality Standard (SHQS)	
			and meet the Energy Efficiency Standard for Social Housing 2	
			(EESSH2) by the key milestones of 2025 and 2032. To ensure	
			this standard is maintained, we hold comprehensive information	
			on the condition of all our properties our Housing Asset	
			Management Plan 2019-2024. This also includes future	
			investment plans to ensure that the condition of our housing	
			stock is maintained to specified standards. The Housing	
			Investment programme 2021/22 to 2025/26 sets out the level	
			and specification for investment in the Housing stock. This	
			includes window and door replacements, electrical works, estate	
			improvements, and a programme of lift improvements in our	
			high flats.	
Have assurance and	4 & 5	Ongoing <u></u>	We have identified that, in relation to Repairs and Quality of	
evidence that we are			Housing, that the Covid-19 pandemic has affected our	

Requirement	SSHC	Deadline	Progress	Responsibility
	Outcome/Standard			
meeting all our legal			compliance with these outcomes. pandemic has impacted on	
obligations associated			our ability to maintain homes to our usual standards since	
with housing and			March 2020, as a result of restrictions preventing work being	
homelessness			carried out in homes. There were two significant periods (April	
services, equality and			2020 - July 2020, and 26 December 2020 to 26 April 2021)	
human rights, and tenant			when the non-emergency repairs service was shut down, as	
and resident safety			non-essential repairs were not permitted to be carried out. As a	
(Repairs & Quality of			result of this and resulting backlog of works, we have not been	
Housing)			able to offer the same of level of service as previously provided.	
			However, as restrictions are easing, we are now working	
			through the backlog. The level of outstanding repairs is being	
			closely monitored and, as necessary, additional contracting	
			resource may require to be procured in order to accelerate the	
			reduction in the backlog.	
			Covid-19 restrictions also impacted our ability to carry out the	
			required checks to maintain Scottish Housing Quality Standard	
			(SHQS) compliance for all of our properties, leading to our	
			performance in the 2020/21 ARC reducing to 89.96%, from	
			97.78% the year before. This was predominantly due to us not	
			being able to carry out required Electrical Installation Condition	

Requirement	SSHC	Deadline	Progress	Responsibility
	Outcome/Standard			
			Reports (EICR) checks, as these were not deemed an essential	
			repair under Covid-19 lockdown restrictions. These properties	
			were then considered 'in abeyance' when calculating the	
			number of properties meeting the SHQS. However, now that	
			Covid-19 restrictions have lifted further, we aim to increase the	
			amount of properties meeting the SHQS by the end of next year	
			to 98.69%. The planned improvement measures and EICR	
			checks for 2020/21 that were not carried out due to Covid-19	
			restrictions have been carried forward into 2021/22. EICR	
			checks that are in abeyance are being prioritised and carried out	
			as soon as Covid-19 restrictions allow. The Council has also put	
			a programme in place to move to a five-year cycle of EICR	
			checks to meet the new SHQS requirements.	
			Up until 2019/20, we had reported each year in our ARC returns	
			that we had no failures in our statutory obligations to carry out	
			gas safety checks. In 2020/21, we reported 205 failures to carry	
			out these checks, which was made up of 174 instances where	
			we could not gain access, and 31 new build properties where	
			our contractor did not carry out checks. These were	
			predominantly due to the Covid-19 pandemic and difficulties in	

Requirement	SSHC	Deadline	Progress	Responsibility
	Outcome/Standard			
			gaining access to people's homes. We endeavoured to	
			maintain ongoing contact with these tenants, to ensure the	
			checks are carried out as soon as possible after the deadline,	
			and only two remained outstanding at the end of the year. We	
			had reported this issue to the Regulator in May 2021, but they	
			were satisfied that it would be reported in the ARC.	
			The above demonstrates that we have been unable to maintain	
			our usual standards of tenant safety, as a direct result of the	
			Covid-19 pandemic. However, we aim to return to normal	
			service levels as restrictions lift and the backlog of repairs and	
			checks are addressed.	
Notify Scottish Housing	4, 5 & 6	Ongoing	This will be done as required.	Head of Housing
Regulator of safety matters				Services &
which have been reported			Two members of the Housing Services Quality Team have	Performance and
to or investigated by the			gained health and safety qualifications. This complements the	Compliance
Health and Safety			health safety and care team in providing direct advice to the	Coordinator
Executive (HSE), or			service and identify risk.	
reports from other				
regulatory or statutory			When carrying out site audits and risk assessments they have	
authorities or insurance			the knowledge and confidence to identify, health and safety	

