

## ABERDEEN CITY COUNCIL

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<b>COMMITTEE</b>	Operational Delivery
<b>DATE</b>	19 <sup>th</sup> November 2020
<b>EXEMPT</b>	No
<b>CONFIDENTIAL</b>	No
<b>REPORT TITLE</b>	Annual Assurance Statement
<b>REPORT NUMBER</b>	CUS/20/218
<b>DIRECTOR</b>	Andy MacDonald
<b>CHIEF OFFICER</b>	Derek McGowan
<b>REPORT AUTHOR</b>	Neil Carnegie & Heather Murdoch
<b>TERMS OF REFERENCE</b>	1.1.1

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### 1. PURPOSE OF REPORT

- 1.1 To seek approval for the Council's Annual Assurance Statement which must be submitted to the Scottish Housing Regulator by 30 November 2020.

### 2. RECOMMENDATION

That the Committee:-

- 2.1 Approve the Annual Assurance Statement appended to this report for submission to the Scottish Housing Regulator.

### 3. BACKGROUND

- 3.1 The Scottish Housing Regulator regulates to protect the interests of people who receive the services of social landlords. Since introduced in 2012/2013 the Council have submitted our Annual Return of the Charter (ARC) which sets out the Council's performance against the Scottish Social Housing Charter standards and outcomes. From last year, the Regulator introduced a further requirement for all social landlords to complete an Assurance Statement in which we are required to provide confirmation each year that the Council meet the relevant requirements of [section 3 of the Regulatory Framework](#) which is laid out in appendix B.
- 3.2 Having reached an objective and evidenced-based judgement on compliance, ensuring sufficient evidence and information the Council are required to submit a signed statement by our Committee Convenor which confirms that we have appropriate assurance that we comply with:
- All relevant regulatory requirements set out in [section 3 of the Regulatory Framework](#)
  - All relevant standards and outcomes of the Scottish Social Housing Charter and all relevant legislative duties
- 3.3 For any areas where the Council do not materially comply, we must briefly describe these and our plans to improve.

- 3.4 The Councils proposed Annual Assurance Statement for 2020/21 is as appended to this report.
- 3.5 The Assurance Statement from 2019/20 indicated that Aberdeen City Council were compliant with the regulatory requirements set out in section 3 of the Regulatory Framework with the exception of compliance with minimum site standards for our Gypsy Traveller site. There were also performance areas which were prioritised for improvement with action plans in place regarding void property management and complaint management. The Council's Void Property improvement plan identifies key areas for us to tackle and achieve improved performance in and is now reviewed on a fortnightly basis by officers from various services to ensure that action points are regularly monitored and a holistic view is taken. Our performance in concluding responses to complaints has been addressed and we can demonstrate an improvement in our performance at Stage 1 and Stage 2 complaints. There has been a 12.85 % improvement in Stage 1 complaints being completed within target compared to the 18/19 period and a 8.99% improvement in the corresponding target for Stage 2 complaints. Complaint performance is reported to the Operational Delivery Committee each cycle.
- 3.6 The following evidence and information, relevant to the requirements that we are required to provide assurance for, are set out using the Good Governance Standard for Public Service principles from Chartered Institute for Public Finance and Accountancy.

### **3.6.1 Managing risks and performance through robust internal control and strong public financial management.**

The Council's system of governance provides assurance on our compliance with legal and statutory obligations at management level and also to elected members.

Earlier this year the Council was awarded with the Mark of Excellence in Good Governance from the Chartered Institute of Public Finance and Accountancy (CIPFA).

At elected member level, the following internal controls are in place:

- Operational Delivery Committee is responsible for scrutinising service delivery in this area.
- Audit, Risk and Scrutiny Committee to which Housing and Homelessness audits (internal and external) are reported.

At management level, the following are in place:

- Regular review of risks by Housing and Homelessness management teams and maintenance of service risk registers.
- Performance management systems and operation of service improvement groups.

