GOOD PRACTICE IN HOUSING MANAGEMENT: A REVIEW OF THE LITERATURE

Suzie Scott (Editor)
Hector Currie
Suzanne Fitzpatrick
Hal Pawson
Keith Kintrea
Ann Rosengard
Jenny Tate

The Scottish Executive Central Research Unit 2001
ACKNOWLEDGEMENTS

The authors gratefully acknowledge the input of the Advisory Group, which included representatives from The Scottish Executive, Scottish Homes, Chartered Institute of Housing, COSLA, TPAS, SFHA, the Scottish Tenants Organisation and Positive Action in Housing. Thanks are also due to Betty Johnstone and Fiona Wilson, at the University of Glasgow, for their assistance in the production of the report.
## CONTENTS

### SUMMARY OF FINDINGS
- INTRODUCTION 1
- KEY THEMES 1
- GAPS IN SPECIFIC AREAS 2

### CHAPTER ONE  INTRODUCTION
- AIMS OF THE RESEARCH 6
- DEFINING HOUSING MANAGEMENT 6
- WHO PROVIDES HOUSING MANAGEMENT SERVICES? 8
- WHAT IS GOOD PRACTICE? 9
- REPORT STRUCTURE 9

### CHAPTER TWO  TENANT PARTICIPATION
- INTRODUCTION 11
- DEFINITIONS AND SCOPE 12
- THE LEGAL REQUIREMENTS AND REGULATORY FRAMEWORK 15
- CUSTOMER CARE 16
- PARTICIPATION 18
- PROBLEMS AND UNRESOLVED ISSUES 22
- CONTROL AND OWNERSHIP 24
- CONCLUSIONS AND GAPS IN GOOD PRACTICE GUIDANCE 25

### CHAPTER THREE  HOUSING ALLOCATIONS
- INTRODUCTION 28
- PRINCIPLES OF REHOUSING PRIORITISATION 28
- THE LEGAL AND REGULATORY FRAMEWORK 30
- ACCESS TO HOUSING 32
- ALLOCATIONS SYSTEMS 35
- APPLICANT SELECTION AND PROPERTY MATCHING 38
- ALLOCATIONS RESPONSES TO LOW DEMAND HOUSING 43
- NOMINATIONS 45
- CONCLUSIONS AND GAPS IN GOOD PRACTICE GUIDANCE 46

### CHAPTER FOUR  HOMELESSNESS
- INTRODUCTION 47
- THE LEGAL AND REGULATORY FRAMEWORK 48
- GOOD PRACTICE GUIDANCE 49
- THE PREVENTION OF HOMELESSNESS 50
- DEALING WITH APPLICATIONS 51
- ACCESS TO ACCOMMODATION AND SUPPORT 56
- CONCLUSIONS AND GAPS IN GOOD PRACTICE GUIDANCE 60

### CHAPTER FIVE  VOID MANAGEMENT
- INTRODUCTION 62
- MEASURES OF VOID MANAGEMENT PERFORMANCE 63
- DEFINING ‘DIFFICULT TO LET’ OR ‘LOW DEMAND’ HOUSING 64
- POLICIES AND PRACTICES IN VOID MANAGEMENT 65
- POLICY RESPONSES TO LOW DEMAND FOR HOUSING 71
- CONCLUSIONS AND GAPS IN GOOD PRACTICE GUIDANCE 71

### CHAPTER SIX  RENT COLLECTION AND RENT ARREARS
- INTRODUCTION 73
- DEFINITION 73
- REASONS FOR RENT ARREARS 74
<table>
<thead>
<tr>
<th>Chapter</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>SEVEN REPAIRS AND MAINTENANCE</td>
<td>84</td>
</tr>
<tr>
<td>8</td>
<td>EIGHT ESTATE MANAGEMENT</td>
<td>100</td>
</tr>
<tr>
<td>9</td>
<td>NINE HOUSING MANAGEMENT AND COMMUNITY CARE</td>
<td>118</td>
</tr>
<tr>
<td>10</td>
<td>TEN FACTERING AND THE MANAGEMENT OF MIXED TENURE AREAS</td>
<td>134</td>
</tr>
<tr>
<td>11</td>
<td>ELEVEN HOUSING ADVICE SERVICES</td>
<td>148</td>
</tr>
</tbody>
</table>
## CHAPTER TWELVE  ENERGY EFFICIENCY

<table>
<thead>
<tr>
<th><em>section</em></th>
<th>page</th>
</tr>
</thead>
<tbody>
<tr>
<td>INTRODUCTION</td>
<td>162</td>
</tr>
<tr>
<td>DEFINITIONS</td>
<td>163</td>
</tr>
<tr>
<td>MEASURING ENERGY EFFICIENCY</td>
<td>163</td>
</tr>
<tr>
<td>LEGISLATION</td>
<td>164</td>
</tr>
<tr>
<td>HEALTH AND HOUSING</td>
<td>165</td>
</tr>
<tr>
<td>GOOD PRACTICE GUIDANCE</td>
<td>165</td>
</tr>
<tr>
<td>CONCLUSIONS AND GAPS IN GOOD PRACTICE GUIDANCE</td>
<td>170</td>
</tr>
</tbody>
</table>

## CHAPTER THIRTEEN  HOUSING MANAGEMENT AND REGENERATION

<table>
<thead>
<tr>
<th><em>section</em></th>
<th>page</th>
</tr>
</thead>
<tbody>
<tr>
<td>INTRODUCTION</td>
<td>171</td>
</tr>
<tr>
<td>DEFINITIONS</td>
<td>173</td>
</tr>
<tr>
<td>IMPROVING THE OVERALL QUALITY AND EFFECTIVENESS OF HOUSING MANAGEMENT</td>
<td>174</td>
</tr>
<tr>
<td>WIDER ACTION</td>
<td>178</td>
</tr>
<tr>
<td>LESSONS</td>
<td>180</td>
</tr>
<tr>
<td>CONCLUSIONS AND GAPS IN GOOD PRACTICE GUIDANCE</td>
<td>181</td>
</tr>
</tbody>
</table>

## APPENDIX ONE  INVENTORY OF HOUSING MANAGEMENT LITERATURE

<table>
<thead>
<tr>
<th><em>section</em></th>
<th>page</th>
</tr>
</thead>
<tbody>
<tr>
<td>REFERENCES</td>
<td>231</td>
</tr>
</tbody>
</table>
SUMMARY OF FINDINGS

INTRODUCTION

1. The Baseline Study of Housing Management (Clapham et al, 1995) was the first attempt to assess the policies and practices of public sector landlords in Scotland. The main aim of this research was to review progress in housing management practice since the Baseline Study and to identify topics where new, improved or further guidance may be required. This literature review and inventory of good practice advice was the first stage of the project.

2. The review aimed to identify the good practice literature on a range of housing management topics - concentrating mainly on literature produced between 1990 and the end of 1999. The source of such guidance extends from academic journals and research reports, through books and reports published by professional, charitable and commercial associations to circulars and guidance from government and Scottish Homes.

KEY THEMES

3. A number of themes run through the review of the literature. First, that there is a lack of clarity, not only about the aims and scope of housing management, but also about the purpose of social housing. Much of the literature avoids these issues, or expresses them in vague terms (such as the aim of allocations being to house people in need), but they are fundamental to the discussion of good practice.

4. Second, good practice must conform to legislative requirements. But in many areas (for example, tenant participation, allocations and housing advice) the legislation is vague. There may also be confusion because much legislation is different across the UK and for different types of landlords. Many areas of legislation are unenforceable and rely on the willingness of landlords to fulfil not just the letter but also the spirit of the law. Good practice should be concerned with equity and fairness and equal opportunities should be a guiding principle. However, in some areas, the gaps identified in the Scottish literature concerned issues such as racial equality, sexuality and disability.

5. Third, in some areas, such as tenant participation and homelessness, there is a wealth of research and good practice literature. Yet, there are still concerns about implementation of these areas. A theme, which runs through the review, is that housing organisations need to act in partnership with other agencies. While there is a growing literature on partnership working, in a variety of settings, it is clear that this is difficult to achieve in practice.

6. Fourth, there are concerns about the quality of guidance. In some areas (such as rent arrears) there is a solid body of research on which good practice advice is founded. However, too much good practice material contains checklists of do and don'ts, which do not appear to be based on any solid foundation. There may be scope for the production of more model or exemplar policies and procedures which would avoid practitioners re-inventing the wheel and so assist progress. However, such guidance should discuss why particular approaches are recommended.
7. Fifth, there have been very few independent evaluations of the cost-effectiveness of
the recommended approaches and initiatives in any of the areas of housing management.
Much advice uses descriptive accounts of case-studies of initiatives, whose long-term success
is not evaluated, and whose wider applicability is unproven. Landlords would find
independent evaluations useful in assessing the potential costs and benefits of initiatives at
the option appraisal stage. Further guidance on programme evaluation may also be useful.

8. Sixth, there is also a need to examine the structures in which services are provided.
Much of the literature on the management of housing management has recommended generic
working. However, some of the good practice literature (for example of rent arrears, race
equality and maintenance) suggests that specialist officers may be more effective. In other
areas (such as mediation, housing and energy efficiency advice) there are recommendations
for services which are independent of the landlord. There is a need to examine the generic
versus specialist role, and the in-house or external provision of services. The aim would be to
derive the characteristics that would justify one approach as more appropriate than the other
in particular circumstances.

9. Finally, there is a need to continually update guidance to keep advice up-to-date in a
changing environment. Proposed legislative changes in the forthcoming housing bill will
make many areas of advice out-of-date. The impact of Large Scale Voluntary Transfers will
require new guidance in many areas (maintenance, allocations, homelessness). Advances in
information technology may also have considerable impact on the various tasks of housing
management.

GAPS IN SPECIFIC AREAS

Tenant participation

10. The review found that there is a wealth of material of tenant participation, which
demonstrates great consensus both about the principles of tenant participation and the detail
of how to achieve it. However, the issue continues to be contentious, because it is difficult to
achieve in practice, and landlords are not always fully committed to the ideals. If the Scottish
Parliament legislates to introduce a new single tenancy and a unified regulatory system,
backed up with sanctions, landlords may be persuaded to take tenant participation more
seriously. However, enforcement of good practice advice must always face the in-built
problem of the need to design participation processes and structures to meet local needs.
‘Good practice’ in tenant participation, then, will always be contingent.

Allocations

11. In general, the review concluded that allocations is an aspect of housing management
well covered by regulatory and good practice guidance. The main area which has received
relatively little attention is transfers and exchanges. Similarly, the organisation of mutual
exchanges receives scant coverage. There is a wealth of commentary on the Disability
Discrimination Act, but almost all of it focuses on the areas of employment or goods and
services. As yet, there are no useful sources of good practice advice specifically for housing
managers. There may be a need for guidance to address more squarely the purpose of social
housing, and how this relates to local lettings initiatives and consumer choice in the allocations process.

**Homelessness**

12. There is a wealth of good practice guidance on the operation of the homeless persons legislation in Scotland and the administration of basic homelessness services is well-covered. However, any significant changes to the legislative framework implemented as a result of the work of the Homelessness Task Force would necessitate further or amended good practice guidance. The main gaps in the literature are on the needs of particular groups and on the links between the Homeless legislation and the Children’s Act.

**Voids**

13. There is relatively little good practice advice aimed specifically at a Scottish audience. The Scottish Office guidance note (Housing Policy and Practice Unit and School of Planning and Housing, 1994) is now somewhat dated and offers only a limited coverage of the large subject. More recent guidance focusing on low demand housing addresses a problem of growing significance, though again the advice contained is fairly limited and does not appear to be underpinned by any significant research. However, some recently produced English guidance should be applicable in Scotland. One significant area, which is not addressed in detail, is the management of repairs contractors. In part, this reflects the tendency for related research to focus on the ‘people management’ rather than the ‘property management’ aspects of working with voids.

**Rent collection and arrears**

14. There is a solid body of research on which good practice advice in this area is founded and there are relatively few gaps in the guidance. However, the inter-relationship between Housing Benefit and rent arrears remains a problematic area - particularly for registered social landlords who rely on the local authority to process benefit payments for their tenants. In view of the proposed large-scale stock transfers, this is an area in which more guidance may be required. This is also an area where new technology may have an impact and further guidance might be useful. Further guidance on the use of debt collection agencies to recover arrears may also be required. Finally, good practice guidance may need general updating in the light of developments since they were published.

**Repairs and maintenance**

15. The overall conclusion of the review is that repairs and maintenance are generally well served with good practice guidance. However, the repairs service has received more attention than maintenance and some redress of this imbalance is overdue. The Large Scale Voluntary Transfers proposed for local authority stock over the next few years are largely driven by the need to resolve the problem of under-investment in poorly maintained properties. This makes the case for up-to-date, detailed guidance about planning and implementing large repair and maintenance programmes compelling. Comprehensive
guidance on client contract management in a post-CCT/LSVT environment would be also be desirable.

Estate management

16. The review shows that there has been a significant increase in both research and good practice guidance, over the last decade, on the issues of anti-social behaviour and crime. Nevertheless, there are some significant gaps which could be filled. This includes guidance on the effective use of the legal process and the production of 'model' good practice policies on crime and anti-social behaviour. If probationary tenancies are introduced in Scotland, guidance on their use and management would be useful. The Scottish guide on racial harassment is useful. However, there is wealth of material in English publications which may be relevant to Scottish landlords. There is scope for a much larger and more comprehensive guide on this issue. Specific literature on environmental management is sparse. There is a small amount on caretaking and concierge services. However, some of the good practice literature on crime covers security and design of open space issues.

Housing management and community care

17. The housing management contribution to community care is founded on the principle of partnership working between housing, health and social work professions to deliver services to an increasingly vulnerable population of tenants. However, it is clear that this difficult to achieve in practice. There is a need for authoritative national clarification and guidance on this subject to underpin the goal of increased joint working.

18. The move towards care provision which is integrated into the community has implications for both the housing stock and the revenue funding of housing related support and management services. Housing managers need improved guidance on new aspects of these services, for example risk assessment and management. There is also a need for further guidance on support needs, community care assessments and assisting people to sustain their tenancy. There may also be scope for a Scottish guide on the role of sheltered housing.

Management and mixed tenure

19. There has been an overall increase in mixed tenure areas and this is likely to continue. Both councils and registered social landlords have become involved in the provision of services to owners as a result of the Right to Buy. In addition, associations have inherited a factoring role through stock transfers and acquisitions. The proposal to grant the Right to Buy to housing association tenants, through the Single Tenancy, and the proposed changes in land tenure reform, increase the importance of this area.

20. Following the publication of 2 recent good practice guides on factoring, there is now comprehensive and up-to-date guidance on the practice of mixed tenure management. However, while the guides appear highly authoritative, their recommendations do not appear to have been based on up-to-date research of a systematic kind. It would be useful to assess the extent to which current practice is in line with the advice they contain.
Housing advice

21. There is now a fairly comprehensive body of guidance, which has built on research findings, to improve the quality of housing advice through strategic and joint action. The guidance is continually being reviewed and developed and the planned guidance frameworks for evaluating different types of housing advice services should make an important contribution. Future guidance and training must emphasise the importance of ‘network awareness’ as part of the essential knowledge base for all housing advisers. There is also considerable potential for further development of housing information and advice in relation to the private sector.

Energy efficiency advice

22. There is a clear overlap between energy efficiency programmes and planned maintenance work. However, the conclusion from this review is that there is a lack of coherence and clarity about the housing management contribution to energy efficiency work and good practice in this field. This requires clarification. However, guidance should recognise that this has to be embedded in a collaborative framework with other key players.

Regeneration

23. The 2 elements of housing management’s involvement in regeneration are the ‘good landlord’ approach, focused on decentralised, responsive service delivery and the ‘outreach’ approach, centred on housing organisations taking a wider role in other regeneration disciplines. The first is well developed, and the components of good management in regeneration areas are reasonably well-known. However, the inherent difficulties of operating a housing service in the most deprived estates will probably always mean a continuing interest in further development of ‘good practice’ advice.

24. The second approach is much less developed and efforts so far can be described as experimental. Much of the advice on the housing management role in regeneration or social inclusion action activities is conceptually very weak. There is no clear definition on ‘wider action’ activities. There would be some value in good practice advice starting with some more convincing conceptual models of the links between housing management action and area regeneration. However, a wider view of ‘good practice’ in regeneration might involve more focus on the overall structures for the governance of regeneration.
CHAPTER ONE  INTRODUCTION

AIMS OF THE RESEARCH

1.1 The Baseline Study of Housing Management (Clapham et al, 1995) was commissioned by the Scottish Office in the early 1990s, to assess public sector landlords’ policies and practices. The main aim of this research is to review progress in housing management practice since the Baseline Study and to identify topics where new, improved, or further, guidance may be required. This literature review and inventory of good practice advice is the first stage of the project. The second stage of the research assesses current practices in a number of areas and the final stage examines 3 particular topics (allocations, estate management and factoring) in more depth through case studies. The findings of the postal survey and case studies are published as separate reports.

1.2 A previous review of the good practice literature (Taylor, Russell and Ball, 1992) found that some aspects of housing management, such as rent collection and tenant participation, were well covered in the literature. However, there were significant gaps in other areas, such as repairs and maintenance and environmental management. The researchers also found that there was little Scottish based material.

1.3 This review aimed to identify the good practice literature on a range of housing management topics - concentrating mainly on literature produced between 1990 and 1999. Perhaps as a result of the pressures on landlords from government for improvements in performance, there has been a considerable growth in the production of good practice guides. The source of such guidance extends from academic journals and research reports, through books and reports published by professional, charitable and commercial associations to circulars and guidance from government and Scottish Homes.

1.4 Legislation in Scotland is already significantly different to that in England and Wales and the new Scottish Parliament is likely to increase this trend. The green paper, Investing in Modernisation - An Agenda for Scotland’s Housing (Scottish Office, 1999), sets out the government’s strategy for housing policy for the future. This is based on promoting social inclusion, increasing community empowerment and securing increased investment in the social housing stock. However, although the legislative and policy contexts differ from other parts of the United Kingdom, there are reports and guidance which may be relevant to Scottish audiences. We have included these where appropriate.

DEFINING HOUSING MANAGEMENT

1.5 There has never really been any clear consensus on what housing management is and what it should achieve. Most previous studies of housing management (see for example, Bines et al, 1993; Clapham et al, 1995) have focused mainly on ‘traditional landlord functions’: that is services provided primarily for tenants and funded from rental income. These functions include rent collection and arrears management, repairs and maintenance, voids and allocations, tenancy and environmental management and tenant participation.

1.6 The Baseline Study also identified a number of other housing management related activities which were defined as ‘non-core’ tasks. These were services which might be
carried out by housing management staff, but were not provided exclusively to tenants. These tasks included homelessness administration, housing aid and advice, Housing Benefit administration and management of special needs housing. Some of these tasks (homelessness and Housing Benefit) are statutory responsibilities of local authorities and would not, therefore, be provided by registered social landlords.

1.7 Further tasks might be added to this list. Many urban regeneration programmes have been housing led. For example, Estate Action in England and the ‘New Life for Urban Scotland’ were aimed at regenerating run down council estates. More recently, the Government and the Scottish Executive, have set up a programme of action to regenerate deprived communities and to provide opportunities for people to participate in society (Scottish Office, 1999a). Schemes include the Rough Sleepers Initiative, foyers for young people and the Empty Homes Initiative. A number of new functions and roles are emerging for housing organisations including the responsibilities to deliver community care and the requirements of the Children (Scotland) Act and the Disability Discrimination Act. There has also been a trend towards broad based policy initiatives, on issues such as crime and anti-social behaviour, which require cross professional collaboration.

1.8 Research has demonstrated the links between poor housing and ill-health (Wilkinson, 1999). Concerns about the environment are increasing and housing professionals have a role in ensuring that housing developments are environmentally sustainable and serve to conserve natural resources (Scottish Office, 1999a). In addition, there is a need to ensure that both design and management of the built environment provides a better quality of life for residents. The Home Energy Conservation Act 1995 imposes duties of local authorities to draw up plans to improve energy efficiency in their areas and housing management staff may have a role to play in this.

1.9 The Housing Corporation’s ‘Housing Plus’ initiative aims to encourage registered social landlords (RSLs) to “create and maintain sustainable housing; to obtain added value from housing management and investment; and to build partnerships with stakeholders and communities” (Housing Corporation, 1997). These activities might include welfare benefits advice, credit unions and neighbourhood watch schemes. A similar approach has been taken in Scotland by the Wider Action Pathfinder. This encourages RSLs to undertake activities that may have a wider community benefit, such as employment initiatives and community services.

1.10 Andrews (1998), in a recent study of housing management activities in local authorities and RSLs in England, proposes a distinction between ‘core services’ and ‘added value services’. Core services are those which are provided to all tenants and funded from rental income. Core services largely equate to traditional landlord services. Added value services are provided to all or some tenants and to non-tenants and may be funded from a variety of sources (including rental income). These services are roughly equivalent to ‘housing plus’ or ‘wider action’ initiatives and include employment initiatives and community services. However, they might also include services which enhance the core services through initiatives such as mediation, money advice and energy efficiency advice.

1.11 However, Andrews also found a lack of consensus about the definition and role of housing management. She found wide differences in the views of landlords and between landlords and tenants (Andrews, 1998). Some registered social landlords inclined to the view that they should limit their activities to a relatively narrow definition of landlord services.
However, others were aiming to provide wider services. Amongst this latter category, some were positioning themselves as ‘Community Development Corporations’ - acting as regeneration agents while others were taking on a range of management activities on a commercial basis. In contrast, most tenants of RSLs were inclined to define housing management in terms of traditional landlord functions. In general, they did not expect their landlords to provide wider services and did not believe that such services should be provided from rental income.

1.12 The most recent study of housing management in English local authorities also found little consensus about the activities that comprise the housing management service (Arthur Anderson and the Centre for Urban and Regional Studies, 1999). The researchers suggested a four-fold classification of activities. These were:

- activities which are generally regarded as part of the housing management service
- activities which may be regarded as part of the housing management service or the wider service
- activities which are generally regarded as part of the wider service, and not part of the housing management service
- activities that overlap with the housing management service and may be regarded either as part of the housing management service or part of other services.

1.13 They found that ten activities were generally regarded as part of the housing management service. These were void control, rent collection, accounting and arrears recovery, responsive, major and cyclical repairs, estate and tenancy management and tenant participation. However, beyond this there was little consensus about which activities were core and which were part of the wider service.

WHO PROVIDES HOUSING MANAGEMENT SERVICES?

1.14 Registered social landlords are likely to carry out all the core services, although they might use agents to assist them to deliver these functions. In local authorities there is evidence that other departments and services made a significant contribution to housing management tasks. The Baseline Study of Housing Management in Scotland found that allocations, void management, tenancy management and tenant participation were almost always carried out by housing departments. However, rent collection was carried out by the housing department in only 21 out of 47 authorities. Similarly, repairs administration was a housing department responsibility in only 35 out of 47 authorities (Clapham et al, 1995). The Baseline Study was carried out prior to the 1996 re-organisation of local government re-organisation in Scotland. However, Taylor and Douglas (1998) also found that, post-re-organisation, other departments and services were likely to be involved in core tasks.

1.15 Clapham et al (1995) found that non-core tasks such as homelessness administration, housing advice and management of special needs housing were likely to be the responsibility of the housing department. However, Housing Benefit was often administered by another department (usually finance).
WHAT IS GOOD PRACTICE?

1.16 The aim of good practice might generally be said to be to recommend the most economical, efficient and effective means of delivering a service. Effectiveness is concerned with the outcomes of services. These might be measured via performance indicators and by tenant satisfaction with services. However, the Baseline Study found that there were weak links between adherence to recommended good practice and performance. Larger urban authorities were more likely to have policies (a basic tenet of good practice) and adopt a proactive approach. Generally, rural authorities were less likely to follow good practice guidance. They were less likely to have written policies and procedures and practices tended to be reactive. Nevertheless, rural authorities often out-performed their urban counterparts in terms of tenant satisfaction and other performance measures.

1.17 There were many ideas, put forward as good practice, which were not accepted by landlords. In some cases, landlords did not think that measures were cost-effective and in others, they did not consider the measures necessary. The research concluded that more research was required on the links between good practice and good performance in different contexts. In addition, guidance should clarify what is universal and applicable in all contexts and what is appropriate only in specific situations (Clapham et al, 1995).

1.18 Literature on housing management must be read critically. It is an area where value judgements are sometimes apparent, and fashions change. We identified a number of criteria to evaluate good practice advice. First, good practice should conform to legislative requirements. Second, it should be concerned with equity and fairness. In some cases (sex, race and disability) there may also be legislative requirements. However, even where there are not, equal opportunities should be a guiding principle. Third, guidance should be based on detailed and systematic evaluations of the impact of particular policies and practices, aimed at determining effectiveness. Finally, good practice advice should differentiate between practices that should be universally adopted and those which may be appropriate only in certain circumstances.

1.19 Good practice guidance is presented in a number of formats. It may be in the form of a statement of prescriptive standards (SFHA/Scottish Homes, 1999) or identify key areas in which organisations should have policies and procedures (see, for example, SFHA, 1999). Good practice collections may include examples from good practice (Watson and Britain, 1996); manuals of policy and practice (NFHA, 1995); checklists for action (Goss, 1994); or a combination format which may include standards, legal advice, examples of good practice, and useful references (CIH, 1999a). Much material is not based on systematic evidence of effectiveness.

REPORT STRUCTURE

1.20 This study takes a wide view of housing management, covering both landlord functions and other related areas of direct service delivery. The review begins with an examination of the literature on tenant participation. It then examines a number of specific topics including housing allocations, homelessness, void management, rent collection and arrears, housing advice, tenancy and environmental management, repairs and maintenance, energy efficiency and the management of mixed tenure estates. In addition, the study examines the links between housing management and other policy areas such as community
care, community regeneration and social exclusion. Equal opportunities issues are addressed wherever relevant and we specifically focus on the implications of the Children's Act and Disability Discrimination Act.

1.21 Each chapter aims to:

- provide a definition of the topic
- discuss the key debates in the area
- outline applicable legislation
- indicate differences in legislation, policy and practice between tenures
- examine good practice guidance
- identify gaps in guidance.

1.22 The review concludes with an inventory of publications which we considered were key reading for each topic. This summarises content, making clear the nature of the evidence on which claims for good practice are based.
CHAPTER TWO TENANT PARTICIPATION

INTRODUCTION

2.1 This chapter examines views and practice on tenant participation. It begins with a discussion of definitions of participation. After reviewing legal requirements and government advice, the chapter goes on to review 3 distinct areas of good practice advice: customer care, participation and control and ownership (cf. Housing Corporation, 1998).

Context

2.2 Tenant participation was last reviewed for the Scottish Office in the early 1990s (Housing Policy and Practice Unit, 1994a). This review mostly concentrates on examining developments in good practice advice regarding tenant participation since then. On the whole, the last 5 years have not seen a great deal of change in the essence of good practice advice. However, the post-1997 Labour government’s increased commitment to tenant participation (also supported by the Scottish Executive since spring 1999), and the incorporation of new demands for tenant involvement in the ‘best value’ regime for housing management, have further raised its profile. Together with continued pressure from interest groups and pro-tenant researchers, this means there has been little let-up in the spate of publications recommending routes to more and better tenant participation.

2.3 In many senses, tenant participation stands out as a singular topic among the others in this review. It is mostly not about delivering a service. It is about the governance of that service, although there is a strong view that getting the governance arrangements ‘right’ will help improve the quality of the service by making it more appropriate to needs, more responsive, and more acceptable to service users.

2.4 Discussions of governance arrangements inevitably can be traced back to political philosophies (although these are usually unstated in much of the literature). Hence, it can be argued that ‘good practice’ in tenant participation depends very much on the political stance of the proposer (see Cairncross et al, 1997; Cooper and Hawtin, 1998).

2.5 The dominant perspective on tenant participation comes from a liberal-pluralist stance which leads to the view that the best form of governance is the one most acceptable to its participants. In this approach, tenants are regarding as having citizenship rights, a high degree of value is placed on democracy; only by fully participating can people exercise their freedom:

“Everyone is degraded, whether he is aware of it or not, when other people, without consulting him take upon themselves unlimited power to regulate his destiny.” (J.S. Mill ‘Representative Government’ in Birchall, 1988)

2.6 This leads to an approach which recommends giving tenants a wide range of opportunities to both discuss and agree what participation should consist of, and a flexible approach to its processes and implementation, up to and including tenant control.
2.7 Alternative stances derive from individualism and communitarianism. Within an individualistic perspective tenant participation often gets rendered down to ‘customer care’. This often means trying to please the tenant on an individual basis by providing the service which he/she wants as a result of listening to his/her needs, and by a gloss of greetings, thank yous and apologies where necessary.

2.8 Communitarianism offers an approach to tenant participation which suggests that tenants, collectively in co-operation with each other, should be in control, and leads to the promotion of governance arrangements such as TMOs, community-based housing associations, and housing co-operatives.

2.9 Finally, it is worth saying that a great deal of the controversy (where it still exists) about tenant participation, and an explanation for the long haul since the 1970s to get it fully on the agenda of social landlords, lies with the collectivist political origins of much social housing. Traditional council housing tended to embody the belief that the (democratically elected) state was the best institution for delivery services. Combined with traditional ‘professional’ attitudes and the development of bureaucracy this usually led to a denial of the value of alternative or parallel forms of influence such as tenant participation.

DEFINITIONS AND SCOPE

2.10 The term tenant participation is frequently used loosely, and covers a range of power relations, best and originally laid out in a more general context by Arnstein (1969) whose ladder extended from co-optation to citizen control. The processes and forms, which are included under tenant participation, are diverse. At its most minimal level, it even includes the provision of information, for without that there can be no higher form of participation. It certainly includes consultation, that is asking tenants for their views, and involvement which means tenants taking part directly in some way in making decisions. It may include dialogue: where tenants’ groups and landlords negotiate to pursue mutually acceptable solutions. It extends to tenants being directly involved in decision making, either by taking part in boards or committees where non-tenants are also present or in situations of tenant ownership and control, where tenants alone have the power to make decisions over their housing.

2.11 Tenant participation at its lower levels frequently involves tenants as individuals; processes of consultation, but also dialogue and aspects of tenant ownership and control involve tenants as a group, therefore part of the work of tenant participation involves recognising and supporting tenant’s associations and tenants federations. The means through which tenant participation is carried out include through print media and the spoken word, as well as surveys and meetings of all kinds.

2.12 Because approaches to tenant participation are driven essentially by political values, tenant participation defies easy definition. At its essence, it is about tenants having some kind of say in decisions affecting their homes. Beyond that, according to Cooper and Hawtin, “as a concept it remains nebulous and ambiguous” (1998: 3). So definitions in the literature tend to reflect the different aims and objectives of the authors. To start with a contemporary ‘official’ view, the Scottish Office says:

“Tenant participation is about tenants influencing decisions about housing policies, housing conditions and housing (and related) services. It is a two
way process which involves the sharing of information ideas and power. Its aim is to improve the standard of housing conditions and service.” (Scottish Office, 1999b: 4)

2.13 This reflects closely a pluralist approach designed to find the best system of housing governance. The DETR’s most recent publication avoids defining tenant participation at all and instead offers the view that it “forms a spectrum of activity – a range of possibilities for dialogue and negotiation” (Cole et al, 1999: 6).

2.14 The essentially political/philosophical origins about what participation should be, plus the dominance of the perspective which embodies flexibility, leads to a great deal of uncertainty or at least lack of precision over what good practice should be. Most current guidance includes phrases such as:

“... councils and tenants [should] decide which approach works locally. The answer will depend on local circumstances.” (Policy Action Teams, 1999a: 11)

“Good tenant participation requires flexibility rather than rigid structures. If there is a will on both sides, good tenant participation strategies will evolve by consensus.” (Scottish Office, 1998a)

“... there is no single blueprint for an effective resident involvement strategy. Every landlord’s strategy will differ depending on the history and pattern of involvement locally, whether there is an active tenants’ movement and (crucially) what residents want.” (CIH, 1999)

and, classically

“tenant participation can mean different things to different people and as such is used to mean different things at different times by the same people.” (Institute of Housing and TPAS, 1989: 19)

2.15 This flexibility seems to give rise to a good deal of uncertainty among housing staff. Despite more than 20 years of the promotion of tenant participation, and its now almost universal acceptance as a tenet of good practice, there is still a never-ending stream of material promoting it. There is also a great deal of misgiving about whether housing organisations are getting it right, or really doing it at all (Hutchinson and Brown, 1999).

**What is tenant participation good for?**

2.16 Some of the literature is surprisingly short on claiming advantages for tenant participation, e.g. CIH (1999b), which is a recent good practice briefing, does not say what the results of following good practice might be. Perhaps this is symptomatic of the almost absolute acceptance by government, professionals, pressure groups and researchers, that tenant participation is something all landlords should be involved in.

2.17 Advantages claimed elsewhere are of 2 types, one concerned with improving housing services or tenants’ reception of them, the second concerned with achieving gains for
individuals and for society at large. Rigorous evaluation of the benefits of tenant participation are rare, except in restricted circumstances (e.g. Price Waterhouse, 1995), but this is not surprising given its complexity, fluidity and the difficulty of disentangling cause and effect.

2.18 Housing service delivery benefits are said to be:

- uncovering inefficiencies and waste, possibly leading to greater value for money
- developing services which are more informed and responsive
- reducing conflicts through mutual understanding of service constraints and expectations
- overall higher satisfaction levels
- building alliances in defence of local interests

(after Cooper and Hawtin, 1998 and Housing Policy and Practice Unit, 1994).

2.19 Wider societal benefits are said to be:

- boosting individual’s self-confidence and skills through involvement in the participation process
- fostering citizenship and democracy as benefits in their own right
- increasing community feeling and social cohesion, with supposed benefits for local communities
- achieving good governance through accountability to service consumers.

2.20 These kinds of benefits are being promoted very enthusiastically by government (e.g. Policy Action Team 5, 1999; Scottish Office, 1998a, 1999a) and, to some extent, follow criticisms of accountability in government institutions which gave rise to the enquiries into the standards of public life from 1995 onwards. Referring to housing associations in particular the Nolan Committee commented:

> “they need to pay particular attention to securing genuine tenant involvement and to improving accountability through membership schemes.” (Committee on Standards of Public Life, 1996: 7)

2.21 Some of these supposed benefits raise interesting questions about the extent to which democratic renewal should be constructed on the back of landlord-tenant relations, or whether too much is being asked of it.
THE LEGAL REQUIREMENTS AND REGULATORY FRAMEWORK

2.22 The law requiring housing landlords to engage in tenant participation is pretty soft in England and Wales, and virtually non-existent in Scotland. However, there is also a rising expectation by government and its agencies that tenant participation policies are in place and that tenants are at least consulted. Lack of policies and consultation may lead to sanctions.

2.23 The Chartered Institute of Housing (1999) provides a summary of the main legal provisions. In England and Wales, landlords are obliged to consult secure (but not assured) tenants about certain aspects of housing management (not rents and charges), as defined by the landlords themselves. Council tenants also must be consulted if there are significant changes to the management regime being proposed, including proposals by councils to enter into management agreements (such as those formerly proposed under CCT) and stock transfer proposals. In Scotland, there are no general obligations in law on landlords to consult with tenants. However, Clapham et al (1995) found that there were similar levels of provision for participation in councils in Scotland and England. They concluded that the lack of a legal right to consultation had not damaged the development of participation in any way. Scottish councils are also expected to consult in the case of stock transfer, although tenants have no particular rights.

2.24 Council tenants in England and Wales, and Scotland have certain but different rights which might be included under the banner of tenant participation. They are entitled to receive information about the housing management service performance, and about certain policies, particularly about letting and tenancies. They also have the ability, collectively, to exercise the ‘Right to Manage’ (introduced in the Leasehold Reform, Housing and Urban Development Act 1993). Although there were provisions in both England and Scotland for tenant management, the wording of the Act was different. In England, tenants have a legally enforceable right to take over management of their estate and the government provides grants for a feasibility study and a programme of training. Aspiring tenant committees choose an independent agency (from a government approved list) to take them though a training programme and to assess whether they are competent and representative. There is detailed guidance and a system of arbitration in the event of disagreements between landlords and co-ops. In Scotland, the onus is on the council to decide whether tenants are ‘competent’ to take over management - with an appeal to the Secretary of State for Scotland (a government minister) if the council refuses (Scott, 2000). However, while ‘Tenants’ Choice’ (selecting an alternative landlord) was abolished in England by the Housing Act 1996, Scottish council and Scottish Homes tenants retain this right (although it has rarely been used).

2.25 Government and its agencies (Housing Corporation, Scottish Homes) also have various expectations that tenants are consulted. In many senses, these expectations are at least as strong an incentive as legal requirements which are rarely enforced. When government and quango expectations are backed up with the power of sanctions and rewards, landlords may take them seriously. However, it is not clear to what extent, if at all, sanctions have been used where tenant participation has proved inadequate.

2.26 In England and Wales, registered social landlords (RSLs) are expected to consult with assured tenants before making changes in management or maintenance policy. Scottish RSLs are expected “to promote forms of participation on behalf of tenants in relation to housing and related services” (Scottish Federation of Housing Associations and Scottish Homes, 1999). Scottish Housing Associations are also excepted to use the Model Assured Tenancy
Agreement (MATA) drawn up by the Scottish Federation of Housing Associations (SFHA, 1997a). This includes a clause on information to tenants which gives assured tenants of housing associations slightly more rights than Scottish secure tenants (Mullen et al, 1997).

2.27 Performance standards established by government agencies for RSLs also provide for customer service and information provision, the exact requirements varying across different parts of Britain. The Local Government Act 1992 requires Scottish local authorities to collect, publish annually and supply to the Accounts Commission, information on their performance on specific services. The Commission also publishes performance data and contextual information from local authorities’ submissions. There is no equivalent statutory obligation on RSLs. However, they are required by Scottish Homes to submit information on their performance on a number of indicators as part of their Annual Statistical Returns.

2.28 ‘Best Value’ is the latest area in which expectations are established by government for tenant consultation (DETR, 1999a). The DETR is proposing that all councils should develop Tenant Participation Compacts, which are basically locally negotiated agreements which will lay down in detail how tenants are to be involved in “both strategic and local decisions on housing issues” (1999b: 6). These will not be statutory unless lack of co-operation by councils necessitates new law. Compacts are to be established within the frame of national ‘Core Standards’ which define the range of services to which compacts apply, the activities of tenants which merit financial support, standards for meetings and information, standards for tenant participation structures, standards for representative organisations and, finally, performance monitoring. In effect these proposed ‘Core Standards’ are a checklist of ‘good practice’ which councils are expected to adhere to.

2.29 In Scotland, consultation on tenant participation has also been issued (Scottish Office, 1998a) and a ‘national strategy’ for tenant participation has been published (Scottish Office, 1999b). This anticipates a statutory right to consultation covering councils and RSLs, as part of proposed legislation on a single social housing tenancy (SEDD, 1999). This will be backed up by codes of practice covering national housing policy, local involvement, Best Value, stock transfer and regeneration and rural issues.

CUSTOMER CARE

Advice on good practice

2.30 One perspective on ‘customer care’ is that it is an inferior form of consultation, which relies on a view that the tenant is primarily a consumer. Cairncross et al (1998) argue that there has been a ‘battle of ideas’ between ‘citizenship’ and ‘consumerist’ approaches with the latter appealing to those who believe that public services are best achieved through market mechanisms. However, they also suggest, after Stewart and Clarke (1987), that the preferred approach to delivering housing services is combining elements of consumerism and citizenship in a ‘public service orientation’.

2.31 This seems to be the stance of many of the main sources of good practice advice. Recognising that housing is consumed both individually and collectively, the recommendation is to treat the individual tenants as a customer but to provide for collective involvement through tenant participation structures and processes. For example, the CIH (1999) manual of good practice regards customer care and tenant participation as

2.32 The principles of customer care are well developed in private business, and most of the good practice advice involves applying these to housing. Summarised, the main components of ‘customer care’ are:

- understanding customer needs and expectations
- maintaining positive customer relations by positive and helpful attitudes, and an accessible service delivered in a friendly manner
- aiming to deliver a service that is the highest quality within the resources available
- dealing with problems and complaints quickly and efficiently
- providing information about the services on offer and the landlord’s performance in delivering them
- monitoring performance of service delivery to ensure objectives are being achieved

(based on CIH, 1999 and Pollok Nisbet Partnership, 1994).

2.33 Adoption of a customer care approach leads, then, to more badges, uniforms, signboards and other ephemeral evidence of ‘Macdonaldisation’. However, it is also intended to change the relationship between tenant and landlord because the tenants’ views on the service are intended to be a critical influence on what is delivered and how. The CIH believes that a “*customer oriented service thus calls for equality in the landlord and tenant relationship*” (CIH, 1999: 10, 5). However, it is hard to take this seriously, given the real disparities of power which exist between the 2 parties.

2.34 It is particularly the components of information and understanding the needs and expectations of tenants which provide the link to more in-depth participation. Information provision is generally held to be an essential prerequisite of good participation (e.g. DETR, 1999b). There are a number of sources of advice on how to present information in an accessible and readable form (see TPAS (Scotland), 1994 and others). These tend to draw heavily on basic ideas for communication in many fields, including issues such as the intended audience, the response required or sought, and style and identity of materials (Wilcox, 1994).

2.35 Understanding the needs of the customer leads on to advice about how such an understanding can be achieved. There are numerous methods of market research and user consultation summarised by the Pollok Nisbet Partnership (1994), in the context of Best Value by Johnston and Reid (1998), and by the Cabinet Office (1998). These include mystery shopper approaches, exit surveys, focus groups, user panels, and citizens juries.
2.36 A great deal of regulator’s attention has centred on the desirability of regular tenant surveys, although surveys can also be directed at potential tenants, such as people on the waiting list, or users of particular services. This has, in turn, resulted in tailored advice on how to do tenant’s surveys, (e.g. Prescott-Clarke et al, 1993; NHF, 1997a). Quantitative surveys are able to give statistically reliable accounts of what tenants think about a landlord’s service in a relatively cost effective way. They can be reproduced year on year to provide evidence of improving or worsening performance and satisfaction. They are generally useful in telling landlords what their tenants think, but not so good on why they think what the way the do, for which qualitative enquiry can prove more enlightening.

2.37 There has been a tendency, in the 1990s, for housing organisations to seek external accreditation of their customer service. Recognised quality system standards include the Charter Mark, BS 5750 (ISO 9000) and Investors in People (see Pollok Nisbet Partnership, 1994; Johnston and Reid, 1998). These really have more to do with providing a tested and documented service to customers, which may include tenant consultation and tenant participation, rather than about consultation and participation per se. External accreditation is often used as a management tool or catalyst to genuinely raise standards of service, and to encourage staff commitment to the idea of quality.

2.38 The customer care approach to service delivery is widely accepted as good practice, and there now seems to be little controversy over it. There is certainly an adequate reservoir of good practice advice, particularly from private sector experience. However, the existence of customer care codes and charters cannot themselves improve services. That requires the right sets of attitude and behaviour among staff, encouraged by training and management commitment. Indeed, expectations may be raised which cannot be achieved, undermining confidence in the landlord.

PARTICIPATION

2.39 The requirements of good practice in tenant participation are not a matter of much dispute. The chief current sources of good practice guidance include the Chartered Institute of Housing (1999), DETR (1999b), Housing Policy and Practice Unit (1994). There is also older material (such as CIH/TPAS, 1989 and Cairncross et al, 1990) which still contain many relevant ideas. In addition, there is more specialist guidance covering supported housing (e.g. Keeble, 1996; Simons, 1998) and rural areas (Davies and Russell, 1991) which have the same common core of ‘good practice’ ideas. New guidance is expected soon within the SFHA Raising Standards in Housing Management guidance. More general guides to community participation such as Wilcox (1994) also cover a lot of similar ground. In any case much of the advice is really general advice on policy making and implementation applied to tenant participation.

2.40 Summarised, then, the main points of good practice for landlords arising from these guides are as follows:

• have a commitment to tenant participation

• develop a policy or a tenant participation strategy with aims and objectives
• be flexible about structures and processes – encourage a range of types of participation, a range of topics for participation, and methods

• whatever approach is adopted it must be acceptable to tenants; they should help develop it

• respect tenants groups and support them materially

• take steps to develop an infrastructure for participation, including your own staff’s skills and priorities

• monitor and evaluate what you are achieving with a view to amending the policy and its practice.

These points are discussed in more detail below.

Commitment

2.41 Clearly, the Government and Scottish Executive see tenant participation as one of the key tools of bringing ordinary people closer to decision making and making public agencies and local government more accountable. At the landlord level, commitment is urged as a tenet of good practice because it brings with it the attention of senior staff, councillors, board members, etc. as a prerequisite of good policy development and adequate resources. Landlords are encouraged to ‘open up’ decision making processes and ‘let go’ (Cole et al, 1999) and to consider their culture and how it can be altered (Housing Policy and Practice Unit, 1994).

2.42 Legislation, albeit weak, is one way to encourage some kind of commitment; the regulatory regimes of Scottish Homes and the Housing Corporation are also designed to foster it.

Aims and objectives

2.43 All sources of advice are of one voice: to achieve tenant participation it is necessary to have a policy or strategy on tenant participation. This should contain aims and objectives, and indicate through what means tenant participation will be achieved. Unlike some areas of housing management, the emphasis (for example in Cole et al, 1999; CIH, 1999 and elsewhere), is on flexibility. Flexibility extends to the aims and objectives, which can vary from quite modest statements about tenants having a say, to aims to empower and develop tenants (Cole et al, 1999: 10). It also extends to the methods to be employed: “tenant participation strategies will be different in each authority” (Cole et al, 1999: 9).

2.44 A key element of developing a tenant participation policy on strategy is to involve the tenants themselves in the process. All the leading sources of advice and all housing management topics now suggest that landlords should involve tenants in setting the objectives for each service area; inevitably the same applies to tenant participation (Housing Policy and Practice Unit, 1994; Cole et al, 1999; DETR, 1999a; CIH, 1999b). Indeed, the development of tenant participation policies is seen as a reflexive process, whereby
participation policies develop in response to their own success in empowering tenants to be able to be involved in the development of such policies.

2.45 The DETR’s current proposal (DETR, 1999a), to insist that every housing authority in England develops a tenant participation ‘compact’, is a development of the good practice advice that already exists relating to strategies. Although there are proposed to be ‘core standards’ (as discussed) for tenant involvement, tenant participation compacts are intended to be locally negotiated policies and strategies for participation, agreed by tenants and landlords.

Scope, structures and processes

2.46 The guidance on the scope of participation and its structures and processes is vast and there are numerous research reports concerning case studies of (successful) participation ventures, and ‘good practice’ examples. However, all are agreed on one thing: whatever is adopted must reflect the needs of the local circumstances, and suit the interests of both tenant and landlord.

2.47 It follows that good practice advice in this area frequently presents a menu of options (not to be chosen arbitrarily, however). Such menus cover first, a range of services or issues in which tenants may be involved. These range from the structural and strategic (often regarded as the most difficult area to stimulate involvement) to the tangible and local, such as estate management. It is generally recommended that tenants are given the opportunity to be involved in everything, but accepted that they may not want to be.

2.48 Second, the menus present a range of possible structures and methods including:

- forums
- conferences and workshops
- community planning events
- standing committees
- tenant involvement in committees
- public meetings
- working parties and ad hoc groups
- local committees, and block or close representatives
- tenant management through Tenant Management Co-ops, Ownership Co-ops and Community-based Housing Associations.

2.49 Good practice advice (e.g. Wilcox, 1994) frequently examines the advantages and drawbacks of each of these and more generally, urges landlords to act in ways which are the most encouraging, accessible and as pro-tenant as possible.
Acceptable to tenants

2.50 Whatever the scope of participation and whatever structures and practices are adopted, all good practice advice suggests that arrangements should be acceptable to tenants. The DETR (1999a), for example, suggests in its paper on compacts that all arrangements for participation must be developed in ‘partnership’, which seems typical of the modern approach.

2.51 However, this is not unproblematic for, in order to provide assurance that arrangements for participation are acceptable to tenants, tenants have to know about the range of possibilities which are available, and be enabled to participate with landlords’ officials on something of an equal basis. This then leads on to the desirability of supporting tenants in the participation process.

Tenants’ groups

2.52 Good practice advice suggests that tenants’ groups should be recognised and resourced by the landlord. This can be a contentious area, especially where tenants organise to oppose landlord’s proposals. Since tenant participation (in contrast to customer care) is a collective activity, it follows that it is necessary for landlords to encourage, and recognise the existence of tenants’ groups. Lack of representativeness is often seen as a key problem in dealing with groups of tenants. Therefore, it is often recommended that groups have clear constitutions, defined areas, identifiable memberships and operate according to agreed standards of governance and equal opportunities (CIH, 1999b). These principles are almost exactly repeated by DETR (1999a) and described as ‘core standards’ for tenants’ organisations.

2.53 The CIH (1999) standards for support are also typical; summarised, they suggest providing:

- financial support to tenants groups to help them form, and keep them going
- expenses for attending meetings, and allowances for child care
- access to material resources such as meeting space, communications, and print
- clerical and administrative help
- access to training across all the fields of housing practice
- access to independent advice, i.e. not from the landlord.

Again, most of these are echoed in DETR (1999a).

2.54 Additionally, Cole et al (1999) discuss the role of central ‘resource centres’ for tenants, which can provide a wide range of support services and allow tenant groups to become more professional. However, there seems to be no advice, anywhere, on how much money should be spent on supporting tenants.
Staff skills

2.55 The recommended infrastructure also includes landlord’s staff. Good practice requires all staff to have an awareness of tenant participation which may require training to achieve cultural reorientation (Housing Policy and Practice Unit, 1994; Scottish Office, 1998). Some sources (e.g. CIH, 1999 and Somerville et al, 1998) recommend in addition dedicated staff who have a specific remit to support tenant participation and make it work; perhaps in a tenant participation unit.

Monitoring and evaluation

2.56 Given the growth in regulation generally in the social housing sector, and the Government’s and Scottish Executive’s current commitment to tenant participation, it is no surprise that great emphasis is laid on monitoring and evaluating tenant participation in recent official publications, such as DETR (1999a). Following the Housing Policy and Practice Unit (1994) because of the complexity of tenant participation and the lack of specificity of its aims, plus the fact it is a flexible process, it is recognised that this is a difficult area. Indeed, Cole et al found that it was “the most neglected area of policy and practice to promote tenant involvement” (1999: 39).

2.57 Some good practice advice concentrates on at least getting a grip on tangible throughput measures, such as numbers of meetings, staff hours devoted, training days, funding tenants groups, newsletters etc. The Chartered Institute of Housing (1999) recommends an ambitious list of 29 performance indicators, on top of those required by statute or by regulatory agencies.

2.58 However, most advice in this area, including that relating to proposed tenant participation compacts in England, is much more general and based on applying principles of management to tenant participation. As with other topics, monitoring and evaluation relies on generating clear objectives and targets in the first place and finding ways to measure them.

PROBLEMS AND UNRESOLVED ISSUES

Landlord reluctance

2.59 The longstanding availability of good practice advice in this area does not mean that all landlords have well developed policies. Although there is evidence that most landlords have tenant participation policies (Scott et al, forthcoming), the Scottish Office’s (1998a) consideration of the need for legislation imply that there is a sense of disappointment at what is being achieved (see Hutchinson and Brown, 1999).

2.60 It is largely a matter of speculation why there may be a gap for many social landlords between advice and implementation in practice. Cairncross et al (1997) suggest 2 reasons which are to do with different political values among landlords compared to those which predominate in the tenant participation literature. First, a belief that tenant involvement should be confined to low-level estate matters and that involvement in policy making by tenants was inappropriate; and second, a concern with the legitimacy and representativeness of tenants’ groups.
2.61 An obvious problem with the available literature in appealing to the more cynical is that little of it clearly demonstrates what the material advantages are for landlords of devoting resources to participation. Almost all sources, virtually without exception, are designed explicitly or implicitly to promote or encourage tenant participation, and are silent on evaluating the costs and benefits. That goes for more academic treatments like Cairncross et al (1997) and Cooper and Hawtin (1998) as well as obviously promotional material from Government and TPAS. Almost all social landlords are under financial pressure, and have to strike balances between acceptable rent levels and service quality. An obvious issue for landlords in deciding to adopt more thorough-going tenant participation policies and practices is a misgiving that the effort and cost in promoting tenant participation may not be repaid through better services and efficiency savings. The benefits claimed in the literature are rather imprecise at best. There seems to be no studies which examine the cost effectiveness of tenant participation except in the limited circumstances of TMOs and co-operatives (Price Waterhouse, 1995).

2.62 Moreover it is evident that some of the claimed benefits are not even related to the core tasks of social housing organisations. For example, Cooper and Hawtin (1998) argue that tenant participation should really be about community empowerment, that is to play a part in a political project concerned with the emancipation of ordinary people from the grip of big organisations. Indeed some of the government’s aspirations for tenant involvement are in the same vein; they see it as a contribution to community development and even to tackling questions such as crime and unemployment (DETR, 1999a: 5). While perhaps few would deny that it is desirable to live in a generally better society it may not be clear to housing managers (or tenants) why this should be paid for through the rents.

Tenant disinterest

2.63 Cole et al (1999), Wilcox (1994) as well as Cairncross et al (1997) recognise the perception of tenant disinterest or apathy as a barrier. The solution is typically seen as trying imaginative ways to attract people to attend meetings (usually the first step to face to face participation) by making them ‘fun’, attractive, interesting etc, and by providing practical help to enable attendance.

2.64 Tenant interest in participation is often weakest in situations where:

- there is no tradition of working class activism
- there are few identifiable problems with the management service and the neighbourhoods where social housing lies
- in rural areas, where communities are small and distances are large.

Ultimately, according to the underlying liberal-pluralist philosophy, disinterest may be an active and therefore legitimate choice.


Power

2.65 Many of the more ambitious tenant participation strategies refer to ‘empowering’ tenants. However, true transfer of power is problematic. The literature on tenant participation and community participation generally is replete with examples of participation schemes where little or no power is transferred (e.g. Hastings et al, 1995; Kintrea, 1996). Cairncross et al (1997) suggest that the objective of some managers and councillors is not to transfer power but to co-opt tenants, and seek to legitimise existing policies. The DETR submits that “elaborate participation structures may be little more than window dressing with tenants exercising little power or influence in reality” (1999a: 11). Cooper and Hawtin, after an extensive review, contend that:

“while tenant participation may have led to some improvements in people’s lives, it has not led to a shift of power between the principal stakeholders in the housing game.” (1998: 324)

2.66 The solution to this, at least implied by the DETR, is to gear up tenant participation, make arrangements more formalised in a ‘compact’, and monitor them. For Cooper and Hawtin, it is an approach to tenant participation based on community work principles, which genuinely seeks to encourage self-determination and to redress power inequalities through participative democracy, sharing knowledge, and attitudinal change.

CONTROL AND OWNERSHIP

2.67 Control and ownership by tenants as a facet of tenant participation embraces 3 main types of organisation:

- Tenant Management Organisations (TMOs)
  including tenant management co-operatives and estate management boards

- Community-Based Housing Associations
  mostly in Scotland, which typically, but not necessarily, have management committees with a majority of tenants

- Housing Co-operatives
  where the tenants collectively own the properties as well as manage them.

Additionally tenants serving on the committee or board of a housing association or RSL, without there being a tenant majority, also represent a kind of direct control.

2.68 These kinds of organisations, at face value, represent the ultimate in tenant control, as they break down the distinction between landlord and tenant. However, general ‘good practice’ advice concerning customer care and (mainstream) participation can be applied equally to such organisations because, except in the case of very small co-operatives, in practice the landlord role is held only by the minority of residents who are elected to the board or committee. As Goodlad and Kintrea (1997) and Clapham and Kintrea (2000) suggest through case studies, such organisations cannot be assumed automatically to have good tenant participation practices, just because residents are on the board. Nevertheless, in
practice, more tenants do seem to have more involvement than in other forms of housing management, and the organisations are highly trusted.

2.69 There is a range of advice about tenant participation which is tailored towards tenant-run organisations. At the most basic level most guides to forms of participation include control and ownership in the usual ‘menus’ of approaches.

2.70 When new tenant-controlled social housing organisations are set up they mostly have to undergo fairly rigorous procedures of approval before they are permitted to function. Scottish Homes and the Housing Corporation have guidelines about new organisations being viable, and the management committee being able to demonstrate it has sufficient experience, before they can be registered. However, it would be wrong to call these arrangements good practice, as they are really rules imposed in the name of good administration and public accountability, and have not really been subject to external review.

2.71 In England and Wales, and Scotland, council tenants have the ‘Right to Manage’, i.e. to set up a TMO subject to conditions about feasibility and development programmes, and after negotiating an agreement with the council and balloting tenants (Scott et al, 1994a). In England and Wales only a system of support has been set up for tenant groups who wish to pursue this right (Scott et al, 1994b). Although this literature was based on assessments of the development of TMOs in practice, its main purpose was to provide guidance to be used by DoE (later DETR), councils and tenants in setting up new TMOs.

2.72 A recent evaluation of TMOs by Somerville et al (1998) drew up some explicit good practice guidelines for the development and ongoing management of TMOs. Although there are over 40 points of good practice, the majority of these are either couched in extremely general terms (‘good communications’, ‘realistic start up costs’, ‘trainers need to be knowledgeable’), or can be rendered down to general principles of a pro-tenant approach or of good management generally.

CONCLUSIONS AND GAPS IN GOOD PRACTICE GUIDANCE

2.73 It would be difficult to argue that tenant participation is an area where good practice ideas are not well developed. This is in spite of the fact that the Scottish Executive, together with representatives from tenants organisations, support agencies, local government and the housing association sector were, at the time of writing (late 1999), drawing up new codes of practice for tenant participation and even anticipating new legislation.

2.74 It is evident that there is great consensus among professional bodies, Government and independent commentators, both about the principles of tenant participation and the detail of how to achieve it. There is advice on how to fix everyday problems such getting people to turn out for meetings, supporting tenants groups and encouraging black and ethnic minority involvement, although these are only lightly sketched in this review.

2.75 The reason that it continues to preoccupy policymakers, researchers and pressure groups is twofold. First, activities beyond customer care and individual consultation are genuinely hard to do (certainly compared to simple processes of housing management like chasing rent arrears or doing repairs). It is a reflexive process, relying on tenants’ responses and, in most organisations, it is continually being changed and developed, as processes and
structures are experimented with. Second, landlords do not always do it with great commitment or enthusiasm, and this is regarded with disappointment by campaigners and by governments interested in democratic renewal. Explanations for the lack of interest are not well founded in research; some may stem from different political beliefs to those which predominate among those who seek to promote tenant participation; others, speculatively, may stem from a lack of conviction that tenant participation effort is cost effective.

2.76 Whether more good practice advice and new codes of practice will make any difference is moot. Currently there is a very high level of activity in government in both England and Scotland, designed to achieve greater degrees of participation through new strategies and policies at national level. However, it seems unlikely that anything genuinely new will emerge from this.

2.77 There are some problems evident with some of the current ‘good practice’ advice. First, too many sources, particularly those of the influential CIH, are lists of telegraphic points, which always beg the question ‘why?’ Second, research on tenant participation, which usually leads to ‘good practice’ recommendations, is relentlessly pro-tenant and argues from the position of extending tenants rights. It might be argued that this is a useful antidote to landlords’ much more powerful structural position. However, it is not always very convincing in portraying what benefits there might be to landlords of encouraging wider, and more intensive, participation. After all, it is landlords who must allow tenants in to their decision-making processes, unless tenants are so well organised as to act politically so as to force landlords to act. There has been very little genuine cost-benefit evaluation of tenant participation, and a great deal of claims for the ‘success’ of tenant participation measures is built on shallow case studies investigated without comparators. This kind of material often lacks conviction and may be easily dismissed, particularly in landlords where there is a centralist tradition of decision making.

2.78 Lastly, legislation on tenants’ rights to participate is vague, different across the UK and for different types of landlords and much of it is probably unenforceable without a body of case law, even if there were willing enforcers. There may be advantages in putting all kinds of social landlords on a common footing with respect to official advice and legal provisions. It would help end some of the confusion which exists about sources and standards. However, this does not seem a likely outcome in England, although there is some better prospect in Scotland if the Scottish parliament legislates to introduce a new, unified form of tenancy for councils and housing associations.