Requirement	SSHC	Deadline	Progress	Responsibility
	Outcome/Standard			
providers, relating to safety			risks and assist in creating corrective action to eliminate or	
concerns			reduce the risk.	
Make Engagement	ALL	On-	We have included a link on our Housing Performance webpage	Head of Housing
Plan easily available		Going	(www.falkirk.gov.uk/housingperformance) to the SHR website	Services &
and accessible to		(Yearly)	where the Engagement Plan is located. This was also discussed	Performance and
tenants and service			at the Tenants and Residents Forum. We also sent copies to	Compliance
users, including			our RTOs.	Coordinator
online				

Scottish Social Housing Charter Performance

Requirement	SSHC	Deadline	•	Progress	Responsibility
	Outcome/Standard				
Submit Annual Return on	ALL	May 2021	②	This was submitted by 31 May 2021. This was reviewed and agreed	Head of Housing
the Charter (ARC) to the				by a group of tenants before being submitted to the Scottish	Services &
Scottish Housing				Housing Regulator. The supporting data is subject to integrity	Performance and
Regulator in accordance to				checks through both internal and external audits.	Compliance
the published guidance.					Coordinator

SSHC	Deadline	Progress	Responsibility
Outcome/Standard			
ALL	Ongoing	We have an active Tenant Scrutiny Panel, who have	Performance and
		developed improvement plans for specific areas of the	Compliance
		service.	Coordinator &
			Community
		We involved tenant groups, including the Tenants' and	Engagement
		Residents' Forum and Editorial Panel, in the development	Coordinator
		of our annual report, and consult with them annually on the	
		content and design.	
		We were the awarded our Tenant Participation Advisory	
		Service (TPAS) gold award, covering the period 2019 to	
		2022.	
		The ARC was reviewed and agreed by a group of tenants	
		before submitted to the Scottish Housing Regulator. This	
		was done using an online platform in 2020 and 2021, due	
		to the Covid-19 pandemic.	
			Outcome/Standard 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 of our annual report, and consult with them annually on the content and design. We were the awarded our Tenant Participation Advisory Service (TPAS) gold award, covering the period 2019 to 2022. The ARC was reviewed and agreed by a group of tenants before submitted to the Scottish Housing Regulator. This was done using an online platform in 2020 and 2021, due

Requirement	SSHC	Deadline	Progress	Responsibility
	Outcome/Standard			
tenants				
has				
happened				
Involve other				
service users in an				
appropriate way				
Report performance to	ALL	October	Tenant groups have been involved in the design and content of	Performance and
tenants and other		2021	our annual Landlord Report. This includes the design format,	Compliance
service users no later			recommended improvements and level of comparative	Coordinator &
than October each year:			information provided. The Landlord Report contains information	Community
			on the indicators that tenants advised were of most interest to	Engagement
Agree format of			them, along with comparisons to previous year's performance,	Coordinator
performance			Scottish average figures, and contextual information. We consult	
reporting with			with tenant groups	
tenants and				
ensure			We have also previously consulted with tenant groups on a video	
accessible with			format for our annual report, which also includes information on	
plain and jargon			what rent money is spent on.	
free language				
Provide			This video was developed and posted online for the first time in	

Requirement	SSHC	Deadline	Progress	Responsibility
	Outcome/Standard			
assessment of			2019 and went on to win a best practice award in performance	
performance			reporting from TPAS in November 2019.	
in delivering				
Charter			The video was updated to reflect our 2019/20, and can be	
outcomes			viewed from the following link:	
Include relevant			https://www.falkirk.gov.uk/services/homes-property/policies-	
comparison including			strategies/housing-performance.aspx	
previous years, other				
landlords and with			We provide information on the annual report detailing how	
national performance;			people can feedback and get involved.	
Set out how				
we intend to			All information is publicly available on the Housing Services	
address			performance webpage (<u>www.falkirk.gov.uk/housingperformance</u>).	
areas for				
improvement.			Information is available in hard copies, in different	
Give tenants and service			languages, Braille or other formats on request.	
users a way to feedback				
views on style and form of				
reporting				
Make the Scottish Housing	ALL	Ongoing	We provide a link within the Housing Service performance	Performance and

