

## **JOINT RESPONSE TO CONSULTATION ON 'Review of the Scottish Social Housing Charter'**

**August 2016**

CEL CIS is the Centre for excellence for looked after children in Scotland. Together with partners, we are working to improve the lives of all looked after children in Scotland. Established in 2011, CEL CIS has been committed to further improving the outcomes and opportunities for looked after children through a collaborative and facilitative approach that is focused on having the maximum positive impact on their lives.

Who Cares? Scotland [WC?S] is an independent advocacy and campaigning organisation working with care experienced people. We provide direct advocacy to care experienced young people, as well as opportunities for national and local participation. WC?S aims to provide looked-after young people in Scotland with knowledge of their rights. We strive to empower them to positively participate in the formal structures they are often subject to solely as a result of their care experience. At WC?S we utilise the voice of the care experienced population of Scotland to inform everything we do as an organisation.

We will focus our responses on questions where we have particular expertise, and are key opportunities for care experienced young people.

Many children and young people have experiences which require extra care, support or protection from public agencies. In some cases, children become 'looked after', meaning a local authority takes on some legal responsibility for the care and wellbeing of the child. There are approximately 15,500 looked after children and young people in Scotland, who come from a range of backgrounds. Looked after children are not a homogenous group; they are individuals with their own needs, strengths and vulnerabilities, and live in a variety of circumstances. Approximately 10% of looked after children live in residential homes, 35% live with foster carers, 27% live in a kinship care settings, and 25% live at home with one or both of their birth parents<sup>i</sup>.

The provision of a safe, caring and appropriate home for every looked after child and care leaver is a fundamental responsibility, to a large extent of local authorities, but with crucial support from a range of corporate parents. Under the Children and Young People (Scotland) Act 2014, the Scottish Housing Regulator is a corporate parent to all looked after children, and to all care leavers who were looked after children at their 16th birthday, and whom are currently under the age of 26. Looked after children will be an important consideration in the review of the Charter, not only due to the Scottish Housing Regulator's legal responsibilities as a corporate parent, but also due to the needs and vulnerabilities of this group of children and young people, many of whom will be living in (or applying for) socially rented housing.

Young people with a care history are disproportionately represented in homeless populations. A 2015 study of *Youth Homelessness in Scotland* found the majority of young people presenting to homelessness services were either formerly looked after or young parents, with significant numbers of service users described as having a mental or physical disability<sup>ii</sup>. Scottish Government statistics published in March 2016 show that in 2014-15, 23 young people ceased to be looked after and immediately became homeless. These data also show that of the 3,599 young people eligible for aftercare on 31<sup>st</sup> July 2015, 307 had experienced one or more episode of homelessness. It is deeply concerning that this would be the experience of any young person with an experience of care, and our concern is heightened as this clearly has been the experience of a substantial number, and there is likely to be significant under-estimation in these numbers<sup>iii</sup>.

Accessing and maintaining accommodation can be an incredible challenge for young people leaving care. *Housing Options Protocols for Care Leavers: Guidance for Corporate Parents: Improving housing and accommodation outcomes for Scotland's care leavers*.<sup>iv</sup> was launched in October 2013. This practical guidance was designed to assist Community Planning Partnerships and corporate parents to ensure the housing and accommodation needs of care leavers are consistently met to a high standard. Ensuring young people are fully involved in planning, facilitating staged transitions to new living arrangements, and establishing clear and effective communication between corporate parents and individuals are crucial. The principles and philosophy underlining these protocols are laid out in Scottish Government guidance *Staying Put Scotland: Providing care leavers with connectness and belonging*<sup>v</sup>. Staying Put Scotland represents a philosophy of care whereby young people are supported and enabled to remain in care for longer, rather than being expected or encouraged to leave before they are ready. The central elements of Staying

Put are the importance of relationship-based practice and extended and graduated transitions in achieving long term positive futures for young people leaving care.

