

ABERDEEN CITY COUNCIL

COMMITTEE	Communities, Housing and Public Protection Committee
DATE	5 September 2023
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Annual Assurance Statement
REPORT NUMBER	CUS/23/262
DIRECTOR	Andy MacDonald
CHIEF OFFICER	Jacqui McKenzie
REPORT AUTHOR	Martin Smith & Beth McEwen
TERMS OF REFERENCE	1.1.1

1. PURPOSE OF REPORT

- 1.1. To seek approval for the Council's Annual Assurance Statement for the year 2023/24, which must be submitted to the Scottish Housing Regulator by 31 October 2023;
- 1.2. To highlight to Committee the improvement areas identified from this assurance review are services for people experiencing homelessness, void property management, rent management and customer satisfaction.

2. RECOMMENDATION

That the Committee:-

- 2.1. Approve the Annual Assurance Statement appended to this report for submission to the Scottish Housing Regulator by 31 October 2023.

3. CURRENT SITUATION

- 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 has submitted its Annual Return of the Charter which sets out the Council's performance against the Scottish Social Housing Charter standards and outcomes. From 2018, 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 is required to submit a signed statement by our relevant Committee Convenor which confirms that we have appropriate assurance on compliance 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 describe these and our plans to improve.
- 3.4. The Council's proposed Annual Assurance Statement for 2023/24 is appended to this report and has identified four areas for improvement which are services for people experiencing homelessness, void property management, rent management and customer satisfaction.
- 3.5. Our Assurance Statement for 2022/23 indicated that Aberdeen City Council was compliant with the regulatory requirements set out in section 3 of the Regulatory Framework, with the exception of compliance with minimum site standards and fire obligations for our Gypsy Traveller site. There were also performance areas which were prioritised for improvement with action plans in place regarding services for people experiencing homelessness, void property management, rent management and customer satisfaction.
- 3.6. Our Gypsy Travellers site has been closed for demolition, upgrade and rebuild since 10 October 2022 and is expected to reopen by the end of September 2023. The Council are committed to providing good quality, affordable accommodation that meets the Gypsy Traveller's needs. Once all works have been completed, the site will comply with fire regulations and minimum site standards.
- 3.7. There has been an increase of 26% in homeless applications during 2022/23 compared to the previous year, which has resulted in the Council using hotels to supplement its' temporary accommodation provision. The Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014 states that Local Authorities may provide unsuitable accommodation (as defined by Article 5 of the Order), such hotels, to people experiencing homelessness – but for no longer than 7 days. Aberdeen City Council breached that Order on 222 occasions during financial year 2022/23.
- 3.8. A Temporary Accommodation Strategy is being developed which will evaluate the relevant data collected by the Council in relation to this recent increase and what this means for the future of temporary accommodation provision in Aberdeen. It is anticipated that the development of this will be completed by the end of 2023.
- 3.9. The current levels of provision will be detailed as well as providing strategic objectives to ensure the Council can cope with the increased demand and continue to provide suitable temporary accommodation to those experiencing homelessness. A new procedure for allocation of hotel places is also being developed, taking into consideration the Temporary

Accommodation Standards Framework introduced by the Scottish Government in April 2023.

- 3.10 An additional Senior Allocation Officer post has been created, which has additional responsibilities for Temporary Accommodation, including the oversight of temporary accommodation allocation. Work with Registered Social Landlords is also ongoing to increase lets within those organisations and tender for additional capacity to tackle voids.
- 3.11. 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.

3.12. 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.

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

- Communities, Housing and Public Protection 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 on the Corporate Risk Register by Housing and Support and Housing Access and Support Services.
- 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 signs off on the Annual Governance Statement, including any significant issues (control failures) which have occurred over the year. Corporate Management Team also receives notifications of health and safety contraventions, and resulting improvement plans, which would include health and safety issues affecting housing and homelessness.

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

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

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.

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 report relevant incidents to agencies such as the Health and Safety Executive if relevant.

The Council have a mechanism for reporting on hate crimes.

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 Housing Allocation Policy, approved by Committee on 14 March 2023 resulted in the implementation of Choice Based Letting on 27 June 2023. Choice Based Letting allows applicants to make an informed decision about where they would like to live by bidding (registering interest) on the Council's available properties. Properties are advertised on the Council's Housing Online platform each week (called a bidding cycle). It is anticipated at the implementation of Choice Based Letting will reduce the number of offer refusals during the forthcoming year.