- The Risk Control Team in Building Services undertakes site visits to ensure compliance with all relevant Health and Safety requirements including compliance with the Health and Safety at Work etc. Act 1974, Control of Asbestos Regulations 2012 and Electricity at Work Regulations 1989.
- A contract log is in place which identifies responsibilities for differing elements of compliance along with contract manager and contractor details whether delivered in house or externally. Regular contract meetings are held to review compliance and for key risks such as asbestos and gas safety; external compliance portals are used. Corgi systems are used for gas compliance and MODUS – a software management company who specialise in asbestos data management - is being implemented for asbestos management.
- Strategies, policies and procedures are reviewed on an on-going basis in line with a risk-based Corporate Policy Framework. These include the Local Housing Strategy and Allocations Policy.
- Corporate Management Team (CMT) signs off on the Annual Governance Statement, including any significant issues (control failures) which have occurred over the year. CMT also receives notifications of health and safety contraventions, and resulting improvement plans, which would include health and safety issues affecting housing and homelessness.

### **3.6.2 Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law.**

A Programme of internal audits, which are risk-based, identify any control failures including legal compliance in various areas such as rent management, void properties and complaints management. The following audits relating to housing have been completed for reporting to the Audit, Risk and Scrutiny Committee within the 2019/2020 reporting timescale:

- Void properties – The audit was completed in February 2020 with the majority of recommendations already implemented, and a plan set out to address the final recommendation.

In addition, the Council report quarterly to the Scottish Government on Homelessness presentations and outcomes for scrutiny.

The Council have a corporate system for reporting Health and Safety incidents and will report relevant incidents to agencies such as the Health and Safety Executive if relevant.

The Council's Health and Safety Team undertake Fire Risk Assessments in our sheltered housing complexes annually and in mainstream multi-storey buildings every three years. Our Health and Safety Team also undertake routine compliance checks of housing related services as part of its corporate programme.

The Council's Engagement Plan from the SHR is published on the Council's website.

The Council's Engagement plan for 2019/20 set out that we are being engaged by the SHR about Gypsy Traveller site standards. We have a plan in place to redevelop the site to meet these, which is due to restart in early 2021 to ensure compliance.

The Council are appropriately registered with the Information Commissioner's Office.

### **3.6.3 Defining outcomes in terms of sustainable economic, social, and environmental benefits.**

[The Local Outcome Improvement Plan](#) (LOIP) sets out how Community Planning Aberdeen will improve outcomes for and with local people and communities. The vision set out in the LOIP is that Aberdeen will be 'a place where all people can prosper' by 2026.

[The Council's Delivery Plan 2019/2020](#) aligns all council strategies and plans to the LOIP, ensuring clear delivery plans for the Council's own set of strategies and priorities.

One aspect of the Council's Delivery Plan that has been a focus is how we can embrace digital solutions to streamline processes and give better outcomes to our customers. By working closely with Microsoft and colleagues from various other services, we are able to work in a more collaborative manner and utilise the technology available to work towards better customer outcomes. Examples of this recently introduced include digital viewings, signings and pre-termination inspections of properties.

The Council as a Landlord invests significant sums each year in the maintenance of our Housing stock. This investment improves energy efficiency, meaning a lower carbon footprint is emitted, and tenants have warmer, cheaper homes. For example, in the financial year 2019/20, we invested in our properties to ensure that almost 89% meet the Scottish Housing Quality Standard (SHQS); installed new double glazing in almost 300 properties; installed 1245 energy efficient heating systems, and now have a Housing stock where 92.5% of properties meet the Energy Efficient Standard for Scottish Housing (ESSH).

The current transformation programme being undertaken, looks at job redesign within Housing services to ensure we meet the changing needs of tenants, ensuring a holistic and outcome focussed approach to achieving the best outcome for them.