Under Part 9: Corporate Parenting of the Children and Young People (Scotland) Act 2014, there are now specific duties for the Scottish Housing Regulator. Section 58 sets out these Corporate Parenting responsibilities:

1) It is the duty of every corporate parent, in so far as consistent with the proper exercise of its other functions—

- a) to be alert to matters which, or which might, adversely affect the wellbeing of children and young people to whom this Part applies,
- b) to assess the needs of those children and young people for services and support it provides,
- c) to promote the interests of those children and young people,
- d) to seek to provide those children and young people with opportunities to participate in activities designed to promote their wellbeing,
- e) to take such action as it considers appropriate to help those children and young people
  - i) to access opportunities it provides in pursuance of paragraph (d), and
  - ii) to make use of services, and access support, which it provides, and
- f) to take such other action as it considers appropriate for the purposes of improving the way in which it exercises its functions in relation to those children and young people.

Furthermore, the Scottish Housing Regulator has a duty to prepare a corporate parenting plan (section 59), collaborate with other corporate parents in so far as reasonably practical (section 60), report on how they have fulfilled these duties (section 61), provide information to Scottish Ministers (section 62), have regard to guidance issued by Scottish Ministers (section 63) and comply with directions from Scottish Ministers (section 64).

We are aware of ongoing work by the Scottish Housing Regulator to plan for and realise these duties and responsibilities, and feel that they should be reflected in the Charter. As the Charter provides the basis for the Scottish Housing Regulator to monitor, assess and report on the performance of social landlords, recognition of the duties and responsibilities held by the Scottish Housing Regulator as a corporate parent would strengthen the Charter, and ensure that the importance of the issue translates to social landlords. CELCIS and WC?S are named in the statutory guidance accompanying Part 9 of

the 2014 Act as organisations available to assist corporate parents in realising their duties, and would be pleased to further support the work of Scottish Housing Regulator in this area.

**Our response to specific questions is now noted below:**

#### **EQUALITIES (Charter outcome 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.

#### **Supporting Narrative**

This outcome describes what social landlords, by complying with equalities legislation, should achieve for all tenants and other customers regardless of age, disability, gender reassignment, marriage and civil partnership, race, religion or belief, sex, or sexual orientation. It includes landlords' responsibility for finding ways of understanding the needs of different customers and delivering services that recognise and meet these needs.

#### **3b Please provide any suggestions below on how we could improve the supporting narrative**

An explicit recognition of the needs and vulnerabilities of looked after children and care leavers within the supporting narrative would be welcomed. As detailed in question 16, the Scottish Housing Regulator has particular legal duties and responsibilities as a Corporate Parent to all looked after children and care leavers, which it would be helpful to highlight here.

#### **PARTICIPATION (Charter outcome 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.

#### **Supporting Narrative**

This outcome describes what landlords should achieve by meeting their statutory duties on tenant participation. It covers how social landlords gather and take account of the views and priorities of their tenants; how they shape their services to reflect these views; and how they help tenants and other customers to become more capable of involvement.

**5b Please provide any suggestions below on how we could improve the supporting narrative**

We recommend removing the phrase ‘become more capable of involvement’ and replacing with an alternative such as ‘be empowered to be meaningfully involved’ or ‘supported and actively enabled to become meaningfully involved’. Many individuals, particularly looked after children, their families and carers, and care leavers are entirely capable of involvement, but may need support in a variety of ways to ensure their views are heard. For example, some care leavers may require a supportive person to be present while they give their views, or may prefer give their views via participation in a focus group. Other cases could involve persons with alternative communication needs who require access to appropriate adaptations to make their views known. The views of care experienced young people need to be actively sought and we recommend that multiple methods are used to engage with them. It is important that care experienced young people are made aware of the process of involvement, why their views are important and how they will be used to inform and shape the future of the service.

**REPAIRS, MAINTENANCE AND IMPROVEMENTS (Charter outcome 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.

**Supporting Narrative**

This outcome describes how landlords should meet their statutory duties on repairs and provide repairs, maintenance and improvement services that safeguard the value of their assets and take account of the wishes and preferences of their tenants. This could include setting repair priorities and timescales; setting repair standards such as getting repairs done right, on time, first time; and assessing tenant satisfaction with the quality of the services they receive.

**7b Please provide any suggestions below on how we could improve the supporting narrative**

We would welcome the inclusion of the needs of the tenant being taken into account, along with their wishes and preferences. Care leavers can often be allocated their first tenancy at a young age. Discussions with care experienced young people about preparing for independent living have identified that many feel less confident in their ability to manage the complexities of living alone. Some young people feel that they have not been equipped with the necessary skills, as their staff and carers often complete tasks for

them: “we had a cook and a cleaner but no one taught me how to cook or clean”<sup>vi</sup>. The fear of being ill equipped and unsupported to manage a home becomes particularly pertinent when something goes wrong and repairs/maintenance is required.