The Housing and Support Service's Community Led Walkabouts procedure has been implemented and we will be undertaking an initial review, which is due to conclude by December 2023. Officers from Housing and Support, Roads, Environmental, Building Services, Community Safety, Communities, Housing Associations and partners, along with residents from the area, undertake a walkabout four times a year in each of the 13 Wards to identify safety and environmental issues in a specific community and improvements for implementation by Aberdeen City Council and others.

Officers are developing our Tenant Participation procedures and recording mechanisms, to expand on the work being carried out by Housing and Support Officers. This will include more thorough and accurate reporting of members of each Tenant and Resident Organisation and actions resulting from meetings.

The Council's Engagement Plan from the Scottish Housing Regulator is published on the Council's website.

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

3.14. Defining outcomes in terms of sustainable economic, social, and environmental benefits.

The Local Outcome Improvement Plan (LOIP) 2016-2026 has been refreshed and sets out to ensure that Aberdeen's continued economic, health and social recovery is the focus. 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 2023/2024 aligns all Council strategies and plans to the Local Outcome Improvement Plan, ensuring clear delivery plans for the Council's own set of strategies and priorities.

Following the implementation of the Housing and Support Service in 2022, we have continued to provide regular training and development opportunities to staff. This has included monthly information and awareness raising sessions for the whole service, with guest speakers attending from other Council services such as Building Services and third party organisations on topics relevant to the role. Third parties who have attended so far include Shelter Scotland and Hepatitis Scotland.

3.15. 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 and more recently, Housing Assets. 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.

3.16. 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 and is comprised of tenants and residents. 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. Practice recommended by this group has been embedded into the service, such as using a video in addition to a written report when making Housing Performance public. The annual report is also available in hard copy and is reported in our Newsbite publication.

The monthly and annual reports are available on a dedicated Housing Performance page on our website.

3.17. 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 Scottish Housing Regulator'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.

The Council's performance is scrutinised at each Communities Housing and Public Protection 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, people experiencing homelessness and people who use our Gypsy Traveller site on our housing management system.

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

Aberdeen City Council has agreed an Equalities Outcome Mainstreaming Plan to promote and embed equality in our services from 2021 to 2025.

The key piece of legislation which governs what we do is the Equality Act 2010. The General Duties within the Act require us to eliminate discrimination; advance equality of opportunity; and foster good relations between persons who share a protected characteristic and those who do not. The protected characteristics as defined by the Equality Act 2010 are: Age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

Our Equality Outcomes as a service provider are to ensure:

- EO 1 - All people with protected characteristics will access information, goods and services knowing that social and physical barriers are identified and removed, with a focus on Age, Gender reassignment and Disability.
- EO 2- Diverse communities in Aberdeen will have an increased sense of safety and belonging within their neighbourhood and City, with a focus on Race (including Gypsy/Travellers), Religion and Sexual Orientation.
- EO 3 – Representation in civic participation of people with protected characteristics will be improved by ensuring our leaders, staff and organisation champion the equality agenda in

the City, with a focus on Disability, Race and Sex.

In March 2023, we reported on our progress on how we are mainstreaming equality through our operations and the city. The full report can be accessed [here](#).

The Council also uses the Integrated Impact Assessment (IIA) as a toolkit to understand the impact on equality, human rights, children's rights and socio-economic disadvantage. The Integrated Impact Assessment (IIA) is undertaken to systematically consider relevant evidence to determine if there may be an unfair or unequal effect on different groups of people within the community or the workforce because of a policy or proposal and actions taken to mitigate any disadvantage identified.

To ensure compliance with the Equality Act 2010, the IIA will help to:

- Ensure that the proposal does not discriminate
- Consider how the proposal might better advance equality of opportunity
- Consider whether the proposal will affect relations between different groups.

Our Integrated Impact Assessments are published on our website with relevant committee papers.

In January 2023, the Housing and Support Service and Housing Access & Support Service implemented use of the Tenancy Intelligence Model, which allows officers to identify those who may require additional support to sustain their tenancy. A procedure for Housing and Support Officers has been implemented to ensure that notifications from the Tenancy Intelligence Model are followed up on in a reasonable timescale.