### **3.6.4 Determining the interventions necessary to optimise the achievement of the intended outcomes.**

The Council deliver a highly acclaimed Tenant Participation Strategy. The Housing Service Review Group comprises tenants and residents and provides

scrutiny of our service performance and the Housing Revenue Account. The group also undertake in-depth service reviews and have previously reviewed Housing Repairs, Housing Management and Customer Feedback. At the conclusion of each review a report with recommendations is produced.

Monthly performance reports are provided for scrutiny, with appropriate improvement plans developed where necessary. In particular, the Council's performance in Homelessness services is now sector leading, and there has also been a significant improvement in performance on evictions for rent arrears through a more targeted and efficient approach.

### **Ensuring openness and comprehensive stakeholder engagement.**

Since 2013, each year the Council have submitted our [Annual Return of the Charter](#) in accordance with the published guidance.

The Housing Service Review Group participates in the preparation and scrutiny of performance information. The group meets monthly and receives routine reports on our performance against the Charter outcomes and standards. All reports are published on our website.

The Housing Service Review Group also participates in developing our annual report on performance. This includes reviewing performance trends, benchmarking with our peers and options for improvements where relevant. The group helps determine report format and proposed using a digital animation in addition to a written report for 2018/2019 and this will be replicated for 2019/20. The annual report is also available in hard copy and is reported in our Newsbite publication.

The recent long term rent policy consultation was conducted both by letter and electronically, receiving over 1800 responses, and fed directly into the policy decision at Council in March 2020.

The monthly and annual reports are available on a dedicated [Housing Performance](#) page on our website.

Reviewing our [Annual Return on the Charter for 2019/2020](#) we identify void property and rent management as performance areas for improvement and we have a range of actions agreed to address this.

### **3.6.6 Implementing good practices in transparency, reporting, and audit to deliver effective accountability.**

Information on our Complaints Handling Procedure, including how to make a complaint is published on our website and a complaints leaflet is available at all offices. A person can make a complaint by using our online form or in person at any council office. Alternatively, they may contact us in writing or by telephone.

The Council have published the SHR's 'Significant Performance Failure' leaflet on our website and the reporting form is also available.

The Council follow the Model Complaints Handling Procedure set out by the Scottish Public Services Ombudsman (SPSO).

Upon closure of every complaint, responding officers systematically identify any learning points. This is particularly important where complaints are upheld, but even a complaint which is not upheld can highlight the need for change. For example, complaints have highlighted where we need to improve communications and change some of our internal procedures.

As mentioned earlier in this report, the Council's Void Property procedures were audited earlier this year, with clear actions identified and implemented.

The Council's performance is scrutinised at each Operational Delivery Committee, the papers for which are all available through our Council website.

Where appropriate, the Council collect and record data on protected characteristics for tenants, applicants, homeless people and people who use our Gypsy Traveller site on our housing management system.

### **3.6.7 Developing the entity's capacity, including the capability of its leadership and the individuals within it.**

The Council has agreed an Equalities Outcomes and Mainstreaming 2017 – 2021 plan to meet the requirements of the Equality Act 2010 and its duties to eliminate unlawful discrimination, advance equality of opportunity and foster good relations. The Council agreed its Equality Outcomes and Mainstreaming 2017- 2021 progress report at the Council meeting in May 2019.

The Council operate a standard procedure to assess the impact of new strategies, policies and changes with respect to human rights, equalities and the Fairer Scotland Duty. Our Equality and Human Rights Impact Assessments are published on our website with relevant committee papers.

During 2019/20 Housing management staff were trained in a number of different areas, including Adverse Childhood Experiences (ACES), Corporate Parenting, Making Every Opportunity Count (MEOC) to develop a more empathetic approach to dealing with tenants. Training was also completed on Universal Credit, and a number of staff benefited from secondments and promotions into new roles, thus increasing capacity and resilience within the Service.

## **4. FINANCIAL IMPLICATIONS**

- 4.1 There are no direct financial implications arising from the recommendations of this report.

## **5. LEGAL IMPLICATIONS**

- 5.1 The requirement for Annual Assurance Statements is set out in statutory guidance issued by the Scottish Housing Regulator under the Housing

(Scotland) Act 2010. The recommendations of this report will enable the Council to comply with that requirement.