Fundamentally, care leavers need to feel safe and secure, and they need to know that repairs and maintenance work will be completed as a priority, and they will not be left at risk or feeling unsafe or unable to cope. There should also be clear procedures communicated to tenants regarding how to raise concerns if repairs and maintenance are not carried out as expected. We know that some care leavers are placed in unsuitable and unsafe areas, one young person told us

*“after eighteen months of living in various types of homeless accommodation I was finally offered a permanent house, but it was in the worst street of the area I wanted to live in, the woman said to me, ‘not many people would take a house in this street’, but I was desperate to settle down. After a few months the window was smashed. I reported this to repairs they came out and put plastic sheeting over it and said they’d be back the next day. It wasn’t fixed for nine months.”*

This young person, like many others was left to face the consequences of a bad housing placement alone and unsupported. While they followed the correct procedures, and repeatedly contacted repairs and maintenance their issue was not resolved in a timely or considerate manner.

## **HOUSING OPTIONS (Charter outcomes 7, 8 and 9)**

*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. Tenants and people on housing lists can review their housing options.

*Social landlords ensure that:*

people at risk of losing their homes get advice on preventing homelessness.

## **Supporting Narrative**

These outcomes cover landlords’ duties to provide information to people looking for housing and advice for those at risk of becoming homeless. These duties include helping

tenants and people on housing lists to review their options to move within the social housing sector or to another sector.

**9b Please provide any suggestions below on how we could improve the supporting narrative**

We would suggest including a statement which affirms that options offered will be designed to meet the particular needs of individual service users, taking into account any additional vulnerabilities they may be experiencing, including being a looked after child or being a care leaver. Good corporate parenting practice would involve collaboration with other agencies in determining the preferred and most suitable option for the individual, and giving them the best possible support to make their views known, and to experience a positive transition, in line with the philosophy and principles of *Staying Put*<sup>vii</sup>.

**TENANCY SUSTAINMENT (Charter outcome 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.

**Supporting Narrative**

This outcome covers how landlords can help tenants who may need support to maintain their tenancy. This includes tenants who may be at risk of falling into arrears with their rent, and tenants who may need their home adapted to cope with age, disability, or caring responsibilities.

**11b Please provide any suggestions below on how we could improve the supporting narrative**

We would support the explicit inclusion of looked after children, their parents or carers, and care leavers, in the list of inclusions within the supporting narrative. Care leavers in particular may not have access to the degree of informal or family support that other individuals may, and would particularly benefit from timely advice and guidance to settle into and sustain their home. Access to a designated 'link' person, who has an understanding of the vulnerabilities and experiences of this group of children and young people, would be a beneficial source of support. *Staying Put* recognises that the transitional time between care and independent living is the most difficult for young people, as many experience significant levels of trauma and rejection. This experience often goes on for years for these young people all whilst they are battling to access, then

sustain a home and put down roots. It is evident that practical difficulties in maintaining tenancies can lead to homelessness, and having access to person centred support at an early stage could mitigate against this.

## HOMELESS PEOPLE (Charter outcome 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.

### Supporting Narrative

This outcome describes what councils should achieve by meeting their statutory duties to homeless people

#### **12b Please provide any suggestions below on how we could improve the supporting narrative**

We recommend the acknowledgment that some vulnerable groups, such as care leavers, can experience additional risk of homelessness, and suitable support should be in place to meet their particular needs. Many young people have family and friends who they can turn to when experiencing difficulties; not all young people with care experiences will have this level of emotional and practical support. As corporate parents, local authorities have particular duties and responsibilities to looked after children and care leavers, and their wellbeing must be safeguarded. Of the young people reflected in Homeless Action Scotland's survey of youth homelessness published in February 2016, 49% successfully returned to the family home following their presentation at homeless services<sup>viii</sup>. While mediation with family is identified as being the most effective method of preventing homelessness, for young people who have experience of the care environment often familial mediation is not a realistic option<sup>ix</sup>. Some care leavers feel that they have few options after leaving care and often coupled with pressure from their family return home - often to the same negative environments they were removed from in the first place. We know that relationship breakdown at this stage frequently leads to long periods of 'couch surfing' - often for care experienced young people, there is little opportunity to embrace mediation supports.