Requirement	SSHC	Deadline	Progress	Responsibility
	Outcome/Standard			
Regulator			webpage (www.falkirk.gov.uk/housingperformance) to the	Compliance
report on our			Scottish Housing Regulator's website containing their annual	Coordinator &
performance easily			Landlord Report. We also discuss the report with our tenant's	Community
available to tenants			groups.	Engagement
including online				Coordinator

Whistleblowing

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

Requirement	SSHC	Deadline	Progress	Responsibility
	Outcome/Standard			

Tenant and Service Users Redress

Requirement	SSHC	Deadline	Progress	Responsibility
	Outcome/Standard			
Make information on	ALL	Ongoing	A link to the Scottish Housing Regulator's webpage on how	Head of Housing
reporting our significant			to report a significant failure is provided on the Housing	Services &
performance failures,			Services performance webpage	Performance and

Requirement	SSHC	Deadline	Progress	Responsibility
	Outcome/Standard			
including the Scottish			(www.falkirk.gov.uk/housingperformance).	Compliance
Housing Regulator's				Coordinator
leaflet, available to our			We also provide a link on the Housing Service complaints	
tenants			webpage (Complaints Falkirk Council).	
			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.	
Provide tenants and	1, 2, 3 & 5	Ongoing 🕢	We have a corporate complaints policy which is in line with	Head of Housing
service users with the			the Scottish Public Services Ombudsman (SPSO) guidance.	Services &
information they need to				Performance and
exercise their right to			We also publish an Annual Complaints Report which is	Compliance

Requirement	SSHC	Deadline	Progress	Responsibility
	Outcome/Standard			
complain and seek			available online or as a hard copy if requested.	Coordinator
redress				
			Information is clearly available on the website for any	
			customer wishing to complain, allowing a variety of contact	
			methods to submit complaints. Training and guidance are	
			available to support staff dealing with complaints.	
Respond to tenant	1, 2, 3 & 5	Ongoing	We can confirm that the Housing Service works to the	Head of Housing
complaints within our			standards and timescales set out in the SPSO's Model	Services &
service standards			Complaints Handling Procedure. All complaints are recorded	Performance and
timescales and in			on our Customer First system, which allows for management	Compliance
accordance with the			against timescales and sends out reminders to teams as	Coordinator
Scottish Public Services			required. We have a dedicated team for overseeing	
Ombudsman guidance			complaints, with performance against timescales reported to	
			management on a regular basis. Although our average	
			timescales for Stage 2 complaints were above the SPSO	
			timescale of 20 days in 2020/21, due to the impact of Covid-	
			19, we have now improved our timescales in 2021/22.	
Ensure we have effective	2	Ongoing	We recognise that complaints provide us with an invaluable source	Head of Housing
arrangements to learn			of feedback which can help us improve the quality of the services	Services &
from complaints and other			we provide. To ensure that we embed a culture of learning from	Performance and

Requirement	SSHC	Deadline	Progress	Responsibility
	Outcome/Standard			
tenant and service user			complaints, in 2021/2022 we'll progress areas which were on hold	Compliance
feedback, in accordance			due to the impact of the Covid-19 (Coronavirus) pandemic. This will	Coordinator
with SPSO guidance			include progressing with improved internal reporting of complaints	
			information, to make themes and trends emerging from them clear.	
			We'll also establish a case review group, to review complaints	
			where there has been a service failure to identify improvement	
			actions resulting from those complaints. Through the group, a	
			continuous loop of feedback will be established to ensure that the	
			lessons learned from complaints are acted on.	