2.79 No doubt, if taken seriously enough by regulatory agencies, and backed up with tough enough sanctions, landlords can be persuaded to take tenant participation more seriously, and achieve the ‘step change’ referred to by the DETR (1999a). However, enforcement of good practice advice is also going to be dogged by the in-built problem of the need to design participation processes and structures to meet local needs, hence leading to wide and complex variability between landlords and locations. In any case tough regulation is itself a problem for tenant participation policies with aspirations involving the cession of power; already there is evidence of regulators and community-controlled organisations clashing over policy and practice (Clapham and Kintrea, 2000).

2.80 In the final analysis, there will remain different conceptions among different landlords, government, tenants, pressure groups and writers of what role social housing should play. It sits across an uneasy divide of being a property business, a social service for
those in ‘necessitous circumstances’, and a locus of societal and political construction, particularly in its typical form of a housing estate inhabited by ‘active citizens’. It may indeed play all these roles at the same time. Not only are the benefits of tenant participation uncertain to be delivered, some of them relating to citizenship may be of little interest to managers struggling with the core business of maintaining basic services on small budgets.

2.81 ‘Good practice’ in tenant participation, then, will always be contingent. Although, as at the present, there may be many who seem to share the same faith and want to impress it on backsliders.
CHAPTER THREE HOUSING ALLOCATIONS

INTRODUCTION

3.1 This chapter examines the management of access to social housing and the transfer of tenancies between properties owned by the same landlord. It covers the principles of rehousing prioritisation, the administration of waiting and transfer lists, the assessment of housing need, tenant selection and property matching, and local authority nominations to housing associations. Reference is also made to unlawful discrimination in housing allocations and the extent of applicant choice is discussed.

3.2 The allocations function is closely linked with the assessment of homeless applicants and with void management. A specific area of overlap concerns landlord responses to low demand housing, which most commonly involve variations in allocation policies (Pawson et al, 1997). Related good practice advice is mentioned in the main body of the text. However, given its significance, a separate section is devoted to this issue towards the end of the chapter.

3.3 Legislation, regulatory guidance and good practice advice in this area is mainly pre-occupied with promoting equity in the distribution of social housing, viewed as a scarce resource to be allocated impartially. Recent additions to the literature, however, have begun to pay more regard to the role of allocations in shaping communities and the need for different approaches in areas where social and demographic changes mean that social housing is no longer in short supply.

3.4 With the implementation of the Housing Act 1996 in England and Wales, the statutory frameworks for social housing allocations north and south of the border have diverged. Consequently, some of the more recently published guidance emanating from England has only limited applicability in Scotland. Nevertheless, whilst the review focuses primarily on guidance drafted in the Scottish context, it also refers to more general texts as well as those intended for use in other jurisdictions.

PRINCIPLES OF REHOUSING PRIORITISATION

3.5 The traditional view that social housing should be allocated to those households in greatest housing need was expressed most authoritatively by the Cullingworth report (CHAC, 1969). In Scotland, however, economic priorities were reflected by the Scottish Housing Advisory Committee’s advice that rehousing preference should be given to ‘skilled workers needed by industry and others whose rehousing would benefit the community’ (SHAC, 1950 – quoted in Griffiths et al, 1996: 9). Nevertheless, in Scotland as well as in England, the official preference for a needs-based approach is highlighted by the reasonable preference criteria which form the centrepiece of the legal framework for council housing allocations in both jurisdictions (see below).

3.6 Despite its popularity, the concept of need in allocation policy raises significant problems in practice. As Clapham and Kintrea (1991) pointed out, there is a question of how and by whom housing needs are defined and identified. Needs assessment systems generally rely on professionally designed scales which attempt to measure problems such as the degree
of overcrowding or the lack of amenities. Applicants themselves “may place rather different values on the same set of circumstances” (p.58). In addition, the assessment of the relative priority of different households involves an essentially arbitrary set of judgements about the relative weight accorded to different types or degrees of housing need.

3.7 In any case, whilst the individual’s housing need has been traditionally emphasised as the main criterion for social housing allocations (in Scotland as well as in other parts of Britain), 2 other principles of rehousing prioritisation are also longstanding. Firstly, in pursuit of an efficient use of resources, it is recognised that the priority attached to moves of existing tenants must be dictated, to some extent, by the landlord’s own interest in recovering the dwelling occupied by the tenant. ‘Landlord interest’ moves relate to instances such as underoccupation and cases where homes require decanting to permit major works or redevelopment. Second, there is an acceptance that allocations decisions have implications for the social mix and residential stability of neighbourhoods.

3.8 During the 1990s increasing attention has been paid to these non-need criteria. In England, though not in Scotland, local authorities have faced increasing pressure from central government to accord greater priority to underoccupiers (Barelli, 1992). In Scotland, as in other parts of Britain, there has been a growing emphasis on the importance of stable, balanced communities. This has prompted a view that, in social housing allocations systems, the balance between community needs and individual needs should be tilted more in favour of the former rather than the latter (Griffiths et al, 1996).

3.9 The term ‘community lettings initiatives’ has been applied to describe allocations schemes aimed at bolstering or, indeed, creating a local ‘community’. Such initiatives can be divided into 2 types: those which seek to influence behaviour of residents (by, for example, fostering a ‘balanced community’), and those which seek the direct exclusion of those who, it is feared, may become ‘anti-social tenants’ (Griffiths et al, 1996). Among the former are schemes to limit child density on new estates. This might involve a policy of initial ‘underletting’ (recommended by Page, 1993). Prioritising incoming transfers is another approach sometimes considered. This might work for new housing association developments. It is, however, difficult to see how it could be practical for estates which are clearly unpopular.

3.10 ‘Community lettings’ strategies aimed at the direct exclusion of potentially troublesome residents sometimes have the added ingredient of direct tenant involvement. Griffiths et al (1996) cite one example of such a scheme operated by a Scottish local authority. Consideration by housing officers of prospective tenants’ previous tenancy records, and the reservation of the right to reject applicants on this basis is probably a more common approach, at least in England (Niner et al, 1997). A wider ranging strategy, favoured by some local authorities and by the previous Westminster administration (SOED, 1995) is to grant all new tenants an initial ‘probationary tenancy’ to facilitate their speedy removal, should they prove ‘troublesome’.

3.11 Traditional approaches to social housing allocations have been shaped by an overwhelming emphasis on achieving fairness and on targeting resources to reflect measured needs, defined in a quasi-objective way. The highly bureaucratic administrative framework implied by such goals is starting to break down in some areas where, as a response to low demand for housing, some social landlords are opening up access to a much wider range of households than has been customary. Under schemes of this sort, customers are solicited
through open advertising and housing needs eligibility criteria are given little or no status in
determining who may be offered a vacancy (Bramley et al, 2000a). Such approaches could
be seen as being shaped primarily by a marketing rather than a rationing philosophy. In areas
subject to low demand, methods of this sort are explicitly permitted under the regulatory
guidance issued by the DETR and Housing Corporation for England (Code of Guidance on
Parts VI and VII of the Housing Act 1996, (first edition) para 5.6; Performance Standards
1998, Standard F2.1).

3.12 In spite of the growing tendency to adopt such approaches in areas subject to low
demand, more widespread application of quasi-market methods in social housing allocations
is probably not feasible under the current legislation prevailing in both England and Scotland
(see below). Nevertheless, there is increasing interest in allocation systems in which
customer choice rather than bureaucratic decision-making is pre-eminent. In particular,
attention has been attracted by the ‘Delft model’ developed in the Netherlands over the past
10 years and which involves the widespread advertising of most social housing vacancies,
and – within certain guidelines - allows potential customers to register an interest in specific
properties (Kullberg, 1997).

3.13 A specific question raised by possible moves towards less bureaucratic systems for
the allocation of social housing relates to the possible equal opportunities implications which
might arise. In the past, for example, good practice advice on eliminating racial
discrimination in allocations has tended to emphasise the need for a highly regulated,
systematised approach (e.g. Commission for Racial Equality, 1984). Concern that less
bureaucratic methods could compromise equal opportunities would need to be acknowledged
through careful monitoring of outcomes.

THE LEGAL AND REGULATORY FRAMEWORK

Relevant legislation

3.14 The allocation of social housing in Scotland is largely governed by the Housing
(Scotland) Act 1987 and by Scottish Homes regulatory guidance which applies to housing
associations or Registered Social Landlords (RSLs).

3.15 Other relevant legislation includes the Sex Discrimination Act 1975, the Race
Relations Act 1976 and the Disability Discrimination Act 1995 (SDA, RRA, DDA). These
latter acts contain specific provisions relating to housing allocations. Landlords are
prohibited from discriminating against applicants in the disposal of property:

i. in the terms on which premises are offered

ii. by refusing the application for premises

iii. in the treatment of an applicant in relation to any list of persons in need of premises of
that description.
Access to housing waiting lists

3.16 Local authorities are restricted from barring certain categories of applicants from registering on housing lists. Under S19(1) of the 1987 Act, authorities may take no account of, for example, the applicant’s age (provided that they are 16 or over), the applicant’s income or whether the applicant is already an owner occupier. Councils are also encouraged to accept applications from persons resident outside their boundaries, provided that they have an employment, social or medical reason for wanting to live in the area.

3.17 Under the Housing (Scotland) Act 1987, RSLs are obliged to have rules which govern admission to their housing list.

Rehousing prioritisation and tenant selection

3.18 The traditional expectation that social housing will be allocated according to housing need is reflected in S20 of the Housing (Scotland) Act 1987 which sets out a number of ‘reasonable preference’ criteria which should be used by local authorities in selecting tenants. These criteria refer to overcrowding, to unsatisfactory physical conditions and to homelessness. In making allocations, local authorities are again prohibited (under S20(2)) from taking account of factors such as age, income or length of local residence. Further, councils may not make rehousing eligibility conditional on the cohabitation of applicants or on the application having been in force for a certain period.

3.19 RSLs are not subject to the legal rules applied to LAs (see above), though they are required to publish their allocations policies, making them available to local authorities and housing applicants in the areas where they work. In the RSL sector, the emphasis is on regulation rather than legislation. Scottish Homes, as regulator, expects RSLs to allocate vacancies to “those with high levels of housing need ...” but also accepts the need for allocations to (i) make the best use of available stock, and (ii) assist in the creation and maintenance of balanced and stable communities. In addition, RSLs are expected to enter into nominations agreements with local authorities and to accept nominees referred by those authorities (usually amounting to 50 per cent of net vacancies).

3.20 Under the acts outlawing unfair discrimination (SDA, RRA, DDA), all social landlords are prohibited from offering accommodation to women, ethnic minorities or disabled people on less favourable terms than would be the case for other applicants. This could involve, for example:

- setting a higher rent, or requiring a larger deposit, than would be required from others
- requiring a guarantor (in the case of a disabled tenant)
- offering the premises only for a shorter (or longer) term
- offering to grant a different form of tenancy than would be granted to others, such as a short assured tenancy rather than an assured tenancy.
The DDA also explicitly prohibits landlords from refusing to let property to a disabled person. This probably encompasses refusing to let premises to a disabled person unless a third party becomes a joint tenant.

ACCESS TO HOUSING

Publicising housing opportunities

3.21 In the past, with social housing vacancies generally in relatively short supply, landlords have seen it as neither necessary nor appropriate to solicit applicants through active publicity. In England, at least, the need to respond to falling demand in some areas has prompted some housing organisations to change their practice in this area (Pawson et al, 1997). Good practice guidance for Scottish RSLs, however, urges landlords to be more proactive irrespective of local housing market circumstances. This is justified on the basis that it “is necessary for the RSL to be confident that the applications it receives are an accurate reflection of housing need” (SFHA, 1999: 8). The fact that RSLs remain relatively unfamiliar to many who might be potential customers is an additional factor which may need to be borne in mind here.

Access to housing lists

3.22 Unlike local authorities, there is no statutory obligation on RSLs to maintain open housing waiting lists. The management of lists is a costly function and for RSLs operating in areas of social housing shortage and/or where turnover rates are low, the option of closing the waiting list will have some attraction. However, good practice guidance advises that lists should, at all times, be kept open on the grounds that closure withholds from potential applicants the opportunity to be assessed for housing and “denies RSLs a potential means of gauging levels of housing need” (SFHA, 1999: 8). As an alternative to list closure, RSLs are urged to continue to assess potential applicants with respect to a needs threshold, below which their application will not be registered (Britain and Yanetta, 1997; SFHA, 1999).

3.23 A more substantive issue concerns restrictions on eligibility for registration on waiting lists. The local authority position here is partly conditioned by the legislation which rules out exclusions on certain specific grounds (see above).

3.24 Generally, the CIH view is that “eligibility criteria should be avoided whenever possible” (Britain and Yanetta, 1997: 31). Two reasons are given. Firstly, eligibility criteria – by definition – exclude an applicant before their needs have been assessed. Secondly, because they exclude before assessment, they reinforce the existing definition of housing need, thus reducing the value of the housing as an aggregate need indicator.

3.25 With respect to RSLs, the SFHA echoes the CIH view, emphasising the need to avoid ‘blanket restrictions’ which exclude entire categories of applicants without taking into account applicants’ particular circumstances. Such an approach would unreasonably fetter the landlord’s discretion. It is also noted that the past housing histories of statutory homeless nominees “should not figure in the decision to rehouse” (SFHA, 1999: 10).
3.26 SFHA guidance discusses some of the criteria which might be used to exclude applicants from housing registers and the precise methods used to implement such policies. For example, the guidance discourages credit checks on applicants, partly on the grounds that the information concerned may relate to someone no longer part of the household. It is advised that references should be sought only with respect to “the conduct of current or previous tenancies” (SFHA, 1999: 11). And, in any case “references from private landlords should be avoided or treated with extreme caution” (p.11). With respect to anti-social behaviour, it is advised that “only conduct which was serious, relatively recent and confirmed by an official source (e.g. police or previous social landlord) should be grounds for the possible refusal of an application” (p.11). In cases where previous misbehaviour resulted in eviction, the situation may be more clear cut.

3.27 The Code of Guidance on Homelessness (Scottish Office, 1997) advises that previous anti-social behaviour should not indefinitely exclude someone from consideration for rehousing. The Code also argues against the application of fixed time limits. Instead, all cases should be treated on their merits.

3.28 An alternative approach to list closure is the imposition of a threshold level of housing need below which applications will not be entered on the waiting list, or where recorded applications will be treated as ‘inactive’ unless the applicant’s circumstances change. The SFHA endorses such an approach with respect to RSLs dealing with “applicants assessed as having no housing need or only low levels of need relative to the supply and demand at that time ...” (SFHA, 1999: 13). The CIH concurs, though landlords are warned that a threshold system should not “become viewed as an acceptable way of handling ‘low priority’ applicants” (Britain and Yanetta, 1997: 33). With respect to local authorities, however, the CIH regards the imposition of housing need thresholds as unacceptable.

Home visits

3.29 The practice of making home visits to housing applicants has, in the past, sparked controversy because it was implicated as integral to the practice of unfair discrimination between housing applicants (Burney, 1967; Phillips, 1986; Henderson and Karn, 1987). The grading of housekeeping standards through home visits was, at one time, seen as an acceptable means of identifying potential ‘bad tenants’. Worse, such assessments were credited with having a racially discriminatory effect, given the unfamiliarity of many white housing visitors with the culture of some black or ethnic minority applicants.

3.30 However, home visits are still routinely carried out by many landlords as part of the housing needs assessment process. This is in line with good practice advice applicable in Wales which recommends visits as essential in the interests of fairness (Parker and Stirling, 1995). The guidance suggests that these should take place as soon as possible after a housing application has been lodged. The purpose of such visits will include:

- checking that the application form has been correctly completed
- collecting additional information about the applicant’s housing conditions (including an independent check on issues such as disrepair)
- advising the applicant about the processing of their application
• recording any repairs required and (in the case of transfer applicants) identifying any which are the tenant’s responsibility.

It is also pointed out elsewhere that home visits can be particularly important in the case of applicants with care or support needs, since such applications are often likely to involve claims that existing properties are unsuitable (Pawson et al, 2000).

3.31 Other guidance is less wholehearted in endorsing the necessity of home visits. However, where such visits are carried out, both the CIH and the SFHA recommend that their purpose and scope should be clearly specified (CIH, 1999; SFHA, 1999). Both stress that home visits should not involve subjective judgements relating to housekeeping standards and the SFHA suggests that “where there is evidence of damage ... staff should consider whether there may be extenuating circumstances such as domestic abuse” (p.47). The CIH guidance is entirely silent on the issue of home visits.

**Common housing registers**

3.32 A common housing register (CHR) is:

“...a list of all those registering their housing need (usually) in a local authority area. In all but the least populous areas a common housing register would be a computerised database with access for many landlords. Each then can apply its own allocations criteria, e.g. a points assessment system.” (Binns and Cannon, 1996: 9).

3.33 The CIH favours the establishment of CHRs on the basis that they can be “a most valuable tool in making the allocation of social housing more systematic in provider terms and more transparent from the perspective of housing applicants” (Binns and Cannon, 1996: v). Central government’s preference for CHRs was made evident in the recent housing green paper (Scottish Office, 1999a).

3.34 CIH Scotland regards CHRs as a “‘desirable’ form of collaboration between social landlords” (Britain and Yanetta, 1997). Similarly, the SFHA describes CHRs as “an extremely positive development” (SFHA, 1999: 20), though 2 potential obstacles are acknowledged:

• the need for landlords to minimise their information requirements with respect to applicants so that common application forms do not become long and unwieldy

• the identification of appropriate computer systems to enable landlords of different sizes to participate fully.

3.35 Although it is largely based on the experience of CHRs set up in England, the detailed advice on how to specify, commission and implement common registers provided in the CIH guide (Binns and Cannon, 1996) is generally relevant in the Scottish context. In addition, the SFHA intends producing its own guidance and has already commissioned a briefing paper drawing on the emerging evidence from CHRs being set up in Scotland (Third, 1999).
Reviewing housing lists

3.36 The importance of keeping housing registers up to date cannot be overstated. Typically, the housing circumstances and needs of households registered on waiting lists are subject to rapid change. Obsolete information held by the landlord can mean that the allocations matching process produces inappropriate tenancy offers or that offer letters receive no response because of being sent to incorrect addresses. Better quality information should help to reduce average relet intervals by minimising the need for properties to be re-offered (Murie et al, 1994). The same study cited an improvement in the 'take-up rate' from 40 per cent to 60 per cent as having been achieved by Edinburgh DC as a result of a comprehensive waiting list review.

3.37 Good practice advice on register review is limited. The Audit Commission recommended annual review, involving the landlord writing to applicants and requesting confirmation of details on record (Audit Commission, 1986a). With a view to controlling costs, however, it was suggested that the review be confined to those 'near the top of the list', i.e. those with some chance of being housed during the forthcoming year.

3.38 The CIH favours the practice of ‘continuous renewal’ (Britain and Yanetta, 1997), an approach which endorses guidance to social landlords in Wales (Parker and Stirling, 1995). This strategy involves a renewal form being sent to an applicant on the anniversary of their application, with the recipients being informed that failure to reply by a given date will mean removal from the list. The main alternative approach is periodic review – where applicants are contacted en masse at given intervals. Although this approach was found to be predominant amongst local authorities in the mid-1990s (Clapham et al, 1995), it is considered less satisfactory than continuous renewal because it “can be labour intensive and lead to the postponement of the exercise because of other priorities” (Parker and Stirling, 1995: 12). Guidance for RSLs endorses the importance of keeping registers up to date but makes no recommendations on how this should be achieved (SFHA, 1999).

ALLOCATIONS SYSTEMS

Prioritising applicants for rehousing

3.39 Allocations systems are the means by which applicants are formed up into a queue or set of queues which reflect the landlord’s objectives and priorities (Britain and Yanetta, 1997). Again, the key texts relating specifically to Scotland are Britain and Yanetta (for the CIH) (1997) and SFHA (1999). Other relevant publications include research reports such as Griffiths et al (1997) and guidance prepared for different jurisdictions (e.g. Parker and Stirling, 1995; DETR, 1999c).

3.40 Designing an allocations system involves 2 sets of decisions on the part of the landlord:

- what degree of priority should be given to different categories of applicant (e.g. transfer applicants, homeless applicants), and
- whether each category of applicant should be assessed in the same way.
3.41 Following the typology first devised in the Cullingworth report (CHAC, 1969), most studies of allocations systems have attempted to classify them into the following categories:

- points schemes
- groups, targets or quotas schemes
- date order schemes
- merit schemes.

3.42 In the modern context, however, the precise allocations rules, systems and procedures operated by different landlords are extremely varied and most examples include elements of 2 or more of the ideal-types listed above (see, for example, Clapham et al, 1995). Indeed, sometimes landlords adopt different approaches for different categories of applicants (e.g. where a points system is used for waiting list applicants and date order for transfers and homeless households).

3.43 As noted above, regulatory and good practice advice on rehousing prioritisation tends to stress (a) the primacy of housing need and (b) the importance of fairness and impartiality in decision making. For this reason, the inclusion of date order or merit elements in an allocations system is generally regarded as acceptable only to a limited extent. Thus, Welsh guidance notes that date order prioritisation has the advantages that it is easily understood and monitored, though it does not allow for the urgency of need and can lead to indirect discrimination (Parker and Stirling, 1995). SFHA advice is that the integration of a ‘waiting time’ element within a points-based system can be acceptable if:

- waiting time points are awarded only in terms of time in housing need, and
- the value of waiting time points is relatively low in comparison with housing needs factors.

3.44 Points schemes strive for objectivity in measuring the extent and urgency of housing need. They minimise operational discretion in that there is no necessity for essentially arbitrary target-setting with respect to the share of lettings to be set aside for particular groups. However, they involve judgements about the relative importance of different forms of need which are both subjective and difficult to explain or justify (Parker and Stirling, 1995).

3.45 Groups systems classify applicants according to the type of need or route of referral. The share of lettings allocated to each group may be determined through some form of quota or target framework. Rehousing priority within groups may be accorded through a points system or in date order. It is believed that ‘groups’ systems, some of them incorporating points or waiting time elements, “are by far the most common system used amongst local authorities” (Britain and Yanetta, 1997: 35). Advantages of groups systems, are said to include the following:

- they ensure that all categories of applicant are given a share of what is available
• they overcome the inherent problem for points schemes of comparing very different types of need

(Parker and Stirling, 1995).

3.46 Following the advice of SHAC (1980), the CIH guidance endorses implicitly groups systems which order applicants within groups according to a points rankings. Partly on the grounds that it allows landlords greater flexibility, it also recommends that waiting and transfer lists are held separately (Britain and Yanetta, 1997).

Assessing housing need

Categories of need

3.47 Providing that they accord ‘reasonable preference’ to applicants falling within 7 specified groups (see 3.18), local authorities may define their own criteria for the measurement and weighting of housing needs. RSLs have even more discretion. Eight general categories of need criteria may be identified (Griffiths et al, 1997), though not all of these are included in every prioritisation scheme:

- insecurity of tenure
- lacking or sharing facilities (e.g. kitchen, bathroom, WC)
- disrepair
- suitability of property with respect to applicant’s needs (e.g. overcrowding)
- medical needs
- social needs (e.g. harassment, location with respect to employment)
- housing costs (i.e. need to move to more affordable housing)
- waiting time (and residence).

Exactly how each type of need is assessed, and the relative weightings accorded to each are matters for individual landlords, subject only to good practice advice.

Assessing medical priority

3.48 Given that it may involve obtaining and interpreting advice from professionals in a different discipline, the assessment of medical priority is a particularly important need category. Specific advice on this subject is provided by the SFHA (1999) and by Mason and Britain (on behalf of the Scottish Office) (1999). As noted by the former, “the key principle is that it is not the medical condition in itself which should be assessed, but whether rehousing can significantly alleviate it” (SFHA, 1999: 26).
3.49 In assessing a medical priority housing application, the SFHA recommends that, where possible, RSLs should be guided by the professional judgement of a local authority occupational therapist rather than the applicant’s own GP, since the latter may be inclined to ‘rubber stamp’ a medical condition described by an applicant. Similarly, Mason and Britain advise that statements from GPs or other health or care workers in support of a medical priority housing application should not be part of the formal application process. “Additional information ... required ... should be sought by the (independent medical adviser) undertaking the medical assessment direct from the GP, occupational therapist or ‘other worker’” (p.18).

**APPLICANT SELECTION AND PROPERTY MATCHING**

3.50 This is the part of the allocations process where registered applicants are matched against available vacancies, in preparation for issuing tenancy offers. It is this procedure which “often leads to actual or perceived unfairness” (Parker and Stirling, 1995: 23). Most of the good practice guides stress that housing organisations should have equal opportunities statements which cover a range of possible areas of discrimination. Scottish Homes and SFHA's Performance Standards, for example, states:

> “Allocations policies and practices must not unfairly discriminate against any individual, household or group on the grounds of race, colour, culture, ethnic or national origin, religion, gender, disability, sexual orientation, family circumstances or marital status.” (SH/SFHA, 1999)

3.51 The importance of impartiality in the tenant selection process has been highlighted by a number of studies during the 1980s which illustrated the extent to which social housing allocations system outcomes tended to disadvantage black and ethnic minority households (e.g. CRE, 1984; Phillips, 1986; Henderson and Karn, 1987). Both direct and indirect discrimination were identified in allocations procedures. One element of the problem was the way that discretion was exercised by (mainly white) housing allocations staff in the tenant selection process. In too many cases, this was influenced by unjustified pre-judgements and stereotyping of applicants on the basis of race. Good practice recommendations arising from such studies included calls for allocations procedures to be:

- carefully specified
- widely publicised to applicants
- meticulously followed
- open to public scrutiny.

It is also emphasised that the reasons for selection decisions must always be recorded (Parker and Stirling, 1995). More broadly, it was argued that racial equality in housing allocations would require the professionalisation of housing officers and the incorporation of an anti-racist element into improved training (Phillips, 1986). Good practice advice on securing equal opportunities in allocations has been provided in many texts – e.g. Local Authority Housing and Racial Equality Working Party (1988), Commission for Racial Equality (1984, 1989,

3.52 Discrimination on the grounds of disability is now governed by the Disability Discrimination Act (DDA). There is a wealth of commentary on the DDA, but almost all of it focuses on the areas of employment or goods and services, and there is a dearth of material specific to housing. The most accessible sources of information on the DDA are the series of ‘Disability on the Agenda’ booklets issued on behalf of the Minister for the Disabled. Most relevant is the booklet entitled ‘Letting or Selling Land or Property’ which summarises the Act, and offers some useful examples (Minister for Disabled People, 1996). As yet, there are no useful sources of good practice advice specifically for housing managers on the DDA. The CIH Standards Manual is quite unhelpful on this (CIH, 1999). It provides a basic run through of the major sections of the Act, but the small number of examples offered are located at the front of the discussion and not linked to the relevant sections of the Act. The discussion of allocations and lettings lists most of the main points, but does not offer any explanatory commentary or examples of the application of the Act. Moreover, the manual does not highlight other relevant aspects of the DDA, such as the prohibition on victimisation. A guide to the DDA has been produced for local authorities, but this covers a whole range of services and has little to say on housing (Chelliah, 1996).

3.53 Applicants may also be discriminated against on the grounds of sexual orientation. However, there is very little research or good practice literature on this area. The only recent publication which is widely available is was produced by the NFHA (Crane and Lemos, 1994). There are now proposals to repeal of 'Section 28' of the Local Government Act, which restricts local authorities from 'promoting' homosexuality. In addition, the proposed new Single Tenancy for social rented tenants suggests enhanced rights to same sex partners (SEDD, 1999).

Targets and lettings plans

3.54 Moves to promote targets and lettings plans are also, in some cases, seen as a means for promoting equal opportunities in housing allocations. In any case, landlords using ‘groups’ allocations systems (see Section 4.2) have to determine from which list or source the applicant to be made an offer will be drawn. The use of lettings plans is relevant in these cases. Devising a lettings plan “involves calculating the expected supply of vacancies ... during a given period ... and using this to set targets for various categories of applicants to which these properties will be let” (Parker and Stirling, 1995: 27). Britain and Yanetta (1997) argue that an important function of such plans is that they ensure a periodic debate on how to reconcile rehousing demand with vacancy supply.

3.55 Although it is thought that few social landlords in Scotland currently devise or operate lettings plans, the CIH strongly recommends that the idea is taken up more widely (Britain and Yanetta, 1997). This echoes the view of the Audit Commission (1992). Whilst the SFHA guidance provides an example of a lettings plan, RSLs are not actively encouraged to adopt this approach.
Matching criteria and eligibility rules

3.56 The identification of eligible applicants with respect to specific vacancies will depend, crucially, on:

- the landlord’s property to applicant matching criteria
- any rules the landlord may apply to allocations of particular types of property.

Matching criteria will set out, for example, the size and characteristics of households for whom properties of various sizes and types will be appropriate. As noted by Parker and Stirling (1995), such policies should be set out in the organisation’s published allocations policy. They should include the age at which children of the same sex or of different sexes should have their own bedroom. Whilst published policies tend to refer to the number of bedrooms in the property, there is an argument that bedspaces is a more appropriate measure.

3.57 In some instances, there may be a case for ‘underletting’ properties – that is, allocating homes so that tenants have a ‘spare bedroom’. This can be justified as an incentive for applicants to accept offers in unpopular areas (Pawson et al, 1997), as a means of pre-empting excessive subsequent mobility in newly built schemes (Page, 1993), or as an incentive for gross underoccupiers to ‘trade down’ in terms of property size (Barelli, 1992).

3.58 Some landlords have specific rules prohibiting offers of certain types of housing to certain types of applicant. A common example relates to families with young children and high rise or other walk-up flats. More controversially, some Scottish local authorities restrict the range of properties which may be offered to certain rehousing groups – e.g. where homeless households may only be offered flats rather than houses.

3.59 None of these matters appears to be addressed in guidance specific to Scotland (e.g. Britain and Yanetta, 1997; SFHA, 1999).

Offers and viewings

3.60 The matching process described above leads to a tenancy offer being made to the selected applicant. The applicant is given a limited period within which to consider whether to accept or reject this offer. A further possibility is that the applicant will challenge the ‘reasonableness’ of the offer, perhaps on the grounds that the property does not accord with stated requirements or because these needs have changed.

Pre-allocations

3.61 In an effort to minimise the cost of empty homes in terms of rent loss, many social landlords attempt to avoid a wholly sequential approach to the repair and reletting of vacant properties. This may involve ‘pre-allocations’, i.e. where a property is matched with an applicant before it is ready for occupation. This may take place either before the outgoing tenant has actually vacated the property or after this has happened but before repair works are complete. The former practice is referred to as a ‘pre-termination allocation’ by Murie et al (1994), with the latter being termed a ‘pre-repair allocation’.
3.62 As with other initiatives which involve starting the reservicing/reletting process before the departure of the outgoing tenant, the scope for pre-allocation policies is strictly limited by the extent to which landlords receive advanced notice of terminations. There is also a danger that such policies may prove counter-productive where the repairs contractor is unreliable in the sense that works may frequently fail to be completed within agreed timescales.

Restriction of tenancy offers

3.63 Additional rent loss due to voids may also accrue where properties stand empty following the refusal of offers. In an attempt to discourage refusals, many landlords restrict the number of offers which can be made to an applicant without penalty. Some authorities allow only a single offer before imposing a sanction such as suspension from the waiting or transfer list for a given period. Others allow up to 3 offers. In yet other cases, different offer limits apply to different groups of applicants.

3.64 The last major DoE-sponsored housing management study covering England questioned whether the restriction of offers was appropriate or effective as a means of incentivising offer acceptance (Bines et al, 1993). The main good practice texts relating to Scotland (produced for CIH and the SFHA) make no recommendations on this matter. If a restrictive policy is followed, it is also essential that there are clear rules governing the circumstances where refusals are acceptable (and would not, therefore, count against the offer limit). An example of such a reason, cited by the SFHA (1999), is where the applicant believes that the property offered is too close to a violent ex-partner.

3.65 In an effort to reduce the delay in reletting arising from the process of communicating offers and responses to offers, some social landlords have adopted the practice of routinely issuing offers by telephone (Murie et al, 1994). One advantage of this approach is that it may enable the landlord to discover quickly that the applicant has had a significant change of circumstances, even if this only involves a change of address.

3.66 The period allowed for tenants to consider offers is typically brief - ‘usually ... two to 3 days’ according to Britain and Yanetta, though a figure of 5 working days is mentioned by Parker and Stirling. Whilst an offer remains open, the applicant may view the property. It is generally recommended that such viewings should involve an accompanying housing officer (see, for example, Britain and Yanetta, 1997). Accompanied viewings ensure that the applicant finds their way to the property and can provide an opportunity for the housing officer to allay any concerns that the applicant may have about incomplete repairs or attributes of the neighbourhood.

3.67 It is, however, recognised that accompanied viewings are resource-intensive, particularly for landlords with dispersed stock and that a rigid requirement for the practice may be unrealistic (Clapham et al, 1995). Therefore, a scheme of priorities is needed. Britain and Yanetta voice the widely held view that the practice is particularly valuable with respect to low demand housing. Parker and Stirling suggest that it is especially important for applicants who have experienced harassment, for elderly people and for those with a disability.
3.68 Whilst Clapham et al cite the case of one authority where there was evidence of uptake rates being improved through accompanied viewings, some doubts as to whether the investment in staff time involved can be justified in terms of the benefits accruing are also voiced. The CIH acknowledges that “for landlords with a large number of lettings (universal accompanied viewings) may not be practical or cost-effective” (CIH, 1999).

Applicant choice

3.69 The number of tenancy offers allowed to applicants bears on the question of how much choice is allowed to applicants in the property matching process. Across many areas of the public sector, there is a growing recognition of the need to recast services in a more consumerist framework; one where service users have more opportunity to select from a range of options or to shape the service itself. This is reflected in the field of social housing allocations by calls for ‘less coercive’, more flexible approaches.

3.70 Specifically, commentators such as Power (1987) (see, also, Power and Tunstall, 1995) have argued in favour of moving away from restricting the number of allowable offers and towards enabling applicants to specify very precise locational requirements. As the good practice guidance for Wales puts it:

“The practice of making only one offer means that applicants may feel that they have little or no choice. One offer only systems may also increase demand for transfers ... from tenants who are not satisfied with the type of property they have been allocated or its location. The ability to offer some choice in the allocation system may make the applicant much happier about the outcome of a process which is, by its nature, restrictive of opportunities.”
(Parker and Stirling, 1995: 38)

However, recent guidance specific to Scotland (Britain and Yanetta, 1997; SFHA, 1999) makes little comment on such issues.

Sensitive lettings

3.71 A related, though slightly distinct issue is ‘sensitive lettings’. These are cases where, for social reasons, discretion is applied in tenant selection, such that there is an explicit departure from routine practice such as selecting an applicant from the top of the relevant queue. In such cases, the allocator is making a judgement about the suitability of the applicant for the vacancy concerned, often in the context of knowledge of the stair, close or block concerned. Among the concerns which could motivate such an approach, the SFHA (1999) suggests the following:

- the need to house people in appropriate locations (e.g. the particular advantage for older people or families with young children of being housed near to public transport links)

- the need to avoid, where possible, clashes of lifestyle (e.g. rehousing a former tenant with a record of playing loud music in a property known to have poor sound insulation)
• the need to avoid over-concentration of a particular household type or housing need type in one area or estate (e.g. with respect to child density or vulnerability).

3.72 Because they legitimise the exercise of discretion and departure from normal rules, approaches of this type run the risk of criticism on the grounds that they sanction unfairness and could even result in unlawful discrimination (see 3.50). For these reasons, and because they may result in higher void rates, at least in the short term, such approaches are controversial. However, with respect to concerns over fairness and partiality, good practice guidance suggests that allocator discretion in the context of ‘sensitive lettings’ is exercised within a clearly defined framework and that allocations outcomes are routinely monitored (Parker and Stirling, 1995; Britain and Yanetta, 1997; SFHA, 1999). As well as an obligation to record all allocation decisions and the reasons for them, such a framework could involve:

• reference to a lettings plan

• a set of rules defining what considerations can be taken into account in exercising discretion and what would be considered irrelevant

• a requirement that certain decisions must be authorised by senior staff.

3.73 The object of avoiding ‘over-concentration’ of particular household types or housing need types in particular blocks or areas connects with the aspiration to promote ‘balanced communities’ through allocations policies. Community lettings initiatives (see 3.9) can be seen as institutionalising a ‘sensitive allocations’ approach for a particular neighbourhood. The limits within which such attempts at social engineering are acceptable need to be considered.

3.74 A particular issue which could be classed under the heading of sensitive lettings, and which has recently come to prominence, concerns dealing with housing applications from sex offenders. Relevant good practice guidance has been produced by the CIH (Moore, 1999). The guidance stresses the key importance of risk assessment in the treatment of housing applications from sex offenders and defines the precise circumstances in which a risk assessment should be undertaken. The importance of joint working between housing and social work professionals and liaison with the police is emphasised. It is also pointed out that local authorities have a statutory obligation to rehouse sex offenders if they are found to be unintentionally homeless under the Housing (Scotland) Act 1987. Similarly, the guidance advises that an applicant should not be excluded from housing simply because he or she is a sex offender. Once a known sex offender has been rehoused in a particular locality, it is important that the landlord takes the individual’s whereabouts into consideration when making future lettings in the vicinity.

ALLOCATIONS RESPONSES TO LOW DEMAND HOUSING

3.75 Low demand for social housing is currently a growing problem in England (Bramley et al, 2000a) and is far from unknown amongst Scottish landlords. The need to develop tailored strategies for low demand areas was acknowledged by Scottish Office guidance on void management (Housing Policy and Practice Unit and School of Planning and Housing, 1994). The 1994 Scottish guidance also advised that “local lettings initiatives involving the
tenants’ association” should be considered as a response to the problem (p.11). Although
the precise nature of such initiatives was not elaborated, a more recent CIH publication
includes a limited number of suggestions (Moore, 1998). Research focusing on England has
suggested that modifications to allocations policies are the most common type of response to
the phenomenon (Pawson et al, 1997; Bramley et al, 2000a). Approaches of this kind are
discussed below. Low demand policy responses relating to areas other than allocations are
discussed in Chapter 5.

3.76 Allocations responses to low demand fall into 3 main categories:

i. incentives to applicants to compensate for the relative unpopularity of one area as
   compared with others

ii. relaxation of entry barriers to widen the market for social housing beyond the
    groups towards whom it has traditionally been has targeted

iii. measures to restrict or engineer access to social housing aimed at changing the
     reputation and/or social mix of an area.

3.77 Under (i), above, the approaches found to be most common in England in 1998/99
involved offering decoration allowances to new tenants and relaxing applicant:property size
matching criteria (to allow applicants ‘extra bedrooms’). A strategy which might be seen as
an alternative to decoration allowances is the adoption of higher specifications for void
reservicing in low demand areas (Bramley et al, 2000a).

3.78 Policies falling under category (ii) above include ‘easy access’ schemes, i.e.
“abandon(ing) attempts to select according to priority need from the waiting list in favour of
securing maximum occupancy” (IoH, 1985: 41). An allied approach is the pro-active
marketing of social housing, including the open advertising of vacancies. Again, such
approaches were found to be widespread among both LAs and RSLs in England in 1998/99
(Bramley et al., 2000a). Techniques of this kind can be successful in meeting their
objectives, in the short term, at least (Pawson et al, 1997b). It is, however, acknowledged
that easy access approaches can have drawbacks. In rehousing people with little housing
need, it is possible that problems underlying unpopularity may be perpetuated. Murie
et al. (1994) reported a large scale ‘open door’ experiment by Edinburgh Council where the
relaxation of allocations criteria had led to the rehousing of a large number of single young
people. Subsequently, the authority observed an increase in abandonment, partly
undermining the original policy objective.

3.79 Low demand allocations responses involving further restricting access (category (iii)
above) are motivated by the belief that the reputation and social climate of a neighbourhood
can be improved through filtering out potentially disruptive applicants and/or engineering a
‘more balanced’ social or demographic mix. Examples include requiring references from
applicants and implementing ‘community lettings’ policies (see ‘principles of rehousing
prioritisation’ section, above). In general, good practice guidance has argued against the
practice of requiring references on the basis that this could lead to unfair discrimination, and
that such references are in any case of questionable value (Bramley et al, 2000b).

3.80 Other variations in allocations policies, with a view to letting unpopular properties,
include the practice of offering the same ‘difficult to let’ vacancy to 2 or more applicants at
one time, on a strictly first come, first served basis (Audit Commission, 1986). This will improve the probability of the tenancy being accepted within a given period. Good practice advice also acknowledges the particular priority on accompanied viewings where low demand housing is involved (see above).

NOMINATIONS

3.81 As well as maintaining their own waiting lists, most housing associations also accept nominations of housing applicants from local authorities. Regulatory guidance from Scottish Homes stipulates that associations should strike nomination agreements with local authorities in whose areas they operate. The general expectation is that associations are to set aside 50 per cent of their vacancies to house nominees (Scottish Homes, 1994a). Although it is acceptable for different percentages to be negotiated to take account of local circumstances, ‘100 per cent agreements’ are discouraged by Scottish Homes because this would undermine the independence of the association’s allocations policy.

3.82 In terms of good practice advice in the Scottish context, the key texts on nominations are School of Planning and Housing (1996) and SFHA (1999). On the content of nomination agreements, the former advises that these should cover policy issues such as:

- a clear definition of a ‘net let’
- a nomination entitlement figure expressed as a percentage of net lets
- agreed quotas for different types of applicants

as well as operational matters such as:

- the number of nominees required for each vacancy
- the information about vacancies and nominees to be supplied by the respective parties
- agreed timescales for each stage of the process
- action to be taken where nominees are not forthcoming.

3.83 It is also recommended that agreements cover the circumstances in which it is legitimate for associations to refuse to rehouse a nominee. Generally, when making nominations, local authorities are encouraged to consider an association’s allocations policy. It is pointed out that Scottish Homes guidance (Scottish Homes, 1994a) does not prohibit associations from allocating homes to nominees who would be ranked below the top of the association’s own waiting list in need terms. At the same time, nevertheless, “nominees must have at least enough points to be accepted onto the association’s waiting list” (School of Planning and Housing, 1996: 12). This guidance does not address the controversial question of nominees being refused because the association believes that they might prove to be disruptive tenants or unreliable rent payers. Ultimately, however, the association will have
the final say “because the houses are theirs, and local authorities do not have an automatic right to them” (p.15).

3.84 Some of this seems to conflict with the tone of guidance drafted for Wales which explicitly discourages associations from interviewing and selecting from groups of nominees put forward for a single vacancy. “Unsuccessful nominees may find this practice hard to accept and it may frustrate a carefully worked out strategy for prioritising applicants by the local authority” (Parker and Stirling, 1995: 32).

3.85 This raises the issue of the method by which nominees should be put forward by a local authority with respect to association vacancies. Parker and Stirling recommend that, for new schemes, it may be appropriate for the authority to submit a pool of applicants. However, mainly because of the likelihood that a pool will become quickly out of date, such systems are deemed unsuitable for relets.

3.86 Other procedural questions about which there is no clear guidance include whether local authorities should offer housing applicants the opportunity to elect for or against being considered for nomination and whether tenancy offers via nominations should count against offer limits in the same way as offers of local authority tenancies.

CONCLUSIONS AND GAPS IN GOOD PRACTICE GUIDANCE

3.87 In general, it must be concluded that allocations is an aspect of housing management well covered by regulatory and good practice guidance. Particularly in terms of the recent guidance specific to Scotland, minor omissions have been noted above. Perhaps the main area which has received relatively little attention is transfers and exchanges. There is, for example, little mention of underoccupation and the means by which landlords can encourage underoccupier moves in the Scottish literature. Similarly, the organisation of mutual exchanges receives scant coverage.

3.88 There is a wealth of commentary on the Disability Discrimination Act, but almost all of it focuses on the areas of employment or goods and services. As yet, there are no useful sources of good practice advice specifically for housing managers.

3.89 More broadly, there may be a need for guidance to address more squarely the purpose of social housing and the administration of local lettings initiatives aimed at opening up access to households not normally considered eligible. A related, though distinct, question is the extent to which landlords should be seeking to offer more consumer choice in the allocations process, and the means by which this might be achieved.
CHAPTER FOUR HOMELNESS

INTRODUCTION

4.1 This chapter reviews good practice guidance with regards to implementing the homeless persons legislation, and also good practice in tackling homelessness which extends beyond legislative requirements. The role of both local authorities and RSLs in addressing homelessness will be examined. The topics covered include: the legal and regulatory framework; the prevention of homelessness; dealing with applications under the homelessness legislation; access to accommodation and support for homeless persons; and gaps in guidance.

The Homelessness Context

4.2 Official statistics show that statutory homelessness has risen dramatically in Britain over the past couple of decades, and has now stabilised at an exceptionally high level. In Scotland, for example, applications under the homeless persons legislation almost trebled from 15,000 in 1983/84 to 43,000 in 1993/94 and have remained over 40,000 ever since. Over the same period, agencies working with single homeless people have reported a massive increase in demands for their services (Hutson and Liddiard, 1994).

4.3 When homelessness first re-emerged as a political issue in the UK in the 1960s and early 1970s it was associated mainly with poor families and older single men (Smith and Gilford, 1998). However, as homelessness escalated in the 1980s the profile of homeless people began to change, and there was a sharp increase in the numbers of young people, women and people from minority ethnic groups amongst those seeking assistance from homelessness agencies (Anderson et al, 1993; Greve, 1991). More recently, interest has begun to focus on ‘hidden’ forms of homelessness, with particular attention given to single women living care-of other households (Webb, 1994). Homelessness was once assumed to be an exclusively urban phenomenon, but there has recently been growing recognition of the problem in rural areas, and Scottish Homes will shortly publish a report on rural homelessness in Scotland (Strachan and Hope, forthcoming).

4.4 This overall growth in homelessness has often been attributed to housing market factors, and in particular the shortage of affordable rented accommodation (Greve, 1991). However, there has been growing recognition that economic factors, such as unemployment and cuts in social security benefits, can be at least as important in driving up the numbers of homeless people (Johnson et al, 1991). Also, it has become increasingly clear that certain groups of people are particularly vulnerable to homelessness. This includes those who have experienced family or relationship breakdown; victims of sexual or physical abuse; those who have spent time in institutions such as children’s homes or prison; and people with mental health problems or drug and alcohol dependencies.
THE LEGAL AND REGULATORY FRAMEWORK

4.5 The Housing (Homeless Persons) Act 1977 imposed duties on local housing authorities to secure long-term accommodation for households which were homeless ‘unintentionally’, provided they belonged to a ‘priority need’ group, such as families with dependent children, pregnant women and victims of fire and flood. Single (childless) people were generally only considered to have a priority need if assessed as particularly ‘vulnerable’. Homeless people who did not qualify as having a priority need were simply entitled to ‘advice and assistance’ rather than accommodation. Persons who had a priority need but were homeless ‘intentionally’ were only entitled to temporary accommodation for a limited period, typically 28 days, and advice and assistance. Local authorities could transfer responsibility for the long-term rehousing of priority households that had no local connection with their area to a local authority with which they did have a local connection.

4.6 The statutory protection given to homeless people was substantially reduced in England and Wales by the Housing Act 1996, but the homelessness legislation remains virtually unchanged in Scotland and is now consolidated into the Housing (Scotland) Act 1987 Part II (hereinafter referred to as the 1987 Act). Local authorities are obliged to ‘have regard’ to a Code of Guidance issued by central Government when exercising their discretion under the homeless persons legislation, but are not legally bound to follow its recommendations. However, failure to have proper regard to the Code does leave local authorities’ decisions open to legal challenge by way of judicial review. The Scottish Code of Guidance issued in 1991 has now been replaced by a new Code, which came into effect in December 1997 (Scottish Office, 1997).

4.7 RSLs do not have primary responsibility for implementing the homeless persons legislation. However, S38 of the 1987 Act provides that housing associations, as well as a range of other agencies, must give whatever assistance is reasonable in the circumstances if asked by a local authority to assist it in carrying out its homelessness functions. Thus RSLs have a role to play in tackling statutory homelessness, usually through nominations from local authorities, as well as in helping to address the needs of non-statutory homeless people.¹

4.8 It should be noted at this point that the Asylum and Immigration Act 1996 provides that a person subject to immigration control cannot be assisted under the homelessness legislation unless they fall within certain prescribed categories. Also, under the Asylum and Immigration Appeals Act 1993, asylum seekers who remain eligible for homelessness assistance cannot be given accommodation if they have any reasonable accommodation available to them, no matter how temporary. Other relevant legislation discussed in this chapter includes the NHS and Community Care Act 1990, the Children (Scotland) Act 1995 and the Matrimonial Homes (Family Protection) (Scotland) Act 1981.

¹ Much guidance on homelessness makes a distinction between statutory and non-statutory homelessness, and by ‘statutory’ usually what is meant is households who qualify for maximum assistance under the homeless persons legislation. However, this is somewhat misleading as strictly speaking statutory homelessness refers to those households whose circumstances satisfy the definition of ‘homelessness’ within the legislation, rather than necessarily fulfil the other criteria for long-term rehousing. For the sake of simplicity, in this chapter the term statutory homeless is given its usual meaning, but there may be a case for clarification of terminology in this respect.
The recently established Scottish Homelessness Task Force is charged with developing proposals for legislative change to be included in the Housing Bill to come before the Scottish Parliament next year, and there are plans for a longer-term overhauling of the statutory framework in Scotland. Clearly, any major legislative changes would require new or significantly amended good practice guidance.

**GOOD PRACTICE GUIDANCE**

The key source of policy and practice advice on homelessness in Scotland is the official Code of Guidance described above (hereinafter referred to as ‘the Code’) (Scottish Office, 1997). The Code is aimed primarily at local authority staff dealing with homelessness applications, but it also provides guidance to other bodies including RSLs about the contribution they can make to tackling homelessness. The Code is a useful and comprehensive document which helps to structure the considerable discretion which local authorities enjoy under the homelessness legislation. This third edition of the Code is generally acknowledged to be an improvement on its predecessors because it strengthens the emphasis on good practice beyond the immediate scope of the legislation, particularly in relation to the prevention of homelessness. In addition, it distinguishes more clearly between the legal position and good practice guidance.

A Good Practice Note was recently published by the Chartered Institute of Housing in Scotland which is intended to complement the Code by elaborating on useful initiatives undertaken by authorities throughout Scotland (Yanetta and Third, 1999). The Note aims to assist both local authorities and RSLs to deliver high quality services to homeless people. However, given the limited resources and time within which this document was produced, it only really flags up examples of what may be considered to represent good practice rather than offering a systematic evaluation of the approaches it describes.

Other general sources of guidance on homelessness practice include the *Housing Management Standards Manual*, and the chapter on homelessness services has recently been completely revised (CIH, 1999). It has a particular focus on ‘process’ issues and customer care, but does make some specific points on substantive matters such as priority need and dealing with cases of violence. The SFHA *Raising Standards in Housing Manual* offers some good practice guidance to associations on dealing with direct applications from homeless households (SFHA, 1999), and a Good Practice Note on nomination from local authorities to RSLs has been produced by the Scottish Office (School of Planning and Housing, 1997). Scottish Homes has produced a document called *Tackling Homelessness*, but this is a policy statement about what the organisation is doing to contribute to tackling homelessness rather than a source of good practice guidance (Scottish Homes, 1999a). There are several good sources of advice on legal matters relating to the homeless persons legislation, and probably the most up to date and systematic account of the law is given by Robson and Poustie (1996).

There are many other sources of good practice advice which focus on particular dimensions of homelessness practice, such as temporary accommodation (Currie and Pawson, 1996); access to health, education and social services (Firth, 1998); the Children (Scotland) Act 1995 (Thain, 1996; Corbett, 1998; Roy, 1997); homelessness and children’s education (Thomson et al, 1998); and young people (Caskie, 1993; Fitzpatrick, 1999; Rugg, 1999).
4.14 Given the divergence of the homeless persons legislation between England and Scotland since the implementation of the 1996 Act, much good practice guidance on statutory homelessness emanating from England is likely to be of limited applicability in Scotland. However, a number of reports which pre-date the 1996 Act provide useful good practice advice, particularly Moroney and Goodwin (1992).

4.15 In addition to these sources of good practice advice, this chapter occasionally draws upon research evidence on homelessness practice, particularly Evans et al (1994) study of the operation of the 1991 Code of Guidance.

THE PREVENTION OF HOMELESSNESS

4.16 The legal duty in relation to the prevention of homelessness is that, if a priority need applicant is unintentionally threatened with homelessness within 28 days, then local authorities must take reasonable steps to prevent the loss of accommodation (S31 of the 1987 Act). If, however, a potentially homeless applicant is not in priority need, or is threatened with homelessness intentionally, then the authority must simply provide advice and assistance.

4.17 Chapter 3 of the Code discusses the ways in which local authorities may prevent homelessness arising, or recurring, and much of this commentary extends beyond these basic legal duties. For example, it is recommended that local authorities should use all available information to analyse the causes of homelessness in their areas, and use this in formulating prevention strategies (para 3.6). Preventing the loss of private sector accommodation is a major theme in the Code. It recommends that homelessness officers should have a working knowledge of private tenants’ rights, and Yanetta and Third (1999) provide examples of local authorities who negotiate with private landlords or refer tenants to sources of expert housing advice. In relation to owner-occupiers, they present cases of authorities who negotiate with lenders so that families can stay in their house until permanent alternative accommodation can be arranged, or operate a mortgage rescue scheme for applicants who are unintentionally threatened with homelessness.

4.18 Preventing evictions in the social rented sector through rent arrears and anti-social behaviour are also discussed, but are dealt with elsewhere in this report. However, it is worth mentioning here that Yanetta and Third present some interesting examples of new initiatives in preventing evictions, such as the Dundee Families Unit, which works with families who have been evicted or are in danger of losing their tenancy because of their behaviour. This project is currently being evaluated by a team from the University of Glasgow.

4.19 One of the most sensitive issues flagged up by the Code is the possibility of local authorities helping to prevent homelessness through intervening, with care, in domestic disputes to enable family members to continue living together (paras 3.42-3.44). More recently, there has been increasing interest in family mediation with young homeless people, to enable them to live at home until they are readier to embark upon independent living. This is an interesting development which may have an important impact on homelessness resulting from relationship breakdown. However, more extensive guidance is needed on this sensitive topic to avoid inappropriate pressure being put on young people or other homeless people to return to, or remain in, abusive or otherwise intolerable situations.
4.20 Many people become homeless on leaving institutions such as prison, hospital or the armed forces. The Code (para 3.6) recommends that close links are established between hospitals, prisons and social work departments to prevent this, and that discharge protocols should be in place, including the involvement of housing services in pre-discharge assessments and after care plans. However, a recent publication from the Scottish Office suggest that this is a problematic area (Scottish Office, 1998b).

4.21 Educational strategies aimed at young people figure prominently in the preventative good practice guidance in Yanetta and Third, though not in the Code. They highlight the *I'm Offski* guide to leaving home and housing produced by the SCSH, and information packs and training programmes in schools promoted by various local authorities to raise awareness of housing issues and other aspects of independent living amongst this age group.

4.22 Other matters relevant to the prevention of homelessness include housing advice and assistance and the provision of support to those vulnerable to homelessness, such as young home-leavers. Housing advice is covered in Chapter 11, and issues of support are dealt with below together with the accommodation needs of homeless people.

4.23 Many research reports on homelessness focus on means of preventing homelessness, but these generally relate to broader social and economic issues which lie beyond the scope of housing management (for example, Randall and Brown, 1999).

DEALING WITH APPLICATIONS

Handling of applications

4.24 Chapter 5 of the Code provides guidance on the handling of the application process. It places emphasis on matters such as the avoidance of reception staff performing ‘first screening’ of applicants; the need for staff training on the homelessness legislation, the Code and other relevant law and policy; the importance of private interview facilities; explanation of procedures to applicants, and so on.

4.25 Yanetta and Third report various training initiatives on homelessness undertaken by local authorities, most of which one would expect to be routine but presumably are not in some areas. Among the interesting approaches they highlight are ‘key workers’ being appointed for each homeless household to provide a personal service until they are permanently rehoused, and ‘One Stop Shops’. However, in relation to the latter initiative, a debate over the relative merits and demerits of centralised and decentralised approaches to receiving and processing homelessness applications would have been useful.

4.26 Both the Code and Yanetta and Third (1999) stress the special need for sensitivity in dealing with cases involving violence or abuse, and in particular local authorities are instructed never to contact an alleged perpetrator. It is therefore alarming to note that Evans et al (1994) reported that 18 per cent of local authorities still at least sometimes visit the partner of an applicant who has alleged domestic violence, although this had dropped from 54 per cent of authorities in 1988.

4.27 The CIH (1999) also provides guidance on the process of dealing with homeless applicants. As noted above, this focuses on ‘customer care’ issues such as providing
comfortable and private interview facilities, how long applicants should wait to be seen, types of information which should be available, etc.

Investigations and inquiries

4.28 Chapter 2 of the Code provides a summary of the law and indicates the logical sequence within which local authorities are required to carry out their investigations of the 4 key criteria under the homeless person legislation: first, homeless/threatened with homelessness; then priority need; thereafter intentionality; and finally local connection.

Homelessness

4.29 Under S24 of the 1987 Act, someone is legally ‘homeless’ if they have no accommodation which it is ‘reasonable’ for them to occupy, together with their family or other persons with whom they normally reside. Some people with accommodation are also defined as homeless, for example, those who cannot gain entry to it; those whose accommodation is both overcrowded and a danger to health; and those who risk domestic violence living in their present accommodation.

4.30 Chapter 6 of the Code explains the meaning of S24 and offers guidance on some of the more difficult or discretionary issues. The most important of these is the circumstances in which it is not deemed ‘reasonable’ for a person to continue their occupation. The Code (para 6.6) gives examples of accommodation which may be deemed unreasonable such as ‘Below Tolerable Standard’ accommodation, bed and breakfast hotels, hostels and women’s refuges, and housing situations where there is external violence, including racial and other harassment, or substantial risks to mental or physical health. It emphasises that these are simply examples and urges authorities to exercise sympathetic judgement in all cases.

4.31 A continuing difficulty relates to the interaction of the homeless persons legislation with the Matrimonial Homes (Family Protection) (Scotland) Act 1981. This Act gives ‘non-entitled’ spouses - those who are not the owner or tenant - occupancy rights in the matrimonial home, and it also allows people with violent partners to apply for interdicts with powers of arrest and exclusion orders. These rights were introduced mainly to protect women against the loss of their homes through arbitrary evictions by their partners or through violence and intimidation. However, some local authorities (and courts) have used the existence of these rights to deny women assistance under the homeless persons legislation. The Code does attempt to counter this problem. For example, it states that even if an applicant has obtained an order guaranteeing occupancy rights or an interdict under the 1981 Act this does not necessarily make it reasonable for them to continue living in the matrimonial home (para 6.7).

4.32 One further problem with the definition of homelessness relates to ‘split households’ as the Act refers to households which ‘normally reside’ together which technically does not cover those who wish to form a household but have never lived together before. The Code (para 6.4) indicates that ‘households which are split up for no other reason than that they have nowhere to live together should be treated as one household’. However, research evidence from England suggests that local authorities discriminate between different types of split
households, for example, giving more priority to married than unmarried couples (Baker, 1996).

Priority need

4.33 The ‘priority need’ groups under S25 of the 1987 Act are: families with dependent children; pregnant women; those made homeless through emergencies (such as floods or fires); and other persons who are ‘vulnerable’ as a result of old age, mental illness, learning or physical disability or another ‘special reason’. A recent statutory instrument has added young people under 21 who were ‘looked after’ by a local authority at school leaving age or later to the list of those who must always be regarded as vulnerable. While this statutory instrument is not mentioned in the main draft of the Code, it was issued to all local authorities to staple into the Code and they were given some additional text of guidance.