## VALUE FOR MONEY (Charter standard 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.

### Supporting Narrative

This standard covers the efficient and effective management of services. It includes minimising the time houses are empty; managing arrears and all resources effectively; controlling costs; getting value out of contracts; and giving better value for money by increasing the quality of services with minimum extra cost to tenants, owners and other customers.

### 13b Please provide any suggestions below on how we could improve the supporting narrative

We suggest beginning the supporting narrative with a sentence which states ‘Without compromising on quality of maintenance or repairs, and taking into account reasonable timescales for tenants’.

Whilst general efficiency and effective management are crucial, there may be some circumstances where flexibility is required. For example, a young person who is a care leaver may require additional time to decide to take up an offer of accommodation, rather than signing the lease on the same day they first see the tenancy. Having additional time to consider the choice, with the support of a trusted adult, could lead to some instances of tenants abandoning or failing to invest in properties being avoided.

### RENT AND SERVICE CHARGES (Charter outcomes 14 and 15)

*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 other customers can afford them.

Tenants get clear information on how rent and other money is spent, including any details of individual items of expenditure above thresholds agreed between landlords and tenants.

### Supporting Narrative

These outcomes reflect a landlord’s legal duty to consult tenants about rent setting; the importance of taking account of what current and prospective tenants and other customers are likely to be able to afford; and the importance that many tenants place on being able to find out how their money is spent. Each landlord must decide, in discussion

with tenants and other customers, whether to publish information about expenditure above a particular level, and in what form and detail. What matters is that discussions take place and the decisions made reflect the views of tenants and other customers

**14b Please provide any suggestions below on how we could improve the supporting narrative**

Accessible financial inclusion services should be in place to support tenants who are experiencing financial difficulties. These services should be accessible to all, including care leavers, looked after children, their families and carers.

Accessing timely financial support is imperative. For care leavers, there can be confusion about the eligibility to financial assistance from aftercare services due to strict criteria. Practical help to ensure access to all available financial support is vital.

Thank you for providing us with this opportunity to respond. We hope the feedback is helpful; we would be happy to discuss any aspect in further detail.

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<sup>i</sup> Scottish Government (2016) [Children's Social Work Statistics Scotland 2014/15](#), Edinburgh

<sup>ii</sup> Harleigh-Bell, N (2015) Youth Homelessness in Scotland 2015: An overview of youth homelessness and homelessness services in Scotland, Edinburgh: Homeless Action Scotland  
<http://www.homelessactionsotland.org.uk/uploads/Youth/Youth%20Homelessness%20Report%202015.pdf>

<sup>iii</sup> Scottish Government (2016) [Children's Social Work Statistics Scotland 2014/15](#), Edinburgh

<sup>iv</sup> Scottish Government (2013) *Housing Options Protocols for Care Leavers: Guidance for Corporate Parents: Improving housing and accommodation outcomes for Scotland's care leavers*  
<http://www.scotland.gov.uk/Resource/0043/00435939.pdf>

<sup>v</sup> Scottish Government (2013) *Staying Put Scotland Providing care leavers with connectness and belonging*  
<http://www.gov.scot/Publications/2013/10/7452>

<sup>vi</sup> WC?S (2014) Having and Keeping a Home Inquiry Response,  
<https://www.whocaresscotland.org/publications>

<sup>vii</sup> Scottish Government (2013) *Staying Put Scotland Providing care leavers with connectness and belonging*  
<http://www.gov.scot/Publications/2013/10/7452>

<sup>viii</sup> Harleigh-Bell, N (2015) Youth Homelessness in Scotland 2015: An overview of youth homelessness and homelessness services in Scotland, Edinburgh: Homeless Action Scotland  
<http://www.homelessactionsotland.org.uk/uploads/Youth/Youth%20Homelessness%20Report%202015.pdf>

<sup>ix</sup> Scottish Parliament (2012) *Having and Keeping a Home*. Edinburgh: Equal Opportunities Committee