Equality and Human Rights

Requirement	SSHC	Deadline	Progress	Responsibility
	Outcome/Standard			
Have assurance and	1	Ongoing	At a Corporate level, we have evidence of this through the	Head of Housing
evidence we consider			Mainstreaming Report. This details where equalities and human	Services &
equality and human			rights information has been considered when making decisions on	Performance and
rights issues properly			the design of services. The Fairer Falkirk Strategy 2019- 2024	Compliance
when making			also provides evidence of where we meet our obligations in terms	Coordinator
decisions, in the			of equalities and human rights. It sets out a vision for a fairer	
design and review of			Falkirk, with equality and equity for all.	
internal and external				
policies, and in our			Following publication of the Scottish Housing Regulator's guidance	
day to day service			on collecting equalities information in August 2021, we have put in	
delivery			place an action plan for Housing to assess our current equalities	
			collection, and how we can embed the use of equalities information	
			in our service delivery. This will be progressed over the next year,	
			to increase compliance with this requirement.	
			The Scottish Housing Regulator's Regulatory_Framework makes it	
			clear that landlords must consider human rights in the provision of	
			its service. Further detailed guidance is to be published on this	
			shortly, and we will take full account of the recommendations in this,	
			and act upon this as part of the above action plan.	

Requirement	SSHC	Deadline	Progress	Responsibility
	Outcome/Standard			
Collect data relating to	1	Ongoing		Head of Housing
protected characteristics			The Council's Mainstreaming Report details how we collect and	Services &
for existing tenants, new			use equalities and human right information in terms of staff.	Performance and
tenants, people on waiting				Compliance
lists and elected Members			Until 2018/19, we had to report to the Annual Return on the Charter	Coordinator
and staff			(ARC) on the ethnic origins of our tenants, and the number who	
			advised us that they have a disability. Whilst this is not uncommon	
			amongst local authorities to have high numbers of equalities	
			unrecorded, as historically this information was not collected, the	
			new emphasis on equalities and human rights issues will mean this	
			will need to be addressed.	
			We have identified that there are still a number of tenants that we do	
			not hold all equalities information on. In order to address this,	
			we have begun to collect equalities data, including protected	
			characteristics. We consulted with our tenants to inform them of our	
			requirements to collect this data and also to ask them about the best	
			way of doing this. It was agreed that using the annual tenant visit	
			would be the best approach for the collection of this data.	
			The programme of annual visits went live in February 2020, just	
			before the onset of the Covid-19 pandemic which then caused its	

Requirement	SSHC	Deadline	Progress	Responsibility
	Outcome/Standard			
			suspension. Subsequently, virtual and telephone annual visits /	
			discussions with tenants have been reinstated, resulting in referrals	
			for support and practical assistance. Evidence of these is collated	
			on a weekly basis and provided to senior management for	
			information. Unfortunately, due to restrictions in place, we have	
			been unable to complete visits to all tenants over the course of the	
			year, which has impacted on the level of equalities information that	
			can be collected over this time. As Covid-19 restrictions are eased,	
			we aim to increase the numbers of visits completed.	
			The new Housing Online platform, which will be introduced with the	
			new integrated housing management system (IHMS) in early 2022,	
			will allow users to update their own personal information, including	
			protected characteristics, directly onto their tenancy records.	
			For new tenants, we collect equalities information on the housing	
			application form, which is then held on their person record on our	
			integrated housing management system and transferred to their	
			tenancy record once they are allocated a tenancy. Any changes to	
			these details will then be kept up to date through the programme of	
			annual tenancy visits.	

Requirement	SSHC	Deadline		Progress	Responsibility
	Outcome/Standard				
Collect data on protected	1	Ongoing	②	We collect equalities information at the homeless application	Housing Needs
characteristics of people				stage, including the protected characteristics.	Manager &
who apply as homeless					Performance and
					Compliance
					Coordinator
Collect data on protected	1	March		We had intended collecting this in the annual consultation,	Community
characteristics of people		2022		however, due to the Covid-19 pandemic, we were unable to carry	Engagement
who use our Gypsy /				out this survey in person. We will therefore achieve this	Coordinator
Traveller services				requirement by March 2022 as requested by the Scottish	
				Housing Regulator.	