4.34 The key concern regarding priority need continues to be the wide discretion which authorities have over the categories of single (childless) people who are to be treated as ‘vulnerable’ for another ‘special reason’. The Code (para 7.3) provides a list of those who may be considered vulnerable including: 16 and 17 year olds at risk of sexual or financial exploitation or drug, solvent or alcohol abuse; young people over 17 at risk of similar exploitation; chronically sick people, including those with AIDS or HIV; people discharged from institutions such as hospital and prison; women fleeing domestic violence; women suffering a miscarriage or abortion; and refugees. It emphasises that these are only examples and that local authorities are entitled to treat other applicants as vulnerable for a ‘special reason’. Evans et al (1994) found that there was considerable variation in local authority practice as regards automatically granting priority status with, for example, people suffering from AIDS far more likely to gain priority status than persons leaving long-stay hospital. However, most of these groups were very likely to be at least sometimes defined as in priority need by local authorities.

4.35 There has been a particular focus upon the treatment of young people in relation to priority need, as this is the key ‘hurdle’ they face in gaining accommodation under the homeless persons legislation. Shelter (Scotland) noted that Scottish local authorities had gradually adopted more sympathetic policies towards young homeless people in the early 1990s (Caskie, 1993). However, by 1994 still only 32 authorities (57%) deemed all 16 and 17 year olds as vulnerable (Thain, 1996). The implementation of the Children (Scotland) 1995 should make a substantial difference to the way that homelessness applications from young people are treated by authorities. It places a new duty on local authorities to provide accommodation and support for children up to 18 years of age if no adult is providing suitable accommodation and care (S25(1)). This means that even if a local authority does not accept a statutory responsibility to accommodate a homeless 16 or 17 year old under the homeless persons legislation, they are likely to have a duty to accommodate under this Act. It also provides a power for local authorities to provide accommodation for young people aged up to 21 years old if to do so would safeguard or promote their welfare (S25(3)).

4.36 The Code (para 3.38) outlines the main provisions of the 1995 Act but does not discuss specifically how this legislation circumvents priority need and the other criteria under the homelessness legislation which limit duties to young homeless people (intentionality and local connection). Specific good practice guidance on the interaction of the 2 pieces of legislation would be useful. There have been a number of publications on the Children’s Act
(Cleland, 1995; Scottish Local Government Information Unit, 1995; Tisdall, 1997), but the 3 which are most relevant to good practice on homelessness are published by Shelter (Scotland). The first is Thain (1996), which discusses the legal implications of the Act for local authorities and other organisations providing services to homeless young people and families with children. The second is Roy (1997) which provides a rights guide to the Act. The final one is Corbett (1998) which, although based on a survey of social work departments, has much to say of relevance to housing practitioners on matters such as accommodation and support for young people, assessment procedures and housing management policies.

**Intentionality**

4.37 Section 26 of the 1987 Act provides that someone is intentionally homeless if they deliberately do or fail to do something in consequence of which they lose accommodation which was available for their occupation and was reasonable for them to continue to occupy.

4.38 The Code emphasises that the onus is on the local authority to establish that the applicant became homeless intentionally, not for the applicant to establish that their homelessness is unintentional (para 8.3). It also specifies that a person should not be considered intentionally homeless for all time, and that further application should be treated on their merits, particularly where there has been a material change in circumstances (para 8.10).

4.39 This is a very problematic section of the homeless persons legislation which has generated a great deal of case law (see Robson and Poustie, 1996). The Code attempts to clarify some of the most difficult points of interpretation in this part of the Act. For example, it must be the applicant who has deliberately done or failed to do something. So the spouse of an intentionally homeless person who did not acquiesce in the actions which brought about the homelessness, such as defaulting on mortgage payments, should not be considered intentionally homeless and the local authority may have to rehouse the entire household, even if that benefits the intentionally homeless individual (para 8.6). A person who gets into rent arrears because of ‘real financial difficulties’ should not be considered intentionally homeless, whereas someone who loses their home because of ‘persistent and wilful’ refusal to pay rent should be (para 8.7).

4.40 The Code also makes clear that certain groups should never be treated as intentionally homeless, including victims of domestic or external violence or threats, and homeless pregnant women because they are pregnant. It also states that people who do not exercise their rights under the Matrimonial Homes Act, for whatever reason, should never be treated as intentionally homeless for that reason (para 8.8) (see above). Evans et al (1994) suggests that the great majority of local authorities now follow that advice. The Code also states that a person who loses tied accommodation should not normally be considered intentionally homeless, but Evans et al (1994) found that almost half of local authorities would always or usually deem as intentionally homeless an applicant who had lost tied accommodation through voluntary termination of employment.

4.41 The Children (Scotland) Act is again relevant here as regards intentionally homeless families with dependent children. S22 imposes a general duty to safeguard and promote the welfare of children ‘in need’, and so far as appropriate promote upbringing of children by
their families, by providing a range of appropriate services. ‘Services’ is not defined but may be interpreted to include accommodation. This means that intentionally homeless families with children, who are only entitled to temporary accommodation under the homeless persons legislation, may have to be permanently rehoused under this Act. Though the Code does mention S22, its implications for intentional homelessness are not highlighted.

Local connection

4.42 A local authority should only pursue questions about local connection after it is has been established that the applicant is unintentionally homeless and in priority need. S27 of the 1987 Act provides that local connection can be established by various means including normal residence, employment, family associations and ‘special circumstances’. The Code provides guidance on the interpretation of all of these criteria (para 9.9). The legislation provides that an applicant cannot be referred to another local authority where there is any risk of domestic violence (S33(2)(c)). Local authorities retain a duty to provide temporary accommodation for those applicants whose long-term rehousing they are transferring. The Code provides information about arrangements in the case of a dispute over local connection (para 9.3). An important point which is not perhaps given enough emphasis in the Code is that authorities cannot transfer responsibility for an applicant merely because they have a ‘stronger’ local connection elsewhere (see Moroney with Goodwin, 1992).

Notification and review of decisions

4.43 Chapter 12 of the Code discusses notification and review of decisions. It provides, for example, that notification letters should state clearly the authority’s decisions and resulting obligations, and that applicants should be encouraged to seek independent advice if they want to challenge decisions (para 12.5). It advises authorities that, in most cases, applicants should receive a decision within 28 days.

4.44 The Code states that local authorities should have internal review procedures for homelessness decisions, and it provides guidance on what a review procedure should include (para 12.8). The most important point is that it should not involve staff who were involved in the original decision. An effective internal appeals procedure is encouraged by the Code, both as a means of ensuring quality of service, and of reducing the likelihood of judicial reviews (para 12.10). Evans et al (1994) found that 39 authorities (70%) had an internal appeals procedure, about double the number in 1988. Yanetta and Third provide a small number of examples of appeals procedures currently operated by Scottish local authorities. There is certainly scope for further good practice advice to authorities on appeals systems.

Monitoring and evaluation

4.45 The Code (para 5.10) states that local authorities should have a standard system for recording all applications to assist monitoring and to ensure that policies and procedures are implemented, and provides guidance on the types of information which should be kept. The Code provides no guidance on the evaluation of homelessness services, but Yanetta and Third provide some examples of consultation with users and customer satisfaction surveys. User
consultation and involvement in homelessness services is a difficult area which requires the development of good practice guidance.

ACCESS TO ACCOMMODATION AND SUPPORT

Permanent accommodation

4.46 As discussed above, the legal position is that local authorities must secure long-term accommodation for unintentionally homeless households in priority need (S31 of 1987 Act). Until recently it was assumed that this accommodation must be permanent, but the House of Lords ruled in 1995 that accommodation provided under the Act need not be permanent or settled in nature, although it must be available indefinitely (R v Brent LBC ex p. Awua [1995] 1 A.C. 55).

4.47 The Code is rather ambiguous on this point. It highlights the Awua case, but consistently urges local authorities to secure permanent accommodation as soon as possible and to avoid or minimise stays in temporary accommodation (para 10.23). In securing permanent accommodation, it highlights a series of issues the local authority should consider, such as the need for support and not placing a person where they would be at risk of harassment or violence. At a minimum, the standard of accommodation offered must be adequate to avoid a subsequent homelessness application, and staff should be aware that offers of unsuitable housing may lead to recurring homelessness. A recent Scottish Homes report on the impact of homelessness on children’s education has also highlighted the need to rehouse homeless families into permanent accommodation as quickly as possible (Thompson et al, 1998).

4.48 Local authorities’ statutory duty to secure long-term accommodation for priority households is fulfilled by a single ‘reasonable’ offer, but the Code states that good practice requires local authorities to give homeless households the same number and quality of offers as applicants applying for council housing via any other route (para 10.28). This is perhaps the advice in the Code most frequently ignored by authorities, with Evans et al (1994) indicating that almost all local authorities allowed homeless households fewer offers of permanent accommodation without penalty than applicants from the general waiting list.

4.49 Local authorities may also fulfil their statutory duties to homeless applicants by obtaining accommodation from other housing providers, usually RSLs (SFHA, 1993). Good practice guidance suggests that that local authorities should negotiate and formalise nomination arrangements with all RSLs in their area, and ensure that homeless households (both statutory and non-statutory) are included in those provisions (Yanetta and Third, 1999). A Good Practice Note on nominations has been published by the Scottish Office (School of Planning and Housing, 1997), and nomination arrangements are further discussed in Chapter 3 of this report.

4.50 Local authorities are also encouraged by the Code to consider housing options in the private rented or owner-occupied sectors, as these may be appropriate to some applicants (paras 10.32-10.33). Rent guarantee schemes are presented by Yanetta and Third (1999) as one way of helping homeless people gain access to private tenancies.
4.51 Research has consistently shown that most homeless people want access to mainstream, self-contained accommodation (see Anderson et al, 1993). This emphasis on ordinary housing in meeting the needs of homeless people is supported by both the Code (para 10.39) and Scottish Homes (1999a, p.10). Good practice therefore requires local authorities and RSLs to prioritise the provision of appropriate, mainstream housing for all homeless people - not simply those owed an accommodation duty under the legislation. Indeed, S20 of the 1987 Act requires local authorities to give ‘reasonable preference’ in the allocation of council housing to all persons defined as homeless under the legislation, not simply those in priority need. However, it is also widely understood that many homeless people have needs beyond housing, and may require access to supported or shared arrangements on a transitional or more long-term basis. These support issues are discussed below.

Temporary accommodation

4.52 There are several groups for whom local authorities are obliged to secure temporary accommodation: intentionally homeless households in priority need; homeless households believed to be in priority need pending the outcome of inquiries; and unintentionally homeless households in priority need referred to another authority under the local connection provisions. In addition, many households are placed in temporary accommodation awaiting allocation of permanent housing under the Act.

4.53 As mentioned above, the Code recommends that local authorities should seek long-term solutions to homelessness and minimise periods in temporary accommodation, and should not move homeless households around from one temporary accommodation to another (para 10.35). Local authorities should have a clear strategy for the management of temporary accommodation for homeless people, and should make provision for monitoring standards and use of temporary accommodation (para 10.36). There is a clear indication that bed and breakfast should only be used as a last resort (see also Audit Commission, 1989), and other preferable options described in the Code include hostels, women’s refuges, leasing of private sector accommodation and use of the council’s own stock. There are also a range of examples of temporary accommodation options which avoid the use of B&B given in Yanetta, Third and Pawson (1997).

4.54 The key source of information on the use of temporary accommodation for homeless people in Scotland is a recent report by Currie and Pawson (1996). It examines temporary accommodation in its wider policy context and examines a broad range of initiatives in considerable detail. It provides a very substantial set of recommendations and pointers to better policy and practice on matters relating to temporary accommodation, such as local authority furnished lets, mobile homes and chalets, private sector leasing arrangements, and ‘one door’ access centres.

Support and resettlement

4.55 Support issues have already been touched upon above. It is worth highlighting here the difference in emphasis between the Code’s statement (para 4.1) that “The defining characteristic of homeless people is that they need a home, and homeless people as such should not be regarded as... in need of other types of support” and Yanetta and Third’s
comment that “Homelessness is rarely just a housing problem” (p.25). This reflects an ongoing debate within homelessness services about the overall level of ‘vulnerability’ of homeless people, with some agencies and workers emphasising the ‘ordinariness’ of most of their clients, while others stress the complexity of their needs (see Hutson and Liddiard, 1994).

4.56 It is beyond doubt, however, that some homeless people do require support and material assistance in addition to housing. For example, many low income groups, particularly young single people, experience difficulties in furnishing accommodation, and both local authorities and RSLs have an important role to play in expanding the supply of furnished tenancies (Rooney, 1997). Some homeless people require support with practical matters, such as budgeting and gaining access to social security benefits, which social housing providers could supply through intensive housing management methods, although combining landlord and support functions is often problematic. In any case, more complex needs are unlikely to be met by housing services alone, and thus a multi-agency approach at both strategic and operational levels is necessary to address the needs of many homeless people. As Yanetta and Third comment:

“... a good homelessness service will go beyond the legislation. Taking the client as the starting point, staff will identify and attempt to meet their needs for housing and other services.” (Yanetta and Third, 1999: 5)

4.57 Chapter 4 of the Code provides guidance on inter-agency co-operation, and recommends that this should be based on an agreed homelessness strategy, containing clear objectives and allocations of responsibility for achieving them (para 4.3). The agencies discussed include social work services, the Benefits Agency, health boards, police and voluntary bodies. To some extent, such co-operation may simply be about ensuring that homeless people’s difficult circumstances do not mean that they lose access to other mainstream services (Firth, 1998).

4.58 There is a particular emphasis in the Code on the role of social work services in preventing and dealing with homelessness, and some groups of homeless people have statutory rights to support from social work services. Young people who have been ‘looked after’ by local authorities at school leaving age have rights to ‘aftercare’ support under the Children (Scotland) Act 1995, including advice, guidance and assistance until they are 19 years old (S29 (1)). Local authorities have powers to provide similar assistance to 19 and 20 year olds (S29 (2)), and to provide grants for education or training, and to make contributions to accommodation and maintenance, for young people aged between 16 and 21 (S30). It should be noted that homeless 16 and 17 year olds accommodated under the Children Act are considered to be ‘looked after’ by the local authority and thus entitled to this aftercare support. Under the NHS and Community Care Act 1990, some homeless people will be entitled to community care assessment and services, including the elderly and those with mental illnesses, physically disabilities or learning difficulties. Community care issues are dealt with more fully in Chapter 10.

**Hostels and foyers**

4.59 There is a plethora of research reports which make good practice recommendations in providing support to homeless people. Traditionally, support has been delivered to homeless
people in residential setting such as hostels. There is a substantial literature which evaluates hostels and offers good practice recommendations on their operation (Garside et al, 1990; Deacon et al, 1995; Neale, 1996; Cameron, 1997). There has been a shift in recent years from large, institutional hostels to smaller projects offering higher levels of support, particularly for certain groups such as young adults and women. Hostels have often been criticised as a ‘second-best’ form of accommodation for homeless people, but Neale (1997) has argued that, with sufficient financial investment and skilful planning, they can provide a valuable form of accommodation for some individuals at certain points in their lives.

4.60 One particular type of hostel based provision which has received a lot of recent attention is ‘foyers’. The idea of ‘foyers’ is based on a French network of hostels for young workers which was established in the 1950s to mobilise labour in the post-war period, and this concept was introduced into Britain by Shelter in 1991. Foyers have been defined as ‘a form of transitional accommodation for young people linked to training/employment and social support’. Supporters of foyers argue that their main advantage is that they represented a ‘holistic’ approach to addressing young people’s housing and employment needs. The first set of foyers in Britain took the form of large hostels which provided employment and training services but were otherwise only lightly supported. Many new foyers are adopting a more flexible structure, with some catering for as few as a dozen young people, and the levels of support they offer vary considerably. Despite the generally positive evaluations of foyers which have been carried out so far (Anderson and Quilgars, 1995; Anderson and Douglas, 1998), there remain unease about the institutional form of accommodation which foyers often provide, and the possibility of them becoming ‘tied’ accommodation (Gilchrist and Jeffs, 1995; Fitzpatrick, 1999).

Move-on accommodation

4.61 In recent years there has been a growing interest in resettlement services which attempt to help hostel dwellers and other vulnerable homeless people move on to and sustain more independent accommodation, and there is a developing literature of good practice guidance in this area (Alexander and Ruggieri, 1998; Dane, 1998; Randall and Brown, 1994; Randall and Brown, 1995; Schofield, 1999; Vincent et al, 1995). However, the limitations of models of ‘floating support’, that is support which is not tied to residence in a particular project, have also recently been highlighted (Douglas et al, 1998). The various evaluations of the Rough Sleepers Initiatives in England have provided good practice advice on outreach, accommodation and resettlement services (for example, Randall and Brown, 1993), and the evaluation of the Scottish RSI has also now been published (Yanetta et al, 1999). Yanetta and Third provide a wide range of examples of supported accommodation, resettlement and tenancy support services.

Support needs of particular groups

4.62 Many homelessness studies focus on the housing and support needs of particular groups of homeless or potentially homeless people, including young single people (Bannister et al, 1993; Fitzpatrick, 1999; Rugg, 1999); young single parents (Speak et al, 1995 and 1997); older people (Wilson, 1995; Crane and Warnes, 1997 and 1999); ex-offenders (Carlisle, 1996; McIvor and Taylor, 1995); and sex offenders (Moore, 1999). There is, however, little literature on older single homeless people, though a recent study by
Fitzpatrick et al (forthcoming) goes some way to addressing this gap. There is a dearth of material on homelessness amongst ethnic minorities, excepting some recent publications on refugees (Means and Sangster, 1998).

The role of registered social landlords

4.63 The role of RSLs in addressing the accommodation and support needs of homeless people has already been mentioned several times, particularly in relation to accepting homeless nominations from local authorities. They also manage many of the specialist supported accommodation projects discussed above. This section deals with good practice advice to RSLs in dealing with direct housing applications from homeless people.

4.64 The SFHA (1999, section 5A) recommends that RSLs should normally invite homeless people to proceed with their housing application to them as well as advising them to contact the local authority. The SFHA also offers good practice guidance on direct applications from groups often affected by, or at risk of, homelessness. For example, in relation to young people (section 5B) it states that blanket restrictions on housing 16 and 17 year olds are “strongly discouraged”, and it is recommended that wherever possible an assessment of support as well as accommodation needs should take place when a young person applies for housing. It states that short assured tenancies should only be used in exceptional cases rather than routinely for young people, and that it should not normally be assumed that shared or bedsit accommodation is most suited to their needs.

4.65 The SFHA (1999) also summarises the housing issues facing women who experience domestic abuse (section 5E). RSLs are encouraged to adopt a statement on domestic abuse which “recognises that people have a right to a life free from violence and abuse and it is not the victim’s fault but the perpetrator’s”. Allocations policies should indicate what degree of priority will generally be given to women who apply for housing or need a transfer, and the SFHA guidance emphasises the importance of women’s safety and confidentiality. Further guidance to RSLs on this issue is provided in an SFHA booklet Good Practice in Dealing with Domestic Abuse.

4.66 The role of RSLs will change significantly over the next few years with plans by many local authorities to transfer all or most of their housing stock to these landlords. In some areas there will be no council houses, and all social housing will be provided by RSLs. Clearly these developments pose important questions about the adequacy of current arrangements for the regulation of RSLs, not least in relation to allocations to homeless households and other vulnerable groups, and new good practice guidance is likely to be required. Shelter Scotland (1999) has made proposals for a new power for local authorities called a ‘statutory letting order’ to be used as a last resort measure where RSLs are not fulfilling their duties to allocate houses to those in greatest housing need. The Scottish Executive’s Homelessness Task Force is currently reviewing homelessness legislation and guidance, with a view to possible legislative change.

CONCLUSIONS AND GAPS IN GOOD PRACTICE GUIDANCE

4.67 There is a wealth of good practice guidance on the operation of the homeless persons legislation in Scotland, and, there is probably little need for more advice to housing managers
with regards to the administration of basic homelessness services. It is the consistent implementation of this good practice advice which remains problematic in some regards. As mentioned above, any significant changes to the legislative framework implemented as a result of the work of the Homelessness Task Force would necessitate further or amended good practice guidance.

4.68 There are some gaps in literature on the needs of particular groups. These include homelessness in rural areas; older single homeless persons and homelessness amongst ethnic minorities.

4.69 More guidance on the links between the Homelessness Persons Legislation and the Children’s Act would be useful. Guidance on the evaluation of homeless persons services, including user consultation and involvement is also lacking.

4.70 It would also be useful to supply more in-depth information and independent evaluation of particular types of interventions and approaches which go beyond the basic legislative requirements, particularly ways of combining housing and support to prevent homelessness or successfully resettle homeless people. Bringing together these ideas for innovative approaches to tackling homelessness, and regularly updating such a resource, would undoubtedly be of value to practitioners.
CHAPTER FIVE  VOID MANAGEMENT

INTRODUCTION

5.1 The void management function is closely related to a number of other housing management activities, especially allocations and repairs. For the purposes of this review, void management is narrowly defined so that, in general, activities such as repair specification and property reletting are discussed under these other headings. For example, given that most of the managerial responses to low demand housing involve alterations to allocations policies, these are dealt with in the allocations chapter.

5.2 The chapter begins by discussing void management performance indicators and measures of demand for housing. The remainder of the chapter is structured on the basis of the sequential activities involved in void management: logging, inspecting, securing, and repairing empty properties. Activities involved in reletting are discussed in the allocations chapter.

Background

5.3 In terms of the efficient use of resources, the management and reletting of empty homes is one of the key components of the landlord role for local authorities and housing associations. The alleged failure of social landlords to control void levels is one of the most commonly cited examples of inefficient practice. Contributors to such debates often imply that all empty properties represent a waste of resources and that the objective should be to reduce this figure to zero (see, for example, West 1996). This is a simplistic position which ignores the need for mobility within the housing stock (Housing Policy and Practice Unit and School of Planning and Housing, 1994b). Nevertheless, many social landlords accept that their void rates are unacceptably high and that scope exists for more efficient practice in this area (Pawson et al, 1997a).

5.4 High void rates are a matter of concern. First, because costs arise for landlords (which are, in general, reflected in tenants’ rents) and second, because they represent waste in terms of unmet housing needs. The published good practice advice on void management is largely concerned with making the process more efficient through reducing the vacancy interval between the departure of one tenant and the arrival of the next. Measures appropriate to ‘difficult to let’ or ‘low demand’ areas are the specific focus of some of the relevant texts (e.g. Moore, 1998). Such advice connects with the recently increased interest in practices aimed at reducing high tenancy turnover rates in certain areas which also contribute to void losses and undermine community stability (Pawson, 1998).

Sources

5.5 The key good practice text on void management produced for a Scottish audience (Housing Policy and Practice Unit and School of Planning and Housing, 1994) was an output from Scottish Office research carried out in the early 1990s (Murie et al, 1994). However, void activities are not greatly affected by the differences in the legal and regulatory frameworks of England and Scotland, so many texts aimed at an English audience are also
highly relevant to Scottish landlords. In particular, we refer to the *CIH Housing Management Standards Manual* (CIH, 1999), to Bines et al (1993) and to Pawson et al (1997a). The chapter also draws substantially on an earlier review of void management research findings carried out for the Housing Corporation (Pawson et al, 1997b).

**MEASURES OF VOID MANAGEMENT PERFORMANCE**

**Void rates**

5.6 The most commonly cited measure of void management performance is the void rate - the snapshot total of empty properties expressed as a proportion of the landlord’s housing stock. For individual landlords this figure has a key importance in that it determines the level of rent loss associated with empty properties - a key component incorporated within revenue account budgets. The strategic value of gross void rates emanates from their function as a measure of wasted resources, some of which (i.e. the ‘excess element’) could be used to meet housing needs.

5.7 In recent years, however, there has been a growing recognition that crude void rates are not necessarily ideal as a measure of housing management performance in this area. One problem is that a proportion of voids may be held empty pending major refurbishment, sale or demolition. It is therefore important to distinguish between ‘management voids’ and ‘development voids’ when carrying out analyses of trends over time analyses or inter-organisational comparisons. The main focus of attention is usually concentrated on ‘management voids’ (Merrett and Smith, 1989; Bines et al, 1993).

**Relet intervals**

5.8 A more fundamental problem with the use of void rates as a measure of management performance is that these are a product of both tenancy turnover and reletting intervals. For 2 landlords with equivalent performance in terms of inter-tenancy intervals, void rates may differ substantially due to differences in the incidence of vacancy generation (i.e. the proportion of properties falling vacant in any given period). Similarly, improvements in the speed with which a particular landlord relets properties from one year to the next may be counteracted by increases in turnover so that void rates remain static. Comprehensive statistics for Scotland do not exist. However, it has been shown in England that turnover rates vary dramatically between social landlords, though there has been an underlying national increase of 50 per cent during the 1990s (Pawson, 1998).

5.9 These considerations underpinned the Audit Commission’s early call for a shift in emphasis from void rates to relet intervals (Audit Commission, 1986a). More recently, encouraged by the requirements of the Accounts Commission and Scottish Homes, this has been reflected in local authority and RSL practice in Scotland.

5.10 There are, however, questions as to whether the definitions which underlie the measurement of relet intervals by Scottish social landlords are both consistent and watertight. The main issue with respect to RSLs is the definition of ‘relet interval’ adopted under the SCORE system which monitors individual housing association lettings. This refers to the period the property was ‘empty and available for letting’, a phrase apparently inviting
landlords to exclude what may be the greater part of the inter-tenancy interval whilst repair works are undertaken. On the face of it, intervals defined in this way would include the entire inter-tenancy period only where the landlord’s practice was to make properties available for letting immediately they were recorded as void, rather than after any necessary repair works had been completed.

5.11 Local authorities, by contrast, are required to measure the whole of the interval from tenancy termination to the reletting date. It is, nonetheless, acknowledged that void periods involving major works could distort the measured performance of particular landlords. Consequently, it is allowable for ‘major works voids’ to be entirely excluded from the calculation of Accounts Commission void management PIs. However, the lack of a precise definition of ‘major works’ is a potentially serious loophole in the specification of this indicator. In England, since 1995, the DETR has defined major works as those involving capital (rather than revenue) expenditure.

5.12 Another problematic aspect of the Accounts Commission void management PIs is that performance is expressed only in terms of the proportion of properties relet within given time bands (e.g. less than 2 weeks, more than 6 weeks). An additional requirement for an overall mean or median score would assist in performing inter-organisational comparisons and guard against the possibility of freak effects due to the precise specification of thresholds.

**Other recommended monitoring practice**

5.13 In the interests of monitoring efficiency, as well as recording gross relet intervals, local authorities are advised to routinely measure the time taken to complete various distinct elements of the void management process. Guidance originating from the Accounts Commission, and repeated by the Scottish Office guidance note, suggests that this should be standard practice for:

- the period between the tenancy termination and the initial inspection
- the period between the ordering and completion of repair works
- the period between the completion of works and reletting.

Similarly, authorities are recommended to measure and routinely analyse the average cost of void repairs (Accounts Commission, 1992; Housing Policy and Practice Unit and School of Planning and Housing, 1994; CIH, 1999).

**DEFINING ‘DIFFICULT TO LET’ OR ‘LOW DEMAND’ HOUSING**

5.14 Beyond a certain degree of unpopularity, social housing is often described as ‘difficult to let’. The DETR defines difficult to let housing as:

> “Dwellings frequently rejected or accepted only very reluctantly even by applicants in urgent housing need.” (DoE, 1981 and DETR, 1999 HIP Housing Needs Appraisal Form)
The definition includes “all dwellings, whether occupied or not or in need of renovation or repair...”. This definition forms the basis for annual ‘difficult to let’ estimates which English local authorities are expected to make both for their own stock and for stock owned by local housing associations.

5.15 Although the term ‘difficult to let’ is often used in a rather imprecise way, some social landlords have adopted more specific definitions which can have operational implications. For example, some landlords treat the third successive refusal of a tenancy offer in relation to a particular property as a threshold beyond which the property is regarded as problematic (Murie et al, 1994). This may trigger ‘exceptional action’ such as the relaxation of normally applied matching criteria.

5.16 In Scotland, the term ‘low demand area’ has some official status, given that it is used in the annual local authority S1 or housing stock return. This derives from recommendations produced by Murie et al (1994) who advised authorities to identify and precisely designate any low demand areas within their stock as a first step in preparing a managerial and/or investment strategy to address the problems involved. According to Murie et al, a low demand area was one characterised by:

- a small or non-existent waiting list
- high turnover
- high levels of refusals of offers and requests for out-of-area transfers.

Special measures which can be adopted by social landlords in response to problems of low demand are discussed later in this chapter.

POLICIES AND PRACTICES IN VOID MANAGEMENT

Introduction

5.17 This section reviews published literature on social landlords' policy and practice in void management. The void management process arises out of tenancy change and the desire of landlords to let properties as quickly as possible while having regard to other organisational aims. A number of inter-related activities are involved. These include:

- managing vacancy generation and tenancy terminations
- inspecting properties and specifying repair works
- arranging necessary security
- arranging for repairs, managing repairs contractors
- selecting appropriate applicants and issuing tenancy offers
- managing the property viewing and sign-up process.
5.18 A number of recent studies have examined void management policies and practices in social housing (e.g. Bines, 1993; Murie et al, 1994; Clapham et al, 1995; Pawson et al, 1997a). However, in general, attention tends to have been focused on the reletting rather than the reservicing aspects of the process.

Vacancy generation and tenancy terminations

5.19 As noted in 5.8, the rate of vacancy generation can have a significant impact on the overall level of empty properties. To a large extent, the rate of stock turnover will be dependent on social and economic factors outside the direct control of individual landlords. An example would be the impact of the age structure of an estate’s residents. Where an estate contains a particularly high proportion of young, childless people, the vacancy rate is likely to be high, since this is a relatively mobile group within the general population. A large percentage of elderly residents will result in a greater vacancy rate due to deaths or age-related moves (e.g. to institutions). Then there is the impact of the economic climate and the state of the housing market. The overall rate of vacancy generation is likely to rise when housing costs in the private sector fall relative to incomes and to the cost of housing in the public sector (Pawson and Bramley, forthcoming).

5.20 It has been observed that turnover rates vary substantially, not only regionally but also by stock type. Murie et al (1994) found that the turnover rate for high rise and tenement flats in Scotland was two and a half times that for houses. Variation by property size was even greater: turnover in one bedroom flats was three times that in 4 plus bedroom properties.

5.21 Particular issues relating to housing associations here include the size distribution of association stock. The relatively large proportion of association properties consisting of one-bedroom flats, means that a large percentage of tenants are either young and childless, or elderly (Housing Corporation/Audit Commission, 1995).

5.22 Policies and practices adopted by social landlords can also have some impact on the rate of vacancy generation. Allocation policies, for example, may have an indirect impact. If applicants have little choice in where they are housed it is likely that they will seek another move more quickly than would otherwise be the case (Murie et al, 1994; Power and Tunstall, 1995). Over a quarter of Scottish local authorities surveyed in 1993 allowed one offer of accommodation only for waiting list applicants (Clapham et al, 1995).

5.23 Centre for Housing Research (1989) found that limiting the number of offers which could be refused was associated with higher transfer request rates. Bines et al (1993) noted that effectiveness in matching applicants to suitable properties and restrictive transfer policies could reduce the transfer requests.

5.24 Studies have also pointed out that restrictive transfer policies may also be expected to reduce turnover (e.g. Housing Policy and Practice Unit and School of Planning and Housing, 1994). Commonly imposed restrictions include minimum residence periods which were enforced by over half of English local authorities and two fifths of associations in 1991 (Bines et al, 1993). One idea for relieving the pressure on transfer lists and permitting mobility without creating voids is the encouragement of mutual exchanges between tenants (CIH, 1999).
5.25 Good practice advice on void management (e.g. CIH, 1996, 1999; Housing Policy and Practice Unit and School of Planning and Housing, 1994) includes recommendations relating to the management of tenancy terminations. Foremost among these is the provision of incentives and penalties to encourage outgoing tenants to leave their homes in good order so as to minimise the cost of reservicing and time delay involved. Nearly three quarters of English local authorities and over half of housing associations surveyed in 1991 'always or usually' charged outgoing tenants for damages for which they were responsible (Bines et al, 1993).

5.26 The CIH recommends that tenants giving notice should be provided with a leaflet informing them of their obligations as regards termination, together with a form seeking various items of information from them. These should include the anticipated dates of vacation and termination, the reason(s) for vacation, any outstanding repairs of which the tenant is aware, and a forwarding address. The tenant should also be asked to state whether they would be prepared to grant access to housing applicants in advance of termination (CIH, 1999).

**Property inspection and repair specification**

5.27 Most of the debate around this area centres on the potential benefits of inspecting properties before voids actually occur, so that repairs can be specified to take place immediately following vacation. Other possible advantages would include providing the opportunity for:

- the identification of re-chargeable repairs so that outgoing tenants would be given the opportunity to carry out these repairs themselves
- noting improvements made, potentially re-imbursable to the tenant
- explaining termination procedures including the expected state of cleanliness of the property
- collection of forwarding addresses
- checking information on the property to assist in the letting or nomination procedure

(Clapham et al, 1995).

5.28 Theoretically, this could help to reduce relet intervals. However, the presence of the furniture and possessions of the outgoing tenant may make it difficult to identify disrepair and, hence, necessitate a second inspection and possible works order. Gaining access when the property remains tenanted may also prove problematic. One recent study found that many social landlords believed that most tenants would regard such access as an unacceptable breach of privacy (Murie et al, 1994).

5.29 The other major factor which limits the extent to which it is possible to pre-inspect before vacancies actually occur is the way that tenancies are terminated; specifically, the proportion of voids where notice of the required amount is given (Murie et al, 1994). For
example, a quarter of the Scottish housing associations surveyed by Kearns and Malcolm (1994) said that the majority of outgoing tenants did not provide the required amount of notice. The comparable figure for England found in 1996 was 36 per cent (Pawson et al, 1997a).

5.30 Among local authorities, pre-vacation inspections were more common in the early 1990s in Scotland than in England, involving 74 per cent and 41 per cent of authorities, respectively (Clapham et al, 1995, Bines et al, 1993). Another Scottish study showed that the majority of housing associations sometimes or always undertook pre-termination inspections (Kearns and Malcolm 1994). Among housing associations in England, 60 per cent of those surveyed in 1991 ‘always or usually’ inspected properties before the departure of outgoing tenants (Bines et al, 1993). However, the proportion reported to ‘always or usually’ inspect after the vacancy had actually occurred was higher than this, at 93 per cent. This seems to imply that it was more common to wait until tenants had left than to inspect in advance, or that significant numbers of associations inspect new voids twice.

Securing vacant properties

5.31 In some areas, there is a major problem of security in relation to vacant properties (Murie et al, 1994). Concerns relate to the theft of items (such as bathroom fittings, radiators and central heating systems), to the illicit use of void properties for antisocial activity such as drug abuse as well as the vulnerability of empty homes to squatting. One London borough with a history of organised squatting reported squatters’ tactics in gaining entry to voids as including the use of oxyacetylene welding equipment and the demolition of internal walls (LB Hackney, 1994).

5.32 The landlord has the overall responsibility for ensuring adequate security for vacant properties, although there may be a contractual obligation on the repairs contractor to provide security for the period where works are taking place. Only around one in ten local authorities and housing associations surveyed in 1991 ‘always or usually’ placed ‘additional security’ on void properties (Bines et al, 1993).

5.33 Exactly what types of security measures are appropriate is a matter of some debate. Where properties are at risk from vandals, thieves or squatters, the CIH recommends the use of alarms and security patrols, as well as boarding, caging and grilles. A different strategy, suggested by the CIH is for landlords to use curtains and automatic lights to suggest that the property remains occupied (CIH, 1999). This is, of course, an implicit acknowledgement that some security measures can be counter-productive because they can serve to draw attention to void properties. Another alternative approach in ‘vulnerable areas’, cited approvingly in Housing Policy and Practice Unit and School of Planning and Housing (1994), is the preferential use of materials with no resale value (e.g. plastic pipes) and the removal of central heating boilers from unlet properties.

5.34 To pre-empt illegal entry, the CIH advises that landlords managing stock in vulnerable areas establish a publicised hotline to enable tenants to report any suspicious activity relating to neighbouring empty properties.
5.35 Among many social landlords’ attempts to reduce relet intervals have focused on reducing the length of time a property needs to remain vacant whilst repairs are undertaken. This is not surprising given the results of one recent survey which found that, “repairs to voids were ... the area in which delays in reletting properties were most common” (Clapham et al, 1995: 119).

5.36 Among local authorities, at least, repairs to void properties are generally carried out by a contractor under an agreed set of contractual conditions and responding to a given works specification with respect to each individual job. The CIH recommends that, for larger landlords, contracts and associated monitoring with respect to void properties should be separate from arrangements relating to tenanted properties (response repairs) (CIH, 1999).

5.37 The accurate specification of works and a contractual framework which rewards quick turnaround (and penalises delay) are clearly 2 important elements which will influence outcomes here. Repair specification issues have already been discussed above. As regards the contractual framework, research has shown that performance targets, together with incentives and/or penalties are frequently absent from the terms of agreements between social landlords and repairs contractors. An Audit Commission study undertaken in the early 1990s in England found that well under half of local authorities imposed financial penalties on contractors not completing repairs on time. Scottish research found “very little evidence of performance measures in maintenance, generally, and in void management, in particular” (Murie et al, 1994: 43). In mitigation, the same authors argued that in practice it is not easy to agree targets with contractors, nor to enforce these and levy penalties for non-compliance.

5.38 Many good practice guides advocate that social landlords reduce the void period by having minor repairs ‘brought forward’ before termination or delayed until after a new tenant is in occupation (e.g. Institute of Housing, 1985; Audit Commission, 1986; Housing Policy and Practice Unit and School of Planning and Housing, 1994; CIH, 1999). However, such practice are far from universally adopted. In Scotland, for example, about a fifth of local authorities surveyed in 1993 had a policy of having works undertaken before the outgoing tenant had departed (Clapham et al, 1995). In England, half of housing associations surveyed in 1996 said that they never completed minor repairs before the departure of outgoing tenants, and this was only normal practice for only 11 per cent (Pawson et al, 1997a).

5.39 What sort of repairs may be appropriately undertaken with the tenant in occupation? The advocates of the approach which minimises void works argue that only repairs relevant to ‘health and safety’ as well as essential cleaning should be undertaken whilst the property is empty (Audit Commission, 1986). The CIH advice adds ‘security’ to this list and provides a breakdown of common repair types according to whether it would consider it appropriate for these to be undertaken with a tenant in occupation. It is notable that 23 of the 40 classes of job cited are seen as best carried out whilst the property is vacant. In addition, amongst the repair types suggested as suitable for completion with a tenant in residence is electrical work which might be considered a health and safety issue such as the renewal of defective plugs and sockets (CIH, 1996a).

5.40 Apart from the question of the types of works which are suitable to be carried out when tenants are in residence, policies of this type have other drawbacks. Pre-vacancy works would, of course, involve pre-vacancy inspections and specification and would, therefore, be
subject to the same possible danger that defects could be obscured by tenants’ effects. Not surprisingly, such policies are not generally popular with outgoing tenants (Clapham et al, 1995).

5.41 A policy of having works undertaken after a new tenant moves in could also have the unintended effect of discouraging acceptance of offers by applicants either not confident that the work would be done or wish to avoid the disruption involved. These are common concerns among housing associations in England according to Pawson et al (1997a).

5.42 Another relevant factor is that repair work is likely to be more easily and efficiently carried out when the property is vacant. Some schedules of rates allow for this, offering a discount for particular types of work when involving empty homes (Pawson et al, 1997a). The fact that works may often be cheaper whilst a property is vacant, means that achieving the shortest possible void period by displacing repair work is not always the optimum solution, economically (CIH, 1999). The ‘best’ course of action in relation to any individual property will depend on the balance between the ‘void discount’ (depending on the extent of the repairs needed) and the rent loss consequent on delaying the start of the new tenancy until the repairs are complete.

5.43 A related issue concerns landlords’ policies regarding reserving servicing standards. For example, it may be that the adoption of a very basic ‘fit to let’ standard and its consistent application will save time and money. The extent to which voids are redecorated in the course of reserving servicing would be one example of an area where there is scope for the exercise of judgement in this regard. The CIH recommends that voids should be redecorated “only if they are in very poor condition, or if the (prospective) tenant is elderly or infirm”. The guide suggests that landlords should generally provide assistance with costs which reflect the need for decoration such as decoration allowances or vouchers, free materials, rent free weeks etc. (CIH, 1999). However, the cash savings resulting from such an approach might bring with them other costs if they resulted in a reduction in the rate of acceptance of tenancy offers.

5.44 A related topic is the question of cleanliness. Thoroughly cleaned properties may help to improve the rate of uptake on offers and over a third of social landlords in England, surveyed in 1991 ‘always or usually’ cleaned properties before letting them (Bines et al, 1993). In addition, a majority offered incentives to applicants matched with properties acknowledged to be in poor condition. These included rent free weeks, cash or vouchers for the purchase of decorating materials. Similar findings were reported in relation to Scotland (Clapham et al, 1995).

5.45 Other significant issues concerning the works specification process would include the level of seniority and training of the staff involved in inspections. Debates as to the appropriate degree of ‘genericism’ in the organisation of housing management work are relevant to this issue. Much has been written in favour of a generic, patch-based approach (e.g. Power and Tunstall, 1995). However, there is a legitimate question as to whether it is realistic to expect estate management staff, responsible for a wide range of tasks, to have all the necessary skills to accurately specify repair work. The cost of inaccurate specification may include the rent loss associated with a prolonged relet interval and/or unnecessary expenditure on repairs. Another possible problem with highly generic, decentralised approaches is that it involves devolving control over work priorities. This may lead to void management being neglected in favour of rent arrears work (Murie et al, 1994). The possible drawbacks of a generic approach are also acknowledged implicitly by the CIH’s
recommendation that organisations with a large turnover or large volume of voids should set up specialist void management teams (CIH, 1999).

**Information systems and the management of the reserving and reletting process**

5.46 Appropriate information systems, whether computerised or not, are essential in the efficient management of void properties (CIH, 1999). The system needs to cover all empty properties owned by the landlord, including those not yet completed, vacant awaiting disposal etc. It should classify the current and future intended use of each void property and show where the keys are at any point in time. It is also important that the rates of tenancy terminations and offer acceptances are monitored and analysed, together with the reasons that tenants leave and applicants refuse offers (CIH, 1996).

**POLICY RESPONSES TO LOW DEMAND FOR HOUSING**

5.47 Social landlords often adopt specific measures to counter problems of unpopularity in specific blocks, estates or areas. Scottish Office guidance to local authorities recommends that void reduction strategies are developed for all areas identified as being affected by such problems (see above). Many of the policies included in such strategies go well beyond void management, as such. The most common involve changes to allocations policies, and techniques of this sort are discussed in Chapter 3. Other responses can be grouped under headings such as:

- physical works or investment (e.g. modernisation or installation of security measures)
- community development and local-scale multi-agency working
- more intensive housing management
- change of use, disposal and/or demolition.

Detailed guidance on the application of policies of this sort has recently been produced in the English context (Bramley et al, 2000b).

**CONCLUSIONS AND GAPS IN GOOD PRACTICE GUIDANCE**

5.48 Handling void properties is a component of housing management on which relatively little good practice advice aimed specifically at a Scottish audience has been published. The Scottish Office’s guidance note (Housing Policy and Practice Unit and School of Planning and Housing, 1994) was based on the Murie et al (1994) research. It is now somewhat dated and, in any case, offers only a fairly minimal coverage of what is a large subject. The SFHA’s Raising Standards does not cover voids as a specific topic, though aspects of the void management process are addressed in other chapters (e.g. allocations). More recent guidance focusing on low demand housing (Moore, 1998) addresses a problem of growing significance, though again the advice contained is fairly limited and does not appear to be underpinned by any significant research.
5.49 Nevertheless, the general guidance contained in the CIH *Housing Management Standards Manual* is intended to apply to Scotland as well as to England and is both up to date and fairly comprehensive. In addition, good practice advice on tackling low demand housing produced for the DETR (Policy Action Team 7, 1999) should be applicable in Scotland as well as south of the border. One significant area not addressed in detail in the *Housing Management Standards Manual* or elsewhere, however, is the terms of repairs contracts and the management of repairs contractors. In part, this reflects the tendency for related research to focus on the ‘people management’ rather than the ‘property management’ aspects of working with voids.
CHAPTER SIX  RENT COLLECTION AND RENT ARREARS

INTRODUCTION

6.1 This chapter examines rent collection and rent arrears management. It begins with the definition of rent and rent arrears and goes on to discuss the calculation of rent arrears. The chapter then deals with the 4 main areas of guidance; reasons for rent arrears; associated issues such as Housing Benefit, information technology and rent collection; advice on pre-litigation arrears management; and advice on the legal process.

Background

6.2 There have been a number of studies of rent arrears dating back to the early 1980s. Wilkinson (1980) carried out research in Scotland and Duncan and Kirby (1983) carried out a study in England. In the early 1990s the Accounts Commission carried out large scale Scottish research and Gray et al (1994) carried out a similar study in England. There have also been a number of smaller scale studies on specific issues such as legal action (see Leathers and Jeffers, 1989; Mason et al, 1995 and Mullen et al, 1997) and studies of Housing Benefit administration in both Scotland and England (Accounts Commission, 1993 and Audit Commission, 1993). Wider studies have also considered rent arrears. There have been 2 large scale studies of housing management in England (Centre for Housing Research, 1989 and Bines et al, 1993). The Baseline Study explored the extent to which good practice advice was followed in Scotland (Clapham et al, 1995). There is therefore a solid body of research on which good practice advice in this area is founded.

DEFINITION

6.3 The Accounts Commission (1992b) supplies a detailed definition of ‘rent’. They note that this does not include domestic rates or community charge but that it can include service charges. However, they also note that rent arrears figures can be distorted by technical arrears due to:

- delays in posting payments to the rent account (particularly significant with giro payments)
- payment of rent direct by the Benefits Agency - which are made quarterly in arrears
- where there is more than one payment period e.g. weekly and monthly
- administrative arrears - due to processing voids, transfers, house sales and tenancy terminations
- inclusion of non-rent sums (such as court costs, rechargeable repairs) in the rent account
- prepaid rent - where tenants pay in advance.
The Chartered Institute of Housing recommend that repayable Housing Benefit overpayments, legal costs and other debts are accounted for separately from the rent account (CIH, 1999b).

**Guidance on calculating arrears levels - gross and net debits**

6.4 The Accounts Commission recommends that local authorities should measure current arrears as a proportion of the net debit rather than the gross rent collectable. The net debit is the sum directly due from tenants in any particular year - that is the total amount collectable less Housing Benefit and losses due to voids. However, Scottish Homes asks housing associations to keep statistics on arrears as a percentage of gross rent receivable. It may be more difficult for registered social landlords to assess the level of rent which is met by Housing Benefit as, unlike local authorities, tenants usually receive the Housing Benefit payment themselves and pay the gross rent to their landlord. In contrast, local authority tenants who are in receipt of Housing Benefit pay the net rent (or no rent at all). This makes direct comparisons between the levels of rent arrears of registered social landlords and public sector landlords difficult.

6.5 Nevertheless, it is clear that rent arrears account for a substantial sum of money. At March 1995, local authorities were owed £33.2 million by current tenants. (Clapham et al, 1995). In 1997/98, arrears levels had risen slightly to £33.4 million - 7.7 per cent of the total rent due (Accounts Commission). Mullen et al (1997) found that average rent arrears as a percentage of net debit for public landlords at the end of 1995 was 4.7 per cent but this ranged from less than one per cent to over 15 per cent. Urban authorities were more likely to have higher arrears than rural authorities. An analysis of 200 housing associations’ annual accounts for 1997/98 found that gross arrears, including outstanding Housing Benefit payments stood at £8.6 million - representing 3.3 per cent of gross rental and service income. Mullen et al (1997) found that the average level of arrears as a proportion of gross debit for housing associations was 3.7 per cent. However, a substantial minority of associations, mainly those catering for special needs, had very low arrears.

**REASONS FOR RENT ARREARS**

6.6 There have been a number of studies which have examined the propensity for arrears (Wilkinson, 1980; Duncan and Kirby, 1983; Scott and Kintrea, 1992; Gray et al, 1994). The research is generally consistent in establishing the pattern of arrears. It is fairly well established that households in arrears are more likely to be:

- single people under retirement age
- families with children
- unemployed/low income
- living in a flat
- dissatisfied with house and repair service
• have other debts.

6.7 Pensioner households and couples with no children are least likely to have arrears. The main change between the studies in the early 1980s and the 1990s was that the later studies found more evidence of single person households in arrears. However, this is likely to be due to changing demographic profiles and allocation practices - allowing more single people into social housing. These studies suggest that there are no simple reasons for arrears but that families with children were the most likely to get into arrears. Often arrears were linked to wider debt problems and personal crisis. The picture is generally of people on marginal incomes, who were struggling to cope. There is evidence also that moving in and out of entitlement to Housing Benefit, due to changing circumstances, had an impact on arrears. Most households in arrears said they gave a high priority to rent payment and there is little evidence of feckless behaviour (Wilkinson, 1980; Scott and Kintrea, 1992).

RENT COLLECTION, IT AND HB CONTRIBUTION

Housing Benefit

6.8 Wainwright (1987) found that many arrears were exacerbated by Housing Benefit problems. This finding was echoed by Scott and Kintrea (1992) and Gray et al (1994). In corroboration of this, the Audit Commission study of Housing Benefit in England (1993) found that only a minority of local authorities provided a prompt and effective Housing Benefit service. Many did not process applications within the statutory timescale. A similar Scottish study found wide variations in the time taken and inconsistent treatment of cases (Accounts Commission, 1993). A study of the housing association perspective on Housing Benefit found that many association arrears were attributable to delays or problems in Housing Benefit administration (Raynsford Dallison, 1992).

6.9 Many of the reports recognise the links between Housing Benefit and rent arrears. They consequently stress the importance of maximising take up of Housing Benefit (Accounts Commission, 1992; SH/SFHA, 1991) and effective liaison with Housing Benefit sections (CIH, 1999). The Housing Policy and Practice Unit (1994) and Gray et al (1994) suggest a number of ways of publicising housing and welfare benefits and of improving liaison with Housing Benefit staff and DSS offices. The Accounts Commission study sets out a number of recommendations for good practice including explicit service standards, developing performance management and improving the use of IT and improving links with the agencies involved. The Chartered Institute of Housing good practice briefing note (CIH, 1996) provides checklists for an effective service including customer care, take up initiatives, overpayments and fraud.

6.10 There is a need for a closer understanding of the relationship between Housing Benefit and arrears. Further research in this area is being undertaken by the Accounts Commission and Scottish Homes - particularly with regard to the administration of Housing Benefits for tenants of registered social landlords. Further guidance may therefore follow this study.
Rent collection

6.11 The Housing Policy and Practice Unit (1993) provide a summary of the good practice on rent collection and rent accounting. The good practice advice suggests that landlords should offer a wide variety of payment methods to make it easier for tenants to pay. These include office collections, post-office giro, door to door collection, standing orders, direct debits and salary deduction. New technology means that there are a variety of newer payment methods such as automated cash receipting, automated arrears procedures and computerised 'note-pad' facilities (Accounts Commission, 1992; CIH, 1999). The research indicates that giro payments are associated with high arrears while door to door and office collections associated with low arrears. However, the Audit Commission (1986a) suggest that door to door collection and giro are high cost while standing orders and direct debits are low cost and very efficient. The main drawback of the latter is that many tenants may not have bank accounts. It is also recommended that landlords offer a wide range of payment times at their own offices. Wilkinson (1980) suggested that rent free weeks and weekly or fortnightly rent cycles could assist tenants to budget.

Information Technology

6.12 The Baseline study found that some landlords were hampered in their attempts to manage rent arrears effectively by old-fashioned and inappropriate computer systems (Clapham et al, 1995). Duncan and Kirby (1983) and Gray et al (1994) recommend that rent accounting systems should be able to advise officers quickly of the up to date arrears position. The Chartered Institute of Housing recommend integrated IT systems (CIH, 1997a). The Accounts Commission (1992) recommend use of automated payment systems. These include direct debit, swipe-cards and acceptance of electronic point of sale cards (EPOS), such as Switch cards. However, the Baseline Study found that few public sector landlords used such methods.

PREVENTION OF RENT ARREARS

6.13 The key good practice guides in this area are the Accounts Commission report (1992), the Housing Policy and Practice Unit (1994c) note published by the Scottish Office, the CIH Housing Management Standards Manual (updated regularly – latest edition 1999) and the SFHA Raising Standards manual. A new (3rd) edition of the manual is in progress but, at the time of writing, the new chapter on rent arrears management had not been produced. This chapter therefore uses the 2nd edition (SH/SFHA, 1991).

Management of rent arrears

6.14 A number of the reports suggest that rent arrears management in local authorities should be part of the housing department service rather than a finance function because rent arrears may indicate that there are wider problems which housing officers may be able to address (Audit Commission, 1992; Wilkinson, 1980).

6.15 Opinions are divided on whether organisations should employ specialist arrears staff or have generic staff deal with arrears on their patch and the Housing Policy and Practice
Unit (1994c) guidance note provides a discussion of this issue. The Baseline Study found examples of each which were effective (Clapham et al, 1995). Gray et al (1994) indicate that there is no single best way. However, they suggest that patch size is a critical factor if generic staff are dealing with arrears. The guidance also suggests that full staff training and regular updates are vital (CIH, 1996). Further research on the pros and cons of generic versus specialist staff for rent arrears management is currently being carried out by the Accounts Commission and Scottish Homes.

6.16 Rent arrears should be monitored regularly with reports to management and committee. Gray et al (1994) found that individual target setting for staff, if realistic, was effective however they advise against performance related pay. Some authorities have begun benchmarking rent arrears performance and practice in the moves towards Best Value (Bench Marking Forum, 1998).

Policies

“In dealing with rent collection and arrears, the overall objective is to maximise rent collected and to minimise rent arrears, while enabling tenants to maintain their tenancy wherever possible.” (CIH, 1999)

6.17 Both the Accounts Commission (1992) and the Audit Commission/Housing Corporation (1986) stress that there should be a clear policy on rent arrears with commitment from councillors and senior officers to reducing rent arrears. This should include formal policy statements and operational strategies. The SFHA also note that policies should address prevention of arrears as well as control of arrears (SH/SFHA, 1991). That action should be ‘firm but fair’ is a point made in many of the good practice guides. The Chartered Institute of Housing suggests that policies should make the role of staff and committee members clear and notes the importance of confidentiality (CIH, 1999).

6.18 Duncan and Kirby (1983) first suggested that Housing Departments should establish good links with other agencies to ensure effective co-ordination. Good practice guidance has continued to emphasise this point (see Housing Policy and Practice Unit, 1994). The updated advice (CIH, 1999) suggests joint strategies with social work and other relevant agencies.

Information to tenants

6.19 Both Wilkinson (1980) and Scott and Kintrea (1982) found that some tenants in arrears did not appear to know that they were in arrears, or the extent of their debt. They suggest that all tenants are provided with regular information via rent books, receipts or statements sent regularly. A number of sources (Duncan and Kirby, 1983; Accounts Commission, 1992; Gray et al, 1994; CIH, 1999) recommend rent payment and Housing Benefit advice should be given at a letting interview. Both the Chartered Institute of Housing and the SFHA recommend the provision of information in a Tenants’ Handbook (CIH, 1999; SH/SFHA, 1991).
Action

6.20 Most of the research suggests that early action - within 4 weeks - of whatever sort, is effective. Wilkinson and the Accounts Commission suggest that letters are effective in non-serious cases to prompt payment. However, the SFHA guidance emphasises personal face to face contact at an early stage (SH/SFHA, 1991). Wilkinson (1980) suggests that visits are effective and that office interviews had a high degree of success. However, this may be because tenants who turn up to office interviews are more motivated to deal with the problem. The Accounts Commission (1992) suggests weekend or evening visits and pilot schemes for appointments. Kintrea and Scott (1992) found that tenants preferred personal letters to standard proformas. Some guides (see Housing Policy and Practice Unit, 1994c; SH/SFHA, 1991) suggest good practice for well designed arrears letters.

6.21 There is agreement that repayment arrangements must be set at reasonable levels and may be assisted if backed up by a follow-up letter (Wilkinson, 1980; Accounts Commission, 1992). Gray et al (1997) provides a method of calculating repayments to ensure that these are affordable.

Money advice

6.22 There is conflicting evidence on money advice. The Centre for Housing Research study (1989) found no correlation between provision of money advice and level of arrears. However, the study also noted that this may not be cause and effect - as landlords with high arrears were more likely to follow good practice advice. This factor was also noted in the Baseline Study (Clapham et al, 1995). Other studies have found debt counselling and budgetary advice to be useful and some form of provision is widely recommended. Gray et al (1994) suggest that there are ethical issues if staff are both creditors and advisors and suggest that specialist staff are located elsewhere. However, the SFHA recommend that associations consider employing a specialist welfare advice worker (SH/SFHA, 1991).

Former tenants arrears

6.23 The Accounts Commission (1992) note that a significant amount of rent is owed by former tenants who have left their tenancies leaving rent unpaid. In 1989, this amounted to £11 million for former local authority tenants in Scotland, but the real sum owed was substantially higher because local authorities write off debts deemed to be irrecoverable. The report suggests that recovery of former tenants arrears requires quite different methods to the pursuit of current tenants. The first problem is to establish the whereabouts of the tenant. Landlords also need to establish whether it is economic to pursue legal action. They suggest that many authorities could employ an officer dedicated to former tenants arrears and note that landlords who did so recovered sums which more than covered the staff costs. An alternative method suggested is to use a commercial debt recovery agency. Gray et al (1994) suggest that such agencies should have a strict code of conduct and be closely monitored.

6.24 The Accounts Commission also suggests that debts should not be written off unless the debt is deemed to be irrecoverable and where certain criteria have been met (e.g. all other avenues have been exhausted, the tenant cannot be found or it is uneconomic to recover the amount).
Use of sanctions

6.25 Many landlords require tenants to clear their arrears before they will be offered a transfer to another property and former tenants are required to clear their arrears before they are offered a new tenancy (Accounts Commission, 1992). This raises concerns about social exclusion, which is discussed in greater depth in the chapters on allocations and homelessness.

THE LEGAL FRAMEWORK

6.26 Accounts of the legal process can be found in a number of texts. Himsworth (1994) and Mullen et al (1997) provide information on rent setting and rent increases in both secure and assured tenancies and an overview of the legal process. The CIH Housing Management Standards Manual gives a broad picture, though it is sometimes difficult to clearly differentiate between English and Scottish legislation (CIH, 1999). Mitchell (1995) offers a very full account of the legal process and Gray (1997) provides useful information on debt processes.

Rent and rent increases

6.27 There are a substantial number of differences between the ways that rents are set and increased in secure and assured tenancies. In a public sector secure tenancy the landlord has broad discretion to decide what level of rent to charge for any house. The rent may be increased at any time by giving the tenant 4 weeks notice. Housing association secure tenancies are subject to the ‘fair rent’ regime under the Rent (Scotland) Act 1984. Secure rents for associations must therefore be no higher than the rent registered by the Rent Officer, and re-registration is permitted every 3 years.

6.28 In assured and short assured tenancies there are 3 ways of achieving rent increases:

- by mutual agreement
- by serving a notice proposing an increase under section 24 of the 1988 Act
- by using a rent clause in the tenancy.

6.29 Mullen et al (1997) note that housing associations are guided to use the rent clause method rather than using section 24 as the latter involves terminating the contractual tenancy. The model assured tenancy agreement (MATA), which associations are expected to follow, contains 2 alternative rent increase clauses (SHFA, 1997a). The MATA also restricts the landlord to rent reviews no more often than once a year, and requires it to give one month’s notice of changes.
Remedies for recovering rent arrears

6.30 Landlords can seek recovery of possession of the property, seek recovery of the debt only or seek a conjoined action for both repossession and debt. For current tenants, landlords are likely to seek a conjoined action.

Repossession

6.31 The current legal powers of landlords to repossess the homes of their tenants in rent arrears are set down in the Housing (Scotland) Act 1987 (secure tenants) and the Housing (Scotland) Act 1988 (assured tenants). There are substantial differences between secure and assured tenancies in the grounds for recovery of possession. The grounds for recovery of possession may be divided into 2 types - mandatory and discretionary. In the case of the mandatory grounds, the Sheriff must grant an order for recovery of possession if the ground is established. In the case of the discretionary grounds, the landlord must convince the Sheriff that one of the relevant grounds is established and that it would be reasonable to grant an order for recovery of possession.