The Tenancy Regular Checks and Events Log procedure was implemented within the Housing and Support Service in September 2022 and expanded upon during early 2023. The aim of the procedure is to ensure that all tenants, whether in secure or temporary accommodation, are fully supported and have access to relevant information they require to successfully maintain their tenancy. All new tenants will receive an initial tenancy call and initial tenancy visit, where the Housing and Support Officer will ensure

that the tenant has a good understanding of what the expectations of them as a tenant, and the Council as a landlord, are. These contacts will also allow the Housing and Support Officer to ensure that the tenant is aware of what amenities are available within their local community and what support can be accessed, if required.

As part of the Tenancy Regular Checks and Events Log procedure, as of 2023 all Council tenants will receive an annual visit to ensure that regular contact is maintained, up-to-date information is recorded and any support requirements can be met at the earliest opportunity.

The Council's Customer Contact Centre was moved to new software in November 2022 and this allowed for a call-back feature to be implemented. Monday to Friday between 9am and 4pm, customers who have waited over 5 minutes in the queue can request a call-back. The customer will retain their position in the queue and, when at the front, they will receive a call-back from an officer.

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. ENVIROMENTAL IMPLICATIONS

- 6.1. There are no direct environmental implications arising from the recommendations of this report.

7. RISK

Category	Risks	Primary Controls/Control Actions to achieve Target Risk Level	*Target Risk Level (L, M or H)	*Does Target Risk Level Match
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			*taking into account controls/control actions	Appetite Set?
Strategic Risk	No significant risks identified			Yes
Compliance	If the Council does not submit the Annual Assurance Statement by 31st October 2023, the Council will not meet regulatory requirements.	Approval to submit the Annual Assurance Statement given by committee	L	Yes
Operational	There are no significant risks identified			Yes
Financial	There are no significant risks identified			Yes
Reputational	The Annual Assurance Statement identifies areas for Improvement.	The Council have identified improvement plans to be implemented.	L	Yes
Environment / Climate	There are no significant risks identified			Yes

8. OUTCOMES

<u>COUNCIL DELIVERY PLAN</u>	
	Impact of Report

Aberdeen City Council Policy Statement	This report has no impact on the policy statement.
Aberdeen City Local Outcome Improvement Plan	This report has no impact on the Local Outcome Improvement Plan.
Regional and City Strategies	This report has no impact on regional and city strategies.
UK and Scottish Legislative and Policy Programmes	This report ensures that we are compliant with the regulatory requirements set out by the Scottish Housing Regulator.

9. IMPACT ASSESSMENTS

Assessment	Outcome
Impact Assessment	Stage 1 Assessment Completed
Data Protection Impact Assessment	Not required
Other	None

10. 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 2022/2023

11. APPENDICES

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

12. 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.

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

- Services for people who are homeless – the Council has been successful in its bid to take part in The Royal Foundation’s Homewards Programme, a five-year locally led programme which will demonstrate that together it is possible to end homelessness - making it rare, brief, and unrepeatable. Homewards will take a transformative approach to the issue of homelessness and put collaboration at its heart, giving Aberdeen new space, tools, and relationships to showcase what can be achieved through a collective effort focused on preventing homelessness in the city.
- The Council is also increasing its temporary accommodation stock to ensure we can meet the increasing demand for temporary accommodation and avoid prolonged stays in unsuitable accommodation as per the Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014. The Council will continue to work with Registered Social Landlords in this regard.
- Void property management – key improvement actions include reducing the average relet time, supported by the implementation of Choice Based Letting which is expected to reduce the number of offers of accommodation that are refused; reducing the number of void properties, and reducing the rate of void rent loss.
- Rent Management – key improvement actions include reviewed Escalation Policies for debt recovery and new processes designed to help with early intervention and tenancy sustainment. The Council are continuing to bed in processes and procedures and engage with tenants at early stages.
- Customer Satisfaction – key improvement actions include continuing and improving use of Gov.Notify to provide regular updates to our tenants through email and expanding our Housing Online platform to include more options for digital contact.

I confirm Aberdeen City Council has seen and considered appropriate evidence in approving this Annual Assurance Statement at our Communities, Housing and Public Protection Committee on 5 September 2023.

Councillor Miranda Radley
Convener – Communities, Housing and Public Protection Committee
Aberdeen City Council

Appendix B – Scottish Housing Regulator Regulatory Requirements Section 3

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.