To: Social Landlords

24 June 2021

Dear colleague

Annual Assurance Statement

This letter gives you information to support you in your preparation of the Annual Assurance Statement (AAS) due to be submitted to us by 31 October 2021.

The COVID-19 pandemic continues to impact on social landlords and on the services they provide to their tenants and service users.

The Regulatory Framework requires social landlords to prepare and publish an AAS to confirm to their tenants and us that they are meeting regulatory requirements. It is important that the AAS reflects the context that landlords have to operate in. Given this, landlords should identify in this year's AAS any non-compliance with regulatory requirements that is directly due to the pandemic and distinguish this from non-compliance that is for other reasons.

In August last year, we published <u>advisory guidance</u> to assist landlords to adapt their approach to the submission of the AAS to reflect the impact of the pandemic. This guidance remains relevant and landlords should refer to it when producing their 2021 AAS.

We also said that we would ask each landlord to include an update on their position in relation to equalities and human rights in their 2021 AAS. At that time we had anticipated that the guidance on equalities data collection would have been available to landlords by now; however, the impact of the COVID-19 pandemic has slowed the production of that guidance, and it is not yet available to support landlords in their work to comply with equalities and human rights requirements.

We continue to work with the SFHA, GWSF and ALACHO to produce guidance on equalities data collection, and we are working with the Scottish Human Rights Commission to develop a briefing on the right to housing. We anticipate that these guides will be published during this coming summer. In recognition of this position, we ask landlords to provide us with assurance in their AAS to be submitted to us by the end of October 2021 that they have appropriate plans to implement an effective approach to the collection of equalities





information and that they have started to consider how they can adopt a human rights approach in their work.

If you have already submitted this year's AAS, we will contact you to discuss an update to your AAS to reflect this advice.

I hope you find this information helpful. If you have any questions about your Annual Assurance Statement, please contact your Engagement Plan lead.

Best wishes and stay safe,

Michael Cameron Chief Executive







MEMO

Falkirk Council

Corporate and Housing Services
Finance

To: Kenny Gillespie, Head of Housing and Communities

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

Bryan Smail, Chief Finance Officer

Daniel Keast, Performance and Compliance Co-ordinator Christine Thomson, Performance and Information Officer

Isabel Wright, Internal Audit, Risk, and Corporate Fraud Manager

From: David Macleod, Internal Auditor

Date: 14 September 2021

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 2021/22, agreed by the Audit Committee on 12 April 2021.

Background

- 2. The Head of Housing and Communities is required to submit an Annual Assurance Statement to the Scottish Housing Regulator. The statement should provide assurance that the Council's Housing and Communities division is compliant with all the relevant requirements of Chapter 3 of the Regulation of Social Housing in Scotland (https://www.pfhscotland.co.uk/wp-content/uploads/2019/04/Regulatory-Framework-final-February-2019 1.pdf). 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 and Communities division has been to evidence compliance with the 16 standards and outcomes¹ in the Scottish Social Housing Charter (SSHC), and to highlight whether the Service meets the requirements of Chapter 3 of the Regulation of Social Housing in Scotland. A link to the SSHC is: https://www.gov.scot/publications/scottish-social-housing-charter-april-2017/
- 4. 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**.

¹ The SSHC defines a standard as "a level of quality that every social landlord should achieve." The SSHC defines an outcome as "a result we want to happen. The Charter sets out the results that a social landlord should achieve for its tenants and other customers."



Table 1
Description of standard / outcome statements

Standard / Outcome Number ²	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 Work

5. Internal Audit has:

- reviewed the completeness and accuracy of the 16 draft statements, prepared by the Housing and Communities division, for each of the SSHC standards and outcomes that will support the Council's Annual Assurance submission to the Scottish Housing Regulator;
- ensured that the performance information reported in the draft standard and outcome statements is underpinned by adequate and robust supporting documentation by checking that the statements included valid links to this documentation (or references to where it can be found on Sharefile³); and
- checked the accuracy of all numerical information and percentages being reported in the draft standard and outcome statements by ensuring that these figures matched supporting data.
- 6. We found that performance and numerical information reported was accurate, and agreed to supporting documentation. We are content, therefore, with the standard and outcome statements that will be submitted to the Executive and then to the Scottish Housing Regulator in October 2021.