6.32 In a secure tenancy, ground one allows the landlord to seek possession where ‘rent lawfully due from the tenant has not been paid’. There are 3 rent arrears grounds upon which an assured tenant may be evicted. Ground 12 is equivalent to the rent arrears ground available for secure tenancies. Ground 11 provides for possession where the tenant has persistently delayed paying rent, even if there are no current arrears. Both of these may only be granted at the Sheriff’s discretion. However, recovery of possession is mandatory where an assured tenant owes at least 3 months rent both when the notice of intention is served and at the date of the court hearing (ground 8). The MATA includes ground 11 as a core clause and ground 8 as an optional clause (Mullen et al, 1997).

6.33 The first formal step in the legal process is the service on the tenant of a notice of proceedings. In secure tenancies the landlord serves a notice which gives the tenant at least 4 weeks notice of proceedings for recovery of possession being begun in Court. The notice must be in a specified form and give details of the grounds on which possession is sought. This notice expires 6 months after the date on which court action can begin.

6.34 In an assured tenancy the landlord must serve a notice of intention to raise proceedings for possession (form AT6) which gives the tenant either 2 weeks or 2 months notice that proceedings may be raised. Only 2 weeks notice is required in the case of the rent grounds and the notice expires 6 months after the expiry of the notice period. However the sheriff can entertain proceedings even where a notice has not been served where he or she ‘considers it reasonable to displace with the requirement’.

6.35 However, if a tenancy is a contractual tenancy, it will usually be necessary to end the contract by serving notice to quit. The minimum length of notice to quit in a dwelling house is 28 days and the notice must be in the prescribed form.

6.36 Once a case gets to court there should be little difference between the 2 forms of tenure. The action will be a usually be a summary cause action, and in both forms of tenure the sheriff has the power to adjourn proceedings with or without conditions attached. The sheriff may continue the case to a further date or sist the action - an indefinite suspension of
proceedings. Sists are usually used in rent arrears cases to monitor an arrangement for payment of arrears. If the tenant fails to keep to the agreement the landlord can apply to the court to have the case recalled and seek a decree for recovery of possession.

6.37 Once the court has awarded a decree for possession the landlord can proceed to evict on the day specified in the notice. There are no powers for suspended possession orders, but cases can remain sisted indefinitely prior to decree being awarded.

6.38 Tenants who become homeless as a result of being evicted for rent arrears may seek assistance from a local housing authority under the terms of the homelessness legislation. The Code of Guidance on Homelessness stresses that households evicted for rent arrears should be considered on the basis of their individual circumstances.

Debt recovery

6.39 The procedure depends on the amount owed:

- small claims action - for debts of £750 or less
- summary cause debt action - for debts over £750 and up to £1,500
- ordinary cause action - for debts over £1,500

If the tenant fails to make the necessary payments under a decree the landlord can enforce the debt using the remedies available under the Debtors’ (Scotland) Act 1987:

- arrestment of earnings
- conjoined arrestment order (where there is more than one debt)
- arrestment of bank account
- warrant sales.

It should be noted that warrant sales are not recommended in the good practice advice (Housing Policy and Practice Unit, 1994 and CIH, 1999). There are now proposals to put forward legislation to the Scottish parliament to eliminate this form of debt recovery.

Recovery of Housing Benefit overpayments

6.40 Until March 1997, Housing Benefit overpayments could not be treated as rent arrears and could not be recovered through possession proceedings. However, the Income Related Benefits and Job Seekers Allowance (Miscellaneous Amendments) Regulations 1997 SI No. 65 provides that any Housing Benefit paid to a landlord (other than a local authority) which is subsequently recovered due to overpayment does not discharge the tenant’s liability to pay rent. This means that non-local authority landlords can apply the amount to the tenants rent account but local authorities must continue to recover overpayments separately from recovery
of rent arrears. It should be noted that the CIH (1999) expresses doubts about the powers under which the regulations were made.

Sequestration

6.41 Under the Bankruptcy (Scotland) Act 1985, individuals can make themselves voluntarily bankrupt by signing a trust deed. The trust then applies for a sequestration order and sells non-essential assets. The proceeds are distributed to creditors but the effect is that outstanding debts cannot be pursued. Money advice agencies indicate that this is not a step which tenants should take lightly because there are other implications (Gray, 1997).

Withholding rent

6.42 Tenants have a right at common law to withhold rent if, for example, the landlord fails to carry out their obligations to repair. Very few of the good practice guides recognise the existence of this right (though the SFHA (1999) mentions it in the chapter on maintenance). However, a Shelter Housing Action note (O’Carroll, 1993) provides a detailed account of the circumstances in which a tenant may withhold rent and a practical guide to ensure that that this is done properly. The note warns that, even where the tenant takes proper steps to advise the landlord of their action, the landlord may begin legal proceedings. In addition, it warns that assured tenants should make sure that they do not have 3 months rent arrears as landlords may use the mandatory ground 8.

GUIDANCE ON LEGAL ACTION FOR RENT ARREARS

6.43 There is conflicting guidance on the use of notices seeking possession. The Centre for Housing Research study (1989) found that early use was effective but Wilkinson (1980) suggests that where notices are used too frequently they lose their impact.

6.44 Most guidance stresses that eviction should be used as the last resort (see, for example, SH/SFHA, 1991). However, research by Bines et al (1993) in England found that local authorities tended to take legal action much earlier than housing associations. Mullen et al (1997) also found that public sector landlords in Scotland were likely to use legal action as a matter of routine. They obtained decrees at much higher rates than housing associations but were much less likely to enforce them. In contrast, associations were more likely to follow good practice on arrears management by putting much emphasis on a personal approach in the early stages of arrears. However, when they did take legal action, they were more likely to enforce the decree.

6.45 Leather and Jeffers (1989) study of court cases in England found that few tenants attended court and Mason et al (1995) expressed concerns that this was also the case in the Scottish courts. They felt that, in many cases, the courts were rubber-stamping the landlords action. Nixon et al (1996) also expressed concerns about the low attendance of tenants at court and found that those who did attend were very critical of the way that they were treated.

6.46 Gray et al (1994) found that few landlords made use of small claims actions but suggested that these could be a very quick way of recovering small debts at low cost to both
the landlord and tenant. They also note that such actions do not preclude later repossession action.

6.47 Few of the guides discuss the management of evictions - though the SFHA provide a brief summary.

CONCLUSIONS AND GAPS IN GOOD PRACTICE GUIDANCE

6.48 There is a solid body of research on which good practice advice in this area is founded and there are relatively few gaps in the guidance. However, the inter-relationship between Housing Benefit and rent arrears remains a problematic area - particularly for registered social landlords who rely on the local authority to process benefit payments for their tenants. In view of the proposed large-scale stock transfers, this is an area in which more guidance may be required. Research currently being undertaken by the Accounts Commission and Scottish Homes may address this gap.

6.49 This is also an area where new technology may have an impact. Cash receipting technology is becoming more sophisticated to allow a wider range of payment methods. Landlords could take lessons from banks on telephone and internet ‘banking’ and further guidance might be useful.

6.50 Anecdotal evidence suggests that more landlords are using debt collection agencies to recover arrears - particularly those of former tenants. But there is little guidance in this area. More guidance may also be required on the management of evictions. Finally, much good practice guidance may need general updating in the light of developments since they were published.
CHAPTER SEVEN  REPAIRS AND MAINTENANCE

INTRODUCTION

7.1 The focus of this chapter is on the client role in repairs and maintenance. It examines how social landlords manage, organise, monitor and seek to improve the performance of their repairs and maintenance services. Although the focus is not the contractor role, the review incorporates some of the literature covering the relationship between client and contractor and between contractor and tenant. The chapter first defines the terms used, and the distinctions to be drawn, between repairs and maintenance. The second section sets out the legal framework and guidance for both functions. The chapter then reviews the good practice literature on selected, important topics. These include: achieving the 'right' balance between repairs and maintenance activities; better management of repairs and maintenance; the importance of standard-setting; efficient organisation and administration of work and the importance of the tenant dimension. The chapter concludes by identifying the gaps in good practice guidance.

Context

7.2 With over 600,000 council dwellings and 135,000 housing association/co-operative dwellings, the repair and maintenance of these major assets are core responsibilities of social landlords. Very large sums of money are involved: £345m was spent by local authorities in 1996/97 (Accounts Commission, 1998) - a significant element of housing revenue budgets.

7.3 There is common agreement that the current level of repair and maintenance needs of the Scottish local authority sector stock leaves authorities facing a considerable task to ensure the proper upkeep of their dwellings. In 1996, one third of public rented dwellings were affected by dampness or condensation compared with about 17 per cent of RSL dwellings. In addition, just over 100,000 publicly rented dwellings had visible disrepair costs of over £1200 while only 4,000 RSL dwellings faced similar costs (Scottish Homes, 1996a). The position is relatively more favourable, at present, for the voluntary housing sector but it too faces growing problems in adequately financing long term maintenance.

7.4 Repairing and maintaining their home has always been a central concern of tenants. The quality of the repair service is a key factor in their overall perception of the competence of their landlord (Clapham et al., 1995). Slowly, this has been recognised by social landlords. There is no dissent nowadays that “it is by this service that we stand or fall as a distinctive element in social rented housing” (SFHA, 1997b: 39).

7.5 The development of good practice guidance about repairs and maintenance has been a reflection of all the competing and diverse pressures on the organisation, costs and quality of the services delivered. Over the period since the mid 1980s, the important internal and external drivers that have shaped the types of guidance produced have been:

- declining stock condition and growing repairs backlogs
- the introduction of a the client-contractor divide and tender competition
• diminishing budgets

• criticisms of poor management control and performance weaknesses

• tenant dissatisfaction and demands for more tenant involvement in standard setting and monitoring

• tenant-landlord statutory and contractual obligations, and

• pressures to continually improve Value For Money (which has been translated in to doing more, to a higher standard, with less resources).

DEFINITIONS

7.6 Although often linked in common usage, 'repairs and maintenance' are properly distinguished as inter-related but distinctive terms. In general terms, the repairs function can be considered as a demand-led, reactive response to reported breakdowns in building components or services. In contrast, the maintenance function is about planned programmes, designed to prevent service breakdown or to renew worn out components which are at the end of their economic life.

7.7 The research and good practice literature broadly adhere to these interpretations but different sources embellish them, or generate sub-categories felt to be important. In the response repairs field, prioritisation of speed of response is one basis of sub-division. This is commonly expressed in 3 categories: normal, urgent and emergency, each with its own lists of component breakdowns and timescales for action. In its study of emergency repairs the Accounts Commission defined this category as repair work which “relates to damage which could affect the health, safety or security of the tenant, or damage to the fabric of the building, if the repair was not attended to immediately” (Accounts Commission, 1998: 7).

7.8 Packaging of repair jobs to deliver more efficient working practices is another approach. For example, the AMA (1998) identified.

• jobbing repairs - single jobs to an individual dwelling

• void repairs - multiple repairs a dwelling prior to letting

• group repairs - non urgent jobs to individual dwellings which are packaged by estate, trade or zone.

Void repairs are discussed in the chapter on void management.

7.9 The maintenance function can also be differentiated. The common distinction is between cyclical maintenance, regular cycles of work to prevent the breakdown of components; and planned maintenance, the replacement of components that have reached a stage where repair has become too costly and largely ineffective (AMA, 1988; CIH, 1997a). Scottish Homes and the SFHA refine the maintenance function further. These publications make 3 distinctions. First, ‘cyclical maintenance’: which is seen as essentially a preventative, predictable process dealing with the gradual deterioration of building components and
finishes. Second, 'replacement': a planned process of like-for-like renewal of building fabric and replacement of building components at the end of their useful economic life. Both are distinguished from 'improvement': the alteration or addition to a dwelling, including replacement of existing components with those of a significantly higher standard (Scottish Homes, 1992; SFHA, 1997a).

7.10 While the basic distinction between reactive repairs and planned maintenance may be clear, care must be taken with both research and guidance which sometimes treat them together. This makes the different issues of causation, management, remedy and funding less than clear. Improving Council House Maintenance (Audit Commission, 1986), one of the key policy-shaping reports on this field, covers response repairs and planned maintenance within the generic title 'maintenance'. Similarly Council House Repairs: Guidance on Good Practice 3 (Commission for Local Authority Administration in England, 1993) moves between the 2 functions with no clear differentiation.

7.11 To an extent, this blurring of the difference reflects the recognition that there is an inter-relationship between the 2 functions. At one level, there is the belief that increased maintenance activity will, in the longer term, lead to reduced demands and costs on the reactive repairs function. At another level, there is a belief that they should be under single management control at one organisational level. The organisational approach argues that the centralised control of maintenance and decentralised control of repairs undermines both functions: and suggests integrated management, preferably at the estate level (Power, 1991).

**THE LEGAL AND REGULATORY FRAMEWORK**

7.12 There is no simple statement that defines the legal framework within which repairs and maintenance operate in the social rented sector. Reference must be made to common law, statute and contract. Case law also shapes, by interpretation, what is, and what is not, 'the law'. Additionally, there is the 'shadow' legal field, epitomised in Scottish Homes guidance notes and regulatory standards. While such guidance is only partly legally derived, it effectively has the force of law for any sensible housing association. There are also different legal issues to address and each draws on different legislative sources. The core issue is undoubtedly landlord-tenant repairing obligations but there are other important issues - right to repair and compensation, obligations to publish performance information, consultation requirement with tenants on standards, and competition and anti-competitive behaviour. The SFHA guidance (SHFA, 1999) provides a basic guide to the law, but the Housing Management Standards Manual (CIH, 1999) covers the wider issues in more depth.

**Repair obligations**

7.13 The legislative position on landlord repairing obligations is set out in the Housing (Scotland) Act 1987, s.113 and schedule 10 as amended by the Housing (Scotland) Act 1988 schedule 8. This relates to all houses rented at less than £300 per week and for domestic leases of less than 3 years. It sets out the fundamental position that landlords (social or private) must, at the commencement of a tenancy, and during a tenancy, ensure that the house is 'reasonably fit for human habitation'. Second, it establishes that landlords cannot generally contract out of statutory repairing obligations. Landlords repairing obligations are:
• to keep in repair the structure and exterior of the house

• to keep in repair and good working order installations to supply water, gas, electricity and sanitary conveniences excluding actual fixtures, fittings and appliances that use water, gas and electricity

• and also, to keep in repair and good working order installations for space heating or heating water.

The interpretation of terms such as 'repair', 'reasonably fit for human habitation', 'structure and exterior' are subject to interpretation and development of their meaning by case law.

**Right to repair**

7.14 The Secure Tenants (Right to Repair) Regulations 1994 (Statutory Instrument, SI 1994/1046), gave secure tenants the right, from 1 October 1994, to call in an alternative contractor nominated by the landlord, if qualifying repairs were not carried out by their landlord within a specific timescale. The regulations require the landlord to issue a copy of the usual works order to the tenant along with a statement of the qualifying repair, maximum timescale for completion, date for completion and contact information of at least one contractor from its list. The types of repairs that 'qualify' are those that, if not carried out within the prescribed time, may jeopardise the health, safety or security of the tenants. These are set out in the regulations as are the various prescribed time limits and level of compensation the tenant can claim if the work is not completed within the appropriate time. Additionally, every year landlords must inform their secure tenants in writing, of the regulations and the list of nominated contractors. The provisions governing the statutory right to repair apply only to secure tenants of local authorities and Scottish Homes. A similar scheme is operated on a voluntary basis by housing associations (Scottish Homes, 1994b; SHFA, 1999).

7.15 It should be noted, however, that Mullen et al (1997) found that only 2 councils mentioned the right to repair in their lease and few actively promoted information on the right. Less than 4 per cent of housing associations granted a contractual right to repair in their assured lease. However, a number of the case study landlords ran a voluntary scheme which was not included in their tenancy agreement.

**Provision of information**

7.16 Rights and obligations in relation to the provision of information on performance and consultation on standards are another important legislative area. The Local Government Act 1992 requires local authorities to collect, publish annually and supply to the Accounts Commission, information on their performance on specific services. The Commission also publishes performance data and contextual information from local authorities’ submissions. Very little information is actually collected. On repairs, only one performance indicator is required: the priority categories of repairs and their target timescales for job completion with corresponding percentages of repairs actually carried out within the target timescales. The Commission itself notes that this limited information excludes repairs and maintenance works
undertaken as part of planned programmes and work in empty houses. It also excludes any quantification of works which were not carried out due to financial constraints.

7.17 There is no equivalent statutory obligation on RSLs. However, they are required by Scottish Homes to submit information on their repairs performance. They must also meet the expectations set out in Performance Standards for RSLS (Scottish Homes/SFHA, 1999) which covers quality of the maintenance service, accountability in procurement, planned maintenance and quality of customer service.

7.18 Unlike English authorities, Scottish local authorities have no statutory duty to inform tenants of their statutory repairing obligations. However, RSLs are expected to provide tenants with information on their repairs policies, landlord-tenant repair obligations, repairs reporting procedures, categorisation of repairs and completion target times and how emergency repairs are dealt with (Scottish Homes, 1994b).

7.19 Publication of information and consultation with local authority tenants about repairs is encompassed by s17A to the Housing (Scotland) Act 1987 (inserted by the Leasehold Reform, Housing and Urban Development Act 1993, s130). This sets out obligations on local authorities about setting standards and reporting performance in housing management, including consultation with tenants about what should be published. The difficulty with these duties is that there confusing overlap with the powers of the Accounts Commission described above. To minimise this, without making s17A redundant, the Scottish Office has allowed the performance indicators that local authorities collect and publish under Accounts Commission Direction to equate with the requirements of s17A.

**Competition law**

7.20 Finally, there has been the controversial field of public service competition law. The Local Government, Planning and Land Act 1980 introduced a competitive, price-driven tendering regime. This led to client-contractor demarcation for local authority building maintenance work and Direct Labour Organisations. However, in 1989, following the Local Government Act 1988, the 'competition-free' element of work was abolished, and response repairs work under £25,000 came within the ambit of compulsory tendering. With the introduction of Best Value preparation in 1997, regulations extended the moratorium on CCT introduced because of local government reorganisation in 1996 (Scottish Office Local Government Group, 1997). They revoked the requirement to put small jobs below £25,000 out to tender but CCT would still apply to jobs over £500,000 in value.

**GUIDANCE ON GOOD PRACTICE**

**Background**

7.21 As a core landlord responsibility, the client role in repairs and maintenance is generally well covered in the literature. However, there is wide diversity of focus. Some material addresses only response repairs (or even a single category of repairs), some only considers planned maintenance issues, and yet other material covers both functions. Target audiences also vary. The majority of literature is aimed at local authorities - reflecting the
historical importance of this sector - but recently some material has appeared that deals with the specific operational or financial interests of RSLs.

7.22 The basis on which social landlords are provided with good practice guidance follows 2 patterns. The first is derived from research analysis of data collected from surveys and case studies. The second is essentially descriptive collections of good practice statements and illustrative case studies held to be examples of good practice but for which there is rarely an objective evaluation that they ‘work’.

7.23 There is relevant English and Welsh material that forms part of the good practice field for repairs and maintenance. Although the legislative and funding framework is different, the management and tasks of a response repairs service are not markedly different. Similarly, the way in which a planned maintenance system is developed and implemented should not be radically different. The emphasis placed on issues has varied across the countries (e.g. the relatively greater concern about the scale of the repairs backlog in England). However, there have been common concerns in how to improve policy and practice on service delivery, control costs, redress the balance between response repair jobs and planned maintenance works and focus on the 'customer'.

7.24 The mid 1980s provides an appropriate starting point for the review of recent literature. At this time, 2 unconnected reports, one on the Scottish repairs service, the other about the maintenance situation in England, set the agenda for future repairs and maintenance studies and the development of good practice. Though both were restricted to local authority repairs services, they highlighted issues that have continued to dominate the debate: how greater cost effectiveness and improved quality of service to tenants could be achieved. The Scottish report (Stanforth et al, 1986) was highly critical across the range of repairs activities of local authorities. It identified key problems such as insufficient communications with tenants, ‘serious inadequacies’ in reporting of repair requests, inadequate record keeping, virtually no performance monitoring and wide variations in standards of service. The report noted the need for major change and made 15 key recommendations. These included: more staff training; simpler priority systems; more post-inspections; improved record keeping; better performance monitoring; closer inter-departmental co-ordination; decentralisation of repairs organisation; greater tenant involvement and 'encouragement' of tenants to tackle minor repairs.

7.25 An equally significant report was a parallel English study published in the same year by the Audit Commission, Improving Council House Maintenance (Audit Commission, 1986). This offered more detailed operational analysis and guidance on policy and procedure than the Scottish Office study. Also based on case studies and survey, it focused on the growing problem of repairs backlogs, variable maintenance expenditure across landlords and tenant dissatisfaction. Although analysis was framed in terms of 'maintenance', the report covered response and programmed functions and their inter-relationship. The report emphasised the need for authorities to have better knowledge of stock condition and maintenance needs as a basis for sensible planning of repairs and maintenance programmes. It also placed greater stress on a 'strategic approach' to funding maintenance costs to deal with the scale of the repairs backlog. Echoing the Scottish study, the report stressed the crucial need for more effective management to secure maximum value. The report suggested: achieving a better balance between response and maintenance work; cutting waste; controlling demand for emergency and urgent repairs; avoiding relet repairs; clarifying
respective client- contractor responsibilities; improving systems of monitoring performance; and assessing the benefits of service decentralisation.

7.26 Good practice guidance has expanded considerably since the publication of these reports. However, although the agenda has widened, they have a continuing value as benchmark studies that set the framework for the future direction of good practice. From the diverse research and good practice literature of the last 15 years, certain core themes emerge that will be examined in the remainder of this chapter:

- achieving the 'right' balance between repairs and maintenance
- better management of repairs and maintenance
- the importance of standard-setting
- the need for more efficient organisation and administration of work
- the importance of the tenant dimension.

THE 'RIGHT' BALANCE BETWEEN REPAIRS AND MAINTENANCE

7.27 It has become accepted good practice that landlords should seek to reduce response repairs and increase works and costs on planned maintenance (CIH, 1996a; AMA, 1988 and 1992; Audit Commission, 1986; SFHA, 1999). The principal argument advanced in support of this position is that, over the longer term, this will achieve significant savings for the landlord and produce more satisfied tenants (SFHA, 1999). Other benefits of boosting the proportion of maintenance work are said to be more effective use of staff and more efficient ordering of materials. There is also a view that it is simply more sensible to have a preventative 'check-up and treatment' approach than remedial approach to protecting building assets (Davies, 1992).

7.28 The consensus on best practice, in relation to the balance between repairs and maintenance has settled on a guideline target, for planned maintenance expenditure, of between 60-70 per cent of the repairs and maintenance expenditure budget. The extent to which this is being achieved, or even approached, by Scottish local authorities and housing associations is difficult to say as no national statistics are published. Given the emphasis placed on this relationship, it is somewhat surprising that no statutory key performance indicator has been developed by the Accounts Commission. However, this is set to change under Best Value arrangements as the Scottish Office (as was) announced that an additional key P. I. to the Accounts Commission's response repairs P. I. will be required of local authorities, namely:

"Total spend on planned maintenance expressed as a percentage of the total repairs expenditure on authority's stock; and as an average cost per dwelling." (Scottish Office Local Government Group, 1999)

7.29 There are numerous difficulties for landlords in achieving a shift away from a dominant response repairs service. Most importantly, overall costs will have to rise if maintenance expenditure is increased as there will be no short-term savings on response
repair costs. At the same time, revenue and capital budgets have been under downward pressure throughout the 1990s, inhibiting the capacity to boost maintenance spending. Also, regulators emphasise the importance of delivering core services, such as repairs, to high standards and all landlords face higher tenant expectations for speedier service responses as a result of a more active consumerist movement. There are implications of promoting decentralised service delivery, which can stimulate pent-up repairs demand. Finally, political pressures can affect local authority landlords, when political administrations seek short term success rather than long term change.

7.30 The Audit Commission recommended 2 ways of containing response repairs. First by avoiding the need for major expenditure on relet repairs and second, by controlling the demand for emergency repairs (Audit Commission, 1986). Twelve years on, this latter issue was the subject of a study by the Accounts Commission (1998) which found that 32 per cent of all response repair jobs carried out by local authorities were emergencies. (However, there was wide variation between authorities - ranging from one per cent to 57 per cent of repair jobs.) The cost was about £33m per year, nearly 10 per cent of the annual expenditure on response repairs of around £345m. Good practice recommendations to authorities focused on reducing the level and cost of their emergency repairs. Further details are presented in the later section on improving the organisation and administration of the repairs service.

THE MANAGEMENT OF REPAIRS AND MAINTENANCE

7.31 The clear conclusion that can be drawn from the critical review of local authority repairs services (Stanforth et al, 1986), was that 'management' had failed to manage effectively. Weak organisation and administration combined with weak authority over Direct Labour Organisation (DLO) contractors had lead to inefficiency, poor cost control and high tenant dissatisfaction. In the housing association field in Scotland, the issues were different. The primary concern throughout the 1980s was the development process and delivering new and rehabilitated houses, not the housing management process. The Housing Corporation's monitoring also focused on financial and development matters, and much less on tenancy and property management.

7.32 A principal reason for the problems that beset local authorities was that housing managers’ acceptance that they were 'the client', was not well developed in the mid 1980s:

"Until recently, individuals involved in local authority housing maintenance have been conscientiously carrying out their duties without being unduly concerned whether they were labelled as client, client's agent or contractor.”
(AMA, 1988, p. 26)

7.33 However, it was recognised that the environment was changing and a distinct housing client role was emerging. The AMA (1988) identified the core responsibilities for response repairs management as the need to:

- establish effective management arrangements covering the key stages of the service
- set and monitor service standards, ensuring they are communicated to customers and incorporated in contract documents
• establish and control budgets
• commission and supervise the work to be done
• monitor the quality of the work carried out and the effectiveness of the service.

7.34 The Accounts Commission (1992a) elaborated the AMA recommendations by providing more detailed guidance on improving management systems across a range of housing functions. Although its jurisdiction only extended to local authorities, its recommendations were seen as pertinent to housing association landlords as well. It noted that response repairs were relatively better managed compared to most other housing functions but that planned maintenance lacked a clear and systematic approach to performance review and consumer feedback. The development of “an effective system for managing housing performance” (p.33) was recommended. This was based on: the promotion of performance review; the establishment of individual function cost centres; the integration of tenant feedback into the review process; more effective use of information technology; and better training for staff at all levels. These themes are also discussed by Brian and Griggs (1992).

7.35 The most recent expression of guidance on better management - applicable across all housing service areas is the CIH Scotland report Best Value for Housing Services in Scotland (Johnston and Reid, 1998). This has extended the management philosophy to continuous improvement built around service planning, service review cycles, performance measurement, user consultation and bench-marking.

THE IMPORTANCE OF STANDARD-SETTING

7.36 An area in which good practice guidance for improved management and delivery of repairs and maintenance has grown considerably has been standard-setting. Apart from statutory standards, early approaches to standard-setting were minimal, and relatively simple, focusing on response repairs target completion times across repairs categories. As the importance of achieving greater accountability, tighter contract control and better quality of service gained acceptance, so the need for a more sophisticated range of standards across repairs and maintenance activities became essential. Repairs and maintenance standards for local authority and housing association landlords have tended to come from external sources - the government, the regulators and the professional bodies - rather than be internally generated. Performance standards for housing associations were introduced in the early 1990s (Scottish Homes/SFHA, 1991) in response to the needs of the new financial regime and the increasing business approach required by Scottish Homes. The most recent update, in 1999, reflected changes in the voluntary sector and the anticipated emergence of RSLs. However, the standards could not be said to break new ground: for repairs, “RSLs should provide an efficient and effective repairs service to their tenants”. For maintenance:

“RSLs should know the condition of their stock, have costed plans for lifetime maintenance and improvement and be able to demonstrate that they are making adequate financial provision for planned maintenance and improvement works.” (SFHA/Scottish Homes, 1999)
7.37 Further standards cover 'legal requirements and policies', 'accountability in procurement' and 'quality of customer service in maintenance'. In each case, compliance with the standard is tested by Scottish Homes by checks on specific features of the organisation, administration and performance of the functions.

7.38 The most comprehensive good practice guidance on repairs and maintenance standard-setting has been provided by the CIH (1999). No less than 147 standards are set out across the full range of repairs and maintenance activities including customer care, repairs reporting and processing, response times, empty property repairs, maintenance, improvements, repair job standards, contracts, expenditure, insurance, equal opportunities, staffing and performance monitoring. Landlords are advised that they need only select those they consider appropriate for their size of organisation.

ORGANISATION AND ADMINISTRATION OF WORK

7.39 The heart of repairs and maintenance is the process by which each is delivered. This is also the pivotal point that brings landlord and tenant in contact with each other and “it is tenants' experience of the repair and maintenance service which will inevitably influence their perceptions of the overall [housing] service” (Bines et al, 1993: 121). This section focuses on the main organisational and administrative stages and technical tasks of delivering an efficient and effective repairs and maintenance service. The client-tenant-contractor interface is incorporated in the subsequent section which looks at the broader framework of tenant involvement in the planning, monitoring and review of the 2 functions.

RESPONSE REPAIRS PROCESSES

7.40 While they are often linked, it is important to recognise that repairs and maintenance are organised and administered on quite different bases, reflecting their different 'missions'. Considering response repairs first, the organisation is a complex process covering a range of topics:

- the sequential tasks and stages from repairs reporting to post inspection
- information management to monitor and control the quality of service
- the training of client staff
- the housing client-contractor relationship.

7.41 There have been a number of good practice guidance reports about response repairs organisation and administration since the critical reviews of the mid 1980s. Much of the material emanates from England but, as the focus here is on better policy and practice, there is no constraint to their application in the Scotland. Key texts for repairs are the Audit Commission (1986), Stanforth et al (1986), the AMA (1988), CIH (1996a), Accounts Commission (1998) and SFHA (1999). Other relevant literature is the AMA (1991) and the Commission for Local Administration in England (CLAE, 1993). The scope and detail of the organisational and administrative issues covered have expanded over time. However, there is
a broad consensus about the main issues to be addressed and the main ways in which the repairs process should be improved. Given the amount of guidance available, and the consistency of approach on what constitutes good practice, only a brief review on response repairs organisation administration is presented.

**Reporting repairs**

7.42 Providing an accessible service to tenants has been identified as an important factor in delivering a more effective repairs service (Audit Commission, 1986) and decentralisation has become a common feature of housing management services generally. Clapham et al (1995) found 'considerable devolution' of the repairs service in their study (30 out of 45 Scottish authorities). While generally seen as a positive move, there is some debate about the appropriateness of the alternative approach, a centralised repairs reporting facility backed up by a freephone access service. One advantage over the decentralised approach is seen to be “that only a small number of staff need specialist training and they can develop a high level of expertise” (CIH, 1996a: 7). A related issue, on which guidance is lacking, is the question of whether repairs inspecting and liaison with contractors and clients should be a specialist staff responsibility or part of a generic housing officer role. Generic housing work, particularly at neighbourhood level, has become very common in recent years. However, with pressure on housing revenue budgets, there are doubts that the growth in generic working is based on sound professional logic and values as opposed to political and managerial drives to cut staff levels and reduce salary budgets.

**Staff training**

7.43 Proper training of non-technical staff working for the housing client, particularly those receiving tenants' repairs requests, is universally emphasised. Well trained staff are seen to enhance tenants' perception of the service, provide more job satisfaction, reduce errors in ordering repairs, reduce the need for technical pre-inspections and allow flexibility in carrying out other duties (CIH, 1996; CLAE, 1993; Stanforth et al, 1986; Audit Commission, 1986; SFHA, 1999). However, when the pressure is on to cut repairs expenditure, more than well trained staff are required. Efficient computer systems, repairs manuals to help staff accurately identify repairs - complemented by repairs handbooks for tenants to help them appreciate their own repairing responsibilities - are also important in delivering a more cost effective service (Accounts Commission, 1992; CIH, 1996; SHFA, 1999).

**Grouping repairs**

7.44 Emergency repairs are disproportionately costly and recommended good practice is to cut the amount of such work. The Accounts Commission (1998) suggests reducing over-categorisation of repairs (classing a repair as an emergency when it is not), reducing tenant abuse and misuse, reducing vandalism and “extending, where possible, the planned preventative maintenance programme” (p.3). The other main area for action is to reduce direct and indirect costs by several measures. These include: reducing the amount of work done on a dayworks-priced basis; random checking of contractors' invoices; reducing post-
inspections; and reducing the need for pre-inspections by more accurate repair type identification.

7.45 With non-urgent repairs, there is still the need to contain costs and organise such repairs into economical packages. Three approaches are commonly recommended though each has disadvantages as well as advantages:

- zoned or 'grouped' repairs in which jobs are carried out by peripatetic, repairs teams visiting estates in fixed cycles of say, 6 weeks
- neighbourhood based multi-trade teams
- neighbourhood based response repair contract teams operating on a competitive basis (Audit Commission, 1986; AMA, 1988).

For smaller organisations, these alternatives may not be viable and a set of competitively selected, single trade contractors may be the only economic way to operate with urgent and non-urgent repairs.

Tendering

7.46 “The objective of putting work out to tender is to secure the lowest price for doing the job properly” (Audit Commission, 1986: 36). The use of a priced schedule of rates is the generally accepted correct approach. However, its effectiveness can be improved by: offering work on a trade basis to encourage specialist companies; dividing the work into areas; reducing detail to simplify administration; indicating previous years’ work volumes; and issuing unpriced schedules to encourage more accurate pricing (AMA, 1988: 43). Surprisingly, given its importance, few guides discuss response repair jobbing contracts in any depth. Other than advice to “have a cohesive contract and tendering strategy”, no guidance is provided in the CIH briefing on day-to-day repairs (CIH, 1996a). However, the SFHA (1999) provide more detailed guidance covering contractor selection, tendering procedures, reviewing contractor performance and delegation of responsibility.

Pre and post inspections

7.47 Increased repair completion times, and increased costs, due to failed access arrangements by repairs inspectors and contractors have been long-standing issues. The solutions, then and now, have been to have better trained staff receiving requests so that fewer pre-inspections are needed and to introduce an appointment system (Stanforth et al, 1986; CIH, 1996a). With post-inspections, the main issues have been the appropriate rate at which they should be carried out and how jobs are selected. Again, advice has been clear and consistent over time. The recommended range is 10-20 per cent of completed jobs and inspections, targeted at larger, more complex or more expensive jobs (Audit Commission, 1986; CIH, 1996a; Accounts Commission, 1998). Post-inspections of the greater volume of simpler and cheaper jobs are not easily justified on cost grounds and tenant feed-back via repair completion satisfaction, pre-paid return slips is considered an alternative (Stanforth et al, 1986).
MAINTENANCE SERVICE PROCESSES

7.48 The maintenance service has a different operational profile, though, as with response repairs, there is broad agreement in the literature about the key topics around which good practice needs to be developed. These include: strategy formulation; stock condition survey data collection; life-cycle costing; programme planning; current and future budget-setting; contract tendering; contract management; and the client-contractor relationship. The key texts are the Audit Commission (1986) and AMA (1988), the Scottish Office/Scottish Homes (1989), SFHA (1997b, 1999) and CIH (1997b).

Maintenance strategies

7.49 Developing a maintenance strategy is important for all landlords. First, it provides an opportunity to make a statement about the standards that existing rented dwellings should achieve. Second, it obliges landlords to recognise the varied physical and financial risks they face over long time periods of up to 60 years. Third, it requires the development of sound asset management and predictive planning, and finally it involves a balance between achieving simplicity of understanding and complexity of analysis (SFHA, 1997b). It is also seen to be the route by which landlords can minimise the amount and cost of emergency and urgent repairs and relet repairs “consistent with meeting desired service standards” (Audit Commission, 1986: 27).

Stock condition surveys

7.50 However, strategy must be turned into a practical programme of work and costs. There is common agreement that the starting point is assessing the needs of the stock and developing an accurate data base of property information (SFHA, 1999). In larger organisations, this can be generated by a detailed sample survey of the stock. Property condition is never static and surveys need to be periodically repeated or, alternatively, information is updated by “rolling programmes of inspection” (CIH, 1997b: 4). A maintenance programme is built round a life cycle costing process by “listing building elements which are likely to require further maintenance, repair or replacement and setting out anticipated replacement cycles” (SFHA, 1997b) and applying costs to the elements being replaced and renewed.

7.51 The funding of future maintenance is one key area of difference between RSLs and local authorities. Since 1989, housing associations have had to set up a sinking fund, sourced from rental income. The amount transferred from rents is dependent on the outcome of the life cycle costing exercise and regular review of the fund and the stock. Detailed guidance on how the fund should be set up and which professional members of staff should be involved is provided by the SFHA (1997b). Major repairs (e.g. eradication of dry rot, structural problems, severe weather damage, etc.) must also be financed from the accumulated sinking fund. There is one exclusion to this approach: ‘major repairs’ to stock built of modernised under the pre-1989 (old Housing Association Grant) procedures (Scottish Homes, 1992). Local authorities operate quite differently. They have no facility to establish long term sinking funds from rental income. Their planned maintenance works are funded annually from their Housing Revenue Account (HRA) via rental income or HRA capital borrowing.
In sharp contrast to the situation for RSLs, equivalent good practice literature about local authority planned maintenance funding and accounting, is lacking.

**Maintenance contracts**

7.52 Maintenance contracts generally distinguish 3 categories of work, which partly shape how contract management is carried out:

- a rolling programme of major component renewal and repair works carried out within the approved planned maintenance strategy
- service maintenance of facilities such as lifts, door entry systems, communal lighting, etc. organised on a cyclical basis, normally annually for gas and electrical installations with health and safety implications
- external painter-work normally carried out on a 5 year cycle and preceded by, or integrated with it, works to remedy associated disrepair.

7.53 Regardless of what type of work is involved, landlords are advised to have clear policies and practices covering the full contract management process (CIH, 1996a). Contract management involves a relatively straightforward but very detailed set of tasks:

- liaison with technical staff (quantity surveyors, engineers, etc.)
- specification of standards and design of the brief
- adoption of standard conditions of contract and specification of contractor performance criteria
- the tender process: obtaining tenders, evaluation of bids and formal bid approval
- monitoring progress, payment of invoices and work completion acceptance.

7.54 Coverage in the client good practice guidance of how these tasks should be implemented, the options available and their benefits and drawbacks is mixed. Some parts are very detailed while others are very superficial (Audit Commission, 1986; AMA, 1988; CIH, 1996a). *Managing Housing Contracts* (King and Newbury, 1996) was designed to address the demands of CCT for housing management services. However, it provides a very useful guide to good practice on contract management that is as relevant to repairs and maintenance contracts as it is to other housing management services.

**THE TENANT DIMENSION**

7.55 For all social landlords, the repairs service is undoubtedly the most critical point of interface with their tenants: “The acid test of an effective repairs and maintenance service is that it satisfies the customer” (AMA, 1988: 13). Unfortunately, it is also the housing function that has been most subject to criticism - although the position seems to have improved over the years. In 1983/84, a survey found one-third of tenants dissatisfied or very
dissatisfied with the repairs service (Stanforth et al, 1986). However, a 1994 survey, found three-quarters of those who had a repair completed in the previous 12 months were ‘wholly satisfied’ (Clapham et al, 1995). There has been less pre-occupation about tenant satisfaction with planned or cyclical maintenance.

Customer care

7.56 Approaches to ‘satisfying the customer’ fall into 2 overlapping categories:

- individual customer care practice
- tenant involvement in the wider policy framework.

7.57 The aim of customer care practice is to provide a satisfying, positive experience for tenants when they have repairs carried out to their homes. A consistent theme in the good practice guidance has been the emphasis on the importance, particularly for the repairs service, of service delivery being embedded in customer care values. The framework proposed in the 1980s (Stanforth et al, 1986; AMA, 1988, 1992) has become established good practice in the late 1990s (CIH, 1996a, 1997b, 1999; SFHA, 1999). However, the list of ways in which landlords can become more tenant-friendly has expanded.

7.58 The accumulated practical guidance is considerable. It includes written information to tenants such as: provision of repairs booklets and customer care codes; clear statements of landlord and tenant repairing obligations; published repairs standards; and receipts for confirmation of requests. There is also an emphasis on customer service such as: easy access arrangements for reporting repairs; attractive reception areas; quick responses to telephone calls and letters; clear time targets for job completion; appointments offered for inspection and works access; and standards for contractor courtesy and tidiness. Customer feedback through: job satisfaction return slips; regular surveys of tenants views; and explicit complaints procedures are also recommended. In addition, landlords should provide information in languages and formats appropriate to multi-racial communities and to those with impairments of hearing or sight.

7.59 With maintenance work, less good practice guidance has been developed as it appears to have been over-shadowed by repairs service concerns. Obviously, a number of good practice points are the same or have their equivalent. However, the scale, potential disruption and duration of planned maintenance contracts carry additional concerns. In this respect, depending on the type of contract, health and safety is a more significant issue. Tenant consultation and decisions about temporary decanting, disruption of utility services, dirt and damage to household possessions also take on high priority (CIH, 1997b) as does agreement about disturbance payment compensation.

 Tenant involvement

7.60 Tenant involvement in the wider policy framework of repairs and maintenance has been an explicit good practice recommendation for many years:
“Clearly tenants' groups must be fully involved in any innovations and with the future development of the service. Liaison groups need to be set up … The function of these groups, meeting probably on a monthly basis, would be to review existing policies and priorities, to consider changes to these, and to monitor actual performance.” (Stanforth et al, 1986: 74)

7.61 However, the interpretation of what is involved has become more demanding as the general approach to the management of housing has become more complex. Good practice advice now talks about the need for social landlords to engage tenants in: programme planning, setting standards, drawing up the design brief; deciding spending priorities; reviewing performance and discussing policy and practice innovations and changes (CIH, 1996a, 1997b; SFHA, 1999). Such matters are not easily implemented by seeking to relate to individual tenants. It is anticipated that landlords will work through existing tenant organisations, local tenant-landlord forums and tenants panels. Sample surveys of tenants are also advocated (AMA, 1992). However, these are likely to be more effective in contributing to performance review than the more complex issues which involve trade-offs between competing pressures such as spending less and raising standards.

CONCLUSIONS AND GAPS IN GOOD PRACTICE GUIDANCE

7.62 The overall conclusion that can be drawn from this review is that repairs and maintenance are generally well served with good practice guidance about the housing client role and the inter-relationship of client, tenant and contractor. A respectable body of literature has accumulated and the chapter has demonstrated that there is broad consistency over time about the key issues and ways forward to improve both services.

7.63 Inevitably, because it has been seen as a problematic, high cost, high profile part of the housing management service, the repairs service has received more attention than maintenance. Some redress of this imbalance is overdue. Indeed, the Large Scale Voluntary Transfers proposed for local authority stock over the next few years are largely driven by the need to resolve the problem of under-investment in poorly maintained properties, making the case for up-to-date, detailed guidance about planning and implementing large repair and maintenance programmes compelling.

7.64 More specifically, comprehensive guidance on client contract management in a post-CCT/LSVT environment would be desirable, as would guidance about the funding of local authority planned maintenance, as programmes of some nature will still be required for non-transferred stock.

7.65 There is also a need to review the generic versus specialist housing role and derive the characteristics that would justify either approach as more appropriate than the other in particular circumstances. Practice varies considerably and may be due to local political and budgetary pressures rather than sound professional logic reinforced by good practice. Indeed, good practice guidance on this matter is largely absent or has adopted a 'sitting on the fence' position.
CHAPTER EIGHT  ESTATE MANAGEMENT

INTRODUCTION

8.1 This chapter examines the housing management task generally known as estate management. The Housing Policy and Practice Unit (1995) note that this covers a wide range of issues which they divide into those focusing on people and those related to the physical environment. However, there are many areas of overlap. The tenancy agreement itself is central to discussions about tenancy management and the chapter therefore focuses on this first. Within the practice of tenancy management, the greatest area of concern in recent years has been the role of housing managers in tackling crime, anti-social behaviour and neighbour nuisance on estates. Concerns in this area have led to new legislation. This, and related topics, therefore form the bulk of the discussion. The penultimate section of the chapter specifically addresses racial harassment and the final section discusses gaps in guidance.

Definitions

8.2 Taylor et al (1992) defined tenancy management primarily as enforcement of the conditions of the tenancy agreement. This includes issues such as requirements for permission to sub-let or make alterations, stair-cleaning, control of dogs and causing a nuisance or annoyance to neighbours (Housing Policy and Practice Unit, 1995). The Baseline Study provides a similar definition, suggesting that tenancy management encompasses:

“All aspects covered by the tenancy agreement including tenancy conditions; tenants’ rights; neighbour problems; garden maintenance; lodgers and pets.” (Clapham et al, 1995: 124)

8.3 Taylor et al (1992) defined environmental management as the “‘landlords’ activities which fall outwith the boundaries of the tenant's house and which are not generally covered by the tenancy agreement”. The Baseline Study expanded on this definition to include:

“All aspects of estate upkeep including management of open spaces, litter issues, supervision of caretaking staff and routine inspections of estates.” (Clapham et al, 1995: 124)

8.4 The Chartered Institute of Housing (1999) use the term ‘estate management’ in its widest sense to refer to services to tenants which aim to enable customers to have quiet enjoyment of their homes and a decent, safe and secure environment. Estate management, they suggest, is not just about looking after buildings and the physical environment. It also involves providing or arranging necessary advice and support to customers and involves working with other agencies to achieve decent living conditions.
TENANCY AGREEMENTS

Legislation

8.5 The key legislation which applies to tenancy management flows from the Housing Acts of 1987 and 1988. The former covers tenants’ rights under secure tenancies and the latter covers assured tenancies. Although there are substantial differences between the 2 forms of tenure, much relevant law is the same for both secure and assured tenancies. Due to recent changes introduced by the Crime and Disorder Act 1998, most of the main texts are out of date on some of the details of grounds for possession. However, they remain accurate on the main legal differences between secure and assured tenancies. Himsworth (1994) provides a broad outline of the scope of secure and assured tenancies while Mullen et al (1997) provide a detailed account of the differences. The CIH Housing Management Standards Manual also provides a summary of both Scottish and English provisions (CIH, 1999).

8.6 Until the 1988 Act, tenants of both local authorities and registered social landlords had secure tenancies. However, since 1989, new tenants of registered social landlords have had assured tenancies. The differences between the 2 tenures have been an issue of controversy (Mullen et al, 1997). However, the SFHA urges housing associations to use the Model Assured Tenancy Agreement (MATA) (SFHA, 1997a). This gives housing association tenants contractual rights which ensure that assured tenants receive similar rights to those of secure tenants. Mullen et al (1997) found that, in practice, secure tenants of public sector landlords generally had better legal rights in relation to ‘right to repair’, compensation for improvements and succession. However, most housing association assured tenants had been granted better contractual rights in respect of information and consultation. Both types of tenant appeared to be treated similarly as regards assignation and subletting, despite their different legal positions. Despite this, there have been continued concerns about the differences between the 2 tenures, especially in the transfer of stock from public landlords to housing associations and housing companies.

8.7 In response, the new Scottish housing green paper proposes a single tenancy for the social rented sector. This would give the same rights and responsibilities to both council and registered social landlord tenants (Scottish Office, 1999a). Further details of the proposed Single Social Housing Tenancy are set out in a paper from the Scottish Executive (SEDD, 1999). This paper concentrates on discussion of the Right to Buy. There is a brief discussion of whether the Single Tenancy should be implemented only for existing secure tenants and all new tenants, or whether the new tenancy agreement should also apply retrospectively to existing assured tenants. The details of the rights and obligations of the proposed new tenancy are set out in the appendix. These aim to ensure that there is no diminution of the rights of secure tenants and most of the ‘core rights’ of the single tenancy would be the same as the rights of secure tenants. In addition, the paper proposes an extension of the right of succession to cover ‘same sex’ partners, enhanced rights for a second succession for members of the household and enhanced rights for tenants to exchange properties. There would also be a new ‘core right’ to consultation. The paper proposes to incorporate legal provisions for the Single Tenancy in the Housing Bill (Act) in Autumn 2000 and to draw up a single tenancy agreement for landlords to adopt.
Good Practice on Tenancy Agreements

8.8 Most good practice guides recommend that literature for tenants, including tenancy agreements, are written in clear simple language. Atherton (1983) and Goodlad (1986) recommend the use of such measures as the ‘gobbledygook quotient’ which assesses ‘readability’. The Unfair Contract Terms Regulations, 1994 (SI 1994/3159) require consumer contracts (including leases) to be written in clear, intelligible language. The good practice literature on tenancy agreements recommends that tenancy agreements should set out the main rights and responsibilities of both the landlord and the tenant (Housing Policy and Practice Unit, 1995). The SFHA model agreement (MATA) aim to meet good practice requirements and, more recently, a model agreement (MoSTA) has been developed for secure tenants (O’Carroll, 1997).

8.9 Atherton (1983) examined local authority leases shortly after the 1980 Act and found that they were of very varying quality. A decade later, Clapham et al (1995) indicated that the tenancy agreements of public landlords were generally of a poor quality, and some were very out of date. Many local authorities revised their leases following the re-organisation of local government in 1996 but Atkinson et al (forthcoming) found little improvement. Local authority leases were generally found to be written in a legalistic style. They frequently imposed many obligations on tenants but gave little emphasis to informing tenants of landlords’ obligations or tenants’ statutory rights. Few councils had adopted the MoSTA. In contrast, housing association largely adopted the MATA. As a result, their agreements were generally written in a far clearer style than those of public landlords, and were more likely to inform tenants of their statutory rights.

CRIME, NEIGHBOUR PROBLEMS AND ‘ANTI-SOCIAL BEHAVIOUR’

Definitions

8.10 Despite the widespread use of the terms neighbour dispute and anti-social behaviour, there is no single accepted definition of what these terms mean. Many commentators distinguish between ‘minor’ disputes between 2 neighbours and ‘serious’ anti-social behaviour which has an impact on a wider range of people (see, for example, Taylor et al, 1992). The Scottish Affairs Committee (1996) suggested that anti-social behaviour occurs when:

“the problem is a direct result of behaviour by one household or individuals in an area which threatens the physical or mental health, safety or security of other households and individuals.” (SAC, 1996: 1)

8.11 In addition, it is implicitly acknowledged that ‘anti-social’ behaviour overlaps with criminal behaviour. For example, The Scottish Office consultation paper on housing and anti-social behaviour focused primarily on criminal activities:

“Anti-social behaviour by a small minority of tenants and others on council estates is a growing concern....Such behaviour takes many different forms with varying levels of intensity. It can include vandalism, noise, verbal and physical abuse, threats of violence, racial harassment, damage to property, trespass, nuisance from dogs, car repairs on the street, joy riding, domestic
violence, drugs and other criminal activities such as housebreaking.” (SOED, 1995: 1)

8.12 However, other commentators have suggested that distinctions between ‘minor’, ‘serious’ and criminal behaviour is not necessarily helpful. Bannister and Scott (2000) argue that any form of categorisation in this area is difficult, as the range of problems which may cause nuisance or annoyance is very wide. Mackay et al (1994) note that minor disputes can rapidly escalate in to major problems, such as violence or even murder.

8.13 In practice, the research and good practice literature, whether on neighbour disputes, anti-social behaviour or crime, tends to cover a wide range of problems and solutions. As this range of literature is being discussed under the general heading on tenancy management, a definition which encompasses the wide range is appropriate. To this end, Legg’s conception of a continuum of problems is used:

“There are annoying but relatively minor events like children playing games in unauthorised areas. There are also serious matters such as burglaries, muggings and extreme racial harassment. In between these two extremes there is a wide variety...noise is a constant source of complaints in many estates.” (Legg et al, 1981: 14)

Approaches

8.14 Scott and Parkey (1998) classified 3 possible approaches to management of anti-social behaviour: minimalist, traditional and innovative. They argued that in the past, public sector landlords in Britain were likely to take a minimalist position towards the management of anti-social behaviour problems: steering clear of involvement in disputes between neighbours. However, the Baseline Study found that most landlords adopted a ‘traditional’ approach: reacting to problems as they arose while a few could be described as ‘innovative’ (Clapham et al, 1995).

Sources

8.15 There is now a substantial literature on neighbour disputes, anti-social behaviour and crime. The key ‘good practice’ manuals are Aldbourne Associates (1993); CIH (1995b); Karn et al. (1993); SODD (1998) and Crime Concern (1998a). The suggestions that these publications include are wide-ranging, reflecting the diverse nature of the problems which are classified as being anti-social behaviour and recognising that no single approach offers a panacea. These approaches also combine both preventative and reactive measures. Taken as a whole, they may be broadly classified as being design-led, management-led and legal in nature.

Legal remedies

8.16 The main legal remedy available to landlords is action to repossess the property (eviction). However, other legal remedies include interdict, the use of local authority bye-laws and powers to deal with noise and a range of criminal law provisions. Collins and
O’Carroll (1997) provide the most comprehensive account of legal remedies for anti-social behaviour including both civil and criminal law and information on Scottish cases, while Reid’s (1996) report gives a potted version. Hunter, Mullen and Scott (1998) make interesting comparisons between the Scottish and English approaches to civil legal remedies.

8.17 There have been considerable criticisms of the legal process for eviction for anti-social behaviour. These include views that evictions are difficult and slow to obtain and that interdict is expensive and ineffective (see Mullen and Scott, 1995; SAC, 1996). However, recent research on the use of legal remedies (Atkinson et al, forthcoming) found that landlords did not have major difficulties in obtaining remedies and that some had introduced practices which reduced delays and assisted staff and tenants to deal with the legal process. A number of commentators have indicated that one of the main problems that landlords face in taking court action is getting neighbours to testify (SAC, 1996). One technique proposed to overcome this hurdle is to use people other than neighbours to gather the evidence and present it in court (see Reid, 1996; SFHA, 1996). These may be housing staff, or people specifically employed for the task (such as private investigators).

8.18 As a result of pressures for changes to legislation, to make it easier to deal with people causing nuisance to their neighbours, there are now several new remedies. The Crime and Disorder Act 1998 introduced Anti-social Behaviour Orders, with a wide range of powers against individuals who behave in an ‘anti-social’ manner. This Act also widened the grounds for eviction to cover nuisance caused by visitors to the property. Although the main focus of legislative changes has affected council tenants, some new legislation assists all residents affected by neighbour nuisance. The Noise Act (1996) made it an offence to make a noise from a dwelling at night. The Protection from Harassment Act (1997) allows an individual to obtain a court order against a person harassing them. Circular 16 (SODD, 1998) on Housing and Neighbour Problems provides the most up to date summary of the legal remedies. It includes those introduced as part of the Crime and Disorder Act 1998 and the Protection from Harassment Act 1997. Circular 27/1998 sets out the new provisions of the Crime and Disorder Act 1998 to extend the powers of eviction (SODD, 1998b)

8.19 The Scottish Executive has recently set out further proposals to strengthen the legislation (Scottish Executive, 1999c). These include:

- the introduction of probationary tenancies where tenants have been evicted for anti-social behaviour and the landlord wishes to rehouse them
- suspension of the Right to Buy where eviction proceedings for neighbour nuisance are taking place
- strengthening the ‘management’ grounds for eviction for anti-social behaviour.

8.20 In England and Wales, local authorities have powers to introduce ‘Introductory Tenancies’ for all new tenants. However, this power was not introduced in Scotland as landlords were not in favour of the proposal (SAC, 1996). There have been some concerns about the operation of Introductory Tenancies in England (Hunter, Mullen and Scott, 1998). A study of a pilot scheme in Manchester found that there was a significant reduction in anti-social behaviour but that this could not be attributed solely to ‘starter tenancies’ (Ruggieri and Levison, 1998). Recent research shows that Introductory Tenancies are far more likely to be terminated due to rent arrears than neighbour problems (Hunter, Nixon and Shayer, 1999).
The Housing Corporation (1999) have produced a comprehensive guide to the management of ‘starter tenancies’ and similar guidance may be required in Scotland if ‘probationary tenancies’ are available to landlords.

**Design measures**

8.21 Much of the literature on the prevention of crime and anti-social behaviour, written in the early 1990s, concentrates on using design measures to decrease the opportunities for crime. Recommended measures include improved external lighting, landscaping and void security (See SNU, 1993; SOED, 1994b; SOED, 1994c). Research by Bannister and Kearns (1995) found that housing agencies were most likely to install door-entry systems and window locks as crime prevention measures. Other recommended design measures, aimed at reducing neighbour problems, include the creation of children’s play areas and reducing shared access to flats. Circular 16 (SODD, 1998) discusses some of the most commonly used design measures and their likely benefits.

8.22 Bannister and Scott (2000) note that there are ‘copy-cat’ elements to many initiatives, with landlords implementing initiatives because they appear to have been successful elsewhere. One such example is the installation of closed circuit television (CCTV) systems, which have been one of the most widely emulated initiatives in the past few years. Initially CCTV was used in town centres (SOED, 1994c) and in multi-storey blocks, but such schemes are now increasingly being adopted in housing estates. There have been very mixed reports about the success of CCTV. Some reports have suggested that crime levels have fallen in the areas in which they have been installed (SAC, 1996). However, Farr and Osborn (1997) found that some CCTV schemes have produced disappointing results. They suggest that CCTV is most likely to be successful where there were few crime or management problems at the outset. Ditton et al (1999) carried out a study of CCTV operation in Glasgow City centre and concluded that the benefits of CCTV have been widely overstated. In addition, there are civil liberties issues and it is important that landlords develop codes of practice for their use (LGIU, 1994). Crime Concern (1998a) suggest that consultation with residents and sustained publicity is essential.

8.23 Some writers, most notably Coleman (1985), have promoted major design initiatives to reduce crime and ‘social malaise’. However, experimental projects which followed her strictures, involving the removal of overhead walkways and providing ‘defensible space’ to residents in high density estates, have not reduced crime rates (SNU, 1993).

8.24 Osborn and Shaftoe (1995) found that that there is little evidence to suggest that implementing physical security and design measures alone leads to reductions in crime and anti-social behaviour. They argue that many initiatives which lead to a reduction in crime are short-lived and may displace crime from one area to another or change the nature of the criminal activity. They suggest that design and technological measures have a role in crime reduction but must be introduced as a part of a package of wider management measures.

**Management initiatives**

8.25 Almost all the literature suggests that, as a first step, landlords should have a policy for dealing with problems caused by neighbour nuisance. The good practice guidance
recommends that landlords should make it easy for tenants to report problems and that tenants should not be required to put initial complaints in writing. There is also a stress on recording complaints and keeping statistical records (see Aldbourne Associates, 1993; CIH, 1995b; SFHA, 1996 for example). However, Atkinson et al (forthcoming) found that there were wide variations in the standards and content of policies. In addition, it was very difficult to compare complaints levels due to different recording methods.

8.26 The good practice guidance on anti-social behaviour has stressed the need for a wide variety of preventative measures. Specific management measures suggested advice leaflets for tenants, and sensitive allocations to avoid placing elderly and young people together. Wider measures suggested include community employment projects, summer play schemes and liaison arrangements with other agencies (CIH, 1995b). The Scottish Office circular (SODD, 1998) identifies a wide range of management measures including:

- local letting schemes
- young persons and mature blocks
- concierge schemes
- caretaking schemes
- garden maintenance service
- close cleaning service
- tenancy agreement clauses on neighbour disputes
- leaflets on neighbour disputes
- settling in visits
- estate action plans
- mediation schemes
- supervised accommodation
- youth schemes.

8.27 Some of these are discussed else where in this review. (For example, local letting schemes are discussed in the chapter on allocations, supported accommodation; foyers are discussed as homelessness initiatives and estate action plans are included in the chapter on regeneration). To avoid duplication, this chapter concentrates on a few issues.
8.28 Good practice guidance suggests that the tenancy agreement should be used to specify what behaviour will be regarded as constituting a nuisance (see, for example, SFHA, 1996; Housing Policy and Practice Unit, 1995; Crime Concern, 1998). The guidance also suggests that the tenancy agreement is particularly important because breach of the tenancy conditions can be used as grounds for eviction (Reid, 1996, Collins and O’Carroll, 1997; Richards et al, 1998). Both the Model Secure Tenancy Agreement (MoSTA) for public sector landlords (O’Carroll, 1997) and the Model Assured Tenancy Agreement (MATA) (SFHA, 1997) contain a detailed specification of nuisance behaviour. However, there is little evidence to suggest that landlords have difficulty in persuading sheriffs that they have reasonable grounds to evict even where lease clauses are very weak and general (Hunter, Mullen and Scott, 1998). In addition, the new extended grounds for eviction contained in the Crime and Disorder Act provide wide scope without specifying behaviour in the tenancy agreement. Nevertheless, Atkinson et al. (forthcoming) found that landlords thought that a clear specification of expected standards of behaviour, whether contained in the tenancy agreement or in a separate document, did have an impact on tenant behaviour.