## 6. MANAGEMENT OF RISK

Category	Risk	Low (L) Medium (M) High (H)	Mitigation
<b>Strategic Risk</b>	N/A		
<b>Compliance</b>	If the Council does not submit the Annual Assurance Statement by 30 <sup>th</sup> November 2020, the Council will not meet regulatory requirements.	L	Approval to submit the Annual Assurance Statement given by committee
<b>Operational</b>	N/A		
<b>Financial</b>	N/A		
<b>Reputational</b>	The Annual Assurance Statement identifies areas for Improvement.	M	The Council have identified improvement plans to be implemented.
<b>Environmental / Climate</b>	N/A		

## 7. OUTCOMES

<b><u>COUNCIL DELIVERY PLAN</u></b>	
	<b>Impact of Report</b>
<b>Aberdeen City Council Policy Statement</b>	This report has no impact on the policy statement.
<b>Aberdeen City Local Outcome Improvement Plan</b>	
Prosperous Economy Stretch Outcomes	This report has no impact on the Local Outcome Improvement Plan.
Prosperous People Stretch Outcomes	This report has no impact on the Local Outcome Improvement Plan.
Prosperous Place Stretch Outcomes	This report has no impact on the Local Outcome Improvement Plan.
<b>Regional and City Strategies</b>	This report has no impact on regional and city strategies.
<b>UK and Scottish Legislative and Policy Programmes</b>	This report ensures that we are compliant with the regulatory requirements set out by the Scottish Housing Regulator.

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## 8. IMPACT ASSESSMENTS

Assessment	Outcome
Impact Assessment	Full impact assessment not required
Data Protection Impact Assessment	Not required

## 9. BACKGROUND PAPERS

Scottish Housing Regulator – Regulation of Social Housing in Scotland  
 Scottish Housing Regulator – Statutory Guidance  
 Scottish Housing Regulator – Annual Assurance Statement  
 Annual Return on the Charter – Aberdeen City Council 2019/2020

## 10. APPENDICES

A - Draft Annual Assurance Statement  
 B - Scottish Housing Regulator Regulatory Requirements– Section 3

## 11. REPORT AUTHOR CONTACT DETAILS

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## Appendix A



Aberdeen City Council complies with the regulatory requirements set out in Chapter 3 of the Regulatory Framework, all relevant standards and outcomes in the Scottish Social Housing Charter and all relevant legislative duties, with the following exception of compliance with minimum site standards for our Gypsy Traveller site. A plan is in place to undertake a major site refurbishment to meet these standards with work due to commence in early 2021.

The following performance areas are priorities for improvement with action plans in place:

Void property management – key improvement actions: increase resources for repair and maintenance work, enhanced performance management framework and review of letting standards.

Rent Management – key improvement actions: creation of a specialist corporate debt team.

I confirm Aberdeen City Council has seen and considered appropriate evidence in approving this Annual Assurance Statement at our Operational Delivery Committee on 19<sup>th</sup> November 2020.

Councillor John Wheeler  
Convener – Operational Delivery Committee  
Aberdeen City Council

## Regulatory requirements

In this section we set out regulatory requirements for all social landlords and the standards of governance and financial management for RSLs.

### 3.2

All of these requirements are based in the powers given to us in the [Housing \(Scotland\) Act 2010](#).

### 3.3

We do not replicate here the range of duties, obligations and responsibilities placed on landlords by legislation and through statutory guidance. These include achieving the standards and outcomes in the Scottish Social Housing Charter, duties to help people who are homeless, duties around the safety of tenants' homes, and promoting equality and human rights.

### 3.4

Landlords also have requirements placed on them by other regulatory bodies, including the Office of the Scottish Charities Regulator, the Equality and Human Rights Commission, the Care Inspectorate, Audit Scotland and the Scottish Public Services Ombudsman.