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).

³ A secure method for sharing documents and files.



² Numbers 4 and 13 are standards, with all others being outcomes.

Scottish Social Housing Charter Standards and Outcomes

Standard / Outcome Number ⁴	Description
	The customer / landlord relationship Equalities
1.	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:
7.	• 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.

⁴Numbers 4 and 13 are standards, with all others being outcomes.



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Standard / Outcome Number ⁴	Description
	Neighbourhood and community
	Estate management, anti-social behaviour, neighbour nuisance, and tenancy disputes
6.	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:
10.	• 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:
11.	• 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 ⁴	Description
	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
	Gypsy / Travellers
16.	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 assurance	The systems for risk, control, and governance are largely satisfactory,
	but 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.



EQUALITIES ACTION PLAN – SEPTEMBER 2021

Objective—To develop an Equalities First approach to the collection and use of equalities data, in compliance with Scottish Housing Regulator guidance

Scottish Housing Regulator Guidance - New guide to support social landlords with equality data collection | Scottish Housing Regulator

Action	Timescale	Responsible Officer/ Section	Progress/Comments
Carry out audit to ensure that all nine protected characteristics are asked for at every point of collection, and ensure we are not duplicating collection unnecessarily	March 2022	Performance & Information Officer	Our equality data forms must cover all protected characteristics - age, disability, gender reassignment, marriage/civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation. Must be collected for existing tenants, new tenants, waiting lists, staff, homeless applications and gypsy/traveller sites. Also for those that provide relevant support services under national health and social care standards. If we cannot comply with the above, this needs to be in exceptional circumstances and must be discussed with Scottish Housing Regulator.
As part of above audit, ensure that staff are provided with guidance and forms to collect equalities data	March 2022	Performance & Information Officer / Training Coordinator	SHR guidance contains equality collection form, and scripts for staff collecting this information. Consider where these could be used in the service. Training to be considered as part of this.
 Ensure that revised Tenant & Customer Participation Strategy 2021-25 takes into account the requirement for Customer Care Strategy and 	March 2022	Community Engagement Coordinator	TP&C Strategy is due to be updated this year, need to ensure it takes into account all elements of SHR's equalities guidance.

	collection of equalities information			SHR guidance recommends that equalities collection links in with Customer Care and Tenant Participation Strategies, so to consider how our strategies meet these requirements.
	Ensure all equalities collection complies with GDPR guidance, and that privacy notices adequately reflect reasons for collection and use	March 2022	Performance & Information Officer / Records Manager	
	Collection of equalities information for the gypsy/traveller site will be collected in the next annual consultation (early 2022)	March 2022	Senior Implementation & Monitoring Officer / Travelling Persons Officer	
	Consider and develop alternative ways to gather equalities data from our existing tenants, to increase the level of information held.	March 2022	Performance & Information Officer / Senior Housing Coordinator	Current numbers of Annual Tenant Visits being carried out are not sufficient to visit all tenants in the year. Potential to target visits to those tenants where we don't hold equalities information. Need to consider alongside Covid restrictions in place. Ensuring that we link in access to MyFalkirk/Housing Online for the new IHMS system.
•	Staff training – review existing training in line with SHR guidance, to ensure staff are fully informed and engaged in equalities requirements	March 2022	Training Coordinator	Refer to SHR guidance for areas they feel are essential to be covered - Should include the law, collecting data, equality policy, and how to use this data to shape services.

			Can also include information on how to handle questions about why collecting equalities data. Shelter provide an online Equalities & Human Rights training course.
 Raising awareness of the need for Equality & Poverty Impact Assessments (EPIA) to be carried out for all relevant policy changes and service reviews. 	March 2022	Performance & Information Officer	Ensuring knowledge of these in the service and how to complete these at an early stage. Online guidance is available, but may need to be updated at a corporate level. Use of Insight or other reports to provide this information easily.
Using equalities information to improve services – ensure that data is easily accessible to all teams.			Lead officer to raise awareness of the use of equalities information – for example, with Property section for planning works, with Housing Ops for specific projects, etc.