Mediation services

8.29 Mediation is widely recommended in the good practice literature as a useful approach for ‘low level’ disputes (DoE, 1994a; SAC, 1996; SFHA, 1996, SODD, 1998; Richards et al, 1998). Although there are around 65 mediation schemes operating in England (Dignan et al, 1996) the idea is relatively new in Scotland. In such services trained mediators speak to each party separately and then bring the 2 parties together to see if an amicable settlement can be agreed. Accounts of how mediation operates can be found in a number of texts (Mediation UK, 1996; Karn et al, 1993). Leibmann (1998) provides a guide to the processes of setting up a mediation service, including, funding, recruitment, training, performance standards and accreditation.

8.30 The principles of mediation services are that they are independent, neutral and non-judgmental (SAC, 1996). Dignan and Sorby (1999) note that there is considerable debate about whether mediation should be provided by a community organisation or by an in-house scheme. They note that independent services most closely meet these criteria while in-house services may not be perceived to be neutral or independent. However, Mackay and Brown’s (1998) study of the implementation of 3 community mediation services in Scotland found that these independent services faced a number of difficulties including effective management, marketing the scheme and funding uncertainties. In all 3 cases, the independent services did not appear to have gained the full support of local housing agencies. The report suggests a number of ways in which implementation might be improved.

8.30 Dignan et al (1996) maintain that mediation services can be a more cost-effective way of dealing with neighbour disputes than ‘traditional’ methods. They also argue that mediation is an alternative to court action, as early action may prevent disputes from escalating. However, other writers suggests that mediation is unlikely to be suitable for cases involving drugs, violence or where there are criminal charges (Mackay and Brown, 1998). In practice, this may mean that there is limited overlap between neighbour disputes which are suitable for mediation and the more serious cases which result in court action (Atkinson et al, forthcoming). However, there are forms of mediation, such as victim/offender reparation
schemes, which explore the possibility of the offender making amends. Such schemes may be useful for more serious cases (Dignan and Sorby, 1998).

Security services

8.32 Much of the literature on security has concentrated on the management in multi-storey blocks. Safe Neighbourhood Unit (1985) highlighted the ineffectiveness of entry phone systems and other physical measures in improving safety and security and recommended intensive management systems. Their 1993 report on crime prevention (SNU, 1993) noted that many local authorities had introduced concierge services but that the primary purpose of the schemes varied. Some were clearly security schemes, designed to control access to the block and provide surveillance of the surrounding area. Others were primarily a local housing management office with responsibilities for repair processing, dealing with housing enquiries and accompanied viewing of vacant flats. They note that some authorities saw the role changing over time from a security function to a more management and community support role. Skilton (1988) suggested that initially, most schemes were security based but he recommended a broad management based approach as the way forward. Scott (1991) provides an account of the implementation of the concierge scheme in Glasgow, along with job descriptions of concierge staff.

8.33 Farr and Osborn (1997) evaluated 3 different types of concierge scheme:

- technology based schemes that rely on closed circuit television or video cameras (CCTV)
- intensive concierge schemes where personnel are based in each block
- dispersed concierge schemes where personnel are based in just one of a group of properties, linked by CCTV.

The research found that intensive concierge schemes were consistently the most effective but the most successful schemes also involved changes in allocation policies. Dispersed concierge schemes had more mixed fortunes.

8.34 Most recently, the idea of having a local presence in estates has been taken up by the Government’s Social Exclusion Unit (SEU,1998). A recent DETR report (PAT 6, 1999) investigated the concept of neighbourhood wardens. A warden scheme was broadly defined as “someone who provides some kind of official or semi-official presence in a residential area, with the primary aim of improving the quality of life” (p.8). The initiatives they investigated included estate patrols, concierge schemes, caretakers and neighbourhood support workers. These initiatives had diverse aims including crime prevention, environmental improvements, community development and ‘on the spot’ housing management. However, the report concentrates on the estate patrol role with the aim of addressing crime and fear of crime. In the model suggested such wardens would be recruited from the unemployed, using the New Deal scheme, and given ‘high quality’ training. The report notes that the response from police associations was mixed. The most supportive body (the ACPO) proposed a number of ‘fundamental principles’ concerning the operation and regulation of such quasi-police initiatives.
In practice, such schemes can be seen as the equivalent of concierge services in multi-storey flats. They have either a primary role as security or an emphasis on management and community support. As with concierge schemes, the focus may change over time. The research findings on concierge schemes may therefore have some relevance to landlords who are considering setting up such initiatives.

Caretaking

Caretaking has received little attention in the ‘good practice’ literature in the past although they feature strongly in the Priority Estates Project model (Power, 1991). The PEP literature suggests that all landlords consider employing caretakers or handypersons with the aim of improving the residential environment. They recommend that estate caretakers are locally based and controlled, and that staff have full training, proper equipment and clear performance criteria (PEP, 1992). The underlying assumption behind the concept is that litter, graffiti and rubbish contribute to residents’ feelings of lack of security and the fear of crime. Reducing such ‘signs of disorder’ contribute to social cohesion and tenant satisfaction (Bannister, 1991).

Recently, however, there has been wider interest in the idea. Crime Concern (1998a) suggests that caretaking services can play a key role in maintaining high standards of cleanliness and preventing anti-social behaviour. They suggest that caretakers might be responsible for:

- maintaining common areas, including litter picking, removing graffiti and refuse disposal
- patrolling the estate, reporting repairs and discouraging crime and anti-social behaviour
- maintaining friendly contact with residents
- responding to out of hours emergencies such as floods.

This is similar to the Scandinavian model of ‘Caretaking Plus’ recommended by the Priority Estates Project (1997). This involves multi-skilled staff who can carry out repairs, cleaning and a range of other tasks. The Chartered Institute of Housing goes further and suggests service contracts which cover caretaking, cleaning, landscape maintenance and minor repairs (CIH, 1997c).

Appleton (1996) discusses the concept of ‘handyperson’ schemes and The Scottish Office circular (SODD, 1998) reports on the Edinburgh estate handyperson scheme on the Craigmillar estate. This scheme was originally envisaged as providing a minor repair service, but in practice the handyperson has concentrated on removing litter and rubbish (Hume, 1996). However, the circular notes that other housing organisations, which had used such services, expressed concerns that they did not encourage tenants to take care of their environment.
Youth schemes

8.39 Complaints involving children and young people form a very substantial proportion of neighbour disputes (Clapham et al., 1995). In addition, Farrington (1996) noted that a large proportion of property-related crime and anti-social behaviour is caused by young people, specifically young men in the 16-25 age range. The Audit Commission report on youth crime (Audit Commission, 1996) identifies a number of ways in which youth crime could be prevented. These included Family Centres to improve parenting skills, structured nursery education, school support, youth work, supported housing and training and education. Many of these recommendations have been taken up by the Government’s Social Exclusion Unit (SEU, 1998). Of relevance to housing managers are initiatives such as foyers, supported housing and youth schemes. Osborn and Shaftoe (1995) note the importance of youth projects in reducing neighbour crime and anti-social behaviour and the SOED guidance on housing and crime suggests that youth facilities can serve a diversionary purpose (SOED, 1994b). In England, the Housing Corporations ‘Housing Plus’ programme has encouraged housing associations to implement such schemes where tenants’ surveys have indicated that this is a priority (Kemp and Fordham, 1997). However, Scottish landlords do not appear to have a great deal of involvement in youth schemes (Bannister and Kearns, 1995).

8.40 In Scotland, the most well known housing-led initiatives concerning children is the Hamilton Child Safety Initiative (CSI) - otherwise known as the Hamilton curfew - which arose from community concerns about children roaming the streets after dark. The official evaluation (Oag, 1998) concluded that CSI may have reduced juvenile crimes such as vandalism and theft within the target areas. However, the scheme has also attracted considerable criticism from civil rights groups. A survey by Jentsch (1998) highlighted approaches taken by other councils including drop in cafes, detached youth workers and police placements in youth agencies and concluded that these offer a more constructive way forward that the Hamilton CSI. Coles et al (1998) explore the role of housing officers in youth work with 10 to 16 year olds and recommend a number of policy and practice points for housing professionals. For younger children, the research by Millward and Wheway (1997) provides useful pointers about children’s play areas.

Multi-agency working

8.41 Crime rates in Britain have risen sharply over last 15 years (according to police statistics) and there has been increasing public concern about anti-social behaviour (Bannister and Scott, 2000) and law and order (Hope, 1997). Many senior police officers recognise that the police alone do not control sufficient resources to combat these problems effectively (SAC, 1996). Housing organisations have been increasingly drawn into this ‘vacuum’ - to the extent that some commentators have expressed concern that all problems in social rented housing estates are now seen as the landlords’ problem (SAC, 1996). The role of public sector landlords in tackling neighbour problems and crime is still contentious. Nevertheless, landlords increasingly accept that they have a role to play (Ferguson, 1994).

8.42 Osborn and Shaftoe (1995) note that, in response to public concerns, there have been numerous crime prevention initiatives in the 1980s and 1990s, including government programmes such as the Safer Cities Programme and development of district-wide partnerships between statutory, voluntary and private sectors. Taylor (1996) suggests that a new and more ‘holistic’ language of law and order has emerged which accepts that crime
prevention is about more than ‘locks and bolts’ and that social, educational and family based initiatives are needed. In this context, the management of anti-social behaviour is increasingly seen as an activity best developed at the local level, through establishing a multi-agency partnership inclusive of resident representation. This is not a new idea, as the Safe Neighbourhood Unit note:

“No one agency acting alone is likely to make a lasting impression on an estate with a serious security problem. Combating tenant insecurity should not be confined to installing entry-phone systems or beat-policing, valuable though these are. Security should not be perceived as a separate issue or tackled in isolation from other problems of estate management... The responsibility for developing a climate of security on an estate therefore lies with the local authority in partnership with the tenants and the police” (Bright and Pettersson (1984), quoted in SNU, 1993: 59)

8.43 However, the Scottish Affairs Committee report noted that there was evidence that relationships between agencies were mixed. They found it necessary to recommend that the Scottish Office promote inter-agency working and that agencies should draw up local codes of practice or protocols (SAC, 1996). Multi-agency working was subsequently recommended in the Scottish Office circular (SODD, 1998) and also features in many other good practice guides (see SFHA, 1996; Audit Commission, 1999).

8.44 In England, the Crime and Disorder Act 1998 imposes a duty on local authorities and the police to work together and with others to:

- review crime and disorder problems in their area
- publish and seek views on their findings
- put in place a strategy for reducing crime and disorder in the area.

While there is no similar duty in the Scottish legislation, the good practice literature which has followed the Act may still be of value to Scottish housing organisations. Crime Concern has produced 2 manuals, one for agencies involved in delivering crime prevention initiatives (Crime Concern, 1998a) and the other for registered social landlords (Crime Concern, 1998b). The first manual is the most detailed of the two. It provides advice on establishing an effective partnership, defining problems, agreeing priorities, implementing the programme and monitoring progress and assessing and disseminating findings. Although the manual provides an overview, there are useful checklists, references for further reading and a wide range of examples of measures which may be used.

**OPTION APPRAISAL AND EVALUATION**

8.45 The Scottish Affairs Committee expressed concern that some measures aimed at tackling crime and anti-social behaviour appeared to be expensive to implement and/or maintain. In many cases landlords were unsure of the benefits and were not convinced that initiatives would be cost-effective (SAC, 1996). Despite this, it appears to be comparatively rare for landlords to carry out an option appraisal before deciding whether to undertake an initiative. Evaluation of projects appears to be even less common. Safe Neighbourhood Unit
(1993) complained that there was little information about projects and whether or not they could be considered to be successful. This observation holds a strong resonance with the findings of a survey of housing and crime in Scotland (Bannister and Kearns, 1995). This found that only a handful of housing organisations were able to detail any of the costs incurred by their agency in relation to criminal damage or the deployment of crime prevention initiatives and only one respondent had carried out an analysis of the cost-effectiveness of a measure.

**Option appraisal**

8.46 There are several sources of advice on option appraisal for social housing. One of the earliest was produced by Estate Action (1989) as a part of the English Estate Action initiative. This handbook provides a simple guide to DIY cost-effectiveness analysis which suggests that value for money is based on a comparison of quantifiable costs, quantifiable non-monetary factors and unquantifiable costs and benefits. It accepts, however, that final judgements are subjective. One of the key merits of the publication is that the method is explained in simple diagrammatic form. The Safe Neighbourhood Unit report on crime prevention develops and refines the DoE method (SNU, 1993). Whilst this produces an improved framework for assessment, it is not always easy to follow. DTZ Pieda Consulting (1998) have produced a guide to option appraisal of CCTV and concierge schemes. This sets out a step-by-step guide which aims to:

- define the problem
- specify objectives and target indicators
- assess costs and benefits
- assess risks
- arrive at the basis for decision-making.

8.47 The Crime Concern reports (1998a, 1998b) focus on initiatives to prevent crime and recommend that partnerships should carry out a crime audit. This should collect information on levels of crime, the risk factors associated with crime and gaps in provision. The reports provide detailed information on how to carry out such a survey, including survey forms.

8.48 The most recent, and most comprehensive, guidance on option appraisal is provided by CIPFA (1999). Their guide is intended to aid decision-making about investments in both capital and revenue projects. It covers similar ground to the Pieda guide, but in more detail.

**Evaluation**

8.49 There are fewer guides to programme evaluation which are directly relevant to social housing. Dignan et al (1996) produces a cost-effectiveness model which is used to evaluate mediation projects. He suggests that the costs of anti-social behaviour can be classified as direct costs, indirect costs and societal costs. Bannister and Scott (2000) provide an assessment of the use of cost-benefit and cost-effectiveness analysis for measures to deal with
neighbour nuisance. They provide detailed examples of the application of the approach and recommend methods for collecting data. The authors warn that evaluations based on this framework will not provide a precise balance sheet but would provide much valuable information to assist policy and decision makers about the potential of preventative measures. A short summary of this is provided in the Scottish Office circular (SODD, 1998).

RACIAL HARASSMENT

8.50 Racial harassment is dealt with as a separate issue because much of the literature in this area distinguishes between neighbour disputes and racial harassment. The NFHA (1989), for example, suggests that the latter are racially motivated, frequently premeditated, often not carried out by immediate neighbours, and more likely to recur over a period of time. Racial harassment has been defined as:

"a range of criminal and offensive behaviour motivated by hostility towards someone because of their ethnicity, culture, community, religion, appearance, ‘race’ or national origin. It includes not only physical assaults but verbal abuse, threats and insults, damage to buildings and property." (PAH, 1997: 7)

8.51 Some of the good practice guidance suggests that the crucial factor is that the victim believes that the perpetrator was acting on racial grounds (see, for example, CRE, 1987). However, other writers indicate that the investigating officer should also be convinced that this is the case (Love and Kirby, 1994). Many publications also note that harassment can take many forms (LAHREWP, 1987; PAH, 1997).

8.52 Racial harassment can be suffered by both black and white minorities. The Race Relations Act makes it clear that racial groups include black people, white people, Irish, gypsies, Sikhs, Catholics, Jews, and refugees. Most of the good practice guidance is aimed at dealing with racial harassment. However, many of the recommendations and practices could equally well be applied to other vulnerable groups, such as those with a disability and people with AIDS.

8.53 The 1991 Census established that the non-white population of Scotland is small (1.2%) compared with 5.9 per cent of the population who are non-white in England and Wales. The largest non-white racial groups in Scotland are Pakistanis, Indians, and Chinese and most (60%) of the non-white population live in the 4 main cities (compared to 29 per cent of the whole population). In addition, ethnic minorities tend to be concentrated in particular areas within the cities. The majority of non-white households are owner-occupiers – 63 per cent compared with 52 per cent of white households and only 15 per cent live in public sector housing compared with 38 per cent of white households (Scottish Homes, 1993). Although there is still a widespread belief in Scottish society that there is little racism, this is not borne out by research. A number of surveys (see Bowes et al, 1998) have all found that ethnic minority households in Scotland had considerable experience of racial harassment. Furthermore, there was little confidence that the police or landlord would take action.
Legislation

8.54 Good practice in dealing with racial harassment takes place within the legal framework of the Race Relations Act 1976 and the Commission for Racial Equality (CRE) Code of Practice in Rented Housing which provides a summary of the law (CRE, 1991). Section 3 of the Act makes it unlawful to discriminate on racial grounds, either directly or indirectly. Local authorities and Scottish Homes have a duty to ensure that their functions have regard for the need to eliminate unlawful discrimination, and promote equality of opportunities and good relations between different racial groups. A number of publications recommend that housing organisations should not simply treat racial harassment as other forms of neighbour dispute because social landlords have a special responsibility for racial equality (LAHREWP, 1987).

8.55 Landlords may take similar legal action for harassment as for other forms of ASB (eviction proceedings, interdict). There are also 2 remedies which victims can use. Individuals can seek a non-harassment order under the Protection from Harassment Act 1997. This covers any type of harassment. The Crime and Disorder Act 1988 (section 33) introduced new offences of racially aggravated assault, harassment and breaches of public order. Again, this is an order that individuals can seek. In both cases, breach of the order has criminal sanctions and these remedies are therefore stronger than interdict actions (Hunter, Mullen and Scott, 1998).

8.56 Some of the literature suggests that taking eviction action or raising an interdict against tenants is difficult unless racial and other forms of harassment are specifically prohibited by the tenancy agreement (CIH, 1999). Collins and O’Carroll indicate that racial harassment should be covered by the general nuisance grounds but suggest that such clauses emphasise the landlords’ views about such behaviour. However, they note that such clauses will only be of assistance if they create an obligation of the tenancy. The good practice literature generally recommends that tenancy agreements should have a clause which specifies that acts of discrimination, intimidation and harassment against other tenants will lead to eviction proceedings. PAH (1997) provides a model ‘no harassment’ clause which has been adopted by the SFHA in their Model Assured Tenancy Agreement (1997). The MoSTA also contains a no harassment clause (O’ Carroll, 1997).

Good practice

Sources

8.57 The Positive Action in Housing report (PAH, 1997) is the only specifically Scottish guidance in this area. However, there are a number of English reports which are relevant. This review of good practice guidance therefore uses a variety of sources.

Policies

8.58 The good practice literature (CRE, 1991; CIH, 1999; Bacon et al, 1998) stresses that housing organisations should have an equal opportunities policy which incorporates race relations and that this policy should include all areas of housing work. The CRE (1991) recommends that housing providers should have a specific policy on racial harassment of
staff, tenants and applicants and should have an action plan. Crime Concern suggest that effective action on racial harassment should include support for victims, action against perpetrators and preventative measures (Crime Concern, 1998a). The Department of the Environment (DoE, 1989) suggest that housing organisations should ensure that policies on racial harassment have clear support from councillors/senior staff, community input and wide dissemination. The DoE was the first of many reports to suggest that housing organisations should record all incidents of racial harassment and systematically monitor trends (DoE, 1989). Later reports have also stressed the need to keep records of the ethnic origin of all tenants, so that trends can be assessed (Love and Kirby, 1994). Some guidance recommends that housing organisations identify a senior officer to take responsibility for racial equality issues (DoE, 1989; CIH, 1999). However, other sources caution that this approach could result in racial harassment issues being pigeonholed (LAHREWP, 1987). To guard against this, the importance of training and guidance for staff on how to deal with allegations of harassment is also stressed (DoE, 1989; CIH, 1999; Seager and Jeffrey, 1994).

**Victim support**

8.59 Guidance on harassment is generally victim centred and stresses that the health, safety and welfare of the victim must come first (LAHREWP, 1987). There is also an emphasis on accepting the victim’s account (DoE, 1989) and respecting their wishes if they do not wish to inform the police or become involved in civil legal action (CRE, 1987). There is confusing and conflicting guidance on how victims should be assisted. Opinions appear to be divided on whether victims of harassment should be given a high priority move (or management transfer) or whether they should be supported to stay in their homes (LAHREWP, 1987; NFHA, 1989). The CRE (1987) argued that that policies of moving victims can be seen as a victory by racists and lead to no-go areas for ethnic minorities. However, in order for victims of harassment to stay in their own homes, there must be adequate support (DoE, 1989). The CRE expressed concern that many victim support schemes, in the 1980s, were poorly resourced and ineffective (CRE, 1987). The situation may have improved, at least in some areas, as the Chartered Institute of Housing (1999) provides a number of examples of good practice in the provision of support.

8.60 Other recommendations for ensuring that policies on racial harassment are effective include:

- ensuring that the organisation has facilities for translation (CRE, 1987, DoE, 1989)
- producing literature in minority languages (CIH, 1999; Crime Concern, 1998)
- taking rapid action to remove racist graffiti (LAHREWP, 1987)
- involving tenants’ organisations in the prevention of racism (CRE, 1987). This includes ensuring that their policies and constitutions are non-discriminatory (CIH, 1999).
Multi-agency approaches

8.61 As long ago as 1986, the House of Commons Home Affairs Committee (HAC, 1986) recommended a multi-agency approach to dealing with racial attacks. In response to this, the Racial Attacks Group (RAG, 1989) have produced guidance for statutory agencies which recommended that police, education, social work and housing departments should be involved in multi-agency initiatives. The DoE guidance also stressed the need for housing agencies to work with police, voluntary agencies and community groups (DoE, 1989). Recent good practice advice from England has re-emphasised this point (Lemos, 1997).

Issues

8.62 Scottish housing organisations should not be complacent on this issue. The Baseline Study of public sector landlords found that only 18 out of 51 (35%) landlords had policies on racial harassment and only 5 out of 50 (10%) had a clause in their tenancy agreement on racial harassment. In addition, only 10 out of 50 (20%) claimed to provide information on racial harassment to tenants. Some landlords justified this on the grounds that there were few ethnic minority households in their area or that racial harassment was not a problem in the area (Clapham et al, 1995). A CRE investigation of housing associations in Scotland (CRE, 1993b) found that while many associations had clauses on racial harassment in their tenancy agreement, fewer had policies on this area. In both councils and associations there was a lack of training for staff and committees on equal opportunities (Clapham et al, 1995 and CRE, 1993b).

8.63 There has been progress since this research, particularly in housing associations. Scottish Homes have produced a series of reports on ethnic minority housing (Scottish Homes, 1993, 1994) and have strengthened the emphasis on equal opportunities in performance standard requirements (SFHA/SH, 1999). However, in the aftermath of the Stephen Lawrence enquiry there is a need for all organisations to consider their attitudes and reactions to racial harassment and whether their organisation suffers from ‘institutional’ racism.

CONCLUSIONS AND GAPS IN GOOD PRACTICE GUIDANCE

8.64 The chapter shows that there has been a significant increase in both research and good practice guidance, over the last decade, on the issues of anti-social behaviour and crime. Nevertheless, there are some significant gaps which could be filled.

8.65 The recent research on legal remedies for neighbour nuisance suggests that some landlords have adopted practices which assist both tenants and staff to deal with the legal process more effectively. A possible further output from this research would be the production of a good practice guide. If probationary tenancies are introduced in Scotland, guidance on their use and management would be useful.

8.66 Atkinson et al (forthcoming) found that there were wide variations in the standards and content of policies. It may be useful to produce examples of independently assessed ‘good practice’ policies or to produce a model policy (such as that produced for racial harassment). The advantage of the latter approach would be to ensure that landlords had
good policies. However, the disadvantage is that model policies may be adopted without much thought or commitment.

8.67 There are now model tenancy agreements for both secure and assured tenancies and the Scottish Executive intends to produce a model agreement for the proposed Single Social Tenancy. While housing associations have generally adopted the model agreements, local authority agreements have been more diverse. There are different views about the purpose of the written lease and it is suggested that the new model agreement should include guidance which discusses these issues.

8.68 Complaints involving children form a very substantial proportion of neighbour complaints, and much crime on estates is committed by young people. However, landlords do not appear to have a great deal of involvement in youth schemes. Research and good practice guidance may assist landlords to consider such ‘wider action’ initiatives.

8.69 There are few guides to programme evaluation which are directly relevant to social housing. Further guidance, backed by training, may be useful. However, landlords would also find independent evaluations useful in assessing the potential costs and benefits of initiatives at the optional appraisal stage.

8.70 The guide produced by Positive Action in Housing on racial harassment is useful. However, there is wealth of material in English publications which may be relevant to Scottish landlords. There is scope for a much larger and more comprehensive guide on this issue.

8.71 Specific literature on environmental management is sparse. There is a small amount on caretaking and concierge services. However, some of the good practice literature on crime covers security and design of open space issues.
CHAPTER NINE HOUSING MANAGEMENT AND COMMUNITY CARE

INTRODUCTION

9.1 This chapter examines the housing management contribution of social landlords to community care. The 1989 White Paper defined community care as:

“providing the services and support which people who are affected by problems of ageing, mental illness, mental handicap or physical or sensory disability need to be able to live as independently as possible in their own homes, or in ‘homely’ settings in the community.”

9.2 Community care is both about assisting people to move from institutional care and assisting people already living in the community to remain there (SFHA, 1993b: 2). Social work, health, and housing agencies may contribute to planning and delivering community care.

9.3 Regarded as a peripheral partner in the early stages of community care, “housing’s essential role in achieving community care objectives is now widely recognised” (Scottish Office 1998b: para 1.3). Yet, although the essential role may be widely recognised, there are still significant problems in implementing joint working with social work and health.

9.4 The housing contribution to community care is in the form of both an enabling function (local authorities) and service provision (registered social landlords and local authorities), which includes both housing development and housing management. Housing management has a key role to play in community care.

“In our view, housing management is of equal importance to housing development in the implementation of community care; that is to say, alongside new build, conversion, and the setting up of projects, just as much time and effort must be devoted to allocation policies, tenancy maintenance and community integration.” (SCSH, 1994)

9.5 This chapter examines the housing management contribution to both planning and service delivery.

9.6 Landlords house tenants with a wide range of housing needs. However, an increasing proportion are vulnerable people who need a degree of assistance to maintain their tenancy (Audit Commission, 1998). These tenants include those who:

- receive community care services
- who do not qualify for or do not seek or accept community care services
- who fall completely outside the community care framework

(Clapham and Franklin, 1994a; Audit Commission, 1998).
9.7 This chapter considers the housing management contribution within the wider definition of community care needs described above. Although it does not examine services to those who fall outside the community care framework, these tenants do represent a significant demand on housing management resources.

9.8 Housing managers provide property and tenancy related services to all tenants, whether they have community care needs or not. Yet the scope of housing management, and the distinction between housing management and support functions, has been unclear and controversial. This leads to tensions in service delivery, in joint working between housing, health and social work, and in funding arrangements.

9.9 A number of attempts have been made to clarify the definition (Clapham and Franklin, 1994b; NFHA, 1997b; CIH, 1999; SFHA, 1999). The NFHA distinguish between housing management, intensive housing management, support and care. However, there remains a lack of clarity on:

• whether the numbers of people who require a low level of support are properly catered for through housing management

• when a service, such as Housing Benefit advice, constitutes good housing management, intensive housing management or support.

9.10 In early years, the housing provision for community care was in the form of specialist housing, but intervening years have seen a move towards an increasing diversity of settings. A recent raft of government documents, and associated guidance, has stressed the need for integration within the community. This guidance suggests greater use of access to ordinary housing and mainstream housing services.

9.11 The housing management contribution to community care involves working together with other agencies to provide a sustainable community setting. It requires housing agencies to provide services to an increasing number of people with community care needs, who may or may not receive community care services. It is about ensuring that ordinary mainstream housing and services are accessible and effective for people who need some degree of assistance to sustain a quality of life within the community. It is also about the resources available to housing management services to satisfy these demands.

9.12 This chapter considers the guidance available to housing management services in joint working between agencies, the use of ordinary housing, assessment and allocation, hospital discharge, management arrangements, influencing the service and funding. The conclusion identifies gaps in that guidance.

KEY PRINCIPLES

9.13 The community care legislation formalised the move from institutional to community living, which had been developing since the 1960s. The key principles of community care have emerged as the concepts of ordinary living, individual choice, joint working between agencies and value for money.
9.14 The principle of social integration has set the tone for many developments in community care. This is now set within the context of the Scottish Parliament's agenda for social inclusion of excluded groups and communities. Both housing and community care agencies are recognised as key players within social inclusion (Scottish Executive, 1999a).

9.15 Early interpretation of ‘ordinary living’ meant the provision of mini-institutions in the community or specialist housing projects. However, this has developed to include housing which is integrated into the community and use of mainstream and existing housing. Physical integration should also be reflected in equal opportunities in terms of tenancy rights and access to services.

9.16 Increasing social integration is accompanied by a move to 'user-led rather than service-led' services in which service users and carers have the opportunity to influence general planning, individual assessment and service delivery. However, the scarcity of suitable housing and service-led funding mechanisms for support services, have affected housing management's ability to achieve this principle (Clapham et al, 1994a).

9.17 The lead role for assessing and commissioning care resources shifts in community care from the health service to local authority social work (Scottish Office, 1994). The provision of services is based on collaborative working between social work, health and housing. Implementing collaborative working has proved a stumbling block to effective community care services.

9.18 The commissioning of community care services is based on a mixed economy of care, separating the role of commissioner and provider and drawing in a range of voluntary and private providers. Registered social landlords have become significant providers within this market and local authorities have increasingly moved to the role of enabler rather than provider. Achieving value for money has been a key principle in the working of this market place, producing a pressure on housing managers to clarify the costs of housing management.

THE LEGAL AND REGULATORY FRAMEWORK

Relevant legislation


9.20 The housing duties and powers are contained within housing legislation. Local authorities act within the remit of the Housing (Scotland) Act 1987 and housing associations within the remit of the Housing Association Act 1985 and the Housing (Scotland) Act 1988. In addition Scottish Homes acts as a regulator of housing association activities in line with Performance Standards for Registered Social Landlords (SFHA/Scottish Homes, 1999). Performance Standards are supplemented by the Raising Standards guidance (SFHA, 1999).

Planning

9.22 The legislation requires local authority social work departments to consult housing agencies in preparing Community Care Plans. Social work must also consult with voluntary housing agencies and other landlords that provide housing and support services in the area. Section 1(4) of the Housing (Scotland) Act 1987 requires local authority housing departments to assess house conditions and plan for housing needs in their area in the form of a regular Housing Plan. Within the terms of the Chronically Sick and Disabled Persons Act 1970, assessment of need should include the needs of chronically sick and disabled people. Scottish Office Circulars of 1991 and 1994 defined, and then sought to strengthen, the contribution of housing to the planning process and ensure that Community Care Plans and Housing Plans are consistent. The most recent circular addresses the continuing weakness of the housing contribution to the planning process (Scottish Office, 1998).

Individual assessment

9.23 Access to community care services is by assessment of needs as defined within the legislation and subsequent circulars. Needs are defined in terms of priority need groups. The key groups are: older people, people with mental health problems, people with learning disabilities and people with physical disabilities. Other suggested groups are people with HIV or AIDS, people addicted to alcohol and people addicted to substances (Scottish Office, 1994). The list is not exhaustive and local authorities have powers to include other groups, such as vulnerable young people. The local authority social work department must notify the housing authority if a person being assessed appears to be in need of housing to seek information on available services and take that information into account (Section 55(3), National Health Service and Community Care Act 1990).

9.24 Access to local authority housing is based on assessment of housing need within the terms of the Housing (Scotland) Act 1987. This includes the statutory duty to homeless people (which is described in the chapter on homelessness). In addition a local authority may have a corporate duty to address the housing needs of a child with particular needs and the child’s family within the terms of the Children (Scotland) Act 1995. Registered Social Landlords are required to allocate their houses according to high levels of housing need and “where appropriate, a need for support, in a manner which ensures equal and open access for all sections of the community” (SFHA/Scottish Homes, 1999).

9.25 It is unlawful to discriminate against disabled applicants within the terms of the Disability Discrimination Act, (sections 22 and 24) by refusing to let properties to them, offering the property on worse terms or treating the disabled person differently in relation to other people on the waiting list.
Suitable housing

9.26 Powers to carry out adaptations to existing housing stock by local authorities are contained in section 2 of the Housing (Scotland) Act 1987. Housing associations are also empowered, and given access to HAG funding, to adapt their properties to suit the needs of disabled people within the Housing Association Act 1985 and the Housing (Scotland) Act 1988. Housing Associations are required to “build, rehabilitate and adapt homes to meet the highest possible standards” (SFHA/Scottish Homes, 1999).

GOOD PRACTICE GUIDANCE

9.27 There are a wide range of sources of good practice guidance on the housing management contribution to community care. These include Scottish Office circulars and reports, Scottish Homes publications, academic research reports, guidance from professional bodies such as the Chartered Institute of Housing and representative bodies such as the Scottish Federation of Housing Associations. This section discusses the guidance available on the specific topics of joint working between agencies, the use of ordinary housing, assessment and allocation, hospital discharge, management arrangements, influencing the service and funding and rents. The conclusion to the chapter describes gaps in guidance.

JOINT WORKING BETWEEN AGENCIES

9.28 Living in the community with community care needs may involve finding and keeping accommodation, appropriate support services and health services. Community care cannot be delivered by one service alone as the individuals involved often have a complex set of individual needs, e.g. frail elderly people with mental health problems. The initial legislation and subsequent circulars recognised joint working between agencies as an integral part of community care (Scottish Office, 1991, 1994). Further guidance sought to develop detailed frameworks for joint working in response to particular client groups, such as services for people with severe and enduring mental illness (Scottish Office, 1997b).

Barriers to joint working

9.29 It has been openly acknowledged that effective joint working has proved one of the more problematic areas of community care in practice: “there remain continuing difficulties in achieving effective joint working across housing, health and social work agencies” (Scottish Office, 1998).

9.30 Two key factors affect the participation of housing management in this joint working framework. First, general barriers to effective partnership working and second, the status of housing within community care planning and delivery. Barriers to effective partnership working include:

• traditional interpretations of statutory duties; failure to recognise the different approaches along with their limitations, of the housing, social work and health services (Watson and Britain 1996)
• different funding priorities, professional terminology (Allen, et al, 1997)

• the deep systemic barriers which mitigate against change (Louden and Samuel 1999).

9.31 A recent evaluation of partnership working in Scotland, including community care partnerships, suggested partners should:

• find ways to facilitate mutual understanding and learning

• recognise that partnership means changing working practices

• understand the nature of constraints – cultural and structural – on joint working

• invest time in early teambuilding between partners (Dean et al, 1999).

9.32 Although housing has moved from being seen as a peripheral player, to recognition as an integral partner, problems still remain in making this status a reality. Means and Smith (1998) examine approaches to collaborative working between care agencies, focusing on community care planning and joint commissioning. The recent Scottish Office guidance (Scottish Office, 1998b) aims to help agencies overcome the administrative obstacles to cooperation on housing and community care. It suggests general principles of good practice, advice on implementing the principles and illustrative examples from practice.

Joint planning

9.33 Joint working is part of a continuum, which encompasses “integrated planning, management and delivery of housing support services” (CIH, 1999: 10). Housing management and service delivery does not exist within a vacuum distinct from the planning process, but contributes to, and is built upon, that foundation.

9.34 While local authorities have a role in strategic planning as a statutory organisation, the role is less clear for housing associations. Although strategic relationships between Scottish Homes and local authorities are crucial to the success of the community care planning process, they do not always operate effectively. Housing associations may be excluded or unable to participate fully in the planning process (Allen et al, 1997). The Scottish Office suggests that regular information meetings between planning partners and housing providers, problem solving or strategic housing fora or written consultations may improve the participation of housing associations (Scottish Office, 1999). In their turn, housing associations are advised, where practicable:

“to seek to participate in and influence the community care planning process in relation to housing and support provision.... As a minimum, associations should ensure they are aware of existing planning structures or locality forums and who they should contact to feed in views and information.”

(SFHA, 1999: Ch 6:7)
9.35 Joint planning is ineffective unless translated into effective joint operational working. Increasingly, Registered Social Landlords and voluntary agencies provide housing and/or support. However, the Audit Commission notes that:

“too often, effective liaison is a matter of good individual working relationships (that may not survive changes of personnel) rather than a systematic framework of standard procedures and monitored objectives.”

(Audit Commission, 1998a)

9.36 Landlords are urged “to work in co-operation with other housing and care agencies to ensure that services for customers with special needs are provided as a seamless package” (CIH, 1999). Arblaster et al (1996) provide a comprehensive account of how English agencies are interpreting their roles and responsibilities for community care, and how they might work together more effectively to help those with care support needs. The report discusses both external and operational factors affecting inter-agency collaboration and recommends action to create effective joint working. Contributing factors to successful joint working may be: shared values (CIH, 1999); careful selection of partner agencies (CIH, 1999; SFHA, 1999); proper written agreements (Scottish Homes, 1999b); and a top down and bottom up approach in which front-line staff are actively involved (Louder and Samuel, 1999).

HOUSING REQUIREMENTS

Special needs or mainstream?

9.37 The type of housing associated with community care has changed significantly since the early 1990’s. Early assumptions that people with community care needs require special housing projects have been vigorously questioned (Means and Smith, 1998; Watson and Britain, 1996) and replaced with an increasing focus on the use of mainstream and existing housing.

9.38 This move has a number of implications for housing management. The ability to secure the most effective use of existing housing resources is affected by both reducing stock created by the Right to Buy, the increased demand from people with particular needs (Audit Commission, 1998a) and the lack of barrier free housing.

9.39 Similarly the assumption of shared living for people with particular needs has been replaced by an emphasis on self-contained housing, except where residents choose to share (Scottish Homes, 1998a). Both types of living arrangements may produce dynamics which have implications for housing managers, possible isolation and loneliness in self-contained housing and conflicting relationships in group living. Watson and Britain (1996), while promoting the use of mainstream provision, call for a spectrum of provision which allows people to exercise choice. Cox (1999) describes the spectrum of housing and support available for older people with dementia.
Adapting existing housing

9.40 The Scottish Office circular (1999) stresses that adaptations should always be considered before rehousing is contemplated. If existing housing is to assist people with particular needs achieve independent living in the community then there must be effective services to adapt the properties to suit individual needs. Building on research by Flint (1998) into the operation of adaptations in Scotland, Scottish Homes has issued good practice guidance on adaptations (Scottish Homes, 1999b). It highlights the contribution of housing management in identifying need, assessing need, and maintaining completed adaptations.

9.41 Suitable adapted property is ineffective if it cannot be matched against applicants’ individual circumstances. A wide range of good practice advice recommends that landlords should maintain registers of adapted properties and properties suitable for adaptation (CIH, 1999; Flint, 1998; Mason and Britain, 1999; SFHA, 1999; Scottish Homes, 1999; Scottish Office, 1998). The National Disabled Persons Housing Service (Shaw, 1999) has produced a guide to disability housing registers (DHRs) and why they should be set up and provides a number of good practice examples. This includes the Housing Options Register database produced by the Disabled Persons Housing Service in Lothian. This aims to provide a complete profile of all housing stock across Lothian, identifying where wheelchair accessible, barrier-free, adapted and sheltered housing is situated (Scottish Homes, 1999b).

The role of sheltered housing

9.42 Sheltered housing has traditionally stood outside the framework of community care. Recently demand for some sheltered housing has dropped as increasingly community care services encourage people to remain in their own homes (Audit Commission, 1998), creating problems for housing managers seeking to let the housing. In England, the concept of sheltered housing is undergoing a radical change (Fletcher and Gillie, 1991; Robinson, 1996). However, there is little discussion of the role of sheltered housing in the specifically Scottish literature. The English literature suggests that some sheltered housing is changing from acting as interim accommodation for less active older people, to making an effective contribution to community care by providing a home for life to a frailer, more dependent population. Hasler and Page (1998) argue for very sheltered or extra care housing to be an acceptable and value for money alternative to residential care.

9.43 Changes are required not only to the physical fabric of buildings (communal dining rooms, assisted bathrooms, features for people with visual impairment or dementia, the use of new technology) but also to management services. The role of the warden is seen as particularly important (NFHA, 1997b). Robinson (1996) suggests that housing management role of the warden is moving from that of ‘good neighbours’ to a much wider remit. The report discusses the role of the warden in housing management, tenant participation, care-co-ordination, assisting tenants with medication, coping with emergencies and working with care professionals.
ASSESSMENT AND ALLOCATION

Access and information

9.44 The increasing use of ordinary and existing housing is reflected in recent guidance on application and lettings. Landlords are urged to allow people with particular needs open access to both general and special needs housing (CIH 1999; SFHA 1999). Watson (1997) identified the main constraints on access as unsuitable housing, the narrowness of community care needs assessment and the lack of independent sources of information and advice. To facilitate access, Britain and Yanetta (1999) advise housing providers to provide information on the range of housing options available. Information should be accessible and understandable to all potential applicants, including those with a disability (CIH, 1999; SFHA, 1999). HomePoint has sponsored a number of relevant examples of good practice (see, for example, Anderson and Carson, 1999). The Audit Commission (1998b) suggest that processes are also important; sensitive pre-tenancy viewings and sufficient time to decide whether to accept the property can minimise the risk of a tenancy ending prematurely.

9.45 The Scottish Office circular (1999) also makes a number of detailed recommendations in relation to allocation policies. These include advice that policies should:

- ensure that needs categories recognise the needs of community care groups
- seek to enable tenants to remain in their existing accommodation, with access to support
- attempt to avoid concentrations of community care user groups
- promote choice through the use of nomination agreements.

Assessment of need

9.46 The allocation policies of housing providers are based on the principle of rationing a scarce resource through assessment of housing need. Scottish Homes require housing associations to “allocate their houses to those with high levels of housing need; and, where appropriate, a need for support” (Scottish Homes, 1999: section B.1.1). Landlords are advised to include community care needs within housing need criteria in allocation policies:

“A higher proportion of those seeking housing in the social rented sector have complex needs, going well beyond what are traditionally referred to as housing needs. Needs now include social and medical difficulties, often as part of community care policies.” (Britain and Yanetta, 1997: 4)

9.47 Medical needs such as mobility problems, HIV and AIDS and mental health problems form part of the wider community care needs. Mason and Britain (1998) call for medical priority to take account of mental health problems and learning disabilities. Not all existing housing would provide a sensitive allocation for a person with particular needs or meet their preferences. The Audit Commission (1998a) found that applicants with mental health problems were looking for a suitable location, close to informal networks and amenities, good neighbours and a secure environment. The report suggested that assessment should take
account of applicants’ preferences and, where appropriate assessment of the risk of the allocation, including the risk to the applicant/potential tenant.

9.48 The SFHA identifies the need to develop policies and procedures to address 3 sources of risk: the development process, revenue funding and management tenancy issues (SFHA, 1999: 12-13). This concern with risk management is reflected in the NFH Support Code (NHF, 1997b). However there is a dearth of good practice guidance on conducting risk assessment and developing risk management strategies in relation to the housing management aspects of community care: e.g. assessment and tenancy management. The Accounts Commission publishes general guidance on risk management in councils (Accounts Commission, 1999). In additional guidance is available on risk management in resettlement services for homeless people (Bevan, 1998).

Co-ordinating assessments

9.49 Landlords are urged to be alert to applicants’ support needs in assessing applications for housing. Where necessary, they should work in partnership with social work to secure a community care assessment of the applicants’ needs (Britain and Yanetta, 1997; SFHA, 1999). However difficulties can arise when an individual’s particular needs are complex and transcend service boundaries. There are both administrative (systems used for assessment) and legal (assessment criteria based on different definitions of need or vulnerability) differences in assessment between services. The Scottish Office suggest that administrative differences may result in needs not being recognised, users undergoing multiple assessments, agency responses being uncoordinated, and assessment resources wasted. They suggest that methods to counter such difficulties may include a shared approach to assessment, joint assessments, shared assessments and self-assessment (Scottish Office, 1998). Joint assessment models have been proposed for complex medical priority cases involving social factors (Mason and Britain, 1999).

9.50 Shared assessments require that agencies share sensitive and confidential information. There is some limited guidance on the subject of confidentiality and sharing information (Scottish Office, 1998; CIH, 1995). However uncertainty on the balance between confidentiality and effective sharing of information continues to cause difficulties in practice. There is a need for authoritative national clarification and guidance on this subject to underpin the goal of increased joint working.

9.51 Mason and Britain (1999) question the focus on rehousing as an assessment outcome and propose the alternative of an option appraisal of a range of possible outcomes. These may include specialist housing, mainstream housing or staying put with adaptations to the property or additional care and support. Such an option appraisal, based on the Personal Housing Plan format, has been developed by the Disabled Persons’ Housing Service in Lothian (Alexander and Paterson 1996).

Hospital discharge

9.52 Moving people from long-stay hospitals has been a significant part of community care. Housing management services make a key contribution to achieving a smooth transition and sustaining the tenancy. Early studies (Kay and Legg, 1986; SCSH, 1994)
recommended improved and early joint planning. They recommended clarity of joint working between agencies, a key worker to co-ordinate post-discharge care and sharing of relevant information with housing providers to ensure that adequate discharge arrangements are in place. A number of recent publications have suggested that there are still continuing problems with hospital discharge (Audit Commission, 1998a; Scottish Office 1998). Problems include the lack of recognition of the role of housing, and housing involvement too late in the process. The resulting failed supported tenancies lead to a ‘revolving door syndrome’ between hospital and community (Audit Commission, 1998b). Suggested solutions are strategies which address both housing and housing service provision (Scottish Office, 1998, para 6.5) and a flexibility in support which allows for low level preventative support (Audit Commission, 1998b: 37).

9.53 Similar arrangements are required for discharge from acute services. In acute services the discharge timescale will be much shorter and therefore pre-admission planning, effective inter-agency planning and assessments of the home situation are vital. Each hospital should have a discharge protocol with the local authority (The NHS in Scotland, 1993).

MANAGEMENT ARRANGEMENTS

9.54 In promoting access to mainstream housing and services Scottish Homes states that:

“housing management services should be adaptable to meet the changing needs of initial and future tenants, and people with particular needs should be enabled to participate in their housing environment, with the same rights and control as mainstream tenants or owner occupiers.” (Scottish Homes, 1998: 20)

9.55 While most housing managers will subscribe to these principles, they may find effective implementation requires fundamental review of the range of housing services and practices. This section examines guidance on tenancy rights, tenancy conditions, support arrangements and tenant involvement.

Tenancy rights

9.56 Recent publications from the Scottish Office and Scottish Homes have advised that, where possible, people living in supported accommodation must be given full tenancy rights under the 3 principles of normalisation, empowerment and independent living (Scottish Office, 1999). In their review of community care policy, Scottish Homes state:

“Over a negotiated time period, we will expect housing providers with whom we work to ensure the most appropriate form of housing agreement is used.” (Scottish Homes, 1998: 21)

9.57 However, a 1997 research report revealed that the majority of residents surveyed had no tenancy rights and a proportion of residents had no written agreement to occupy at all (Mina-Coull, 1997). In examining the legal and practice reasons for the lack of tenancy rights, follow-up research suggests that much existing practice arises from attempts to manage legal, financial and behavioural risks. The wish to protect a scarce resource has also
led landlords to use non-tenancy agreements for specially designed and adapted properties (Edgar and Mina-Coull, 1999). The report concluded that while non-tenancy agreements were legal, they are not acceptable in practice. It makes specific recommendations on the appropriate use of secure and assured tenancies, short-assured tenancies and non-tenancy agreements. It also recommends risk management measures (Edgar and Mina-Coull, 1999).

9.58 Lund and Foord (1997) found that many English authorities increasingly linked offers of accommodation to guarantees of care/support packages. The practice of making acceptance of support a condition of tenancy is questioned by a number of commentators, since it reduces security of tenure (SFHA, 1999). Yet it is not just the legal reality which matters but also the tenant's perception of the link: “some users who thought that support was a tenancy condition expressed doubts about the consequences for their tenancy of ending support or vice versa” (Douglas et al, 1998).

Capacity to contract

9.59 The questions of entering into a tenancy agreement with a person who is deemed 'incapax', or incapable of managing their own affairs, occurs less frequently but is a key issue for landlords in offering and managing a tenancy and for the tenant in achieving equal access to tenancy rights. It may become a more frequently occurring situation as community care is extended to an increasing number of people with severe needs. It is the law which may disqualify people who are deemed incapacax from security of tenure (SFHA, 1999; Scottish Office, 1998). “There is no convenient, legally recognised means available to landlords to address the issue of tenants or prospective tenants who may be incapacax” (SFHA, 1999: 24).

9.60 While the Scottish Office and Mina-Coull et al argue for guidance and co-ordination between partner agencies, the SFHA suggests a “pragmatic way forward until the legislative gap is addressed” (SFHA, 1999: 25). None of the guidance appears to give landlords any greater clarity or confidence in the legal situation resulting in the suggestion that landlords will wish to take their own legal advice (SFHA, 1999). The Scottish Executive are currently consulting on a change to the legislation.

Tenancy conditions

9.61 The enjoyment of full tenancy rights implies full responsibility for meeting tenancy conditions for the tenant and, on the part of the landlords, sensitivity in enforcing tenancy conditions. Policies used to enforce tenancy conditions (e.g. neighbour nuisance, rent arrears) and additional services (e.g. gardening), should reflect the balance of sensitive services to allow people the optimum opportunity to meet tenancy conditions (CIH, 1999; SFHA, 1999).

9.62 Sensitivity and a degree of understanding of the implications of tenants' particular needs are required in both the assessments of tenancy problems and service provision. Edgar and Mina-Coull questions whether housing staff are able to distinguish between anti-social behaviour and behavioural problems resulting from mental illness (Edgar and Mina-Coull, 1999). This is an area of concern raised by a number of the commentators on landlords' measures to deal with anti-social behaviour (Scott, 1994).
Securing support

9.63 The Scottish Federation of Housing Associations (SFHA) describes 3 types of arrangements by which landlords may secure support:

- housing provided by RSL and support and/or care by another organisation
- housing and basic support provided by the RSL and care or specialist support by another organisation
- housing, support and care provided by the RSL

(SFHA, 1999).

9.63 Concern is expressed that tenancy rights and security of tenure may be compromised by provision of housing and support services by one provider. The guidance suggests that, wherever possible, the legal and financial aspects of housing and support should be separated (Scottish Office, 1998; Scottish Homes, 1998; SFHA, 1999).

9.64 The Chartered Institute of Housing offers extensive advice on choosing and entering into agreement with a partner support agency (CIH, 1999). Partnership between a landlord and support agency may be in the form of a lease or management agreement. The latter is preferred in most cases in the interests of security of tenure (Scottish Homes, 1998). The SFHA provide models of both legal agreements (SFHA, 1992 and 1993) and extensive guidance on the advantages and disadvantages of both agreements, the selection of partner agencies and management of agreements (SFHA, 1999).

9.65 Core housing management has a role to play in sustaining tenancies for tenants with community care needs. The Audit Commission suggests that low level support, in the form of intensive housing management, may be adequate in many cases (Audit Commission, 1998b). However, the NFHA contends that: “the problems encountered by housing managers are increasing and they are unable to intervene effectively where significant numbers of tenants are getting into difficulties” (NFHA, 1997b: 6).

9.66 There is a tendency to think of the housing management contribution to community care in terms of new lets to people with particular needs. The reality is that those needs may change and, in some cases are cyclical. In addition, the general tenant population itself comprises an increasing proportion of people with complex and particular needs. Sensitive housing management will assist landlords to “identify tenants who are having difficulty managing their tenancy and arrange for appropriate support” (CIH, 1999: 19). While there is ample guidance on the development of supported accommodation and housing with support, less attention has been paid to the difficulties of securing support for existing tenants through community care assessment. There is a need for further guidance on training staff to recognise support needs, minimising delays in community care assessments, distinguishing appropriate landlord action and problem solving to assist the tenant to sustain the tenancy.
Tenant information and participation

9.67 One of the aims of community care should be to assist people to participate (Dean and Goodlad, 1998). Chapter 2 discusses the general principles of participation, which are not repeated here. In consulting on the way forward for tenant participation in Scotland, the Scottish Office referred to the special efforts which may be needed to encourage participation from people with community care needs (Scottish Office, 1998). The SFHA guidance, while stressing that RSLs should have strategies for communicating with all tenants, notes that there may be resource implications in involving community care users (SFHA, 1999).

9.68 Under the terms Disability Discrimination Act, housing agencies need to make reasonable adjustments to enable disabled people to access their services. Derbyshire (1998) suggests that this should include:

- producing information in Braille, audio tape and large print
- providing hearing loops and text phones for people with hearing problems.
- ensuring that a member of staff can communicate in sign language
- considering how to make services accessible where offices are unsuitable (using home-visits, telephone enquiry services or alternative offices).

9.69 The Ewing Inquiry into housing for people with a physical disability notes that complex issues may bewilder disabled people, but that few local authorities produced specific advice leaflets. It concludes that information and advice was “often ineffective, leaving the disabled person feeling powerless and inadequate” (Eccles, 1994: 31). Laurie and Macfarlane (1995) found, in a study of English authorities, that local authorities rarely took account of the expressed views of disabled people. Recent research and guidance emphasises the need to promote user involvement for people with housing and care needs (Simons, 1996; Bain et al, 1998). The research by Bain et al (1998) highlighted stark gaps between policy and practice on tenant participation for disadvantaged and vulnerable tenants and noted that:

“tenant participation continues primarily to be seen in terms of traditional and mainstream approaches, such as public meetings, surveys and tenant representation on management committees.” (Bain et al, 1998: 57)

9.70 The report recommended:

- more targeted information and advice for particular groups
- reviewing structures for participation to take account of particular needs
- advocacy services.

9.71 Sometimes, however, vulnerable groups may need more support. Dean and Goodlad (1998) examined befriending services for people with community care needs. They identified a number of befriending models concluded that such services can tackle the processes and structures of social exclusion in “small and sometimes highly significant ways” (p46). The research recommends the development of good practice guidelines.
9.72 Housing management is largely funded from rental income, but the literature does not appear to address the rising financial costs of core housing management services to an increasing proportion of vulnerable tenants. The funding of housing and support for people with particular needs presents one of the greatest barriers to an effective housing contribution and to effective social inclusion. The separate administration of residential allowances, Housing Benefit and Special Needs Allowance Package have hindered joint working and user-led services. The Scottish Affairs Committee on the Implementation of Community Care in Scotland found that:

“The vital contribution of housing to Community Care is being seriously compromised. This is due to a number of factors including: a complex combination of a tight financial environment for both capital and revenue, problems of harmonising funding timescales, inherent defects and risks in the funding mechanisms … a degree of co-operation required which is difficult to achieve.” (Scottish Affairs Committee, 1997 as quoted in Scottish Homes, 1998)

9.73 Watson and Tarpey (1998) offer a useful insight into the complexity of the funding of housing with support and the reality of the provision created. Although a study of English supported housing schemes, it is relevant to the Scottish environment. It is a useful document for housing managers wishing to develop supported housing arrangements either through their own organisation or in partnership with care providers.

9.74 Affordability is a key issue in housing and support for people with particular needs (Scottish Homes, 1998). Yet it is recognised that the current funding mechanisms make the practical application of affordability principles difficult (SFHA, 1999). Both the SFHA and CIH encourage landlords to provide clear costing of service charges by separately identifying costs of housing management, intensive housing management and personal care and support services (CIH, 1999; SFHA, 1999).

9.74 The debate on the distinction between what are properly ‘housing management’ and what are ‘support’ tasks has fuelled the controversy over the proper allocation of costs within Housing Benefit. It culminated in a DSS ruling that only property related costs are to be funded by Housing Benefit and a fundamental review of the funding of housing with support. The review has resulted in proposals for “a more coherent and accountable form of funding” in the form of Transitional Housing Benefit until 2003. This would be followed by a single budget corporately administered by local authority housing and social work (DSS, 1999). While seeking to define housing management and support tasks, Transitional Housing Benefit tackles the grey area between the two. The scheme recognises the overlap and acknowledges that some activities may have a dual purpose e.g. mediation to resolve neighbour disputes. The crucial test is to be whether “the activity changes from a normal landlord function to a support service for the individual claimant”. It gives the landlord discretion over how to allocate the costs of dual-purpose activities between rent and service charges for support (DSS, 1999, Annexe A).
CONCLUSIONS AND GAPS IN GUIDANCE

9.75 The housing management contribution to community care is about working together with other agencies to deliver services to an increasingly vulnerable population of tenants. It means ensuring that mainstream housing and services are accessible and effective for people with community care needs. It is also about balancing the demand for services against the resources available.

9.76 Community care is founded on the principle of partnership working between housing, health and social work. Yet the development of healthy partnerships and housing management's role in joint working remain key flaws in service delivery and planning. Joint working must be based on trust between agencies. Practical experience suggests that the effective and honest sharing of information is an important ingredient in developing trust. There is a need for authoritative national clarification and guidance on this subject to underpin the goal of increased joint working.

9.77 It is not just guidance which is required for effective joint working but the time to follow the guidance. Partners must take the time to invest in the early stages of achieving mutual understanding and developing strong working relationships (Dean et al, 1999).

9.78 The move towards community care provision which is integrated into the community has implications for both the housing stock and the revenue funding of housing related support and management services. Sensitive review of existing mainstream services, for example assessment and allocations, is required to ensure that tenants with community care needs can access and use the services. Housing managers need improved guidance on new aspects of these services, for example risk assessment and management.

9.79 There is a need for further guidance on training staff to recognise support needs; minimising delays in community care assessments, distinguishing appropriate landlord action and problem solving to assist the tenant to sustain the tenancy. There may also be scope for a Scottish guide on the role of sheltered housing.

9.80 Finally the business of the housing management contribution to community care is developing swiftly. The task of implementing changes in policy and practice falls to busy practitioners. They need guidance in easy and quick to use formats. In addition to recommended standards (CIH, 1999; SFHA, 1999), the production of model or exemplar policies and procedures may avoid practitioners re-inventing the wheel and so assist progress.
CHAPTER TEN FACTORING AND THE MANAGEMENT OF MIXED TENURE AREAS

INTRODUCTION

10.1 This chapter discusses research findings and good practice advice on social landlords’ managerial activities relating to privately owned dwellings. In general, this involves properties formerly owned by social landlords but subsequently sold to sitting tenants under the Right to Buy. In the main, the management issues concerned relate to flats rather than houses. Related matters also arise in the case of privately owned flats factored by social landlords such as flats in tenement blocks in which housing associations own other dwellings.

10.2 More than 350,000 former public sector homes have been sold under the Right to Buy in Scotland since 1980 (Leather and Anderson, 1999), of which approximately 100,000 have been flats (Scottish Office, 1996; Wilcox, 1998). Mainly as a result of these sales, particularly those involving flats, local authorities have become increasingly involved in managing areas and stock portfolios containing a mix of tenures. One measure of the scale of sales involving former council flats in Scotland is that these now account for around a fifth of the current national stock of flats built by local authorities. Nevertheless, local authority practice in the feu superior role (see below) has attracted some criticism. In a recent report, for example, it was asserted that there was “little evidence of widespread good practice” in this area, and that “common repairs involving former council property has received little attention among Scottish local authorities” (Russell and Welsh, 1998: 1).

10.3 Housing associations, too, have been affected directly and indirectly by the Right to Buy. Some 50,000 RTB sales have involved homes formerly owned by the SSHA (Scottish Special Housing Association) and by mainstream non-charitable associations. Many of the former SSHA properties are now integrated within schemes managed by charitable associations which have become successor landlords through stock transfer. For some associations, mixed tenure management issues also arise from the development of shared ownership housing or from factoring of privately owned flats in tenement blocks containing association-owned dwellings.

10.4 Related issues also arise in cases where, usually through regeneration schemes, estates are developed by consortia of housing associations, thereby giving rise to neighbourhoods which may be mono-tenure, but are multi-landlord in character.