### 3.5

Landlords must ensure that they meet all of their legal duties and responsibilities and that they adhere to relevant guidance and the requirements of other regulators.

### 3.6

For local authorities, this includes ensuring that they meet their statutory duties to prevent and alleviate homelessness. Local authorities must confirm that they meet these duties in their Annual Assurance Statement, or set out how they are addressing any material non-compliance.

### 3.7

Landlords should adhere to our statutory guidance. In certain cases, where exceptional circumstances exist, it may be appropriate for a landlord to depart from our [statutory guidance](#). Where a landlord is considering departing from statutory guidance, it should discuss with us why a departure from the guidance is necessary before acting. The landlord should keep a record of the reasons for the departure.

### 3.8

Landlords should take account of regulatory advice from us and from other regulators. Advisory guidance may include recommended practice and recommendations from thematic work. Landlords should consider applying

any recommendations in advisory guidance, but are not required to follow advisory guidance. Landlords are not required to discuss a departure from advisory guidance with us before acting. A list of our advisory guidance is available on our website. Below we set out what landlords must do.

## Regulatory requirements for local authorities and RSLs

### Assurance and notification

- Prepare an Annual Assurance Statement in accordance with our published guidance, submit it to us between April and the end of October each year, and make it available to tenants and other service users.
- Notify us during the year of any material changes to the assurance in its Assurance Statement.
- Have assurance and evidence that it is meeting all of its legal obligations associated with housing and homelessness services, equality and human rights, and tenant and resident safety.
- Notify us of any tenant and resident safety matters which have been reported to, or are being investigated by the Health and Safety Executive, or reports from regulatory or statutory authorities, or insurance providers, relating to safety concerns.
- Make its Engagement Plan easily available and accessible to its tenants and service users, including online.

### Scottish Social Housing Charter Performance

Submit an Annual Return on the Charter to us each year in accordance with our published guidance.

Involve tenants, and where relevant other service users, in the preparation and scrutiny of performance information. It **must**:

- agree its approach with tenants
- ensure that it is effective and meaningful – that the chosen approach gives tenants a real and demonstrable say in the assessment of performance
- publicise the approach to tenants
- ensure that it can be verified and be able to show that the agreed approach to involving tenants has happened
- involve other service users in an appropriate way, having asked and had regard to their needs and wishes.
- Report its performance in achieving or progressing towards the Charter outcomes and standards to its tenants and other service users (no later than October each year). It must agree the format of performance

reporting with tenants, ensuring that it is accessible for tenants and other service users, with plain and jargon-free language.

When reporting its performance to tenants and other service users it **must**:

- provide them with an assessment of performance in delivering each of the Charter outcomes and standards which are relevant to the landlord include relevant comparisons – these should include comparisons with previous years, with other landlords and with national performance set out how and when the landlord intends to address areas for improvement
- give tenants and other service users a way to feed back their views on the style and form of the reporting.
- Make our report on its performance easily available to its tenants, including online.

### Tenant and service user redress

- Make information on reporting significant performance failures, including our [leaflet](#), available to its tenants.
- Provide tenants and other service users with the information they need to exercise their right to complain and seek redress, and respond to tenants within the timescales outlined in its service standards, in accordance with guidance from the Scottish Public Services Ombudsman (SPSO).
- Ensure it has effective arrangements to learn from complaints and from other tenant and service user feedback, in accordance with SPSO guidance.

### Whistleblowing

- Have effective arrangements and a policy for whistleblowing by staff and governing body/elected members which it makes easily available and which it promotes.

### Equalities and human rights

- Have assurance and evidence that it considers equality and human rights issues properly when making all of its decisions, in the design and review of internal and external policies, and in its day-to-day service delivery.
- To comply with these duties, landlords must collect data relating to each of the protected characteristics for their existing tenants, new tenants, people on waiting lists, governing body members and staff. Local authorities must also collect data on protected characteristics for people who apply to them as homeless. Landlords who provide Gypsy/Traveller

sites must collect data on protected characteristics for these service users.