10.5 The management of mixed tenure areas and stock portfolios may be seen as an emerging issue for housing organisations. Until recently, it has attracted relatively little attention in terms of research or good practice advice. Because of the contrasting legal frameworks in England and Scotland, publications focusing on the English context (e.g. DoE, 1995; Robinson and Nicholson, 1996) are of limited relevance north of the border. Similarly, differences between the historical experience and current activities of housing associations and local authorities in Scotland means that advice targeted towards the former is not always wholly relevant to the latter. Nevertheless, the 1999 publication of good practice guidance on factoring by the SFHA and by the CIH represents a major advance in this area, particularly in the light of recent research findings from a study of owner-occupiers sharing common property with local authorities. This study, carried out through a postal questionnaire, raised a number of serious concerns about the service provided by local
135

authorities in the factoring role (Welsh, 1999). Leather and Anderson's (1999) study of the condition of former right-to-buy property highlighted examples of good practice. Some of the specific findings from these studies are cited below.

10.6 The term ‘factor’ is sometimes used as a synonym for ‘landlord’. More properly, however, ‘it refers to “a person or organisation which is employed by owners of property to manage the property particularly in relation to repairs and maintenance” (CIH, 1999). One problem with the term is that it is not always recognised by housing organisations as being applicable to their managerial activities involving privately owned properties. One recent study, for example, found that some local authorities which denied operating a factoring service were, nonetheless, actively carrying out such functions (Russell and Welsh, 1998).

MANAGERIAL ISSUES

Flats

10.7 In the long term, flatted blocks may be an economical built form because the cost of the upkeep of the external fabric is shared across a number of dwellings. Such a built form is designed to be managed on a collective basis and historically, most flatted blocks were constructed for single owners planning to rent out individual dwellings. Subsequently, however, both in the private sector and the public sector, sales of individual flats have created a multiple ownership pattern which has important implications for ongoing management and maintenance (Pawson et al, 1997c). The potential impact of flat sales in former public sector blocks is summarised as:

“When a single property is sold to a tenant, complex and often imprecise calculations are required to apportion responsibility and financial liability for repairs and maintenance. The apportionment of cost has to cover a proportion of the general management costs for the landlord, routine maintenance and repair, cleaning and maintenance of common areas such as hallways and open spaces, lift maintenance and replacement, capital works associated with roofs and windows, charges for communal heating systems and so forth. All of these charges are open to challenge from (flat owners). All require detailed justification by the authority. And, most fundamentally, some justifiable charges are unaffordable ... and on occasion ... exceed the current value of ... properties.” (Jones and Murie, 1999: 28)

10.11 Particular problems can occur with respect to owners living in multi-storey or other non-traditional blocks. Whilst such buildings generally require very few repairs, when repairs are needed they tend to be very expensive: “Flats may cost as little as £4,000 to buy, but a new lift can cost £23,000 per flat” (Jones and Murie, 1999: 30).

Houses

10.12 Multiple ownership within developments involving houses is far less problematic than where it involves flats. However, some management issues do arise for social landlords as a result of house sales. These include the maintenance of public open space benefiting owners and tenants alike, as well as neighbour disputes affecting owners and tenants.
THE LEGAL FRAMEWORK

Overall framework

10.13 Unlike England and Wales, the basis for Scottish property law is the feudal system. Under this system, the development of housing traditionally involved the landowner (the ‘feu superior’) dividing the land into plots according to a ‘feuing plan’. The lots were then ‘feud’ (in effect, sold) in return for a fixed annual payment (‘feu duty’) to continue in perpetuity (although, in some cases there was also a lump sum payment) (O’Carroll, 1996).

10.14 Although modern land transactions involve payment at the point of sale, and the payment of feu duties has been largely phased out (McEwan, 1996), the feudal system of land tenure remains in place. Most dwellings, including flats, are subject to feu superiors - previous owners of the land or buildings and the successors of these owners. Feu superiors can impose conditions on successive owners through clauses included in deeds of conditions. These may specify, for example, the elements of the building considered as common parts and/or mechanisms for arranging for repairs to common parts involving owners of neighbouring flats. Other than through the terms of these deeds, the rights and responsibilities of owners are usually defined by ‘the law of the tenement’ (common law) (CIH, 1999).

10.15 The role of a feu superior is quite distinct from that of a freeholder under the English system, in that the former usually has no financial interest in the upkeep of buildings and no obligations towards building maintenance. An apparent exception to this rule arises in the case of former public sector blocks where some flats have been sold to sitting tenants. In such cases, the former landlord usually retains both feu superiority in relation to the sold flats, as well as a material interest in the upkeep of the building due to a continuing role as owner of some dwellings therein (PIEDA, 1990).

10.16 The legal framework for property ownership in Scotland has been heavily criticised (Bailey and Robertson, 1997) and looks set to change in the near future. The Scottish Law Commission (1998) proposed reforms to the Law of the Tenement to ensure that buildings comprising 2 or more flats in separate ownership have arrangements which would allow the owners to make decisions on repairs. The Scottish housing green paper expresses hope that “legislation on this matter will be taken forward by the Scottish Parliament” (Scottish Office, 1999a: para 2.65).

10.17 However, whilst the reform proposals envisage an end to feudal superiority, the impact on existing buildings and legal relationships is likely to be limited (Halliday, 1999). It is unlikely that the reforms will, for example, alter the status of deeds of conditions. Similarly, some obligations which automatically transfer to successive owners are likely to remain (SFHA, 1999).
Deeds of conditions

10.18 Deeds of conditions form part of the title deeds attached to every property in Scotland. They contain legally enforceable rights and obligations which often have crucial significance with respect to ongoing management and maintenance. In the case of former public sector flats, they usually define the relationship between successive owners and the former landlord (in its role as feu superior). For example, the flat owner may be obliged to contract into a building insurance scheme established by the former landlord (feu superior), or there may be a requirement that the owner subscribes to a factoring service provided by the former landlord.

10.19 From the point of view of a social landlord which is a feu superior, therefore, ensuring that deeds of conditions provide a practical framework for future management is critically important (SFHA, 1999; CIH, 1999). Whilst it is legally possible to amend deeds of conditions (SFHA, 1999: 20), this is not an easy or straightforward process. At the same time, practical managerial difficulties may arise where feu superiority applies to properties with different deeds of conditions. Consequently, some local authorities have continued to issue deeds containing terms known to be problematic because of concerns about inconsistencies which would arise if buildings contained properties owned on different terms (PIEDA, 1990).

Repair, maintenance and improvement of blocks in mixed ownership

10.20 In practice, local authorities, as feu superiors and landlords generally carry out emergency repairs needed in mixed tenure blocks irrespective of the tenure of the flat directly affected (PIEDA, 1990). This could be justified as a rational approach, whatever the terms of the relevant deeds, though problems with recharging lower floor owners for roof works, for example, are sometimes experienced.

10.21 For non-emergency minor repairs, the precise terms of the deeds of conditions are generally regarded as being more important. In some cases, these require the landlord to consult with owners on every communal repair. PIEDA (1990) reported the case of a tenement block of 8 flats, with 4 owners, where compliance with the relevant terms involved a housing inspector having to make 6 separate calls to obtain individual consents for the replacement of 2 broken panes of glass on the communal stair. However, even where such prior consultation is not obligatory, owners may be reluctant to contribute to minor common repairs and legal departments may consider that the case for pursuing such debts is weak in the absence of preparatory discussions.

10.22 Particular legal difficulties arise where works legally defined as ‘improvements’ are planned (a problem also noted by SSHA (1986)). Although the Lands Tribunal has ruled that local authorities cannot compel owners to co-operate in such schemes, these are sometimes inherently concerned with common building elements or are very difficult to carry out to individual flats. Examples include:

- cavity wall insulation
- block security systems
• roof replacement

• overcladding of multi-storey blocks.

Historic deeds of conditions

10.23 Most of the discussion above relates to former social rented homes sold under the Right to Buy. Deeds of conditions for such properties may contain inconsistencies and terms now considered not wholly satisfactory. The potential defects in the deeds of condition of older buildings subject to factorage are, however, far more serious. Apart from the archaic language used, such deeds may contain terms which are mutually incompatible or unworkable. In general, the risk that such defects will be present increases with the age of the document (Pawson et al, 1997). This is an issue for RSLs providing factoring services for owners of tenement flats.

GOOD PRACTICE GUIDANCE

Deeds of conditions

10.24 As discussed above, the significance of deeds of conditions in setting the framework for subsequent management of former social rented housing cannot be overstated. Detailed advice on drafting deeds of conditions is included in the recently published CIH and SFHA guidance. The following section provides only a summary of some of the key recommendations.

10.25 Ideally, landlords disposing of property should adopt standard terms for deeds for given types of property (PIEDA, 1990; CIH, 1999; Leather and Anderson, 1999; SFHA, 1999). Partly for the benefit of remaining tenants in buildings or areas where properties are sold, it is also recommended that former landlords “seek to ensure that they are entitled to act as factor for as long as possible” (SFHA, 1999: 19).

10.26 Some deeds of conditions require successive owners of sold properties to use the former landlord’s factoring service for as long as the landlord retains ownership of one or more dwellings within a block or estate. However, such a provision could be regarded as unfair, since it could prevent a group of owners from opting for a new arrangement or service provider, even where a majority wished to do so. An alternative requirement is for the former landlord to act as factor “for as long as it owns at least 50 per cent of the properties in a building or area which is covered by the same deed of conditions” (SFHA, 1999: 19).

10.27 Other than the requirement relating to the appointment of a factor, deeds of conditions should also include:

• a clear definition of the property and its associated grounds and outbuildings

• a definition of common parts (where applicable)

• a definition of common charges – e.g. repairs to common parts, the factorage fee, the factor’s expenses, building insurance etc.
• a definition of common services – e.g. stair lighting, stair cleaning, wardens or caretakers

• a definition of service charges

• rights of access

• use of property

• maintenance and repair of common parts – obligations regarding the appointment of a factor, the powers and duties of the factor

• arrangements for the payment of common and service charges

• building insurance arrangements

• consultation arrangements

• arrangements for arbitration.

(After CIH, 1999; SFHA, 1999; Leather and Anderson, 1999).

10.28 In practice, whilst some local authorities have adopted standard deeds of conditions for flat sales, such standards were not always applied in the early years of the Right to Buy. In Renfrewshire, for example, some four-in-a-block sales were treated as though they were pairs of dwellings, whilst in others, the block was defined as all 4 flats (Jones and Murie, 1999). Leather and Anderson (1999) found that many authorities had taken few positive steps to secure future repairs and maintenance in right to buy property and there was little consistent practice in relation to common areas or common repairs.

10.29 Under Glasgow’s standard terms, all flat owners are obliged to use the Council’s factoring service (provided by the DLO) for as long as the Council retains ownership of a single dwelling within the building (PIEDA, 1990). Leather and Anderson (1999) cite this as an example of good practice but other commentators have differing views. PIEDA (1990) suggested that the approach exemplified the “most demanding type of conditions” (p.20) while Russell and Welsh (1998) argued that it was “rather heavy handed”. In any case, it is questionable whether provisions requiring the retention of a former landlord as factor are legally enforceable in a minority ownership situation (SFHA, 1999).

10.30 The Scottish Consumer Council also points out that the Unfair Terms in Consumer Contracts Regulations 1994 may have implications for the terms of deeds of conditions, particularly those of the type described above. For example, in terms of Glasgow’s requirement for flat owners to buy into its buildings insurance policy, the SCC argues that this unfairly fetters consumer choice, partly because owners may wish for a higher standard of cover than that offered under the standard policy (Russell and Welsh, 1998).

10.31 Given the critical significance of deeds of conditions, and the possibility that deeds will vary between properties, it is important that all deeds for factored properties are easily available to housing staff. In addition, as recommended by the CIH and SFHA, staff
involved in factoring should be trained on the interpretation and application of deeds of conditions.

**Factoring agreements**

**Types of agreement**

10.32 A social landlord may be party to 2 different types of factoring agreement: agreements relating to cases where the landlord manages properties owned by other parties, and agreements involving properties owned by the landlord and managed by another agency.

**Social landlord as factor**

10.33 Where a satisfactory deed of conditions exists, a factoring agreement will specify how the factor will undertake the duties listed by the deed and any supplementary services to be provided. In other cases where owners wish to purchase a factoring service, the agreement will need to be much more detailed. Such an agreement “may look very like a deed of conditions in terms of its scope, although it will have less legal significance (whilst still being enforceable as a contract)” (SFHA, 1999: 29). In any case, good practice advice suggests that a factoring agreement relating to properties managed by the social landlord should cover the following issues:

- statement of the basis on which the service is provided (as required under deeds of conditions or on a voluntary basis)
- the period over which the service is provided
- the nature of the service provided (the level of detail needed here will depend on the contents of the deeds of conditions – see above)
- charging arrangements
- complaints procedure
- contact point within the landlord organisation
- arrangements for terminating the contract (in line with terms of deeds of conditions, where applicable).

The agreement will also need to detail the factor’s duties and service standards (see below) (SFHA, 1999).

**Social landlord as owner**

10.34 Where a social landlord’s properties are factored by another agency, this should be regulated according to a formal agreement between the 2 parties. The service standards
specified in such an agreement will need to be consistent with those applied by the organisation itself and those required under Scottish Homes ‘Performance Standards’.

**Operational management**

*Implementing maintenance and improvement programmes*

10.35 The problematic nature of current practice in this area seems evident from the fact that 47 per cent of respondents in the SCC’s recent survey of owners were dissatisfied with the council’s involvement in common repairs. This compared with only 18 per cent who were satisfied (Welsh, 1999). Deeds of conditions and/or factoring agreements often set a threshold value of works to common parts below which the factor has authority to proceed with ordering a repair without prior consultation.

10.36 An early report on factoring by social landlords suggested that, with respect to planned maintenance or improvement programmes in which individual houses could be dealt with separately, owner occupied houses should be excluded from the contract. At the same time, however, it was recommended that owners should be informed of the name of the contractor so that they could consider making a private arrangement to have similar works carried out. In the same context, “it is vital that owners are contacted as early as possible and should be invited to any public meetings” (SSHA, 1986: 6). Leather and Anderson (1999) found that many local authorities had attempted to involve owners in improvement schemes, but suggested that the level of success was low.

10.37 Particularly in terms of flatted blocks, PIEDA (1990) noted that some local authorities encouraged owners to participate in capital works through the payment of grants and or provision of advice on mortgages etc. However, even at that time, authorities were reporting growing problems inherent in such strategies due to the reduction of Repairs Grant rates from 90 per cent to 50 per cent.

10.38 It was reported that:

> “In a number of areas, blocks with private owners have been omitted from capital works schemes...Overall, the severity of the problem seems to depend ... on the proportion of owners in the area...in certain (areas) with very high concentrations of owners, the planning of capital works programmes ... is becoming almost impossible.” (PIEDA, 1990: 26)

10.39 Leather and Anderson (1999) found that Scottish local authorities had made substantial use of improvement and repair grants to assist owners to undertake major repairs. However, they noted pressure on resources, and competing priorities, had reduced the availability of grants in many areas. They recommended that the government should give guidance on the use of grant aid to assist owners to fund major repairs. The report also highlights examples of good practice by English local authorities in making loans available to owners - noting that Scottish councils did not appear to have developed alternative sources of funding.
10.40 Although owners can veto ‘improvement work’ which directly affects their homes, they cannot prevent such works where they are only indirectly affected – e.g. certain environmental works.

“Where an owner declines to pay his share of the cost the work should be carried out but care should be taken to avoid if possible the provision of any personal benefit to the owner. In an estate where the number of houses sold is substantial, or where the sales potential is high, a long-term value for money assessment should be made before this type of improvement work is undertaken.” (SSHA, 1986: 6)

Record keeping

10.41 Early research on factoring revealed inadequate attention to record keeping in terms of expenditure on common repair works where an element of the cost should have been rechargeable to owners (SSHA, 1986). The implication was that repair costs relating to common works should be separately coded and in this way made identifiable in the accounts. Similarly, records need to be kept to enable the enumeration of cases where owners needed to be charged. Such information “would help to put both the costs of administration and recovery into perspective and should be incorporated into an administration charge” (SSHA, 1986: 5). With respect to contracts let for services to mixed tenure blocks and which include an element to be recharged to factored property owners, CIH guidance emphasises the importance of ensuring that the costs can be disaggregated to facilitate justifiable recharging to owners (CIH, 1999).

10.42 Recently, the Scottish Consumer Council has criticised local authorities on the grounds that many apparently fail to record or monitor the number of common repairs involving buildings in mixed ownership. The SCC commented that “this...leads us to question how these local authorities are able to achieve value for money in the absence of such basic management information” (Russell and Welsh, 1998: 14).

10.43 Good practice advice on record-keeping with respect to factoring is included in the CIH Housing Management Standards Manual (CIH, 1999) and in the SFHA’s Raising Standards publication (SFHA, 1999).

Charging practices and arrears recovery

10.44 PIEDA found that some local authorities maintained communal open spaces surrounding former RTB houses, with the costs being met from the HRA or from the leisure and recreation budget. This was described as:

“an inequitable treatment of owners of bought houses vis-a-vis tenants and vis-a-vis owners of houses in privately developed estates, who in most areas do not have landscaped areas maintained by the council.” (PIEDA, 1990: 27)

10.45 More generally, advice on arrears recovery with respect to factoring charges is provided by the CIH. It is recommended that such activities follow the same broad principles as those relating to arrears of rent.
“These ... include an approach to pre-purchase advice, welfare benefits and debt counselling, arrears monitoring and speed of recovery action. The same principles of tackling debts quickly and agreeing payment schedules should be followed.” (CIH, 1999)

Tackling neighbour disputes

10.46 Neighbour nuisance is a cross-tenure problem which can involve private rented sector tenants and owners (SODD, 1998). Although many social landlords are well-versed in dealing with neighbour disputes between tenants, it is unlikely that conflict between owners and tenants (particularly where the complainant is a tenant) can be dealt with under routine procedures (Brown, 1997). This much was recognised in one of the earliest reports on mixed tenure management (SSHA, 1986), though beyond calling for the establishment of “a clear policy and procedure to deal with estate management problems in mixed tenure estates” (p.7) the report did not suggest what such an approach should involve.

10.46 The Scottish Office guidance on housing and neighbour problems briefly discusses action against owners. It notes that there are doubt about whether landlords have title and powers to raise an interdict against owners who are causing problems and recommends that tenants who have a complaint about an owner should seek an interdict themselves. Mediation services and Anti-social Behaviour orders are also suggested (SODD, 1998).

10.48 The SFHA’s factoring guidance discusses some of the common causes of neighbour disputes in mixed tenure blocks (e.g. stair cleaning, noise, garden care). It argues that realistic rules should be established for the regulation of these issues and, in some cases at least, such rules should be written into deeds of conditions (SFHA, 1999).

Responsibility for service provision

10.49 In the case of RSLs, it is recommended that overall responsibility for overseeing the factoring service should be allocated to a sub-committee of the RSL’s governing body. At the operational level, practical responsibility for factoring should be delegated to a particular member of staff, probably the head of the lead department (SFHA, 1999).

Management fees, sinking funds and insurance

Management fees

10.50 For RSLs, the SFHA recommends that governing bodies or sub-committees review factoring charges on an annual basis. In billing owners, it is important that the components of the management fee are detailed and that the overall sum is clearly distinguished from common repair charges etc. The guidance does not, however, suggest any particular methodology or benchmarks to assist in setting charges.
Sinking funds

10.51 Research has shown that sinking funds are rarely maintained in privately owned blocks where there is no social landlord involvement, even where there is private factorage (Pawson et al, 1997). It is believed that only recently created deeds of conditions will be likely to contain provisions for sinking fund contributions, though efforts could be made to alter existing deeds to allow for this. Alternatively, a requirement to contribute to a sinking fund could be included in a factoring agreement, though “this would be specific to the owner with whom the agreement exists and would not automatically transfer to a subsequent owner following a sale and purchase”. However, since there are doubts as to whether an obligation to contribute to a sinking fund is legally enforceable as a real burden, “it may be more appropriate to include this provision in a factoring agreement and re-negotiate it with each sale” (SFHA, 1999: 38).

10.52 Where a sinking fund is set up, the deed of conditions and/or factoring agreement should specify the permitted uses of the fund, with potential owners being given an indication of the likely costs involved and annual accounts being issued. In addition, the deed should set out the procedure for sinking fund contributions in the event of the property being sold. The SFHA recommends that the fund is associated with the individual property, not the owner; on this basis, contributions would not be refunded to the vendor.

10.53 The SFHA’s guidance distinguishes between a sinking fund (intended to finance major repairs or periodic maintenance) and a float, to fund routine works. Again, however, provision for the collection of such sums needs to be made in deeds of conditions and/or factoring agreements. In contrast to sinking fund contributions, it would be appropriate to refund float contributions at the point of sale.

Insurance

10.54 Notwithstanding the objections put forward by the Scottish Consumer Council (see above), the SFHA guidance implies that buildings insurance should be taken out by the factoring agency, with owners being recharged for an appropriate share (SFHA, 1999: 39).

Communication and involvement

Advice on repairs and maintenance liabilities

10.55 Research on purchasers of former public sector flats in England found that ignorance of arrangements for service and repair charges was widespread. It was concluded that advice from conveyancing solicitors was, in many cases, poor (Forrest et al, 1995). More specifically, a recent Scottish survey of Right to Buy owners who shared common property with local authorities found that over two thirds (69%) believed that they had not received adequate pre-purchase information about the subsequent arrangement of common repairs (Welsh, 1999).

10.56 The 1990 PIEDA study found that in most local authorities, the only information RTB purchasers received about shared maintenance responsibilities was the deeds of conditions themselves. For 2 reasons, PIEDA suggested that this might be a problem. First, deeds of
conditions are often very difficult for the lay person to read. And, second, many purchasers never, in any case, see their title deeds which are often taken directly into safe keeping by a bank or building society. However, only a 'small majority' of the local authorities surveyed by PIEDA believed that they should provide purchasers with a ‘plain English’ guide to their legal obligations (a practice recommended by the CIH, 1999). Leather and Anderson (1999) took a wider view and suggested that social landlords should provide comprehensive information to potential buyers on the obligation and costs of repairs and maintenance. A contrary view identified by PIEDA was that purchasers’ lawyers rather than the vendor should take this responsibility. Without explicitly taking sides in this dispute, the Scottish Consumer Council has recently called on solicitors to pay more regard to informing purchasers of the importance of deeds of conditions and to ensure that the terms of deeds are clearly explained.

Post-purchase information dissemination

10.57 The SFHA guidance (1999) identifies the need for detailed information to be issued to purchasers immediately following the transaction. This is recommended to include:

- an owner’s handbook – including information such as contact details for reporting repairs, consultation arrangements, complaints procedure etc
- a copy of the factoring agreement
- information about insurance (see above)
- information about billing arrangements
- summary of deed of conditions
- information about social landlord’s factoring policies.

10.58 The CIH recommends that social landlords involved in factoring publish service standards which owners of factored properties can expect. Similarly, it is proposed that management performance data is provided on a regular basis through newsletters or an annual report to owners (CIH, 1999).

Customer feedback and involvement

10.59 Recent guidance recommends that social landlords involved in factoring consider the use of opinion surveys, factored property owner forums and customer panels to guide the development of services. Action to facilitate the setting up of cross-tenure residents groups in mixed tenure areas is also advocated (CIH, 1999). Judging from the results of the recent SCC flat owners survey, such moves would represent a major departure from current practice. Although Leather and Anderson (1999) cite the example of Dundee’s Association of Council Home Owners, only 2 per cent of the SCC’s respondents reported that they had been consulted by their local authority about its factoring service (Welsh, 1999).
Performance indicators

10.60 The CIH guidance on factoring suggests as large range of potential performance indicators relating to:

- customer care and information provision
- participation by factored property owners
- service charging and accounting
- sinking fund management
- major repairs and improvements
- response to neighbour nuisance problems
- staffing issues.

Working on multi-landlord estates

10.61 Managerial issues related to those arising from mixed-tenure estates are those associated with multi-landlord estates. A number of these have developed during the 1990s, in both England and Scotland, mainly due to pressure from central government for diversification of tenure (with respect to local authority housing) and decisions by the Housing Corporation and Scottish Homes to promote a variety of housing associations in particular localities.

10.62 Research by Hare and Zipfèl (1995) found that multi-landlord situations were unpopular with housing associations because of the staff time and resource implications of collaboration and the negotiation of common approaches. It was found that different levels of rents and services across an estate could cause resentment, and that responding to local problems was impeded by the potential need to consult other agencies.

10.63 Associations involved in developing multi-landlord estates were advised to agree in advance as to whether the area is to be managed in the future as ‘an estate’ or developed as a series of separately managed mini-estates. Zipfèl and Hare also defined a number of possible good practice management models for multi-landlord estates in terms of the level and character of inter-landlord collaboration involved.

10.64 Managerial recommendations included the need for landlords to agree on:

- common elements within tenancy agreements with respect to environmental issues (e.g. satellite dishes, nuisance, harassment, car parking etc)
- a single contract for cleaning and maintenance of common external areas
• a common approach to dealing with neighbour disputes involving tenants of different landlords

• a common approach to resident involvement

• a forum for landlords to meet and discuss area problems and solutions.

CONCLUSIONS AND GAPS IN GOOD PRACTICE GUIDANCE

10.65 There has been an overall increase in mixed tenure areas and this is likely to continue. Both councils and registered social landlords have become involved in the provision of services to owners as a result of the Right to Buy. In addition, associations have inherited a factoring role through stock transfers and acquisitions. The proposal to grant the Right to Buy to housing association tenants, through the Single Tenancy, and the proposed changes in land tenure reform, increase the importance of this area.

10.66 Following the recent publication of the Raising Standards and Housing Management Standards Manual factoring chapters, it would seem that social landlords now have access to comprehensive and up-to-date guidance on the practice of mixed tenure management. The former is aimed, specifically, at RSLs, whilst the latter is intended to be of equal value to all social landlords involved in factoring. Whilst the 2 documents have much in common, the SFHA guidance is somewhat more detailed.

10.67 Whilst the SFHA and CIH documents appear highly authoritative, their recommendations do not appear to have been based on up-to-date research of a systematic kind. Although this does not detract from their significance, it could be of interest to the Scottish Executive and Scottish Homes to discover the extent to which current practice is in line with the advice they contain. Unfortunately, whilst it was recently undertaken, the 1998 Scottish Consumer Council study does not adequately serve this purpose.
CHAPTER ELEVEN  HOUSING ADVICE SERVICES

INTRODUCTION

11.1 This chapter reviews the literature on housing advice. It examines the role and development of housing information and advice services, the legislative and policy context and the implications of the accumulating body of good practice guidance in this area. The recent green paper on Scotland’s housing stressed that “ready access to good quality, accurate housing information and advice is an essential component of an efficient housing system” (Scottish Office, 1999: s.2.69). The recognition that these services play a critical role in enabling equitable access to housing services and in resolving consumer problems, can be seen to underpin the literature, the emerging regulatory framework and the policy and practice guidance in this area.

Background

11.2 Advice services on housing, consumer affairs and the law, multiplied in the 1970s. They aimed to promote access to welfare services, or to remedy problems, against the background of a growing critique of established, bureaucratic models of provision and rising consumerism (National Consumer Council, 1977). The 1980s saw new housing advice needs and new types of consumers emerging as a result of complex influences. These included an increasing rate of marital and relationship breakdown, and a related rise in single person households. In parallel, there was a growth in homelessness, particularly amongst young people and minority ethnic groups. Growing demand for housing advice services was exacerbated by persistently high levels of homelessness in the 1990s, compounded by the problems of poverty and debt, resulting from unemployment and the growth of insecure and part-time employment. A raft of policy changes also impacted on housing advice needs. These included frequent changes in welfare rights, including the withdrawal of some benefits. Then there were housing policies that promoted low income owner occupation and the development of a ‘third sector’ of housing providers for lower income groups, against the background of relative scarcity in the private rented sector. Community care and resettlement policies promoted a growing role for ordinary housing solutions. And asylum and immigration policies have had significant implications for the housing advice needs of refugees and asylum seekers (SODD, 1997).

11.3 A growing body of research has reflected on the changes in advice service provision. In the 1990s there was evidence that providers were increasingly seeking to promote more accessible and better targeted advice services to address the needs of particular groups, including minority ethnic groups, people with disabilities and health needs, homeless young people, older people, or women fleeing violence. (Dean et al, 1996; Goodlad and Rosengard, 1998; Organisational Development and Support, 1999).

11.4 Overall trends have been towards the growth and professionalisation of housing advice services. There have been innovations, such as outreach, streetwork and resettlement services to reach particular groups and the use of new media, such as Shelterline, to widen access for all. Yet it is important to note that ‘word of mouth’ persists as the main source of information about advice services. Family, friends and neighbours play a key role in guiding access to housing advice, followed by newspapers and landlords or building societies, then
the media. Printed material is least used as a guiding resource (Widdowson and Harland, 1999).

11.5 National policy influence on the development of housing advice services in Scotland has been mediated through the role of HomePoint, which was established by Scottish Homes in 1993 (Gibson and Gisby, 1992). HomePoint’s remit is to improve the scope and quality of housing information and advice services in Scotland. This remit is carried out primarily by developing and supporting the network of public, private and voluntary housing advice providers, by publishing baseline information on provision and by promoting national standards and good practice through research and guidance. In 1998, the Scottish Office invited Scottish Homes to prepare a framework for a national strategy on housing information and advice (Scottish Homes, 1998b). The paper proposed that councils in Scotland should adopt a leading strategic role to ensure good quality housing advice, working in partnership with independent agencies. It also suggested that councils should have a statutory duty to secure housing advice within their areas. Finally, the paper proposed that Scottish Homes, through HomePoint, should continue to take responsibility for developing a national framework. An analysis of the responses to the consultation paper has been passed to the Scottish Executive. In response, the recent green paper on Scotland’s housing noted that “we hope that it will be possible to reach a consensus on the way ahead” (Scottish Office, 1999a: s.2.73).

THE LEGAL FRAMEWORK

11.6 In Scotland, local authorities have an obligation under the homelessness legislation, to ensure that to people who are homeless or threatened with homelessness have access to advice and assistance (Housing (Scotland) Act 1987 s31-32). The Code of Guidance (SODD, 1997) suggests that this advice should be wide-ranging, covering: rent arrears; social security payments; loans and mortgages; repair grants; and tenancy rights. In many authorities this obligation is implemented through their homelessness service. However, some councils support independent advice agencies to complement their services (Yanetta and Third, 1999). Scottish local authorities also have obligations to provide advice falling from their responsibilities in the fields of social work, land use planning, environmental health and building control (SODD, 1997; Scottish Office, 1999a: s2.70; Yanetta and Third, 1999). They also have powers under the Local Government Act 1994 (s140) to assist voluntary organisations to provide for individuals, including assistance in asserting their rights and making representations.

11.7 Local authority powers were similar in England and Wales until 1996. However, the Housing Act 1996 (s179) contained a specific legal duty for LAs in England and Wales to secure free advice and information about homelessness and its prevention in their area (Grant, 1996). No such specific duty operates for Scottish local authorities.

11.8 It should be noted that, since 1996, people who are subject to immigration control are not eligible for assistance under the homeless person's legislation (Asylum and Immigration Act 1996). However, such persons may be eligible under social work, community care or children's legislation (SODD, 1997).

11.9 The areas in which housing advice may be sought are very wide and providers may have to refer to legal rights and local policies connected with housing, homelessness, children
and young people, community care, refugees, welfare benefits, criminal justice and other issues.

11.10 Organisations offering housing advice and information services will need to comply with the Disability Discrimination Act if they provide goods, services or facilities to the public. By 2004 providers will need to alter physical features in their offices which provide a barrier to access (Derbyshire, 1998).

**THE SCOPE OF HOUSING ADVICE SERVICES**

11.11 The term ‘housing advice’ as a noun, could be seen to imply the transmission of information or ‘one off advice’ by a housing officer to a service user. Such a conception of housing advice belies the wide spectrum of objectives, organisational arrangements and processes characterising housing advice services. Three broad sets of aims of housing advice services have been identified: to promote rights of citizenship; to improve access to services; and to increase the effectiveness of the housing market (Dean et al, 1996). Moreover, various studies have indicated a multiplicity of objectives associated with housing advice.

11.12 HomePoint has identified around 800 agencies located in the statutory, voluntary and private sectors, all of which provide some form of housing information and advice to consumers in Scotland (Scottish Homes, 1998b).

**Local authority services**

11.13 Local authorities play a key role in housing advice, both by providing it themselves and by planning and funding services provided by voluntary agencies in their areas. Within local authorities, housing advice may be provided by a variety of departments or sections, including housing, environmental health, planning, building control and social work. In addition, local authorities often play a key role in developing and funding voluntary sector services (Dean et al, 1996). A study of English local authorities found that the objectives of housing advice provision included the following:

- to prevent or alleviate homelessness (98%)
- to improve people’s housing circumstances (86%)
- to provide advice to all citizens (85%)
- to learn about housing conditions and problems (58%)
- to assist the smooth running of the public or private market (43%)

(Dean et al, 1996).
11.14 Comparative studies of housing advice services in Scotland and England have illustrated that the organisational arrangements of housing advice services in local authorities are varied and complex. A higher proportion of Scottish local authorities (45%), compared with authorities in England (34%), identified their housing advice services as centred on their homelessness duties. Moreover, it is more common in England, than in Scotland, to find that local authorities run a separate housing advice centre or section, with identifiable staff. This was the case for 37 per cent of local authorities in England, compared with 13 per cent in Scotland (Goodlad and Rosengard, 1998, and English data from Dean et al, 1996).

11.15 So overall, Scottish local authorities employ fewer specialist housing advice staff and fewer authorities have dedicated housing advice services. Recent national reviews indicate that they are less developed as a discrete activity in Scotland than in England (Shelter, 1998). The differences for local authorities in England and Scotland may look even starker now, since the duty to provide housing advice has had 3 years to take effect in England.

Voluntary and private sector agency advice services

11.16 Voluntary organisations have been identified as playing a key role in housing advice for 3 main reasons (Goodlad and Rosengard, 1998). First, they may provide independent advice and advocacy, where there is potential conflict between consumer and service provider (in relation to homelessness, or access to property adaptations, for example). Second, voluntary organisations may exist to respond to the needs of vulnerable groups and to do so by providing holistic and accessible services. Third, voluntary organisations’ role in housing advice services may complement or supplement local authority services. A common distinction in the literature refers to ‘primary’ and ‘secondary’ advice providers. Primary providers include local Citizens Advice Bureaux (CABs), while secondary providers of information, training and support services include organisations such as Citizens Advice Scotland and Shelter’s Scottish Homelessness Advisory Service (SHAS) who are secondary advice providers to the primary agencies. The range of voluntary agencies providing some form of housing information and advice includes:

- specialist housing advice providers, such as Shelter’s housing aid centres
- general advice agencies, such as Citizens Advice Bureaux
- homelessness services, such as hostels, day centres, outreach or resettlement services, which may be connected with the Rough Sleepers Initiative
- housing providers – such as housing associations – whether based locally or covering a wider urban or geographical area, whose staff may respond to a wide variety of housing queries
- voluntary organisations meeting the particular needs of groups including people with mental health problems, older people, people with physical disabilities, people leaving institutions, women fleeing violence and minority ethnic groups.

11.17 In addition, private sector companies, such as solicitors, mortgage advisers, financial institutions and building societies, may provide housing information and advice to consumers (Scottish Homes, 1998b).
Comparing services

11.18 Looking at the differences overall between local authority and voluntary organisation’s services, local authorities generally provide a broader service, with more offices, longer hours of opening and access to a greater range of information. In Scotland however, local authorities do not provide the extent of comprehensive advice that English local authorities provide. There are no known differences in services provided by voluntary agencies in Scotland and England. Research findings suggest that they may provide a deeper service, covering more intensive forms of casework, but with more restricted client groups and geographical areas (Goodlad and Rosengard, 1998).

Functions in housing advice

11.19 Housing advice services across statutory and voluntary sectors are involved in a wide variety of functions, processes and related joint work. Key functions in housing advice have been identified as including:

- providing information about housing to individuals, targeted groups or the wider public
- explaining technical or official documents
- practical aid or assistance, such as with form filling
- referral to other sources of help
- mediation – such as speaking to another party on behalf of the consumer
- counselling – listening to, or helping the consumer to clarify, needs or wants
- advocacy – preparing or presenting a case for a court hearing or tribunal
- monitoring and evaluation – for example, of referrals, processes and outputs
- influencing policy – to secure improved housing options

(Gibson and Gisby, 1992; Grant, 1998; Goodlad and Rosengard, 1998).

Housing advice needs and topics

11.20 Baseline studies on housing advice carried out for Scottish Homes involved provider and user surveys. The research also involved focus groups with: tenants of social landlords; owner-occupiers; young people; tenants of private landlords; older people; and users of mental health services. The 1994/1995 baseline data (Gibson and Johnston, 1995) was updated in 1997 (Widdowson and Harland, 1998). Overall, the research illustrated that the main topics of housing enquiry reflect a range of housing problems and insecurity.
11.21 Key topics of enquiry to local authorities were renting a house, followed by repairs and improvements. Eviction and repossession were the subjects most frequently referred to generalist and specialist agencies. These were closely followed by the topics of rent and mortgage arrears, which rose from 17 per cent of enquiries in 1994 to 26 per cent in 1997. There were increasing requirements for representation and advocacy, as well as for more straightforward forms of information and advice.

11.22 Service users’ experience mirrored the findings of the provider surveys. They indicated that the key topics of housing advice were:

• renting a home, public and private
• homelessness
• tenants’ rights (public and private)
• repairs and improvements (particularly private sector)
• housing debt (public and private including mortgage arrears)
• benefits.

11.23 The study found that the majority of local authority enquiries came from council tenants. However, the proportion of public rented sector tenants using specialist or generalist agencies had increased. The majority of users of the users of generalist and specialist advice agencies surveyed had household income level less than £5,000 per year. By contrast, over half the service users of a private sector housing advice provider had income levels of over £20,000, with an average of over £23,000. Finally, the survey found that the overall number of consumer enquiries to agencies had increased by 14 per cent from 1994 to 1997 (Widdowson and Harland, 1998).

GOOD PRACTICE GUIDANCE

11.24 The literature on quality and good practice covers fairly comprehensively a wide range of matters including:

• operational quality and standards
• meeting users’ needs
• training to promote quality
• monitoring and evaluation
• strategy development.
QUALITY AND STANDARDS

11.25 Scottish Homes HomePoint service has made a unique and well-recognised contribution to this area. The breadth of its research and related publications has supplemented and complemented publications and guidance produced by the Chartered Institute of Housing, Shelter and other agencies.

11.26 A key resource in developing quality in housing advice services is the National Standards and Good Practice Manual (Bell, Forrester and Widdowson, 1995). The National Standards are intended to promote effective advice services by identifying the key disciplines in which agencies need to establish procedures and systems, relevant both to their roles and to the needs of service users.

11.27 The standards manual suggests that organisations should:

- define their service
- have clear statements on equal opportunities and action plans for implementation
- have a commitment to customer care
- comply with codes of conduct
- develop a service plan
- monitor and evaluate
- promote their service
- encourage feedback from users
- have a complaints procedure
- ensure confidentiality
- ensure that office facilities are adequate
- consider the use of interpreter/home visits
- have clear policies and procedures
- ensure sound financial management and good practice in accounting
- develop case management systems
• ensure that advisers can access up-to-date reference material

• have adequate people management

(Bell, Forrester and Widdowson, 1995).

11.28 There has been progress since the publication of the standards. Seventy one per cent of agencies responding to a recent survey had written standards, with CABs and Women’s Aid applying their own national standards and housing associations applying Scottish Homes and SFHA standards. Fewer new agencies (63%) however had written standards (Widdowson and Harland, 1998).

Service users’ satisfaction

11.29 Promoting the quality of housing advice requires service providers to review the scope and effectiveness of their services, taking account of users’ views as far as possible (Bell, Forrester and Widdowson, 1995). The Scottish Homes Baseline Studies (Gibson and Johnston, 1995; Widdowson and Harland, 1998) show that, for service users, the response to enquirers is the key to satisfaction and that there appeared to have been some improvements in standards. Overall, the 1997 survey showed that there was a high level of satisfaction with: written information (98%); telephone contact; waiting time for interviews (98%); and for those who visited without telephoning (97%). A small proportion of those expressing dissatisfaction were users of local authority services. Finally, in asking service users about the outcomes of interviews, the 1997 survey suggested that a higher proportion of enquiries were being dealt with straight away by advisers, and a lower proportion were referred on to other agencies, compared with the 1994 survey. Widdowson and Harland (1998: 20) conclude that agencies appear to be more confident in dealing with enquiries themselves.

Gaps and problem areas in services

11.30 Although there are relatively high levels of user satisfaction, the findings of service provider surveys and of ‘mystery shopper exercises’ indicate some significant gaps and areas for improvement. For example, notable gaps highlighted by user and provider surveys have been a lack of access to private interviewing facilities and a lack of access to advocacy for groups with particular needs. There was also evidence of unevenness in responses to ‘mystery shopper’ enquiries conducted with 20 local authorities, 20 Citizens Advice Bureaux and 13 specialist agencies. However, by contrast with the earlier study which suggested a poorer response from the local authority sector, there was no marked variation in the performance of local authority specialist staff and specialist advice agencies (Widdowson and Harland, 1998, 1999).

11.31 Overall, the research indicates that the under-development in local authority housing advice services in Scotland is not compensated by voluntary sector provision. Recent studies indicate significant gaps in the voluntary sector. Overall, the voluntary sector “is patchy in geographical coverage, in quality and in breadth and depth of housing expertise” (Widdowson and Harland, 1998). Some areas have been identified as being particularly badly served, with the most notable gaps in rural areas. This relates to all sectors and to the full range of housing advice needs, whether in relation to the private rented sector, poor
housing conditions, consumer rights or housing and support. In some areas there is a notable lack of access to advocacy (Ransley, 1996; Goodlad and Rosengard, 1998). Provider agencies also highlight problems of access to sources of information, sharing of information and knowledge other agencies (Gibson and Johnston, 1995).

11.32 HomePoint is currently reviewing its *National Standards for Housing Information and Advice* to bring its standards in line with current developments. Key tasks of this review are to re-orient the standards to ensure relevance to the growing number of agencies which provide a service to particular client groups, to examine the relevance of standards to funders and to users and to establish levels of competence in housing advice. There is also a requirement to consider the standards in relation to the development of local strategies and to acknowledge of local authorities as the lead commissioners of services (HomePoint, 1999).

**Other sources**

11.33 Other sources of advice on quality and standards include Grant (1996), who discusses a variety of models of provision, whether to provide an in-house or independent advice service, and how to ensure the quality of services. It includes examples of good practice by local authorities, housing associations and independent agencies throughout the UK. The Chartered Institute of Housing ‘*Housing Management Standards Manual*’ (CIH, 1999) provides a checklist for homeless advice services including the range of advice that may be offered and customer care issues. Dean et al (1996) discuss monitoring, evaluation and quality systems and provide pointers towards good practice. Moroney and Harris (1997) offer guidance on the role of the advisor, including the principles of advice giving, interviewing and housing management issues. Although they examine the role in advising on relationship breakdown, the issues are much more widely applicable. Yanetta and Third (1999) provide good practice examples and guidance on advice and assistance to prevent homelessness.

**MEETING PEOPLE’S NEEDS**

**The different needs of different client groups**

11.34 Research has also identified the information and advice needs of particular client groups. Gibson and Johnston (1995) set out the problems, barriers, gaps and means of improving provision for a range of groups. These include private tenants, ex-forces applicants, house buyers, elderly households, ethnic minorities, tenants of social landlords, travellers, people with mental health problems, former prisoners and homeless people (pp38-47).

11.35 The needs of young people have also been examined. Wilson et al (1996) carried out research based on focus groups in schools and youth clubs and interviews with teachers and advisers. They found that young people have only a sketchy understanding of the housing system, usually based on personal experience. The research recommended the use of new multi-media resources and strengthening links between local housing agencies and schools. Hoffman Research Company and Glasgow Caledonian University (1999) report on the development of a proto-type web-side, with links to specialist advisors. They found that young people found this a highly effective means of learning.
11.36 The Ewing Inquiry (Eccles, 1994) into housing for people with a physical disability found that there were a range of agencies offering specialist advice to disabled people but only limited provision in Scotland. The report recommended the development of specialist advice and advocacy services at both national and local levels. As a follow up to the Ewing report, Eccles (1995a) produced a working paper which examined housing advice services in 3 local areas. The research found that there was little evidence of local authority policies to provide advice for people with a disability and that most advice came from occupational therapists. Although there were a number of local advice groups, their resources were limited and there was a lack of published advice on housing options available. The report recommended that written advice should be produced and made a number of recommendations about local housing advice strategies to assist people with a disability.

11.37 Organisation Development and Support carried out research on access to housing information and advice for people with a visual impairment based on focus groups and questionnaire to agencies (ODS, 1999). The survey found that while specialist agencies exist, many generalist agencies did not have extensive experience of dealing with visually impaired customers and less than a third made literature available in large print or on cassette tape. Derbyshire (1998) also makes a valuable contribution in this area with a guide to improving services for offered to people with a serious sight problem.

11.38 Other access issues highlighted in the literature relate to people with particular and complex needs. These include ex-prisoners (Carlisle, 1996), refugees and asylum seekers (Mearns and Sangster, 1998), single homeless people (McCluskey, 1997), relationship breakdown (Moroney and Harris, 1997), older people (Age Concern Scotland, 1998) and people with dementia (Cox, 1999). This body of literature all points to the provision of specifically targeted and outreach services to reach people with a range of needs. In addition to the above, this includes people who are sleeping rough, offenders, young people - including those who are lesbian, gay or bi-sexual, disabled people, people with mental health problems, or from minority ethnic groups (Bain et al, 1998).

11.39 In response to this, the Scottish Accessible Information Forum has commissioned the development of standards for the provision of information to people with disabilities and Scottish Homes is up-dating the National Standards (HomePoint, 1999).

**Personal Housing Plans**

11.40 HomePoint has also promoted the tool of Personal Housing Plans (Rural Housing Service, 1995). Personal Housing Planning (PHP) is an interview format for matching individuals to suitable housing in different tenures. However, the technique has had limited use and recent research aimed to establish why PHP’s have not been adopted more widely. The review found that the PHP one hour interview was greatly valued by clients, but overall it is too resource intensive in time and effort for many agencies (CMC and Craigforth HCAS, 1999). The review recommended streamlining the application of the technique and targeting particular groups, for example, to offer PHP’s to people with special needs or apply them to special housing situations.

11.41 Building on work piloted in Shetland, and linked to the PHP technique, is HomePoint's current work in producing a Housing Options Pack on disk to enable local
authorities to produce a model Housing Options Guide for their area (Scottish Homes, 1999c; HomePoint, 1999).

TRAINING TO PROMOTE QUALITY

11.42 Training has a critical role to play in developing and sustaining the quality of housing advice. Training requires to focus on knowledge of housing, legal issues, service networks and agency resources and the housing advice needs of the full range of particular groups. It can also focus on skills such as interviewing, advocacy, counselling, telephone advice and mediation. Agencies responding to the review of housing advice services said that they needed more information on new legislation, best practice and local authority protocols (Widdowson and Harland, 1998). Recent research suggests unevenness in access to training. There is little specialist training available (Scottish Homes, 1998b) however, there appears to be a trend towards increasing professionalisation through the use of SVQ’s, including within services that rely heavily on volunteers. The research indicates that for local authorities training in advice skills appeared to be less common than training in housing and legal issues, while voluntary agencies are more likely to train staff in advice skills (Goodlad and Rosengard, 1998).

11.43 The ‘mystery shopping’ exercises mentioned above suggest that, in addition to specialist areas of expertise, knowledge about local agency and resource networks (network awareness) is a critical area for training, both for staff induction and for subsequent updating and revision (Widdowson and Harland, 1998). Research has found that informal networks and joint work are common in the delivery of housing advice at local level, although formalised housing advice networks, such as local forum, are more unevenly developed (Goodlad and Rosengard, 1998). The common ground in such service networks may be more or less recognised at local level (Dean et al, 1996). Research has also indicated a need for shared information. A telephone survey of advice agencies found that many saw a central data base as their most urgent need, however only two-fifths were connected to e-mail (Flint, 1996).

11.44 Recent Scottish Office research has illustrated how good quality advice may require access to specialist legal advice. Clients interviewed (183 in total) were generally satisfied with both advice agencies and solicitors, although satisfaction was generally higher with advice agencies than with solicitors. In a minority of cases, the potential benefits of such advice in obtaining remedies may be recognised neither by consumers, nor by providers. Overall, many agencies reported difficulty in obtaining access to solicitors with appropriate expertise, or that clients could not afford access. One solution to this was for larger agencies, or secondary advice providers, to employ solicitors (Millar, 1999).

MONITORING AND EVALUATION

11.45 Good practice guidance emphasises that monitoring and evaluation are key pathways towards assessing trends in advice needs, service use patterns, outputs and performance. While monitoring is an essential tool for effective policy development and service planning, the research indicates that this is under-developed but improving. The Scottish Homes Baseline Studies indicated, for example, that 56 per cent of respondents to the 1994 survey did not log housing information and advice enquiries. However, by 1997, only 16 per cent of
respondents could not supply this information – including 8 local authorities and 11 housing associations (Widdowson and Harland, 1999).

11.46 One study highlights 3 models of ‘quality control’ (Dean et al, 1996). A peer consensus model operates where for example, specialist housing advice providers (such as Shelter and CAB) operate their own standardised monitoring systems. The second is where commissioning, funding or regulating bodies require monitoring, for example, in the returns to the Scottish Executive which are required of local authority homelessness advice services, or in the monitoring required by the Scottish Executive of agencies participating in the Rough Sleepers Initiative. The third approach is where standards are laid down by a lead agency, such as Scottish Homes HomePoint, and the use of such standards is voluntary. Whichever the model, standardised monitoring is less common for generalist services, such as local housing offices, or for welfare agencies, where housing advice is one of many functions. Some of the reasons identified for difficulties in monitoring relate to shortfalls in staffing resources (in voluntary agencies), or to decentralisation (in local authorities), which has meant that information is no longer collated centrally. In other instances it is simply that housing has not figured in recording systems.

11.47 Evaluation is essential to assessing effectiveness. This may review the implications of data gathered through monitoring, for example, information about inputs (resources employed), processes (service activity), throughput (numbers of cases) and output (advice given, referrals). It is less likely to focus on outcomes for clients as this is a highly problematic area, given that many variables may intervene between housing advice and either successful or unsuccessful housing outcomes. Yet, however problematic, evaluation is necessary to assess whether services provide an appropriate response to enquiry patterns and whether performance meets specified standards. For example, in relation to access to translation and other equal opportunities issues. Comprehensive evaluation should take clients’ views and experiences of housing advice into account and this has been a key contribution of Scottish Homes’ Baseline Studies.

11.48 Given the increasing emphasis on user consultation, advice providers may be encouraged by funders to carry out consultation and surveys themselves. It is important that these are implemented sensitively. Moreover, the interpretation of this must recognise the complexities of operationalising housing advice quality standards. Influences may include whether or not there is access to legal or expert information, and the various constraints that may operate on quality performance and advice outcomes. Work is being undertaken in this area. Scottish Homes has recently commissioned work to develop guidance for agencies and commissioners of services to evaluate their frontline advice services. This is intended as a tool for funders and agencies by facilitating understanding and the development of a common language relating to elements of services (HomePoint, 1999). Scottish Homes has also published a report on the methodology for evaluating secondary advice services (Bell and Gibson, 1999). This stresses the need to involve stakeholders (funders, secondary advice service, primary advice services and users) in agreeing objectives. Tools suggested include unit costing, comparative costing, casework audit, mystery shopping, surveys and focus groups. Also, the Joseph Rowntree Foundation is funding a study of evaluation of housing advice services in England and Wales, led by Goodlad (forthcoming).
STRATEGY DEVELOPMENT

11.49 A number of research studies conclude that local housing advice networks should be developed and assisted to assess local housing advice needs and to plan strategies for addressing these (Goodlad and Rosengard, 1988; Grant, 1998; Shelter 1998; COSLA 1998; Widdowson and Harland, 1999). While informal networks of advice providers play a key role in responding to clients’ queries, there is a more strategic role that networks can play in:

- identifying agencies’ roles and referral and consultation mechanisms
- assessing needs and resources and translating housing needs into housing advice needs
- sharing specialist support services, including training
- joint planning to meet advice needs better
- promoting new and improved advice services.

11.50 The Code of Guidance on homelessness suggests that local authorities should have a general strategy of the provision of housing advice in their area, including support for independent agencies where appropriate (SODD, 1997). Scottish Homes also identifies local authorities as the likely lead agencies in developing local advice strategies (Scottish Homes, 1998b). They may do so through existing fora, such as on homelessness or community care, particularly if these have housing advice on their agendas; or they may choose to set up a specific forum (Goodlad and Rosengard, 1998).

11.51 The purposes of local housing advice strategies may include:

- stating the local authority’s and other agencies’ objectives in housing advice provision
- achieving a shared understanding about roles and relationships
- reviewing current funding and funding opportunities, including for resource pooling
- reviewing the existing level of provision and need
- reviewing the scope to improve training and network support
- developing a programme for service development in the medium term
- agreeing potential areas for joint service development and joint operational work
• establishing the framework and mechanisms for monitoring and reviewing policies and services.

(After Dean et al, 1996; Palmer and Gibson, 1996; Grant 1998; Goodlad and Rosengard, 1998; Goodlad and Reid, 1998).

11.52 A recent partnership initiative between CoSLA and HomePoint indicates that housing information and advice strategies are being taken seriously in Scotland. Local strategies are under development in Fife, East Lothian, Shetland, Perth and Kinross and Highland Council and there is likely to be further growth in this area (HomePoint, 1999).

CONCLUSIONS AND GAPS IN GOOD PRACTICE GUIDANCE

11.53 There is now a fairly comprehensive body of guidance, which has built on research findings to improve the quality of housing advice through strategic and joint action. The guidance is continually being reviewed and developed. For example, the planned guidance frameworks for evaluating different types of housing advice services should make an important contribution. Such a framework needs to recognise the relevance of a wide variety of tools that, individually or in combination, could be modified to meet specific agency and service requirements. It could also usefully draw on models of user involvement in quality matters that have been developed in relation to community care, where for example, user consultancy panels have been developed to play a role in evaluating services.

11.54 Future guidance and training must emphasise the importance of ‘network awareness’ as part of the essential knowledge base for all housing advisers. Given the wide range of topics of housing advice and the morass of policy that impinges on sustainable housing solutions for consumers with a range of particular needs, there is a continual need for housing advice providers to link with specialist agencies.

11.55 Although there has been some development of private sector advice and training on good practice for private landlords, there is considerable potential for further development of housing information and advice in relation to the private sector.

11.56 Finally, the improvements in housing advice services in Scotland over the past decade have taken effect in the context of significant resource constraints and the re-structuring and diversification of local authority and voluntary sector services. Further improvements - whether through opening hours, better targeted services, or the potential of new technology - will all require both creative joint work and targeted resources on offer to local authorities and voluntary agencies in the future.
CHAPTER TWELVE ENERGY EFFICIENCY

INTRODUCTION

12.1 Practical measures, by social housing landlords, to improve the warmth, dryness and heating costs of their stock have existed for many years. However, improving the energy efficiency of housing has become a more explicit priority for social landlords in recent years. This results from the growth of the sustainable development movement, action to implement Local Agenda 21, the Home Energy Conservation Act 1995, and most recently, the government's social inclusion agenda and the issue of 'affordable warmth' for lower income households. Only part of this very broad field touches on housing management responsibilities, but it is an important, if under-emphasised, part of the comprehensive approach which is needed if meaningful gains in overall home energy efficiency are going to be achieved. This chapter sets out what has emerged as good housing management practice for social landlords. The context is first set out, the main terms are defined, the relevant legislation summarised and the good practice guidance on the housing management contribution to home energy efficiency examined.

Context

12.2 Most of the literature about home energy efficiency focuses on what could be termed the development function, i.e. the many technically-based initiatives and experiments in designing and constructing new houses and modernising older housing to conserve energy, reduce user running costs and achieve lower consumption of non-renewable resources. There is, however, a small but growing literature on the input that housing management can make to maximising the effectiveness of technical initiatives. In addition, the literature seeks to assist the many tenants who live in low energy efficient housing to conserve energy and use their limited financial resources as efficiently as possible.

12.3 Arguably, the literature on good housing management practice is not yet a coherent body of knowledge. There is still much experimentation with different development approaches to saving energy and the contribution of the 'social' dimension, i.e. the tenant as user and the housing manager as facilitator, is often imbedded within technical research and guidance. Another difficulty in separating out energy efficiency as a discrete housing management topic is that it can also be seen as an element in planned maintenance programmes and issues of good practice become subsumed within the wider repairs and maintenance literature (see Chapter 7). There is also overlap with the emerging health and housing policy field where certain respiratory health problems are linked to difficult-to-heat housing. The solution to this is seen as providing affordable warmth through action to better insulate badly designed houses with more energy efficient heating systems that can reduce tenants' running costs.

Housing conditions

12.4 The energy efficiency standards of Scottish housing are not good, although housing association standards are noticeably better than any other tenure (Scottish Homes, 1996a). The 1996 Scottish House Conditions Survey found that the mean Standard Assessment
Procedure rating (SAP) for public sector housing (93% of which were local authority dwellings) was 43 on a scale from 0 (poor) to 100 (excellent). This was no different from the national average for all stock, while housing association dwellings scored 48. Housing association stock also had a higher proportion of dwellings with full central heating (71%), loft insulation (75%) and double glazing (59%) compared to public sector housing which had proportions of 67 per cent, 59 per cent and 53 per cent respectively. The survey also found that annual energy expenditure on heating, lighting and cooking was lowest of all tenures in housing association household's (£574), with public sector tenants spending £700.

DEFINITIONS

12.5 The term 'energy efficiency' is not defined in legislation but can be understood in general terms as “using energy in such a way that a greater proportion of the energy consumed becomes useful heat, light and power” (SODD, 1996: 11). Such an idea has universal application across society not just to residential dwellings. However, in the housing sector, much of the policy focus of energy efficiency is on those who cannot afford to secure 'affordable warmth'. One description of affordable warmth is “the achievement of a safe temperature (for occupants and the building) at a cost that represents no more than a certain percentage of the householder's net disposable income” (Taylor, 1993: 15). The generally accepted proportion of net disposable income is 10 per cent although this includes expenditure on other energy uses as well as heating. One suggestion for heating-only expenditure is 5 per cent (Boardman, 1993) although she notes that a figure of 7.6 per cent, based on pensioner fuel expenditure, is proposed by Howieson.

MEASURING ENERGY EFFICIENCY

12.6 Energy audits require energy efficiency measurement. While the technical interpretation of measurement systems might seem unnecessary for housing management purposes, they are important. It is doubtful if staff training on raising energy efficiency awareness and on information provision to tenants will be fully effective without a grasp of the language of energy measurement - what the systems measure, what the scales mean and what values constitute affordable warmth. Only a brief sketch of energy measurement is provided here. The DOE (1997a) and Scottish Executive (SEDD, forthcoming 2000) provide more details. Taylor (1993) sets out a useful set of definitions of key terms in the energy efficiency field.

12.7 There are 2 commonly applied rating schemes; the government's Standard Assessment Procedure (SAP) and the commercial National Home Energy Rating Scheme (NHER). Computer generated SAP ratings are based on fuel costs per square metre of floor area for space and water heating and provide a score between 0 (poorest energy efficiency) to 100 (highest energy efficiency). The scheme assumes a standard pattern of occupancy and heating use and also an average climate for the United Kingdom. While such a system overcomes the confusion of competing commercial schemes, its uniformity has implications. To refurbish existing dwellings in a colder northerly climate, there may need to be a higher standard set for the same level of affordable warmth to be achieved as in an equivalent property in a milder southerly climate (Department of the Environment, 1997b).
12.8 The NHER scheme calculates a building's thermal performance based on a range of criteria (location, height above sea level, fuel type, etc) and is standardised for floor area. Its scale is 0 (very inefficient) to 10 (very efficient) (Taylor, 1993). The affordable warmth level for most low income households in receipt of benefits is considered to be 8 (Boardman, 1994). Scottish Homes has devised an 'energy module' equivalent to the NHER scheme Level 0 survey. This can be integrated into local house condition surveys to provide level 0 profile ratings, estimates of annual fuel consumption costs and of carbon dioxide emissions, though it does not provide accurate running costs for individual dwellings.

LEGISLATION

12.9 The Home Energy Conservation Act 1995 makes all local authorities in Scotland energy conservation authorities. They were given a responsibility to assess the present energy efficiency of residential accommodation across all tenures. In addition, by 1 September 1997, local authorities were required to prepare and submit a report to the government on the measures they intended to take to bring about a significant improvement in home energy efficiency across all stock within their jurisdiction. The government set an overall target of 30 per cent improvement in residential energy efficiency to be achieved relative to the position at 1 April 1997 and substantial progress towards this target should be recorded over a 10 year period (SODD, 1996).

12.10 The requirements that the Act and accompanying guidance place on local authorities cover many technical and policy matters. These include establishing an all stock profile, producing an accompanying energy audit, identifying and costing energy conservation measures, assessing expected reductions in levels of CO2 and other emissions, measuring improvements, and developing partnerships to achieve the target savings set. The Act and guidance do not directly identify the contribution that housing management can make. However, opportunities arise under section 1(1) where promoting energy conservation and providing information, advice and education are referred to as energy conservation measures and considered 'particularly important' by the Secretary of State (SODD, 1996). Section 2(3) requires authorities include in their report policy statements on any matters of personal circumstances that they have taken into account in deciding to exercise powers in connection with the energy conservation measures they have chosen. The guidance indicates that low-income households, elderly people, disabled people, households with children, those with health problems and those from ethnic minority communities could all be covered in the report. In this respect, the policy input from housing managers to the report and their contribution to the subsequent implementation of the proposed energy conservation measures could be significant.

12.11 Tenant-landlord law also impinges on the housing management aspect of home energy efficiency activity. Landlord repairing obligations are set out in Chapter 7 on repairs and maintenance. Essentially at the commencement of a tenancy and thereafter during a tenancy, the landlord must ensure that the house is 'reasonably fit for human habitation' and cannot generally contract out of statutory repairing obligations which include a duty to keep in repair the structure and exterior of the house. Dwellings that suffer from condensation and damp may not be reasonably fit for human habitation and action to remedy this could require physical improvements such as loft and cavity wall insulation, improved ventilation and double glazed windows, combined with advice to tenants on using energy within the house.
more efficiently. These may well form part of a major repair or planned maintenance programme.

12.12 The minimum acceptable standard for housing in Scotland is the Tolerable Standard (section 86 (1) of the Housing (Scotland) Act 1987). There is no energy efficiency indicator in the standard but one of its 9 criteria is that a house must be substantially free from rising or penetrating damp. While action to remedy failure on this criterion could simply be installation of a new damp proof course or roof repairs, energy efficiency enhancements such as gas central heating installation combined with advice on how to use the controls to best benefit without over- or under-heating, could be incorporated.

HEALTH AND HOUSING

12.13 Health problems are generally accepted to have some correlation with households who are poor and who live in cold, damp housing though care must be taken that over-generalised and causative assumptions are not drawn without supporting evidence. One good practice guide states without referencing sources that “Many studies have shown an association between health and housing conditions. Poor [undefined] housing may cause health problems e.g. damp may trigger respiratory problems…. ” (CIH, 1998a: 3). Causative relationships between housing conditions and health problem are very difficult to draw categorical conclusions about, due to the complex interaction of variables. Hunt (1993: 88) argues that “the associations which have been found consistently between mould and the symptoms of ill-health in different types of studies, in different places with different samples meet the criteria for epidemiological association to be considered causal”. However, while excess winter mortality rates for elderly people due to respiratory disease have declined over the years as central heating system installation levels have increased, so too has there been a decline in influenza epidemics and cigarette consumption (Wilkinson, 1999). Also, excess winter mortality rates for elderly people due to coronary and cerebrovascular disease “has not fallen significantly as home heating has improved” (Collins, 1993: 133).

GOOD PRACTICE GUIDANCE

12.14 The housing management contribution to planning, implementing and monitoring energy efficiency programmes, projects and campaigns is only one component in a broad based, multi-professional engagement with the field (DoE, 1997b; Scottish Executive, forthcoming 2000) and it would be counter-productive to good practice to artificially demarcate housing management’s contribution. Energy efficiency is a field of activity where the phrase ‘joined up thinking and working’ does have merit.

“Energy efficiency cuts across many departmental boundaries - key staff to involve are building surveyors, maintenance officers, housing and welfare officers, environmental health officers, architects and finance officers.” (Taylor, 1993: 32)

12.15 The Scottish Office in its guidance on implementing a HECA strategy stresses the importance of a partnership approach both across local authority departments and with external agencies (SODD, 1996). This multi-disciplinary approach must also involve tenants; a theme reiterated through the literature and discussed later (Taylor, 1993; CIH, 1996b).
12.16 There is identifiable housing management good practice on energy efficiency, but no solid body of good practice literature specifically setting out the housing management role. This may be partly because energy efficiency is still a developing field which has yet to be consolidated in the mainstream housing management textbooks and good practice manuals. It also reflects the fact that energy efficiency initiatives and technical issues are too often seen to be the province of development staff, surveyors and architects, rather than of housing management staff. Undoubtedly, the technical dimension of upgrading the energy efficiency of houses (e.g. by major design changes such as improving insulation and ventilation, draught-proofing, installing central heating, fitting low energy lighting, etc.) is the central component of most energy efficiency work. This is reflected in the literature (see BRE, 1996 and the many Building Research Establishment Conservation Research Unit reports). Yet, equally undoubtedly, there is a clear 'social' dimension to the field and input to be made by the housing management service.

Planned maintenance links

12.17 While energy efficiency measures for existing stock will often be installed as part of modernisation or refurbishment programmes, the closest link between housing management and energy efficiency work arises with planned maintenance, when it is incorporated with other programmed work at a particular cycle. Taylor (1993) and the DoE (1997a) advocate appraising existing maintenance programmes to identify what opportunities there are to incorporate additional energy efficiency measures. Examples include upgrading hot water tank insulation and heating controls as part of plumbing works, installing low energy lights in communal areas when lighting needs replaced, replacing worn out single glazed windows with double glazed systems and installing draughtproofing and trickle vents alongside window repairs and repainting.

12.18 This approach can appear opportunistic. To avoid such criticism, interventions in the planned maintenance programme need to be rooted in an overall energy efficiency strategy (Taylor, 1993; DoE, 1994; CIH, 1996) which, amongst other purposes, provides the rationale for their incorporation.

Energy efficiency strategies

12.19 While an own-stock energy efficiency strategy is quite appropriate for housing associations, it is misleading to assume it is adequate for local authorities. They have broader responsibilities for the environment as set by Local Agenda 21 and for energy conservation achievement across all tenures as set by the Home Energy Conservation Act 1995. As landlords, they obviously must have a strategy for their own stock but there should also be strategies for the other tenures, noting that the poorest condition and lowest energy efficiency standards are to be found in the private rented sector.

12.20 In developing a strategy, the literature tends to refer to the responsibility of the organisation as whole rather than 'picking out' the role of any particular professionals. However, as noted above, a multi-disciplinary approach is necessary and housing management staff can make a useful contribution (e.g. via knowledge of the stock, by contacts and relationships with tenants organisations and by their role in providing other forms of information and advice). Drawing on Taylor (1993) and the DoE (1997a), a
framework for developing an energy efficiency strategy should be built around:

- setting broad energy efficiency aims (e.g. to improve the overall energy efficiency of the stock; to ensure all tenants are aware of ways of saving energy)
- setting specific objectives with performance indicators and targets (e.g. to raise average NHER levels from 40 to 70 over 5 years)
- assessing the relative priority to be accorded to energy efficiency as against other major organisational aims and policy priorities
- reviewing existing energy efficiency programmes and add-ons to planned maintenance programmes to identify if their investment could be more cost effective in energy efficiency terms (e.g. could higher outputs be achieved for the same spend?)
- assessing financial resources available (including government grants, private sector sponsorship, EC grants, Energy Saving Trust schemes, etc.)
- assessing the human resources and skills available and necessary
- establishing monitoring and review systems to identify whether measures are successful in the medium to long-term.

12.21 This strategic framework approach is re-iterated in the Scottish Executive guidance on implementing a HECA strategy. Strategies require translation to action and practical programmes of work need to be devised. These involve:

- surveys to profile the standards
- disrepair and energy efficiency of the stock
- selecting area, property type and, or tenancy type as priorities for investment
- assessing the cost effectiveness of specific measures including the balance between capital cost, annual savings and number of years for investment to be ‘paid back’
- liaising with tenants about programmes and setting a timetable for implementation (Taylor, 1993; DoE, 1994; Scottish Executive, forthcoming 2000).

Affordable warmth policies

12.22 Energy efficiency strategies of social landlords are likely to target ‘fuel poor’, low income and disadvantaged tenants with specific ‘affordable warmth’ strategies and programmes. Their key to success is the joint implementation of:

- technical improvements that reduce the cost of home energy consumption to an affordable warmth level (BRECSU, 1992)
• an appropriate energy advice programme (Department of the Environment 1996; CIH, 1998).

12.23 An example of such a strategy is the 'Glasgow Action for Warm Homes' policy framework. It involved a major re-direction of the city's capital programme to address the problems of condensation, dampness, thermal inefficiency and to assist in the alleviation of poverty. Although founded on a series of technical and development projects (a mass energy rating audit and a variety of energy demonstration projects), it incorporated housing management measures “including energy advice, debt counselling to tenants groups and individual householders, and project appraisal and evaluation assistance to local office project managers plus support to campaigning organisations....” (Brooke, 1994: 100).

12.24 A note of caution is sounded by Boardman (1993) about the beneficial impact of central heating and improved insulation programmes which offer low income tenants with previously poorly heated homes, opportunities to raise their indoor temperatures at less cost than before. Low income households are faced with competing pressures on their limited resources and studies have found that such households split the gain from lower heating costs by taking only some of it as more warmth and the rest as additional disposable income.

Tenant involvement and information provision

12.25 A common theme in the literature is the references to involving tenants as a basic good practice requirement in energy efficiency work. The benefits are seen to include higher tenant satisfaction, higher return on capital investment as more use is made of installed heating systems, fewer complaints to staff and 'greater sense of partnership with tenants' (DoE, 1994b). Although the guide addresses the interests of local authorities, the practical guidance it offers is no less useful to housing associations. It identifies 3 levels at which consultation can work:

• whole stock strategy

• estate programmes

• measures to individual dwellings.

12.26 At strategy level, an ambitious level of engagement is expected by CIH guidance (1998a) which advises landlords to consult with tenants on: developing the strategy; setting spending priorities; evaluating options; deciding their local estate programme; the standards that should be set; the measures that should be implemented; and the evaluation of their effectiveness. Tenants (usually representatives of tenants' associations) who engage at this strategic planning and development level can provide the process of decision-making with a communications and training route to other tenants and bring “on the ground knowledge of issues affecting tenants” (Taylor, 1993: 37). However, the provision of training to representatives is essential.

12.27 At estate level, the DoE Strategic Guide (1994b) states that involvement by tenants can be expressed by representatives joining project teams, through estate sub-committees, open days, show homes, surveys and videos. At an individual household level, guidance universally supports the importance of giving tenants choice where possible (e.g. on type of
central heating programmer, position of room radiators). Tenants should also be given information about how to use controls and thermostats, how trickle vents work, how to minimise problems of condensation and the importance of maintaining adequate ventilation.

12.28 Barriers can exist between tenants and landlord (DoE, 1996b) and the training of tenants as neighbourhood advisors can be an important channel for information dissemination. The concern borne out of case study experience is that, without information, there will be tenants whose lack of understanding will result in lack of confidence, fear of higher fuel costs or mistrust of the safety of new measures (Taylor, 1993). As a result, only limited, or no benefits of the capital investment and advice costs will be achieved. More seriously, attainable affordable warmth standards will not be realised and tenants will continue to under-heat or under-ventilate their homes. This points to the need for information and advice to be a continuous process, rather than a ‘one-off’ exercise to convince some householders that their fuel costs can be lower (DoE, 1994b).

12.29 The Scottish Executive (forthcoming 2000) emphasises the importance of energy efficiency advice being independent, specific and ‘in-person’ and for local authorities to ‘utilise the services networks’ of energy advisors such as Energy Action Scotland. This view on who gives advice raises questions about the role of housing management staff, normally those with the closest link with tenants, but clearly not independent advisors.

12.30 Regardless of who is the advice provider, the effectiveness of energy efficiency advice to tenants cannot be assumed. One study compared the energy efficient behaviour of tenants who had received advice compared to tenants who had not (Walker and Oseland, 1998). There had been no energy efficient measures applied to their homes. No difference was found. The conclusions drawn were that for low income households in energy inefficient homes “unsolicited energy advice aimed at changing behaviour is no substitute for cost effective improvements to the building fabric”. The authors suggested that motivating low income tenants to save energy is as important as the provision of advice itself and likely to be more successful after energy efficient improvement programmes have been carried out.

Management and organisation

12.31 Good practice guidance on the housing management input to the management, organisation, staffing and roles to perform in energy efficiency work is very limited. Most literature deals with the overall management and organisation of strategy and programme work. A useful aid for social landlords to use for self monitoring of progress in relation to policy, management system, information transfer and investment is the Energy Management Matrix for Housing (CIH, 1998a; Scottish Executive, forthcoming 2000). Recommendations on management arrangements generally assume housing managers are members of multi-disciplinary energy efficiency teams. A core team of committed members, possibly involving tenants representatives, responsible for strategy development (Taylor, 1993) is one approach advocated. However, research has found that authorities with the best strategies had appointed a lead officer with specialist knowledge of energy issues and enough time to devote to the role (Association for the Conservation of Energy, 1999).

12.32 Front line housing staff are typically seen to have a role in delivering advice on energy efficiency to tenants within generic duties. Walker and Oseland (1998) consider that energy advice may be more effective if it is part of the general duties of housing staff.
However, others emphasise the value of dedicated energy advisors with specialist knowledge backed up by front line housing staff who have received energy awareness training (DoE, 1996; CIH, 1998a). Across the inter-disciplinary team mix, management level and front-line housing management staff are both seen to have the close links to tenants which are valuable in developing communications and consultation with tenants.

CONCLUSIONS AND GAPS IN GOOD PRACTICE GUIDANCE

12.33 There is a clear overlap between energy efficiency programmes and planned maintenance work. However, the conclusion from this review of the literature is that there is a lack of coherence and clarity about what constitutes the housing management contribution to energy efficiency work and what represents good housing management practice in this field. The difficulties are inherent in the topic. Energy efficiency is fundamentally rooted in the application of technical measures to houses to conserve energy, reduce energy running costs and improve the living conditions of low income, social housing tenants. Furthermore, it is managed and driven by a multi-disciplinary professional grouping, in which the technical and development functions are dominant.

12.34 The review has shown that housing management has a role, not just in maintenance but in the link to tenants and their homes. Resources notwithstanding, it has the capability, backed by training, to deliver the information and advisory role, either through generic or specialist staff. Generally, it has experience of tenant consultation, often more so than other professions and this will develop further with the demands of Best Value. At estate level, housing management staff have working knowledge of the stock and the problems and idiosyncrasies of different house types. Yet against this perception of its contribution must be placed the Scottish Executive view on the need for energy advice to be independent. This requires clarification in relation to a housing management input to energy advice work with tenants, and of the role of in-house, specialist energy efficiency advisors. Overall, there is a need to more clearly specify what the good practice focus for housing management involvement should be and the standards to which housing management staff should work. However, guidance should recognise that this has to be embedded in a collaborative framework with other key players and not artificially demarcated by a narrow definition of professional responsibility.
CHAPTER THIRTEEN   HOUSING MANAGEMENT AND REGENERATION

INTRODUCTION

13.1 This section examines the contribution of housing management to regeneration. Its context is the spatial polarisation by income, wealth and social status of local areas in Britain, and the desire by policy makers to improve the social and economic conditions of the most deprived areas. In Scotland the poorest areas, to a greater extent than in England, are dominated by social renting as a legacy of the large scale of council building and the residualisation of social housing over a 30 year period (Lee et al, 1995; Gibb et al, 1998). While the widespread association of social housing with deprivation is a fairly recent phenomenon, ‘difficult’ estates requiring additional policy intervention have been recognised since at least the early 1960s.

13.2 The past 30 years or so have seen a wide variety of attempts to improve social and economic conditions in deprived areas. Many of these have been based on an area approach; to identify the most problematic areas and carry through a targeted area initiative. As long ago as the mid 1970s, the Morris Committee on Housing and Social Work (Scottish Development Department, 1975) argued that difficult estates required a four-pronged approach: positive discrimination (i.e. additional financial resources), a comprehensive assessment of problems, a co-ordinated response by all agencies, and public participation.

13.3 At the national level in Scotland programmes running during the 1990s intended to assist the regeneration of deprived areas have included:

- the Urban Programme, which ran for almost 30 years providing additional funding for social, community and, less commonly, economic development projects
- SURIs – (Small Urban Renewal Initiatives) loosely based on the New Life partnerships, but aimed at housing-led regeneration in small towns; in operation from 1990 onwards (Pawson et al, 1998)
- Priority Partnership Areas (PPAs) – a short-lived initiative aimed at targeting urban programme areas more closely (Turok and Hopkins, 1997)
- most recently, Social Inclusion Partnerships (SIPs) a successor to PPAs which has a thematic as well as area-based element under the Scottish Office and now the Scottish Executive.

13.4 Other parts of the UK have similar regeneration needs to Scotland but a completely different set of measures. In England the key national renewal programme is the ‘Single Regeneration Budget’ (SRB) which is a challenge fund which has run to 6 annual rounds. Subsumed within this was the DoE-sponsored Estates Action Programme designed to
improve conditions, diversify tenure and specifically improve management in English council estates. Under the current Westminster government SRB has been supplemented by various ‘zone’ initiatives, including New Deal for Communities, aimed at deprived areas.

13.5 Finally, as well as these national or government-led initiatives, local authorities and local communities themselves have often led regeneration efforts in particular estates or neighbourhoods.

13.6 To a large extent, these various programmes have been informed by different, distinctive analyses of the main source of the problem in deprived areas. The Urban Programme was originally underpinned by a view that the welfare state had not penetrated deprived areas, and had to be supplemented. The Urban Partnerships were based heavily on a perspective that enterprise and private investment, especially in property, had to be encouraged. The current SIPs are founded on an analysis of social exclusion and ideas of how best to ‘reconnect’ people and places to the mainstream. The priorities for action under a ‘regeneration’ heading are therefore diverse, have shifted over time, and vary from place to place. However, the orthodoxy of most regeneration programmes is to recognise that the problems of deprived areas are multiple and conjoined so multi-sectoral action is required from a number of different partners (Bailey et al, 1995). A typical regeneration package may include measures to improve education, provide training, increase access of residents to work, empower communities, reduce health inequalities, and improve the local quality of life by providing new amenities and services. Action for regeneration is almost always intended to be ‘strategic’; that is with clear aims and objectives and a plan for integrating the components of a regeneration programme over time and space.

13.7 Housing processes are generally recognised as being pivotal to the difficulties found in deprived areas (e.g. Lee and Murie, 1997). However, ultimately regeneration is trying to cope with poverty, inequality and unemployment, and the effects of wider macro-economic changes on poor people. Housing processes, which determine who gets what and who lives where, translate such inequalities into spatial patterns, places and neighbourhoods. In particular, social housing has become a tenure of last resort for those with weak labour market positions and little choice in the market, and allocations systems and people’s constrained choices have consistently channelled the poorest to the least popular areas (Clapham and Kintrea, 1986). The scale of council house building and the limited success in breaking up mono-tenure estates means that ‘regeneration areas’, especially in Scotland are dominated by social housing. So the housing system, by sifting people by income and status, is a contributory factor in the need for area regeneration in the first place.

13.8 Living in the least popular areas generally means a package of unattractive and sometimes substandard housing, poor services (both public and private), unsatisfactory environments (e.g. Social Exclusion Unit, 1998) and high crime. Many studies in the past have shown that inadequate housing management can itself contribute to these problems. For example, inadequate tenancy management, a poor repairs service and insensitive lettings policies can be a factor in turning an otherwise attractive estate into a difficult-to-let area where few but the desperate will stay. Living conditions in the worst estates can generate further disadvantage, as people find their health, their freedom of movement, and their employment prospects damaged by the place they live in, thus deepening their deprivation (Lee and Murie, 1999).
13.9 The extent to which housing initiatives have been called on to play a role in regeneration programmes varies markedly. Some regeneration programmes, particularly in Scotland (notably ‘New Life’ and SURIs) can be described as housing-led. Others, (notably the later rounds of SRBs in England), have virtually ignored it in favour of measures concerned with employment, training and business development. Where housing has played a significant role the emphasis, with few exceptions, has been on housing development and rehabilitation, rather than housing management. For example, except through stock transfers to different landlords, housing management was not incorporated into the New Life partnership action programmes. The idea of housing (development)-led regeneration has been to stimulate new demand and stabilise out-migration by providing better quality housing and, to a lesser extent, to sponsor a ‘social mix’ by building and improving homes for sale as well as for rent (Atkinson and Kintrea, 1998). The only government-sponsored regeneration programme led by housing management has been the ‘Priority Estates Project’ which ran in England in the 1980s and early 1990s, which is discussed below.

13.10 At present, it is possible to detect some dissatisfaction both in Scotland and England with the outcomes of large-scale spending on ‘housing-led’ regeneration because it has seemingly led to little socio-economic change and deprived areas remain deprived (Cambridge Economic Consultants, 1999). Where development activity has been concentrated on social housing improvement, continuing deprivation seems an inevitable consequence of its residual role. With the new emphasis on addressing social processes which lead to exclusion (see below), there are signs (at least in England) that housing management is getting renewed attention.

13.11 This section, then, examines what ‘good practice’ advice has to say about how housing management (perhaps more broadly, non-development aspects of social housing) can contribute to regeneration. The literature in this area which claims ‘good practice’ credentials is fairly slim, and there is not much official and professional advice to housing agencies from government, the CIH or the representative bodies for housing associations and RSLs. Neither are there any legal obligations to be involved in regeneration for any kind of social landlord in Scotland or in England or Wales. However, there is a wide range of case-study material and research findings to draw upon which is helpful in outlining the preferred role of housing management.

DEFINITIONS

13.12 ‘Regeneration’ is an often-used but very slippery concept. Applied to local areas (‘urban regeneration’) or referring to small areas (‘community regeneration’) it is a shorthand term applied to the process of renewal which is sought through public policies and programmes in places which suffer from multiple disadvantage and/or industrial decline. The broad aim of regeneration is usually to improve the quality of life and the local economy.

13.13 Regeneration also has a number of sub-components or emphases. ‘Economic regeneration’ usually refers to programmes aimed at improving employment, including training and job placement, business development and the provision of business premises. However, it can also include measures to attract or retain higher income people in an area, therefore to ‘thin out’ deprivation. ‘Social regeneration’ is harder to pin down, but includes programmes aimed at improving people’s skills and self-confidence and their sense of security and wellbeing, which is often seen as a prerequisite for re-joining the labour market.
‘Physical regeneration’ concerns improvements to housing and the environment, usually with the joint aim of improving living conditions and improving the confidence of residents, would-be residents and investors. However, in many cases action in pursuit of regeneration sometimes get rendered down to being about anything which will improve the quality of life in deprived areas, regardless of whether the actions will achieve any long-term positional change for the people or the place under consideration.

13.14 Regeneration now significantly overlaps with the more recent policy concern with ‘social exclusion’ (or ‘social inclusion’) (e.g. Social Exclusion Unit, 1998; Scottish Office, 1998b; Scottish Executive, 1999a). In Scotland, this seems to have been quickly overtaken by the even broader concept of ‘social justice’ (Scottish Executive, 1999b). Social exclusion has come to mean a combination of disadvantages which are more than simple poverty at the individual level; it combines the idea of material deprivation with the concept of a lack of integration in the ‘mainstream’ society, the mainstream economy and the political institutions. Social exclusion has a strong, spatial element (Lee and Murie, 1999). There are significant concentrations of deprivation in Scotland, especially in the worst social housing estates (Gibb et al, 1998), and it is held that social and economic processes on such estates themselves provide barriers to economic and social integration of their residents.

13.15 So, in discussing ‘good practice’ in housing management’s contribution towards regeneration what needs to be considered is what housing management can do to improve the economies or social life of particular areas relative to other parts of towns and cities, and to help to ‘reconnect’ excluded people.

13.16 Housing management action in pursuit of regeneration and social inclusion goals falls into 2 main areas. First, it can aim to improve the overall quality and effectiveness of management. A large part of the good practice recommendations under this heading concentrates on intensive and sensitive estate-based management. Second, on the basis of the organisational stability and resource base that being a social landlord provides, housing management staff can play a role in other projects which are intended to contribute to social and economic regeneration.

IMPROVING THE OVERALL QUALITY AND EFFECTIVENESS OF HOUSING MANAGEMENT

Estate based management

13.17 Most of the good practice advice under this heading represents the accumulation and application of ‘good practice’ across the topics of tenancy management, environmental management, repairs, rent arrears and other topics which are reviewed under separate headings in this report. However, in areas targeted by regeneration or social inclusion measures, high quality and effective management becomes more than usually important for 3 reasons. First, particularly where there are significant proportions of social renting, good quality management can help improve the quality of life and the attractiveness of an area, therefore helping to attract non-residents and retain existing ones (CIH, 1998b). Second, better housing management can enable residents to live somewhere that is comfortable, secure, and adds to their self-esteem and confidence. This is the ‘soft cop’ role for housing managers, acting as one of the agents helping to maintain social order. In this way good management can contribute to social regeneration and therefore help underpin other measures.
such as employment, training and community development which will help directly ‘reconnect’ people. Third, housing management can help ‘protect’ the investment in new and improved housing which is so often a very expensive element of a ‘housing-led’ regeneration package, and therefore sustain physical regeneration.

13.18 The thrust of advice on improving the quality of management calls for a localised approach in the most difficult areas. There is little new in this, but the Social Exclusion Unit (1998), Policy Action Team 5 (1999), and in reviewing measures to confront social exclusion have suggested that ‘on-the-spot’ housing management is a key factor in stabilising communities. This builds on knowledge established over a period of years by housing-management based approaches to turning around difficult estates, particularly by the DoE-sponsored Priority Estates Project which operated from the early 1980s to the 1990s in England (see, for example, Power, 1987b; Glennester and Turner 1993; Power and Tunstall, 1995).

13.19 While it sometimes appeared that PEP was founded on a belief that the only thing needed to regenerate estates was better housing management, it popularised an important diagnosis. That is that over-centralised, remote, inefficient and unaccountable housing management played a significant part in the decline of council estates, and that turning this round could improve estates again.

13.20 The PEP ‘solution’ comprised an ten-point plan for management:

- multi-functional estate based offices
- local repairs teams
- local administration of lettings
- an effective caretaking service
- local arrears management
- estate budgets
- residents involvement
- training for staff and tenants
- co-ordination and liaison with other services
- monitoring performance

(Power, 1987b).

13.21 All of these points are connected to each other by the desirability of achieving a visible, responsive landlord presence that can respond quickly and appropriately, and whose staff are committed to improving the estate. The overall PEP approach was evaluated by Glennerster and Turner (1993) who concluded that it had met with success, and was a
necessary (but not sufficient) condition for combating housing and social decay in deprived areas. The individual elements of the approach have also been supported widely by other studies or commentaries.

13.22 In the context of regeneration or social exclusion, local offices are recommended by Page (1994), Taylor (1995), Anderson (1998) and many others. In addition it is worth noting that locally-based, resident-controlled landlords have been assessed as more effective than mainstream social landlords, especially in deprived areas (Clapham and Kintrea, 1994; Price Waterhouse, 1995).

13.23 Localised repairs services were already well developed at the time of the Baseline Study and are also supported by CIH guidance on repairs (CIH, 1996a). Carrying out lettings locally is widely recognised as a useful response to difficult areas (e.g. Housing Policy and Practice Unit and School of Planning and Housing 1994; Moore, 1998).

13.24 Caretaking is an area of management especially highlighted by the recent review of the Policy Action Team 6 (1999c), especially with respect to the development of ‘super caretakers’ who take on a broader range of responsibilities (e.g. CIH, 1997). It is argued that keeping common areas clean and graffiti-free can contribute to feeling of wellbeing, and reduce fear of crime (e.g. Crime Concern, 1998a).

13.25 Estate budgets are intended to give managers freedom to re-allocate across budget headings to meet the needs of management in a particular area and to provide a measure of accountability.

13.26 Resident involvement has come to be accepted as central to regeneration. Indeed if it is possible, it seems to be even more universally regarded as essential in regeneration as a discipline than in housing management as a whole. It is argued that regeneration programmes need resident involvement in order to be designed appropriately to meet local needs and in order to achieve a sense of ownership by residents of the improvements which regeneration brings, in order to achieve sustainability (e.g. Taylor, 1995; Hastings et al, 1996).

13.27 PEP recommend the need for high quality, committed staff (Power, 1987b). This issue is in the realm of human resource management, not housing management, however Policy Action Team 5 (1999) sums up the qualities needed in an effective manager. He/she must have the right attitude, be properly trained, have sufficient time to do the job well, have a clear job description, be sufficiently well paid, and have sufficient autonomy and power to make decisions and commit resources.

13.28 Perhaps the only doubts about estate-based management surround its costs, and the extent to which landlords with dispersed housing stock can implement it. The DETR has commissioned research into costs of housing management (Arthur Anderson and Centre for Urban and Regional Studies, 1999). This found that authorities which had decentralised their housing service felt that this produced a more proactive and responsive service. However, the researchers were unable to quantify the costs of local management as a factor in overall costs. Earlier research by Glennester and Turner (1995) found that decentralised services are not necessarily more expensive and higher tenant satisfaction may result from local services. Crook et al (1996), Cole and Shayer (1998), Cole et al (1996) and Policy Action Team 5 (1999) all draw attention to housing associations, often in the context of the
former DoE Estate Action programme, playing a part in council estate regeneration. The small scale of their operations in any one place meant that they struggled with overall twin objectives of cost effectiveness and the desirability of establishing localised management. The solution is said to be greater local co-operation and partnership with other agencies, including with council housing management.

Other measures for improved management effectiveness

13.29 While the decentralised approach, best illustrated by PEP (Power, 1991), has been widely supported as ‘good practice’ a number of other specific recommendations for housing management in the context of regeneration have emerged. These include: the desirability of allocations policies aiming for ‘mixed’ or ‘balanced’ communities; the development of ‘estate agreements’ indicating the service levels which will be delivered; and ‘get tough’ approaches to tenancy management and anti-social behaviour. These are also reviewed in other chapters in this volume, but the literature suggests they are especially useful where regeneration is a particular objective, so are lightly summarised here.

13.30 Allocation policies and practices have implications for the kinds of people who live in a particular area; indeed past studies have shown how allocation systems systematically discriminate against ethnic minorities (Henderson and Karn, 1984) and against people of lower incomes (Clapham and Kintrea, 1984). Several authors have suggested that allocation rules ought to take into consideration the needs of the community, not just the individual households, and so seek to influence the mix of people coming into an estate (e.g. Griffiths et al, 1996). This might involve measures such as ‘underletting’ to keep child densities down, avoiding concentrating too many of a particular household type, such as single people or large families in one building or estate, and seeking to avoid ‘lifestyle’ clashes (e.g. Page, 1993; SFHA, 1999). An obvious problem in this approach is that in estates which are already at the bottom of the hierarchy of popularity it is hard to generate demand from people who have choices, and a balanced community is often extremely difficult to achieve (Clapham and Kintrea, 1991; Cole et al, 1996).

13.31 Approaches to housing management which promise to ‘get tough’ on anti-social behaviour and petty crime have become fashionable in the past few years. The Scottish Office Development Department (1998) provides a useful overview of the types of measures which can be taken. Their value in a regeneration context is that they can try to prevent the anti-social behaviour of a few deterring or driving out other residents. Allocations which are selective are part of this approach involving careful screening of applicants on the basis of tenancy records (Cole et al, 1996; Griffiths et al, 1996; see also Niner et al, 1997). Other approaches relate to tenancy management, including probationary tenancies so that new tenants are legally insecure and can be evicted easily if they turn out to be trouble-makers (SOED, 1995), nuisance clauses in tenancies and mediation services (e.g. SFHA, 1996). There are, however, concerns that such policies will result in discrimination against vulnerable households (Hunter, Mullen and Scott, 1998).

13.32 Estate agreements were pioneered in London in the early 1990s: basically they are a negotiated agreement between landlord and tenants concerning the services to be provided and the priorities for action (Steele et al, 1995). To some extent they have been overtaken by ‘Best Value’ which requires performance levels to be stated across all areas of housing management in all parts of the stock. Evidence is very limited, but they seem to be able to
complement other regeneration activity and help to sustain estate improvements (Cole and Smith, 1996).

WIDER ACTION

Background

13.33 In neighbourhoods or estates subject to regeneration or social inclusion measures, social housing is often the majority tenure. Social landlords have a level of resources and staffing for their everyday activities which usually outstrips those of other agencies or departments working in the same localities. Therefore, there has grown an interest in whether this strong base can be used to progress other elements of the regeneration agenda. The value of achieving regeneration to social landlords is also recognised: it is held that social landlords will face long-term management costs, and deteriorating asset values if they do not play a part in achieving regeneration and facilitating inclusion (Evans, no date).

13.34 Much of the literature centres on housing associations and RSLs rather than councils as a landlord. Probably the reason for this is that councils already, in principle, have the means of addressing a wider regeneration agenda; other departments hold responsibilities for physical development, economic development, social and community work etc. Also, in the English RSL sector there has been an upsurge of interest in wider activities of housing in pursuit of regeneration in response to ‘Housing Plus’, a Housing Corporation programme (Fordham et al, 1997). This was developed partly in reaction to criticisms of new housing association estates as actively contributing to social and economic division of towns and cities (for example, Page, 1993).

13.35 There is no body of agreed good practice in this area, but there are many examples of housing organisations carrying out projects which go well beyond a narrow housing remit. Evans (no date), Fordham et al (1997) and CIH (1998b) provide a number of examples across several regeneration topics, while other more specialist publications explore the links between housing and specific disciplines, such as: economic regeneration and employment (e.g. Duncan and Halsall, 1995; Saunders, 1997; McGregor et al, 1998); education and schools (Clarke et al, 1999); health (Robinson et al, 1996); and ‘community empowerment’ (e.g. Thake, 1995; Smith and Paterson, 1999). Some recent publications (e.g. Anderson, 1998) examine housing’s potential links with social inclusion. Further research has been commissioned by Scottish Homes on 2 related fronts: the impact of housing association activity on the development of social capital; and a framework to assess the impact of housing associations’ wider role.

13.36 All of this literature agrees it makes sense for housing associations and other social landlords to take a wider role, if they can, but the kinds of activities which are covered are very broad, and provide a challenge to summarise in this review. Much of it goes beyond housing management, and the majority of it suggests or implies that housing action can only be part of the regeneration solution. The key areas are:
Working with children and young people

- helping to provide or increase access to crèches, play schemes, play facilities, outings, youth clubs, sports facilities
- establishing mentoring and other youth empowerment schemes
- funding youth workers, youth surveys and audits
- specifically examining young people’s housing needs
- including young people in any employment spin-offs from construction or service provision

(see Coles et al, 1998; Fitzpatrick et al, 1998).

Community empowerment

Going beyond tenant participation to support residents by helping to provide:

- training
- infrastructure and premises
- sponsoring the empowerment of under-represented groups, such as ethnic minorities, through community development work
- supporting community development trusts
- involvement in cultural activities

(see Brownhill and Darke, 1998; Hastings et al, 1995).

Employment and training

- local labour schemes from construction projects, and self-build schemes
- residents services organisations aimed at increasing jobs from revenue expenditure or management and maintenance
- provision of ‘workspaces’ and other commercial premises – shops, etc
- supporting community businesses
- employment advice

(see McGregor et al, 1999; Saunders, 1997).
Community safety and security

- physical security measures
- structured collaboration and information exchange with police
- involvement in surveillance projects (CCTV)
- involvement in victim support schemes

(see Crime Concern, 1998; DETR, 2000).

Education and training

- skills audits
- increasing access to training, by tailored courses for estate residents
- working with schools, at least to engage with them in community strategies

(see Clarke et al, 1999; Henderson and Mayo, 1998).

LESSONS

13.37 This wider outreach role of housing organisations is still in an experimental phase. It is a product of the need for agencies to join together to combat exclusion and promote regeneration, as the search continues for effective ways of partnership working in regeneration (Dean et al, 1999). However if it is possible to develop any key lessons from all of this, there would seem to be 6 main points.

13.38 First, social landlords are leading spenders through capital programmes and (less often appreciated) maintenance and management. They need to think how such expenditures can be recycled locally in order to benefit local people.

13.39 Second, social landlords are experienced in dealing with property. They can potentially expand their property development and ownership roles beyond housing to provide for local needs for example for small businesses, community enterprises, and community groups.

13.40 Third, social landlords are staffed (often) by socially committed and skilled managers who know their patches and who can sometimes lift their heads from the day-to-day areas of voids, arrears, repairs and the rest and begin to work in partnership with other bodies, and advance creative solutions.

13.41 Fourth, there is nothing in all the literature which suggests that the kinds of ‘outreach’ work housing organisations can do is anything other than a small element of their own overall activities as landlords. It is an even more minor component of the activities necessary to
‘turn around’ a deprived area. The kinds of projects listed here are useful, they have the potential to make a contribution, but they must be part of a wider regeneration package.

13.42 Fifth, there is no formula for regeneration, nor is there ever likely to be. The mix of projects, their interrelationship, their method of development and their outcomes are highly dependent on local circumstances. Reporting that an organisation has successfully implemented, say, a particular type of employment scheme does not mean it will prosper elsewhere.

13.43 Finally, as numerous studies suggest (notably Smith and Paterson, 1999) a key difficulty in extending the housing role is adequate resources, especially in a climate where landlords are struggling with problems of rent affordability and the long-term financial health of their organisations. The solution suggested is that regeneration activities should be carried out by a partnership of agencies. However, the literature acknowledges that “partnership working is complex ... and is often beset with difficulties” (Chapman, 1998: 3). The emerging literature on partnership working agrees that there are a number of key principles or factors which are required for success. These include:

- clear structures
- clear objectives and strategy
- monitoring and evaluation systems
- earmarked resources
- commitment and openness to learning

(After Dean et al, 1999; Chapman, 1998).

13.44 It is clear that it is not always easy to achieve these aims. It is also notable that many of the Scottish regeneration partnerships have not included housing associations as core members. While community representatives have often been included, their role has been unclear (Hastings et al, 1995).

13.45 Dean et al (1999) note the ‘phenomenal growth’ in partnership activities and suggest that there is a real danger of overload and fatigue for those involved.

**CONCLUSIONS AND GAPS IN GOOD PRACTICE GUIDANCE**

13.46 The 2 elements of housing management’s involvement in regeneration are the ‘good landlord’ approach, focused on decentralised, responsive service delivery and the ‘outreach’ approach, centred on housing organisations taking a wider role in other regeneration disciplines. The first is well developed, and the components of good management in regeneration areas are reasonably well-known. However, the inherent difficulties of operating a housing service in the most deprived estates will probably always mean a continuing interest in further development of ‘good’ practice advice.
13.47 The second approach is much less developed and efforts so far can be described as experimental. Information on the wider role of housing organisations has 2 characteristics. First, much of the advice at present concerning how they should get involved in regeneration or social inclusion action activities is often conceptually very weak. Many publications (see, for example, Anderson, 1998; CIH, 1998b) provide an apparently random scattering of snippets which purport to show how housing organisations can take a wider role. However, they are not well-founded on any clear concepts or strategies for regeneration, and often come across as likely to be unconvincing and of questionable relevance to the intended audience. Even the widely discussed Housing Plus in England provides no clear definition and offers only broad aims (Housing Corporation, 1997).

13.48 This lack of clarity partly reflects uncertainty and a lack of consistent focus at national level, where conceptions of regeneration have changed with governments. However, in fairness to government policy-makers, the intellectual struggle to understand processes of social economic decline and whether and, if so, how they can be reversed by local, rather than macro-economic and social-structural action continues among commentators, academics and politicians. Nevertheless, there would be some value in good practice advice starting with some more convincing conceptual models of the links between action that might be taken and area regeneration, in order to provide a greater sense of clarity among housing managers about what it is they are trying to achieve.

13.49 Second, the published advice in this field consists almost wholly of descriptive accounts of case-studies of organisations, whose context is difficult to interpret, whose long-term success is not evaluated, and whose wider applicability is unproven. While some more concerted sponsorship of literature reviews might help bring this material together better, it is not certain that unequivocal messages would emerge because of the variability both of regeneration needs and of broader historical and institutional settings.

13.50 In the final analysis, examining housing contributions to regeneration is only part of the story. We seem to be witnessing a struggle for social housing organisations to make sense of their role as landlords to the poor, and to consider what else they can do to improve the situation (‘Going the extra mile’ as the title of one report suggests, Fordham et al, 1995). The theme which runs through many of the chapters in this review of the literature is that housing organisations need to act in partnership with other agencies in almost all their activities. A wider view of ‘good practice’ in regeneration might involve less focus on what additional activities landlords can struggle to add on but more on the overall structures for the governance of regeneration.
APPENDIX ONE INVENTORY OF HOUSING MANAGEMENT LITERATURE

The aim of this inventory is to provide a summary of publications which we consider are key reading for each topic. These summarise content, making clear the nature of the evidence on which claims for good practice are based. The inventory covers material produced mainly between 1990 and the end of 1999. However, some older publications have been included where these are still considered relevant and some more recent publication have been added, to ensure that the list is as up-to date as possible at the time of publication.

GENERAL

The remit of this research was to define the housing management task for general needs property from registered social landlords, local authorities and tenants’ perspectives. It was based on 22 case studies in 6 areas. It provides a brief overview of the literature on the nature of housing management, performance and costs, current policy context (regeneration and best value) and outstanding issues. The study compares the views of local authorities and the RSLs on what constitutes the housing management task and looks at tenants’ views on service priorities and standards. It examines the standards achieved by the RSLs in relation to specific service functions and considers future directions for housing services.

This guide is intended for independent social landlords in England but much of the material is suitable for Scotland. Part 1 discusses research on the housing needs of ethnic minority communities in England. It then outlines the legislation and the English regulatory framework. Part 2 provides guidance on assessing needs, developing and acquiring housing and working with black and ethnic minority associations. Part 3 concentrates on access to housing (applications and allocations) and part 4 discusses good practice in housing services – management and maintenance, racial harassment and tenant participation. Part 5 covers ethnic monitoring and part 6 provides a list of other publications and useful addresses. The guide includes good practice examples and checklists for committee and staff.

This study examined housing management in English social landlords (local authorities and housing associations) in the early 1990’s. The research methods included analysis of statistical returns, a postal survey to landlords and case studies, including a survey of tenants. The report provides a discussion of definitions and assessment of housing management; the organisation of housing management; the role of housing managers and tenants and their homes. The functional tasks examined are tenant participation; rent collection and arrears; allocations; voids and repairs and maintenance. The report ends with an overview of the performance of English landlords. The research concludes that changes in the financial and monitoring regimes were are likely to have significant effect on the way that social rented housing is managed.

Encyclopaedic listing of recommended practice on a wide range of housing management topics, together with social landlords’ relevant legal duties, performance reporting obligations; specific examples of landlords implementing various ‘good practice’ measures contact addresses and references. Also available as a hypertext document. It covers Service Standards, Rehousing, Homelessness; Voids; Repairs and Maintenance; Rent Collection and Arrears; User Involvement; Estate Management; Customer Care; Equal Opportunities; Support needs; Rent Settings and Service Charges; Leasehold Management and Factoring.


The baseline study examined housing management practices among public sector landlords (local authorities, Scottish Homes and New Towns) in Scotland in the early 1990’s. The research methods included postal surveys, case studies and a large-scale survey of public sector tenants. The report begins with a discussion about the organisation of housing management, including the role of local offices. It also examines the duties of housing management staff and assesses their training and education, motivation and morale. The following section focuses on the characteristics of tenants and their overall views of their landlord. The remaining sections review the major housing management activities covered by the research. These were tenant participation; rent collection and arrears, housing allocations; repairs and maintenance; void management and tenancy and environmental management, The report ends with a discussion of the performance of Scottish public sector landlords.


This guide provides detailed guidance on the operation of Race Relations Act. While the Code does not impose any legal obligations, failure to observe the recommendations may result in breaches of the law. It is, therefore, required need and for housing professionals. The guide discusses direct and indirect discrimination in access to housing, quality of housing, service delivery and racial harassment. It also outlines strategies for good practice.


The report describes the racial equality policies and practices of 8 housing associations in Scotland and assesses the extent to which they measured up to the performance standards expected by Scottish Homes and the SFHA. The report found that, although the associations had policies, few referred to racial harassment and none explained clearly how they would be implemented and monitored. The report covers racial equality policies, ethnic monitoring, allocation policies, nominations, employment, racial harassment, development programmes, contractors and consultants, racial equality training, management committees, the role of Scottish Homes and the SFHA. It sets out the standards expected and makes recommendations for action.


This study provides information about housing management services provided by housing associations in Scotland in 1990. It was based on a postal survey of landlords, together with analysis of housing association accounts and statistical returns. The report begins with an
examination of the housing management function including stock levels and geographical context, the staffing structures and expenditure. Further chapters address allocations and relets, rent collection and arrears and repairs and maintenance. The research found that the patterns of expenditure bore little relation to the level of allowances and that most associations made ‘losses’ on their housing management activities. Allocation practices were an issue for concern and although rent arrears were low, they were increasing. Maintenance activities varied widely and there were concerns about low expenditure on planned maintenance.

This updated edition of Performance Standards sets out the criteria which Scottish Homes will use to assess the performance of RSLs and is aimed at all landlords who register with Scottish Homes. It incorporates a Best Value approach and emphasises that the quality of compliance is important - RSLs are not only expected to have good written policies, they must also demonstrate outputs and outcomes. The standards cover governance and accountability; housing management (concentrating on allocations, voids, tenancy agreements; rents estate management and participation); maintenance; development and financial management.

This revised version of the 1991 edition is still in the process of updating but acts as the ‘bible’ for social registered landlords in Scotland. It aims to provide guidance on a range of landlord activities. It includes chapters on: allocations; factoring; governance and accountability; managing housing with support; maintenance; complaints; equal opportunities and management accounting. Each chapter discusses key principles; legal framework and good practice guidance on key topics. Appendices include samples and examples of documentation. Although not as comprehensive as the Chartered Institute of Housing manual, it does discuss the rationale for recommended practices and key issues.

The Green Paper sets out the government's proposals for policy and new legislation for housing in Scotland. It provides a useful summary of background information (history, tenure type, stock condition, and homelessness statistics) on housing in Scotland and discusses future housing requirements. The key proposals concern the development of community ownership, the future role of local authorities and Scottish Homes, policies to tackle homelessness and improve housing's contribution to care in the community and the development of a Single Tenancy for the social rented sector.

Taylor, M; Russell, F and Ball, R (1992) *Good Practice in Housing Management: A Literature Review*, Edinburgh: Scottish Office Central Research Unit
This review summaries the literature available on housing management and performance measurement available at January 1992. The study concentrates on the core areas of housing management including rent collection and arrears; tenancy management; tenant participation; environmental management; repairs and maintenance; voids and allocations. The study concluded that there were a number of gaps in good practice guidance in the early 1990s. Topics that were highlighted as having particularly sparse guidance included tenancy management; environmental management; maintenance and allocations. The authors also
noted that much of the material that existed did not take account of the Scottish dimension with its separate legal framework.

This report describes the findings of research which examined the changes to the structure of housing departments and committees which took place following local government re-organisation in 1996. The report briefly describes departmental structures prior to re-organisation and considers some of the guidance on structure options for the new councils. It then examines the political and policy context for the structures of councils and looks at how other departments contribute to the housing functions of local authorities. It provides information on the structures of housing departments, or departments with joint responsibility for housing and respondents views on the rationales for the structure choices. The authors conclude that structures appear to moving away from the traditional bureaucratic hierarchical model towards an emphasis on integration and decentralisation. The appendix includes profiles of each of the 32 councils’ structures relating to housing as at March 1998.

**TENANT PARTICIPATION**

This book is based on a research project on tenant participation in council housing management which was carried out in the late 1980s. This used a large-scale postal survey and 6 case studies of local authorities in Britain. The book is not intended as a practical guide to tenant participation. It discusses the theories and issues surrounding participation and examines the growth of participation in the context of the changes in the role of local authorities. The authors argue that, in practice, participation can mean very different things in different contexts, and examine the reasons behind this. The second part of the book examines the roles of the actors in local government: housing managers; councillors; tenants; and tenants' associations. Th final part concludes with a discussion of the tenant-landlord relationship and the future of council housing.

This comprehensive book provides an overview of resident involvement in social housing examining different examples of policy and practice. It sets out the context within which resident involvement operates and examines the historical, socio-legal, political, economic, sociological and comparative perspectives. It examines tenant participation policy and practice in a variety of settings and considers the needs of disabled people, children and young people.

http://www.housing.detr.gov.uk/information/consult/bvhf/index.htm
This document explains the framework within which local housing authorities will need to operate in obtaining best value. It provides an overview of the Best Value ethos, the key elements of the Best Value regime, and how it applies to housing. It describes the process of Best Value in housing and looks at the role of audit in Best Value, and the part the Housing Inspectorate will play.
This report sets out the framework, linked to Best Value regime, which councils in England are expected to adopt to promote tenant participation. The report outlines the aims and objectives of the compacts, discusses how councils might implement local compacts, sets out the core standards for compacts and describes how councils and tenants can monitor and assess how well their compacts are working.

http://www.housing.detr.gov.uk/information/tp/goodprac/index.htm
The guide draws on research carried out in 1999 in a wide variety of local authorities. It is intended to help service providers and service users develop a strategy for working together. It covers planning for participation, implementing participation and evaluation of tenant participation.

This report describes and evaluates a project to foster tenant participation in Faifley Housing Association in Clydebank. It draws some general lessons from the project and makes recommendations.

Housing Policy and Practice Unit (1994) *Good Practice in Housing Management, Good Practice Note 4, Tenant Participation*, Edinburgh: Scottish Office
This report looks at participation as an integral part of housing services. It suggests that it improves management, aids communication between landlord and tenant, and increases tenant satisfaction and staff morale. It defines participation and discusses the benefits of participation. Considers the objectives for good practice in tenant participation. Explains organisational issues: structure, decision making process, and resources. Looks at issues for participation: finance, management, and design and development. Gives details on providing information, enabling participation, and tenants’ groups and federations. Outlines performance measurement in participation.

The report provides broad guidance to housing managers and staff on the implementation of Best Value for housing services in Scotland. It is based on work carried out by the Chartered Institute of Housing on Best Value. It covers the background to the Best Value initiative; Housing Service Plans; consulting and involving service users; benchmarking and competition and issues of strategic and operational management. The guide includes practical examples and action checklists. There are appendices of IT strategies, quality management and benchmarking.

Pollock Nisbet Partnership (1994) *Customer Care and Housing Management; Research Report 40*, Edinburgh; Scottish Homes
The report presents the findings of a qualitative study of customer care in housing management and in industry. The report charts the history of customer care and quality initiatives. It examines the theory and practice of customer care. It identifies key features of successful initiatives including the need to establish customers needs and expectations. The study then outlines the customer care initiatives in 4 service industries and 6 housing
organisations. The research concludes that organisations which have successful customer relations are those which apply a systematic approach to meeting customers needs. This involves the development of a marketing approach based on identifying needs, developing the specification, implementation and monitoring.


This report summaries the results and findings of a research project into tenant management organisations (TMOs) which was undertaken in the early 1990s. It was based on ten in-depth case study organisations and aimed to assess the effectiveness of TMOs. The report outlines the historical background to the development of TMOs and summaries the findings from the 10 case studies. In all cases, these areas were compared with similar local authority of housing association estates. The report provides some hard evidence about housing management performance, resident satisfaction and value for money for each case study. It concludes that most TMCs and PVCs outperformed their LA and HA counterparts but that EMB performance was more mixed. Finally, the report suggests some general lessons about the most successful, and least successful, TMOs.


This book was produced to provide guidance to tenants about training for tenant management organisation in the context of the Right to Manage. It is produced in an easy to read tenant friendly style and draws on the research on Training for Tenant Management and the knowledge of experienced practitioners. It covers the assessment training needs, effective training methods, and evaluation of training and training for established TMOs. Although written for TMOs in England, the general advice would be useful in Scotland.


This report provides an assessment of the Right to Manage (RTM) process in England. It assesses the organisational perspectives of the programme and examines the Right to Manage regulations in terms of their understanding and compliance, and provides feedback on the statutory guidance from the point of view of helpfulness and accessibility to tenants. The key findings include: material for tenants groups needed to be more "user-friendly"; and rules relating to the serving of the RTM notice and to the secondment of local authority staff to the Tenant Management Organisations (TMO) needed changing. It concludes that the system generally works well but that some improvements could be made. The report includes a number of case studies and highlights good practices.


This consultation paper presents a draft national tenant participation strategy for Scotland which was drawn up by a working group of tenants representatives, tenant support agencies and Scottish Office officials. It outlines the strategy, sets out the key principles for good tenant participation, proposes a statutory right to participation, and includes statements of action for tenants’ organisations, social landlords and central government. It also discusses resourcing tenant participation, training, development support and advice, and codes of practice.
This is the first of a series of codes of conduct which sets out guidelines for developing tenant participation. It is aimed at both councils and tenants. The purpose of the codes is the set out the principles of participation, rather than detailed practice advice.

This report presents the findings of a research study into the level of tenant participation within supported housing. It defines supported housing and tenant participation, and discusses the importance of tenant participation. It provides a description of an initiative set up by the Notting Hill Housing Trust and describes the views of tenants and their experiences of and attitudes towards tenant participation. It looks at examples of good practice, and describes practical ways in which complaints procedures and other structural mechanisms can be made accessible and inclusive for all tenants.

This guide provides both a theoretical framework and a guide to the tools and techniques of tenant participation. It draws on the expertise of experienced practitioners. The guide includes key issues of participation; the temptations and pitfalls of ‘easy answers’; a framework for participation; choosing a stance; the phases of participation and an a to z of participation topics.

HOUSING ALLOCATIONS

This study examines social landlords’ attitudes to underoccupation and their policies to combat the problem. In the main, these take the form of refinements to allocation policies relating to existing tenants. The report includes good practice recommendations

This book draws on the findings of a postal survey of local authorities and RSLs in England on social housing allocation policies. It discusses the concept of choice in allocations and provides advice on the development of choice-based lettings systems.

This guide is written for local authority and housing association partners seeking to develop a Common Housing Register. The guide takes the reader through the step-by-step process of developing a register including the stages of defining objectives, setting up a project management structure, undertaking a feasibility study, managing the implementation process, procuring the IT system and monitoring eventual performance of the initiative.

Partly based on a survey of social landlords, this publication describes current housing allocations practices found in Scotland. Good practice advice is provided on a wide range of activities related to allocations, including the construction of allocation policies, individual
housing needs assessment, tenant selection and information systems. A specific focus is on processes for the review of allocation policies by individual providers.

This explains the implications of the Disability Discrimination Act for local authorities. Of relevance to housing management, it outlines the definition of disability under the Act, and what the law requires of councils as service providers. It also gives advice as to how to go about putting the law into practice.

Employing the City of Glasgow as a case study example, this paper reviews a large number of earlier studies on the character and impact of social housing allocations systems. It discusses the social and managerial implications of according rehousing priority largely on the basis of housing need and examines the potential consequences of moving towards a system based more on market principles and less on administrative decision-making. The paper also examines the concept of ‘local lettings’ systems.

Chartered Institute of Housing (2000) *Sustainable lettings, Good Practice Briefing, No 20*, Coventry: Chartered Institute of Housing
This briefing note sets out good practice guidelines and good practice examples on the letting of local authority and registered social landlord homes. It outlines strategic approaches to lettings, such as partnership working with a range of agencies and the development of lettings plans. It discusses the advantages and disadvantages of different methods for prioritising applicants and notes a number of key issues in the allocation process.

Cole, I; Gidley, G; Ritchie, C; Simpson, D. and Wishart, B. (1996) *Creating Communities or Welfare Housing?* Coventry: Chartered Institute of Housing
Research study to investigate some of the implications arising from the Page reports (Page 1993, 1994) and designed to explore the views of tenants themselves about terms such as ‘balanced communities’. The report also investigates the extent to which the subsequent evidence bears out Page’s hypothesis that new housing association estates could quickly descend into a vicious circle of decline through social exclusion and ghettoisation.

Based mainly on a limited number of case study examples, this study examines the varied character and objectives of local lettings policies described by social landlords as ‘community lettings initiatives’. The report distinguishes between schemes applied in newly built estates which attempt to pre-empt social disintegration and those applied in an attempt to reverse social problems of stigmatised or otherwise unpopular areas.

Drawing on a national survey and a number of detailed case studies, this report examines the range of social landlord approaches to different aspects of the housing allocations function. There is detailed coverage of issues such as rehousing prioritisation, applicant to property matching and appeals procedures.
This paper reports on extensive analysis of housing allocations policies and practices in the City of Birmingham during the 1970s. It illustrates the tendency for rationing systems to channel ‘respectable applicants’ into ‘respectable housing’ and examines the role and impact of officer discretion in a system involving computer-matching of applicants to properties.

This guide to managing mobility is aimed at all social landlords in the UK. It makes the case for a mobility policy, explains the HOMES Mobility Scheme and HOMESWAP and gives advice on putting policy into practice. It suggests ways of promoting and achieving mobility, has checklists for good practice, case studies, and guidance on mobility issues and common housing registers.

A report drawn up in the wake of the CRE’s investigation into racial discrimination in housing allocations in LB Hackney. The publication considers a wide range of issues relating to access and allocations to social housing, highlighting the potentially discriminatory effects of a number of commonly applied approaches. It argues generally in favour of highly rule-bound policy frameworks which strictly limit the scope for individual officer discretion. 20 recommendations, mainly aimed at social landlords, are put forward. These include positive proposals for good practice as well as suggestions as to techniques to be avoided or discarded in the interests of racial equality.

This report is based on research study of policies and practices of LAs and RSLs in England, and drawing on the experiences of tenants trading down in terms of property size. The guide provides advice on how underoccupation policies should be defined and targeted. It considers the types of accommodation which can be provided to entice underoccupiers to move and discusses the issues arising from the payment of cash incentives to movers. The guide also contains practical recommendations on appropriate allocations procedures for dealing with underoccupiers.

The report provides guidance on the good practice in assessing medical priority in housing allocations. It documents some of the problems and highlights a range of solutions, rather than recommending any particular solution. It considers the provision of information and advice, the application and assessment process; in particular the levels of knowledge and expertise required to assess medical priority, allocation and rehousing and performance review. The solutions are based on the findings of 3 research studies and the experience, expertise and ideas of service users and health, housing and social work professionals.
Based on the results of 3 research studies, this guide aims to document some of the problems involved in assessing rehousing priority deriving from applicants’ medical conditions. It discusses the information which needs to be obtained from housing applicants and the means by which this might be verified (e.g. through obtaining supporting evidence). It examines the respective roles of housing staff and Independent Medical Advisers and the liaison arrangements needed between these two. It looks at the implications for ‘medical priority applicants’ of the ways that allocations systems are structured and relative priorities determined.

This report examines how local authorities and housing associations facilitate tenant mobility within their own stock and moves between different landlords. It recommends that landlords should: reassess their eligibility criteria for transfers, seek more information about tenants’ needs and circumstances, make more effective use of mutual exchanges, develop policies for underoccupation, and improve performance on nominations.

This is a pack of 8 leaflets which provide guidance on the interpretation of each part of the Act. The leaflets offer a very helpful, basic account of the legislation and its implications. The issues of most relevance to housing management deal with: the definition of disability; access to goods, facilities and services; and letting or selling land or property.

This guide is aimed at helping social landlords to respond to this difficult issue. It discusses the definition of ‘sex offending’ and the management of sex offenders in the community. It outlines the application of risk assessment in this context. Finally, it examines how local authorities should respond to homelessness applications from sex offenders and how social landlords should treat tenants who are sex offenders.

This report uses the results of research into the development and operation of common housing registers to consider different types of register, the process of development, governance issues, information technology issues, the extent of customer benefits and the advantages and disadvantages for different stakeholders. The report concludes that common housing registers are, on balance, advantageous to organisations and customers.

This report examined the implications for housing associations of developing large-scale estates whilst under pressure to house growing numbers of socially disadvantaged and vulnerable households. Page argues that ‘conventional allocations policies’ are likely to contribute to social exclusion and stigmatisation. He proposed a range of means – some
involving allocations policies - by which associations could avoid these estates slipping into a vicious circle of decline.

Taking up the theme of his earlier report, the author suggests a series of techniques and good practice tips aimed at preventing recently built housing association estates from becoming ‘the welfare housing of tomorrow’. Recommendations include allocations policies designed to counteract tendencies towards the concentration of social exclusion.

Parker, J; Smith, R; and Williams, P. (1992) *Access, Allocations and Nominations: The Role of Housing Associations*, London: HMSO
This research report examines housing association allocation policies and practices in England and the relationship between local authorities and associations in terms of needs assessment and nomination arrangements. It includes recommendations to improve nominations practice and strategies. It suggests that associations should adopt points based allocations systems and have an annual lettings plan. Recommendations for both associations and local authorities include using a direct system of nomination rather than the pool method, having time targets for the nomination process, raising customer awareness and mechanisms for local housing strategies.

Parker, J. and Stirling, T. (1995); *Seen to be Fair: A Guide to Allocating Rented Housing* Cardiff: Housing Management Advisory Panel
Examining, in turn, the various stages of the housing allocations process, this report identifies the equal opportunities issues which need to be addressed in reviewing social landlords’ policies and practices. With respect to each of these stages, the report recommends approaches consistent with an equitable stance.

Chapter 5 provides an analysis of social housing allocations policies, including the extent to which they involve prioritisation on the basis of assessed need, and their potential for discriminatory outcomes. It identifies the origins of the debate on the role of allocations systems in influencing social mix and advocates the application of ‘more relaxed criteria’ in rehousing policies.

This research aimed to examine the operation of housing allocation policies by local authorities in England. However, there is much of relevance to Scottish landlords. It examined choice in allocation policies, eligibility criteria, homelessness, and the implications of stock transfer. The research found that there was evidence of a change in local authorities’ thinking on housing allocations. Increasingly, there was a realisation that purely needs-based allocations systems had have significant disadvantages. However, although some authorities were experimenting with novel approaches to allocations, these were generally confined to particular estates and sub-areas.

This report examines mobility practices in Scottish local authorities based on a survey carried out in 1994. The study found that the majority of landlords promoted mobility but
performance varied. The report recommends that landlords consider mobility issues as part of their overall housing needs strategy, put greater emphasis on social needs and underoccupation in allocation policies, promote mutual exchanges, treat mobility applicants the same as other applicants, and use a wide range of methods to publicise mobility schemes.

The briefing paper describes trends in housing associations and housing co-operatives in assessing applications for medical priority and gives an indication of good practice. The findings and good practice are based on a sample of housing allocation policies and feedback from conference workshops. The paper suggests increased use of self-assessment and assessment by housing officers for straightforward cases with recourse to health professionals as and when necessary. The paper includes a model self-assessment form.

**School of Planning and Housing (1997) Good Practice in Housing Management Nomination Arrangements: Good Practice Note No. 6, Edinburgh: Scottish Office**
Based on an in-depth study of current practice, this guide identifies and addresses some contentious issues involved in nominations liaison between local authorities and housing associations. It lists the necessary components of nominations agreements and highlights the terms which need to be defined. It also discusses how nominations liaison should be managed to promote effective joint working and specifies issues which need to be taken into account in monitoring the operation of such liaison.

**Shelter Scotland and Chartered Institute of Housing in Scotland (2000) Out for the count: access to housing registers in Scotland, Edinburgh: Chartered Institute of Housing in Scotland**
This report discusses the results of a survey of local authorities and larger registered social landlords which looked at the extent to which exclusions and suspensions from housing registers are used in Scotland. It found that access to housing was refused on the grounds of lack of housing need; anti-social behaviour and financial problems including rent arrears. However, very few landlords had written procedures for exclusions or clear appeal systems.

**Thomas, R. (2000) Striking the right balance: the role of allocations in building successful communities, Cardiff, Chartered Institute of Housing in Wales**
This report examines the role of housing allocation policies in building successful communities. It draws on practice examines from Wales of alternative allocation strategies including increasing choice, local letting schemes and marketing strategies.

**HOMELESSNESS**

This reports on a survey of Scottish local authorities conducted in 1992 (and previously conducted in 1990) assessing the level of youth homelessness in Scotland, and the services and facilities available for young homeless people. It makes recommendations about appropriate local authority policy and practices in relation to this vulnerable group.
This reports on the way the Children Act is being used to tackle homelessness. Although based on a survey of social work departments, as the lead department on the Children’s Act, it has much to say of relevance to housing practice as the Act imposes corporate responsibilities on local authorities. It examines findings of the survey on matters such as children’s services planning; how well informed councils are on the needs of young homeless people; joint working between social work and housing departments, including homelessness protocols; assessment procedures and the use of temporary accommodation. It discusses whether the Act has changed, or might change, policies affecting homeless people. It includes some examples of good practice.

This provides a statistical profile of recent trends in homelessness and the use of temporary accommodation by local authorities in Scotland. While noting that B& Bs continue to play a role in temporary accommodation, the report focuses on alternatives that come on-stream, why they have been developed, and who they are aimed at. Looks at the policies, practices and cost factors that shape the decisions and determine the quality of services, taking account of the experiences of those homeless households which have to put up with temporary accommodation. Provides recommendations and pointers to better policy and practice regarding homelessness statistics, local authority furnished lets, mobile homes, private sector leasing arrangements and mainstream hostel provision.

This research examined the operation of the Code of Guidance on homelessness issued to Scottish local authorities in 1991. It sought to determine the extent to which authorities adopted the advice given in the Code; to identify areas in which there was significant variation between authorities’ policies or practices; and to establish whether any parts of the Code created difficulties in interpretation or implementation. The fieldwork comprised a postal questionnaire to all 56 housing authorities in Scotland, and an interview survey of over 700 homeless applicants in 6 local authorities. This research provides a bench-mark for the practice of statutory homelessness services in Scotland. However, it is worth bearing in mind that the fieldwork was conducted some time ago, and that the study preceded Scottish local government reorganisation. A revised Code of Guidance was issued in 1997.

This report examines the housing needs of people leaving relationships and/or escaping violence. It provides a useful discussion for the role of local authorities and registered social landlords in assisting applicants and provides a framework for policy development. Care should be taken in reading the legal sections as only English law is discussed.

McCluskey, J (1997) *Where there's a will ...: Developing single homelessness strategies*, London: CHAR
This study of local authority provision in England and Wales was based on a postal survey (50% response rate) and case studies, involving face to face interviews with a range of statutory and voluntary agencies. The study found that over half the respondents to the survey
were developing strategies for working for single homeless people. The key components of any strategy are: multi-agency working; assessment of needs; audit of provision; identification of gaps in provision; and the development of an action plan with agreed priorities to meet the gaps. The benefits of local single homelessness strategies included: maximising the use of existing resources; improved funding opportunities; improved services; an increase in provision; improved inter-agency working; provision of a common information base; avoidance of duplication of provision; and the encouragement of new ways of working, along with the promotion of good practice.

Maginn, A; Frew, R; O'Regan, S and Kodz, J (2000) Stepping Stones: An evaluation of foyers and other schemes serving the housing and labour market needs of young people, London: DETR
The research report aims to evaluate schemes which aim to meet young people's accommodation, training and employment needs though Foyers. It found that there was considerable variety among schemes calling themselves a Foyer, including dispersed and mobile schemes. The research suggests that Foyers had had some success but the lack of information on client participation and achievements made it impossible to come to definitive judgements on their effectiveness.

This research is based in England but is relevant to housing management in Scotland because it reviews English local authorities practices prior to the Housing Act 1996, when the framework of homelessness legislation was still very similar to that of Scotland’s. It presents the findings of the evaluation on: the administration of homelessness; acceptance policies; use of temporary accommodation; and the ultimate discharge of homelessness duties. It concludes that homelessness practices are better and fairer than before, but not all the improvements can be attributed to the Code alone for its recommendations have been reinforced by wider trends towards emphasising service quality, customer care and performance monitoring.

This book provides a comprehensive and detailed account of the homeless persons legislation. It includes consideration of the historical development of homelessness law, and the background to, and extent of, homelessness in Britain. The bulk of the book is devoted to a detailed examination of the homelessness legislation in practice and in theory. This includes exploration of the eligibility criteria established under the legislation; analysis of the duties of local authorities; and explanation of the remedies for aggrieved homeless applicants. Although the book pre-date the re-issued Code of Guidance, it is still very useful.

This replaces the previous Scottish Office Code of Guidance on homelessness issued in 1991. It is the most important source of guidance on housing management practices in relation to homelessness in Scotland, and should be reflected in local authorities’ policies and day to day practice. It summarises the duties and powers of local authorities under the homelessness legislation, and how these should be interpreted, and offers advice on how authorities should exercise their discretion under the Act. It also provides guidance and advice on the prevention of homelessness and inter-agency co-operation in tackling homelessness. Other areas covered
include the provision of accommodation, and the notification and review of decisions on homelessness applications. Pointers to good practice are offered throughout the document.

This revised briefing paper outlines the homelessness situation in Scotland and the contribution made by housing associations and co-operatives. It considers allocations, nominations, providing appropriate accommodation and support. The paper also examines policy initiatives by associations to tackle homelessness including foyers and lead tenancies.

Shelter (Scotland) (1994) *No Place Called Home: Young People and Homelessness in Scotland*, Edinburgh: Shelter (Scotland)
This reports on the findings of a survey of Stopover projects carried out in 1993. It examines the age, origin and background of young people using Stopovers and explains why young people are turned away from the projects. The report makes recommendations to housing and social work departments and calls for greater provision of emergency and move-on accommodation.

This paper sets out the new powers and duties introduced under the Children’s Act, focusing on duties to provide accommodation and support to young homeless people. It discusses the implication of the Act for local authorities and other organisations providing services to homeless young people and families with children. It makes recommendations for implementation of the Act.

This report discusses hidden homelessness and why it is a problem often associated with single women. It draws on empirical research in 4 local authority areas in Scotland to examine the ways in which the homelessness of single women becomes and remains hidden, and illustrates the extent of the problem. It looks at how homelessness is dealt with under local authority allocation schemes, and offers policy and good practice recommendations.

This report provides information, advice and good practice on managing homelessness. It includes a summary of the legislation and describes the 1997 Code of Guidance on Homelessness which came into operation in December 1997. It lists good practice principles and outlines a range of examples of current good practice in: prevention of homelessness and providing assistance and advice; dealing with applications - handling applications, inquiries, appeals, complaints etc; co-operation and interagency working - social work involvement and working with ex-prisoners, sex offenders, people leaving care, people leaving the armed forces etc; and provision of temporary accommodation, resettlement services, provision of permanent accommodation and support.
VOID HOUSING

Audit Commission (1986) Managing the Crisis in Council Housing; London: Audit Commission
The central aim of this wide-ranging report was to encourage social landlords to adopt a more ‘business-like’ approach to housing management and strategy formulation. It discussed appropriate performance indicators for void management and listed ‘good practice’ measures to speed up lettings. The basis for these recommendations was that the cited activities were identified practices in ‘more efficient authorities’. The report also contained specific recommendations for the management of voids in a ‘difficult to let’ context.

Chartered Institute of Housing (1995) Making the Best Use of the Social Rented Stock; Good Practice Briefing No 2; Coventry: Chartered Institute of Housing
This pamphlet lists ‘good practice’ ideas on void management, together with examples of social landlords operating such approaches. It includes specific section on measures to tackle difficult to let problems. It is mainly useful as a quick reference guide for busy managers.

This guide is based on research carried out in England, but much of the advice is relevant to the Scottish context. It provides guidance on how to respond to the problem of low demand for housing and the issue of unpopular neighbourhoods. It includes information on analysing the nature and extent of the problem; preparing local housing strategies; allocating and marketing social housing; local housing management; crime strategies; local authority interventions in the private sector; demolition and disposal of housing; and housing renewal and regeneration.

This report focuses on the impact of low demand on the finances of registered social landlords. It presents the results of a mapping exercise of key indicators to low demand in RSLs in England. It discusses techniques and management responses to low demand and considers the information that RSLs should be gathering on housing market demand to inform their financial and strategic decision-making.

Housing Policy and Practice Unit and School of Planning and Housing (1994) Good Practice in Housing Management: Void Management Good Practice Note 3, Edinburgh: Scottish Office
This good practice guide examines the circumstances in which properties become empty, action to let, and repairs. It has advice on strategies for properties which are in low demand and the relationship between void management and properties in refurbishment, disposal or demolition programmes.

This guide gives advice on monitoring empty property. It points out that the number of properties which are empty at one point in time is not a useful indicator of performance and argues that the average duration of vacancies and the range of void periods are more appropriate indicators.
This report discusses the causes of low demand housing and illustrates the lack of consistent data to measure the phenomenon in Scotland. It briefly discusses some techniques in the field of estate management, void management and housing allocations which are common responses to the problem.

This report is based on a study of empty housing owned by public sector landlords in Scotland. It identifies a number of factors associated with higher void rates and describes a range of initiatives and practices to speed up the reletting process.

Drawing on research such as the Baseline Study of Housing Management in Scotland, this report summarises earlier research and good practice advice on policies and practices in void management by social landlords. The report examines, in turn, each stage of the reservicing and reletting process. It also examines policy responses of social landlords to problems of low demand or ‘difficult to let’ housing.

This report discusses void management practices by housing associations in England, both with respect to mainstream housing and in terms of low demand or ‘difficult to let’ housing. It also examines the implications of local authority nomination arrangements for housing association void rates and makes recommendations on the content of nomination agreements aimed at striking a fair balance between the interests of the 2 parties in this context.

The report draws on research by Bramley et al. It examines the factors which may lead to low demand problems and the national and regional influences on the demand for housing. It discusses the development strategic responses to unpopular neighbourhoods and at the local level and provides case study examples of solutions.

**RENT COLLECTION AND ARREARS**

This is a major study of rent arrears in Scotland in the early 1990s. The report was based on questionnaires to all public landlords and a selection of housing associations and fieldwork in 17 local authorities and one new town. It covers definitions of rent arrears; scale of arrears and arrears reporting, organisational arrangements; the impact of housing benefit; recovery action and the role of councillors. The final sections compare and contrast different styles of rent arrears, management and performance. The report concludes by summarising the key components of effective arrears management.
This report presents the finding of a study of benefits administration by local authorities in Scotland. It was based on fieldwork in eleven local authorities and a new town and builds on the earlier study of rent arrears. It describes the arrangements and procedures found and notes wide variation in the time taken to process benefit claims and inconsistent application of the regulations. Four key tasks in benefit administration were identified. These were raising client awareness; processing claims; dealing with enquiries and changes in client circumstances. The report highlights steps which Scottish authorities could take to improve the service they provide to claimants. It also notes that benefit administration should be viewed as a partnership between the DSS and local authorities and suggests ways in which the DSS could improve its service.

The report examines both the processes of managing rent arrears and the outcomes in both local authorities and registered social landlords in Scotland, using data from the Accounts Commission and Scottish Homes statistics, supplemented by independent local assessments, focus groups and case studies. It identifies the extent to which landlords are following good practice advice and highlights the administration of housing benefit as a particular problem. It recommends action that should be taken to improve the management of rent arrears.

Chartered Institute of Housing (1996) Housing Benefit, Good Practice Briefing No.4, Coventry: Chartered Institute of Housing
This booklet is part of the CIH good practice series. It is draws on the work of the Accounts Commission and the Audit Commission to outline the key elements of an effective benefit service and identify some of the problematic areas. This is mostly in the form of checklists. Good practice examples, drawn from the CIH Good Practice Unit database, are used to illustrate the points. The areas covered include; key requirements; customer care; take-up initiatives; payments on account; overpayments; fraud; performance monitoring; liaison with housing associations; private rents and liaison with private landlords.

Gray, B; Finch, H; Prescott-Clarke, T; Cameron, S; Gilroy, R; Kirby, K. and Mountford, J. (1994) Rent Arrears in Local Authorities and Housing Associations in England, London: DoE/HMSO
This objectives of this research were to provide information about tenants in serious arrears, determine the key causes of arrears, investigate the rent collection and recovery policies of landlords and evaluate the effectiveness of landlords in dealing with arrears. A number of research methods were used including interviews, case studies and examination of arrears records. It reports on the scale of arrears, characteristics of tenants in arrears, causes of arrears, rent collection and housing benefit and arrears recovery. The report concludes with recommendations for good practice covering both preventative action and management of arrears cases.

Housing Policy and Practice Unit (1994) Good Practice in Housing Management Note 2: Rent Arrears, Edinburgh: The Scottish Office
This good practice note provides a summary of the research, drawing on work by the Accounts Commission, the Audit Commission and Shelter. It also summarises other good practice publications such as those produced by the SFHA and The Chartered Institute of Housing. It provides a brief discussion of the causes of rent arrears and then details good
practice advice. This covers objectives; organisational issues; information to tenants and staff; preventative measures; management of arrears cases; legal action; dealing with former tenants arrears and performance management.

This research aimed to assess the extent to which tenancy rights in the social rented sector have been affected by the introduction of assured tenancies. It was based on a literature review, analysis of tenancy agreements, a questionnaire to social landlords, case studies and analysis of court records. The study found that there was scope for improvement in both local authority and housing association leases. Assured housing association tenants were more likely to be evicted for rent arrears than secure tenants of associations or local authorities. However, this was largely due to different management practices and tenant profiles rather than differences in tenancy rights.

This publication provides a detailed guide to the law and practice relating to tenants; rights to withhold rent. It is aimed at housing advisors and solicitors but would also be useful to housing staff dealing with rent arrears. The guide covers the rights to withhold rent under different forms of tenancy; circumstances in which rent can be temporarily withheld; how to withhold rent and related issues such as repairs, damages and the right to repair.

This report examines the impact of housing benefit administration arrangements on housing associations and their tenants. It was based on postal surveys of local authorities and housing associations in England supplemented by a small number of case study interviews. The study found that many associations were experiencing difficulties with the administration of housing benefit. The report concludes with recommendations for the DSS, the Housing Corporation and the Department of the Environment to improve the guidance at a national level and recommendations on good practice for local authorities and housing associations.

This report was carried out a part of the Accounts Commission study of rent arrears management. It reports on the findings of a survey of tenants in 4 local authorities which aimed to assess their attitudes towards debt and their satisfaction with rent collection methods and rent arrears management. The reports highlight some deficiencies in practice, from the tenants’ point of view.

REPAIRS AND MAINTENANCE

This good practice guide provides a foundation for the development of good management practice across a range of housing functions. It sets out a model for performance
management and illustrates the operation of performance review by reference to the response repairs function.

This report identifies the types of repairs classes as emergencies by Scottish local authorities, analyses the causes and costs of emergency repairs. Two main ways of local authorities reducing emergency repairs costs are proposed: reducing the number of such repairs and reducing the direct and indirect costs of repairs. It also stresses the importance of the availability of good management information as a basis of effective action.

This report is structured round case studies of 7 English local authorities and the English financial framework of the “ring-fenced” HRA. However, it is a useful source for Scottish readers. The report sets out the different ways authorities are organising their repairs service and the importance of specification and contracts in the search for quality. The meaning of quality for a repairs service is examined through tenant perspectives, performance measurement, budgeting, quality assurance systems and improved management systems generally. One chapter focuses on customer satisfaction, setting out both corporate features of a customer care approach and a variety of examples of local authority practice on customer liaison and consultation, surveys and specific estate-based initiatives.

This report sets out recommendations, with good practice examples, on developing a long term maintenance plan, managing maintenance systems to maximise value, work programming, systems, staffing and management style, and funding the maintenance plan.

This book addresses the management of social housing with an emphasis on the need for a consumer orientation and of the importance of staff as a key resource. Ch. 6 covers repairs and the need to see it as a system with which people have to work. Jobbing repairs and planned maintenance are covered, repairs performance standards explained, the benefits and problems of computerisation outlined and the importance of staff recruitment and training emphasised.

**Chartered Institute of Housing (1996): Day-to-Day Repairs, Good Practice Briefing Issue 5, Coventry: Chartered Institute of Housing**
This briefing focuses on ways in which landlords can achieve a more effective customer-centred day-to-day repairs service. It provides examples from social landlords and sets out advice on repairs strategies, legal duties, customer care, repairing empty homes, repairs reporting procedures, repairs organising, assessing performance, compensation for service failure and involving tenants. Presents both Scottish and English examples of good practice.
This short guide identifies 10 topics that could produce a more effective repairs service - customer information, record keeping, identifying repair problems, work organisation, liaison, monitoring, communication, complaints, compensation and training.

The guide provides detailed advice on establishing and achieving maintenance standards. It includes a good practice checklist covering customer information, repairs reporting arrangements, access, value for money, complaints procedures, recording systems, standards, effective organisation and monitoring.

The guide is directed at the client role in housing departments. It sets out the nature of the client and contractor relationship, practical steps to mark that relationship effective in terms of service delivery and the management of contracts. Although, prepared within the context of “the housing management” service and the white collar, CCT regime, it has application to the management of specific contracts including those for repairs and maintenance.

This report contains 7 articles on different aspects of planning future maintenance requirements including life cycle costing, condition surveys, estimating future costs and asset management.

The guide deals with housing association maintenance finance in England. Aimed at maintenance staff. It sets out how maintenance finance works under the post 1988 financial regime, budget planning, procedures for monitoring and controlling expenditure and how to ensure value for money. A final chapter provides trouble-shooting advice on how to deal with crises such as overspends, under-funding major repairs and high supervision and overhead costs. Written in very straight forward language.

This guide identifies a wide range of topics by which response repairs services could be improved - organisation and delivery of the service, what tenants want, complaints procedures, repair priorities, selecting contractors, value for money, information systems. It also includes examples of contractor’s application form, standard conditions of engagement and a contract conditions checklist.

This book describes the principles and practice of housing management from the work of the Priority Estates Project. Repairs and maintenance are presented from a buildings perspective.
and a local office perspective. An outline is presented of day-to-day repairs and planned maintenance.

Scottish Federation of Housing Associations (1997) *Planned Maintenance and Repair Guidance Booklet No. 3*, Edinburgh: Scottish Federation of Housing Associations
This revised guide provides good practice advice to housing associations and co-operatives on the planning and funding of future maintenance and repairs. It sets out the post ‘88 financial regime and its implications for major repairs and future maintenance. The guide covers the key principles in developing a system of planned maintenance, life cycle costing system, the calculation of a sinking fund (with worked examples), other funding issues and developing a brief for consultants.

This kit provides model procedures for achieving effective management of day-to-day and cyclical maintenance. It covers objectives, establishing a house condition data base, predictive maintenance models and maintenance routines for inspection, assessment and budgeting.

**Estate Management**

Atkinson, R; Mullen, T. And Scott, S. (2000) *The Use of Civil Legal Remedies For Neighbour Nuisance in Scotland*, Edinburgh, Scottish Executive Central Research Unit
This research was based on a large-scale postal survey and case studies. It examines how civil legal remedies are being used in practice to deal with the anti-social behaviour and evaluates the effectiveness of these remedies. The report discusses the difficulties in defining anti-social behaviour and summaries summarises the relevant law. It provides an analysis of written policies and procedures, examines the management of anti-social behaviour and the use of legal remedies. It discusses the costs of the legal process and makes a range of recommendations to both government and landlords.

Bannister, J. and Scott, S. (2000) *Assessing the cost-effectiveness of measures to deal with anti-social neighbour behaviour: Housing and social policy research group, Discussion Paper no 1*, Glasgow: Department of Urban Studies, University of Glasgow,
This paper reports on the findings of research into the feasibility of landlords implementing measures to deal with anti-social behaviour. It assesses the difficulties involved in assessing cost-effectiveness, and presents a framework for such assessments. It concludes that evaluations of cost-effectiveness could provide valuable information to assist decision makers about the potential of preventative measures, and whether to invest in particular initiatives.

Chartered Institute of Housing (1995) *Neighbour Nuisance: Ending the Nightmare, Good Practice Briefing No. 3*, Coventry: Chartered Institute of Housing
This booklet provides checklists and good practice examples to give landlords practical ideas to improve their management of neighbour problems. It covers nuisance strategies; preventative measures; the tenancy agreement; procedures; victim support; mediation and legal remedies.
Chartered Institute of Housing (1997) *Taking Care of Estates, Good Practice Briefing No.8, Coventry: Chartered Institute of Housing*
This booklet provides checklists and good practice examples for landlords on caretaking and estate services. The topics covered include service strategy, caretakers, cleaning, landscaping, environmental works, security, parking, health and safety and estate agreements. It notes that, although taking care of estates is primarily a landlord responsibility, estate services are often delivered by contractors and that some services are not under the direct control of landlords. Involving residents is also stressed.

Coles, B; Rugg, J. and England, J (1998) *Working with Young People on Estates: The Role of Housing Professionals in Multi-agency Work, Coventry: Chartered Institute of Housing*
This book reports on a qualitative research study exploring the role of the housing officer in the delivery of a variety of types of youth work on ten social housing estates, focusing particularly on provision for 10-16 year olds. It looks at the experience of living in social housing for under 16s and considers the advantages and disadvantages of different approaches to working with children based on the ten case study estates. Four key issues are discussed: children and young people hanging around; consultation with young people; assessing project effectiveness; and the role of the housing manager in multi-agency working. The report concludes with a set of policy and practice points aimed at housing professionals.

This provides a comprehensive and in depth guide to landlords; legal remedies for anti-social behaviour, along with examples of case law. It covers alternatives to legal action, local authority powers, criminal law powers, interdict, lawburrows, statutory nuisance and recovery of possessions.

The report gives practical advice on ways of tackling crime and creating safer neighbourhoods. The key strategies for successful crime reduction are identified as: effective local partnerships, consultation and participation involving residents and young people, a problem-solving approach, and tailor-made packages of measures. It sets out a framework for action and outlines policies for tackling specific types of crime (such as burglary, car crime, drug-related crime, prostitution, racially motivated crime, crime against small businesses, vandalism, and crime against women). It lists the roles and responsibilities of different agencies in crime prevention offer tips for surveys and consultations.

Dignan, J.; Sorsby, A. and Hibbert, J. (1996) *Neighbour Disputes: Comparing the Cost-Effectiveness of Mediation and Alternative Approaches, Sheffield: Centre for Criminological and Legal Research, University of Sheffield*
This report details the findings of a study on the cost-effectiveness of mediation. It was based on postal questionnaires and case studies. It covers scale, methods, mediation and assessment of costs and compares the costs and effectiveness of mediation with conventional responses. It concludes that mediation can be an effective and cheaper way of dealing with neighbour disputes and proposes a strategy for increasing the number of cases that could successfully be resolved by this means.
Dignan, J. and Sorby, A. (1999) *Resolving Neighbour Disputes through Mediation in Scotland*, Edinburgh; The Scottish Office Central Research Unit
This report is a companion to the major study carried out by the authors in 1996. It examines the use of mediation in a Scottish context and was based on questionnaire and interview data. The report covers definitions and context; responses to neighbour disputes; practical issues in mediation; mediation in Scotland; comparing mediation and alternatives (including comparisons of effectiveness, quality and cost-effectiveness). It concludes with a chapter on policy issues.

This report presents the findings of a research project which evaluated fifteen schemes aimed at improving the management and security of high-rise blocks (including some in Scotland). The evaluation covered 3 categories of scheme; technology based; intensive concierge schemes and dispersed concierge schemes. It found that technology based schemes were successful where the population was stable but that intensive concierge schemes were the most effective in problematic circumstances. Required reading for landlords intending to implement such schemes.

This guide summarises good practice advice on tenancy management issues and is illustrated with good practice examples. It covers objectives, organisational issues, tenancy agreements, information issues, breaches of tenancy, management action, legal action and performance indicators.

This book presents the findings of a major study of the use of legal remedies for neighbour nuisance in England. It discusses the nature of neighbour nuisance and examines the management of the problem. It looks at the use of English legal processes in detail and puts forward recommendations for action.

This book is based on a study of into the effectiveness of tenants’ complaints procedures which involved a postal survey of over 1000 tenants, in-depth interviews with 144 tenants, case studies of 9 landlords and a postal survey of landlords. The book covers the nature of disputes and the role of landlords; complaints; current approaches to neighbour disputes; a coherent approach to neighbour disputes (including good practice advice), mediation; legal powers and difficulties involved in legal action.

Part 1 describes the nature and extent of racial harassment in Britain. It outlines the purpose and benefits of a multi-agency approach and examines multi-agency working in practice. Part 2 deals with best practice in supporting people experiencing harassment. It covers policies for dealing with harassment and the importance of reporting racial attacks. It includes discussion of interviewing skills and techniques and provides information on practical support and follow-up visits.
This report is based on research in England. The research found that a growing proportion of local authorities in multi-racial areas were implementing various aspects of prevention, victim support and action against perpetrators of racial attacks. The report gives examples of good practice on: preventing racial violence and harassment; inter-agency co-operation; the immediate response to incidents; types of practical support available to social landlords; rehousing issues; dealing with perpetrators; and monitoring and evaluation.

This study looked at twelve housing estates in order to ascertain children's preferences for places to play. The study found children prefer a diverse outdoor environment on the front street, with opportunities for extending their free range mobility along footpath networks and traffic calmed roads. It concludes that any policy which tries to corral the children into a 'safe place' would seriously limit their play opportunities and would probably be doomed to failure, because it is likely that it would be ignored or not used effectively. The study raises both design and management issues.

This report surveys a variety of approaches to crime prevention based on examples of initiatives (including Scottish examples). The projects include the use of injunctions, design changes, community security businesses, youth projects, concierge schemes and CCTV. The survey found that although there is bias towards security and design measures, there was little evidence that these, alone, lead to crime reduction. However, where a broader package of measures is introduced, including housing management and youth initiatives, the impact appears to be more sustained. The researchers conclude that there is strong case for holistic approaches to crime prevention.

This report draws on a number of good practice guides. It defines racial harassment and racial incidents, discusses procedures, and outlines the legal remedies available. The guide also gives examples of a 'no harassment clauses for a tenancy agreement, model policies and procedures and report forms. The report is also provided in disc form.

This report uses the research by Hunter et al, and examples of good practice from around the UK. It discusses the impact of anti-social behaviour and considers initiatives to combat anti-social behaviour through prevention, enforcement, and resettlement.

This project explored how the Scandinavian model of caretaking might be applied in mainstream UK social housing. The 'caretaking plus' model provides an estate with a multi-skilled member of staff who can tackle repairs, cleaning and a range of other jobs quickly and effectively. This model has been applied to tenant management organisations in this country
but few landlords have developed their services in this way. Two pilot studies were set up on
2 peripheral estates. The research concludes that 'Caretaking plus' can provide quick, flexible,
responsive and cost-effective services.

Good Practice Briefing, No 14, Coventry: Chartered Institute of Housing
This booklet outlines the value of neighbour nuisance strategies and includes a nuisance
strategy checklist. It highlights the value of a tenancy agreement and nuisance clause for
dealing with nuisance and anti-social behaviour. Preventative measures which landlords can
take are given, with examples of good practice.

Scottish Affairs Committee (1996) First Report: Housing and Anti-social Behaviour,
Volume 1, London: The Stationary Office
This report is based on written submissions and oral evidence presented to the committee. It
covers the nature, scale and causes of the problem; the landlords role; multi-agency working;
landlords use of legal remedies (including perceived difficulties) and neighbour nuisance by
owner-occupiers and private landlords. It concludes with a number of recommendations
including good practice for landlords and proposals for further legislation. The committee
opposed the introduction of introductory tenancies for all tenants but proposed probationary
tenancies where tenants had previously been evicted for anti-social behaviour.

Scottish Executive (1999) Housing and Anti-social Behaviour: The Way Ahead,
Edinburgh: Scottish Executive
This consultation paper summarises previous research on the nature and extent of the
problem of anti-social behaviour in Scotland and the existing powers available to landlords
(including those introduced by the Crime and Disorder Act 1998). It also outlines research
which is in progress. The paper then discusses a number of proposals for changes to
legislation. These include: probationary tenancies; suspension of Right to Buy; fast-track
evictions; strengthening of compulsory transfers; housing tribunals; and a single social
tenancy.

Scottish Federation of Housing Associations (1996) Dealing with Anti-social Behaviour:
Practical Guidance for Housing Management Staff: Guidance Booklet No. 7, Edinburgh:
Scottish Federation of Housing Associations.
This guidance booklet is intended to assist housing associations to deal with anti-social
behaviour. It was drawn up by a working group of housing association managers. It
emphasises the need for good policies and sound housing management practice with legal
action for eviction as a last resort. The guidance covers allocations; the tenancy agreement;
dealing with complaints; design issues, legal action and developing a policy. The appendices
cover harassment; victim support; pro-formas for police information and the use of
professional witnesses.

Scottish Office Development Department (1998) Housing and Neighbour Problems:
This detailed circular offers practical guidance to landlords, local authorities and other
agencies on the options available to tackle nuisance neighbours and anti-social behaviour. It
draws on the work of the Scottish Affairs Committee and research by Bannister and Scott. It
covers the nature and extent of the problem; the roles of agencies involved; developing a
policy; allocations; tenancy agreements; design and management measures; noise nuisance;
mediation; dealing with complaints; and legal remedies. The circular encourages a planned,


This report presents finding from a research project. Part one is a review of the literature on housing related crime on housing and crime and the assessment of costs and benefits. It provides a framework for evaluating crime prevention initiatives. Part 2 is a review of methods for assessing costs and benefits of crime. The report distinguished 5 types of crime prevention initiatives; design; management; security; social and policing measures. It gives examples of initiatives and highlights common features of successful schemes.

**HOUSING MANAGEMENT AND COMMUNITY CARE**


This guide describes a revised methodology for Personal Housing Plans developed for use with people with disabilities using the Disabled Persons Housing Service in Lothian. The guide advises staff how to carry out the interview and planning required to produce a Personal Housing Plan. It describes the use of statistical evidence gathered from Personal Housing Plans to create an information database for strategic planning.


This comprehensive handbook provides practical advice on managing and monitoring supported housing projects. It focuses on the elements that contribute to effective management of people, resources and service delivery with particular emphasis on performance and Best Value. Topics include Supported housing in context; the framework for supported housing; effective project planning; managing project resources; managing performance and resolving crises.


This report looks at the role of housing in relation to community care and examines factors such as planning, delivering and monitoring services. It adopts a national and local perspective and includes good practice case studies. Topics include the contribution of housing to community care; effective delivery of the housing aspects of community care; improving performance at the local level; the impact of the national framework; and ways forward.


Report of an action oriented research project into the tenant participation of people with community care needs. It raises a number of questions for policy makers and recommends a strategic way forward to increase participation.
Chartered Institute of Housing (1998) *Housing and Health, A Good Practice Briefing No. 13, Coventry: Chartered Institute of Housing*

This booklet provides good practice guidance on housing and health. It includes sections on housing and health links, working together, housing conditions, affordable warmth, home safety, homelessness, rehousing, and physical disability. Each chapter includes a short introduction to the topic, brief examples of good practice drawn from the CIH Good Practice Unit database, checklists for action, and guides to useful contacts and resources.


A book originally written to help local authority housing managers to prepare for Compulsory Competitive Tendering in relation to housing management services for people with particular needs in ordinary tenancies. It aims to identify the key questions to be asked and offer practical guidance in implementing the chosen approach. It is not a detailed manual for the introduction of CCT. The information in the guidance is based on a research project. Although the narrow focus of CCT has now been overtaken by Best Value and some aspects of the book are out-dated, the book remains relevant. It addresses issues which concern housing managers and continue to be relevant within both the stock transfer and Best Value environments, e.g. the scope of housing management and providing a caring service within a performance culture.


A report of research into the type of accommodation agreements used for supported accommodation in Scotland. It highlights the lack of security of tenure amongst tenants of supported accommodation.

Cox, S. (1999) *Home Solutions: Housing and Support for People with Dementia, London: Dementia Services Development Centre*

The report presents descriptive and factual information from a number of case studies of housing and support provision for people with dementia. The case studies cover a range of different styles of housing and support, including support in a person’s own home, support in a shared house, specialist dementia support with communal facilities and different types and levels of support on one site. Accompanying chapters address key good practice themes to arise from the case studies, housing and support solutions for people with dementia from black and ethnic minority communities and repair, renovation and adaptation to enable people with dementia to stay in ordinary housing.


A report of research into partnership working in 16 regeneration and community care partnerships in Scotland. It identifies the strengths and weaknesses and draws out key lessons for partnership working. Appendix I describes the detailed results from the community care partnerships.

Department of Social Security (1998) *Supporting People: A New Policy and Funding Framework for Support Services, Department of Social Security*

The Government’s proposals for a new policy and funding framework for supported accommodation. The proposals arose from the work of an inter-departmental review of
funding for supported accommodation. It sets out proposals for Transitional Housing Benefit and the single local authority controlled budget to be introduced in 2003. The paper lists possible sources of funding, which could be transferred to the single budget (par. 30). Appendix 2 describes the proposals for Scotland.

The report aims to stimulate debate, enhance good practice and help develop cohesive policies. It is based on the experience of Anchor Housing Association and other associations rather than pure research or detailed investigations. It addresses demands on sheltered housing to focus on the needs of people requiring care. It includes practical examples of changing practices in the following areas: selection, the role of the warden and housing manager, care service planning and models of care and the use of sheltered housing as a community resource.

The study builds on previous research, coupled with interviews and case studies, to review the extent to which links have been established between health authorities and housing departments. The research found that although inter-agency working between health and housing is recognised as important, it is in practice very limited. The report found a number of factors which inhibited links, including the different planning and bidding cycles of health and housing, tensions in funding arrangements, a lack of common understanding of the constraints and issues facing the professions and an increase in the number of organisations involved in social housing and care which has made it difficult to achieve a consistent approach. The researchers concluded that health; housing and social care agencies are slowly developing the expertise necessary to make inter-agency working effective. However, there is still much to learn. The study outlines the key factors to successful relationships.

A good practice manual for local housing authorities, housing associations and other housing providers on the provision and management of housing for people with HIV and AIDS. The good practice suggestions are based on a 2-year case study of the inter-relationship of housing and care provision, other research and experience in the field. The manual includes illustrative examples of good practice from the case studies. The report avoids being prescriptive. It outlines factors to be taken into account when making strategic and operational decisions and includes practical tools to assist in the development of local strategies. Checklists of key questions are provided throughout the report and a series of review charts at the end of the manual allows readers to audit current provision, plan and implement change.

This report looks at a project which was undertaken to investigate the changing role of sheltered housing staff, in particular the contribution they can make to community care enabling elderly people to maintain their independence. It provides background information on the changing role of sheltered housing and discusses some of the issues raised, such as job descriptions/procedures, professionalism, working with social services, training and joint assessment. It provides checklists for improving joint working with social services, hospital
discharge teams, GPs and community nurses. It also includes 5 case studies of innovative good practice.


This research was based in 5 case study areas. It found that disabled people were not involved in planning processes for housing and community care in any systematic way. In addition, the quality of information held by local authorities on the housing needs of disabled people was poor and rarely took account of the expressed views of disabled people. Most of the provision for disabled people in the 5 project areas was in segregated and institutionalised settings and support was tied to bricks and mortar provision, effectively denying disabled people choice on where and how they live. The researchers conclude that community care legislation has not improved local housing policy and provision and that improvements were unlikely while providers view disability as having a medical rather than social basis.


This textbook provides a definition of community care and outlines the legislative framework. It examines the development of community care policy, highlighting the reforms that have taken place in welfare services and community care following the publication of the Griffiths report in 1988. It describes the impact of restructuring on local authority social services departments and service users. It looks at approaches to collaborative working between care agencies, focusing on community care planning and joint commissioning. It discusses the role of housing in community care and comments on prospects for an integrated service. Community care policy and issues in other European countries are also assessed. The book concludes with comments on achievements and challenges for the future.


A guidance manual published by the NFHA for use by English Housing Associations in meeting the Housing Corporation performance standards. It was written by a specialist consultancy using policy and practice submissions from a range of housing associations. It provides practical guidance on the housing management functions involved in providing supported housing. It is divided into clear functional chapters (rent and service charge setting, selection and allocation, health and safety, dealing with emergencies, rent arrears and voids, welfare benefits, tenure and possession proceedings, tenants’ rights, maintenance, setting and monitoring performance standards, move-on and resettlement and equal opportunities). Each chapter includes information about general housing management practice within that function, any technical differences in providing that function for people with particular needs, a good practice checklist and a list of further references. The majority of each chapter is a description of good practice in general housing provision. The English context limits the potential use in Scotland however it is an interesting example of a style of guidance which would prevent people ‘re-inventing the wheel’ in getting basic services on the ground.


A publication offering practical advice for social landlords, and their partners, on how to meet the support needs of their tenants. It is based on the collection of a wide range of
information from landlords about the services they provide and how these are managed and funded. It provides practical examples of how social landlords have developed support services; the management structure for these services and the funding. The publication is set in the English context and the reader should be aware of any differences in legislation, regulation and funding mechanisms.


This report is based on a research project which evaluated sheltered housing and the role of the warden. It begins by discussing the changing nature of sheltered housing and the impact on the role of the warden. Previously, wardens were thought of as ‘good neighbours’ but this report discusses the role of the warden in housing management, tenant participation, care-co-ordination, assisting tenants with medication, coping with emergencies and working with care professionals. It also highlights the role of wardens in relation to community care: working with hospitals, GPs and social services and examines the role of wardens in community care assessments. Finally, the report identifies ways in which housing organisations can support wardens by providing relief cover, adequate training and support networks.

**Scottish Development Centre for Mental Health Services (1998) Developing Housing Services for People with Mental Health Problems, Edinburgh: Scottish Development Centre for Mental Health Services**

A detailed briefing paper which aims to provide information on the housing needs of people with mental health problems, possible service responses, and better understanding of housing issues. It promotes a community integration approach to housing for people with mental health problems and includes sections on planning, service development, operational issues and special needs. Throughout the paper examples from research and good practice are given to illustrate how agencies have tackled the issues discussed within the context of a local mental health service. The practical service examples provide useful references for good practice information.

**Scottish Federation of Housing Association (1993) Model Management Agreement, Edinburgh: SFHA**

This model agreement forms part of the Raising Standards in Housing guidance. It is directed at housing associations and co-operatives which intend to provide housing with support in partnership with other organisations, which have specialist care/support skills. The model is to be used by the housing association, as landlord, to delegate specific responsibilities to the partner care/support agency. It consists of the core agreement and a range of schedules to cover various aspects of a project’s operation. The core text is accompanied by guidance on use and interpretation.


A statement of the reviewed Scottish Homes policy on Care in the Community. The review builds on the report of the Scottish Affairs Committee in 1997 and other reports including the external evaluation of the policy in the same year. It describes progress made in community care since the original policy in 1993 but also describes the problems hindering housing’s contribution to community care planning and implementation. The review describes the key principles, which include ordinary housing, use of existing housing, encouraging the separation of housing and support, offering maximum housing rights and enabling people to stay put and the associated resource implications.
The guide puts the user at the centre of the process. It advocates a holistic approach to local policy development and a co-ordinated response to providing adaptations. It recognises adaptation as one way to provide ordinary housing for people with particular needs. It highlights links with housing management in identifying need, assessing need, maintaining adaptations and developing up to date and accurate information on adapted housing stock. The guide includes examples from practice with useful contact details for further information. The appendices include a useful summary of relevant information.

The Framework is written to assist staff in health, social work and housing agencies to develop a joint approach to the planning, commissioning and provision of integrated mental health services. It considers the service needs of people with severe and enduring mental health problems. It is based on current best local practice and aims to build on existing initiatives. The Framework document sets out government expectations in planning of mental health services, drawing on a range of best practice developed during recent years. It considers essential features of a local mental health strategy and developing and implementing an effective local strategy. The second matrix document describes 8 process factors, 6 core components of a service, and 8 clinical groups with particular needs.

This consultation paper sets out the Government’s plans for improving community care in Scotland. It briefly describes the context of community care provision. It looks at ways to provide better and quicker decision-making, examining the issues of partnerships with people who use services and their carers, clear strategic goals, reducing bureaucracy, and delegating financial responsibility. It discusses the aim of allowing people to be cared for at home, focusing on costs, range of services, rehabilitation teams, equipment, community alarms, and respite care. Examines the need for a stronger link between strategic decisions and local service delivery, looking at local planning, and organising and delivering services. Looks at the role of Best Value in assuring quality and effectiveness. Puts forward new proposals for joint working between agencies.

The guidance supplements and complements ‘Modernising Community Care: - An Agenda for Action’. The guidance is directed at the housing, social work and health agencies but will also be of interest to policy, planning and senior operational staff in statutory, voluntary and private sector agencies. It aims to assist agencies to overcome the administrative obstacles to co-operation on housing and community care and so work to a more inclusive society. It sets out general principles of good practice accompanied by suggested options for implementation. A range of illustrative examples of actual good practice in Scotland provides a useful source of further information. The guidance covers strategic planning, locality planning and joint working, implementation issues, assessment, hospital discharges, options for a home based approach, housing management arrangements for supported housing and monitoring and evaluation.
A government White Paper on improving health in Scotland. It describes 3 approaches to improving health by addressing life circumstances, life styles and particular health topics. In addressing life circumstances (chapter 3) the paper focuses on inequalities in health and the government strategies to address social inclusion. Housing is seen as an integral part of addressing health inequalities. Reference is made to New Housing Partnerships, the Warm Deal Initiative, Care and Repair Schemes, legislation to tackle neighbour nuisance, funding to tackle rough sleeping and investment in new housing. Both mental health and accidents and safety are included as particular health topics (Chapter 5)

This guide explains what a disability housing register (DHR) is and why they should be set up. It looks at the social model of disability and its relevance to DHRs and outlines the basic elements of different types of registers.

This guide is aimed at senior managers, policy makers, planners, middle managers and front line professionals in key agencies, including both local authorities and housing associations. It seeks to further the thinking on housing’s central role in community care. It offers practical advice on developing and implementing a co-ordinated housing and community care strategy supported by all key local agencies. The central theme is ‘Homes for Independent Living’ and it describes the key issues, questions for local discussion and options for the development of services and the future use of resources.

This book considers the findings on recent developments in housing and community care from 21 research projects carried out between 1993 and 1996. The research exposes some major problems and policy contradictions, as well as highlighting positive examples of services and organisational practice which have helped people to find suitable housing and support. The main problems are identified as unsuitable housing, the narrowness of community care needs assessment and the lack of independent sources of information and advice. The report suggests that there should be a major housing initiative in supported independent living and social integration. National guidance should be issued on the kinds of preventive housing and support services to be included in local strategies. The report concludes that access to information and funding mechanisms are crucial to the development of housing and support.

The main aim of the report is to explore the resource implications of different approaches to providing housing and support services. The research focused on the shift away from offering intensive support in an institutional setting to more personalised services in ordinary housing. The study is exploratory and is based on detailed examples of individual schemes rather than large scale survey data. Although a study of English supported housing schemes, it is relevant to the Scottish environment. It is a useful document for housing managers
wishing to develop supported housing arrangements either through their own organisation or in partnership with care providers. It describes the range of provision, the lack of a systematic approach to costing of services, the complexity of funding, the potential inefficiencies in institutional services unable to respond flexibly to individual support needs and the financial implications for service users of the current forms of funding.

MANAGING MIXED TENURE HOUSING

This report is based on the contention that the current legal frameworks for flat ownership in Scotland, England and Wales impede effective management and are in urgent need of reform. Drawing on an examination of the legal systems of Australia, France and the USA, this report identifies approaches which could usefully be incorporated within such reformed frameworks.

Brown, M. (1997); *Neighbour Disputes in Mixed Tenure Estates*; Postgraduate Housing Diploma Dissertation (unpublished), Centre for Housing Research & Urban Studies, University of Glasgow
This study investigates how disputes between tenants and owners are handled by social landlords and discusses management options available in this context. Also identifies ‘good practice’ and discusses emerging approaches.

Although drawn up in the context of a differing legal framework, this guide has some limited relevance to the management of mixed tenure areas in Scotland. Issues covered include the information which should be provided to purchasers at the point of purchase, the apportionment of costs across blocks in mixed ownership, and good practice on consultation of owners about work to be carried out on mixed tenure blocks.

Drawing on the results of the 1996 Scottish House Condition Survey (SHCS), this report analyses the condition of former Right to Buy (RTB) homes relative to other properties in the owner occupied sector and to remaining local authority stock. Focusing on a number of case study local authorities, the report also examines approaches to facilitating repair and maintenance of former RTB homes, especially those where common building elements are shared between owners. The report sets out a number of good practice recommendations, mainly aimed at local authorities and RSLs. The scope of these includes Deeds of Conditions, factoring, collective decision-making, information provision and alternative sources of finance.

Based on a limited number of case studies, this report highlighted the potential problems for the future arising from the fragmentation of ownership of formerly publicly owned blocks.
highlighted the defects of the current legal framework for flat ownership in Scotland and discussed methods adopted to address these difficulties in some instances.

The guide sets out the legal and regulatory requirements that govern the management of property occupied on long leases and suggests good practice for social landlords. It deals with all forms of leasehold including shared ownership and Right to Buy leaseholds, and addresses consultation requirements, levying service charges, how to tackle major repairs and improvements and managing the sales process as well as providing guidance on corporate and organisational matters.

Discusses findings of research on the role of local authorities in maintaining property sold to former tenants. Examines some of the issues raised including the relationship between owners and the council; the need to provide owners with information about their responsibilities; arrangements for consulting owners; management standards in factoring properties; arrangements for building insurance for owners. Comments on significant lack of good practice among Scottish LAs and makes recommendations for changes to managerial practice as well as to the legal structure of flat ownership.

Early assessment of management and maintenance issues arising from the growing number of SSHA properties being sold to sitting tenants. Considers the extent to which it is reasonable for owners to fall under an obligation to accept the factoring service provided by their former landlord, as well as operational matters such as procedures for consultation with owners in mixed tenure estates where major works are planned.

Welsh, J. (1999); *In a Fix: The Views and Experiences of Owner Occupiers in Scotland Sharing Common Repairs Responsibilities with the Council*; Glasgow: Scottish Consumer Council
Report based on a postal survey of 873 owner occupiers living in ex-RTB properties purchased from 6 local authorities. Survey examines respondents’ perceptions of local authority performance as a vendor (provision of information), as a factor, and in the management of common repairs. Issues such as arrangements for property insurance are also covered. The report paints a very negative picture of the local authorities involved, suggesting that they need to take much more seriously their responsibilities towards owners with whom repairs responsibilities are shared.

An examination of the ways in which landlords collaborate in the context of multi-landlord estates, including the role of external agencies which often help to broker such partnerships. Identifies potential benefits of co-operation between landlords and implications for the organisation of tenant representation in such circumstances.
Housing Advice Services

Age Concern Scotland (1998) Housing Advice and Information for Older People, Edinburgh: Age Concern Scotland
This publication offers a user perspective of the main housing problems facing older people and also seeks to clarify what housing information and advice services are available to older people. It identifies particular groups of older people who may have specific problems in accessing housing advice, such as minority ethnic older people, older homeowners, and disabled or housebound older people. Finally, it assesses the need for improved access to information services and housing advice for the elderly, and identifies alternative ways of providing such information.

This research was commissioned by Scottish Homes to provide a standards manual. It was based on a survey of 200 providers and 25 individual interviews and was overseen by a working party of providers in the statutory, voluntary and private sectors. The manual defines housing advice as primary work and follow up work. It sets out standards for the management of advice services including planning and review, treatment of users, management issues, case management, information resources, managing people and training needs. It includes checklists for agencies to assess their compliance with the standards. The overall aim of the standards is to ensure basic good management practice and, as such, the standards are applicable to a wide range of organisations.

This research examined the housing problems of ex-prisoners in England. The research involved: interviews with prisoners and ex-prisoners and interviews with professionals helping prisoners to maintain or to find accommodation. The research found that housing information in prisons was designed both to help prisoners retain their previous accommodation and enable them to find new accommodation where necessary. However, the provision of information varied widely in the 4 prisons studied. Many prisoners were disinclined to ask for help and there was confusion about responsibilities among staff. No written guidance or procedures relating to housing advice were located.

This report sought to investigate why personal housing plans had not been adopted more widely in rural areas and identify the barriers to more widespread use. The research was based on interviews with both users and non-users. The research found that PHPs could be used both for finding housing solutions for individuals and for providing information for planning purposes. Although the use of PHPs was confined to a few rural areas, the technique could be much more widely used. While non-users appreciated the potential benefits, the main difficulties were perceived to be cost related. The authors recommended that the technique should be streamlined for use by front-line staff and targeted on particular groups. Costs would then be substantially reduced.
This report is on a DoE study into patterns of housing advice services (in England and Wales) which was designed to assess the benefits of different models of advice provision in the local authority and voluntary sectors. It describes the organisation of housing advice services in local government, and the nature of advice provision by voluntary organisations. It examines the client profile of housing advice services, and how accessible services are to them. It discusses collaboration and networking between providers of housing advice, funding sources and spending patterns of providers, and their monitoring, evaluation and quality systems. Provides pointers towards good practice.

This guide is aimed at front-line housing workers and policy makers in housing organisations. The guide was based on interviews and detailed questionnaires and followed a study into the housing needs of people with a visual impairment. The guide covers definitions of sight defects and disability, legislation, access to information, access to buildings, assessing housing needs, letting properties, service provision and awareness training for staff. It includes good practice recommendations and good practice examples. The guide would provide any housing organisation with practical guidance on how to improve the service they offer to people with a serious sight problem.

This paper aimed to examine housing advice services in 3 local areas in order to produce a guide to housing rights of disabled people. It was based on a small number of interviews with disabled people and interviews with housing officers, advisers and occupational therapists. The research found that there was little evidence of local authority policies to provide advice for people with a disability and that most advice came from occupational therapists. Although there were a number of local advice groups, their resources were limited and there was a lack of published advice on housing options available. The report recommended that written advice should be produced and made a number of recommendations about local housing advice strategies to assist people with a disability.

This study involved a range of research methods including a provider's survey, a users survey, focus groups, in-depth interviews and mystery shoppers. The chapters report the findings from each of the research areas and provide a snap-shot of existing housing information and advice services and the experience of the people who used them in the mid 1990s. The research found that, for providers, the biggest gaps in provisions were access to sources of information and knowledge of other agencies. Users were most concerned with the way that their enquiries were handled. The section on housing advice needs of specific groups found that, for many groups, there was a lack of independent, comprehensive and expert sources of information. The mystery shopper exercise confirmed that there were difficulties in getting thorough to the right person in many organisations and advice offered was sometimes misleading. The report recommended that agencies providing advice and information should be encouraged to undertake regular evaluations of their services.

This summarises the findings of a survey of local authorities and voluntary organisations which was carried out to review their housing advice services. It describes the direct housing advice work of local authorities, and provides case studies. It outlines the work of 6 types of voluntary organisations in housing advice. It discusses the different advice roles, types of housing advice and funding arrangements. It considers the issue of national advice networks, and the idea of housing advice strategies. It also assesses the nature and quality of advice provided by local authorities and voluntary organisations, and makes recommendations for national and local policy makers.


This report argues that all social housing providers should make a commitment to ensuring that good quality, independent advice is available to both tenants and applicants. It discusses a variety of models of provision and funding mechanisms, and the costs and benefits of each approach. It is based mainly in England, where, unlike Scotland, there is a legal duty on social landlords to provide housing advice. However, most of the good practice guidance it contains is equally relevant here. It examines a range of areas in detail, such as: preparing housing advice strategies; the role of advice in preventing homelessness; the provision of advice on social housing, the private rented sector, home ownership and debt; whether to provide an in-house or independent advice service; and how to ensure the quality of services. It includes examples of good practice work currently being done by local authorities, housing associations and independent agencies throughout the UK.


This book is aimed at lay advisors, and legal practitioners, who deal with aspects of relationship breakdown. Unfortunately, it only provides a summary of English legislation and case law. However, the book does discuss a number of issues which are relevant in Scotland including the provision of housing advice. It includes examples of good practice on housing management issues and the role of the advice worker in a case involving relationship breakdown.


This study of blind an partially sighted people aimed to identify the range of advice available, assess its accessibility and relevance and highlight examples of good practice. The study involved a survey of providers, focus groups with a range of people with visual impairments and individual interviews with representatives form advice agencies. The study found that, while people with a visual impairment prefer to use local agencies, generalist services were not geared up to respond. The authors recommend a number of ways of providing effective advice services for visually impaired people. These included physical accessibility, home visits, telephone services and web-sites.

Rural Housing Services (1995) *Personal Housing Plans; A New Housing Technique*, Edinburgh: Scottish Homes

This report outlines a research project designed by Rural Housing Services and piloted in Skye and Lochalsh. The aim of the technique was to develop a personal housing plan for individuals, based on an in-depth interview with applicants about their needs, aspirations,
preferences, options and affordability. The authors report that the technique produced rich dividends for both clients and housing agencies in the area and could be transferred to other rural areas.

This survey provides feedback on how housing information and advice services are performing based on: a survey of users of the services; interviews and focus groups; a survey of service providers; and a mystery shopper exercise. A list of the main topics of advice sought is provided. Areas requiring improvement are identified.

The aim of this research was to examine the requirements for housing education in schools. The methods included individual and focus group interviews with educationalists and young people and an appraisal of the literature and existing teacher resources. The report presents findings on young peoples understanding of housing issues and educationalists perspectives. The authors then identify areas in the school curriculum where housing issues might be explored and recommend a cross-curricular approach. They examine existing resources and identify a need for specific and up-to-date resources and a pilot Housing in Education project.

**ENERGY EFFICIENCY**

This research report investigates the reasons why English local authorities energy efficiency strategies have been so varied and why a significant minority failed to meet the HEE Act’s statutory obligations. Best strategies were related to: presence of a specialist lead officer, time given to lead officers to work on the strategy; experience by an authority of energy efficiency work prior to the act; backing from chief officers and members - linked to a commitment by members to action on fuel poverty. The report concluded that lack of resources was a barrier to successful implementation of strategies and proposed more funds from government and possibly levies on public utilities for ‘seed funding’ projects, better inter-departmental co-operation in authorities, better liaison between authorities and greater support from central government by national campaigns and by placing a duty on utilities to supply data to authorities free of charge.

The book provides an over-arching perspective on the relationship between housing and the environment. It presents analysis and debate on a wide range of issues including the greening of housing policy, energy efficiency and social inequality, environmental assessment and the development process, and the European dimension of housing and environmental policy. Of particular interest are chapters on local authority housing/strategies and their relationship with environmental policy. Brown highlights best practice by Leicester City Council while Brooke's reviews the relationship between Glasgow City Council’s urban regeneration programme and its energy strategy Glasgow Action for Warm Homes. An important
contribution by Boardman analyses social inequalities in achieving affordable warmth by lower income households.

The document brings together findings of 2 studies carried out in 1994 for the Scottish Office Environment Department on the effectiveness of energy efficiency measures used in housing refurbishment and new build. It is based on a sample of schemes in which energy efficiency measures were implemented. The paper presents the main findings of the studies, identifies other energy efficiency options available and provides references to inform the development of energy efficiency strategies in local authorities. The studies found that simple measures such as loft insulation and cavity wall insulation were generally cost-effective. More advanced measures, such as multiple glazing and external insulation were less cost-effective. However, they did provide secondary benefits.

This report describes how to confront the problems of low-income families living in homes with inadequate heating. It examines how much tenants can afford to spend on heating and how to achieve levels of insulation and heating within cost targets. Guidance is given on carrying out energy surveys and developing an affordable warmth programme.

This book presents a wide-ranging review of contemporary research that has been undertaken into the relationship between housing conditions and the health of occupants and examines the links between research findings and policy implementation. Methodological issues are discussed in the first part of the book, followed by a series of studies of specific health and housing issues such as asthmatic conditions, excessive warmth and cold in houses and high rise housing and mental health. The final section widens the debate to consider the implications of health and housing research for current and emerging policies including designing to avoid disease, constructing houses to minimise pollution and improve the environment and policies to achieve affordable warmth.

**Chartered Institute of Housing (1996) Energy Efficiency, Good Practice Briefing No.6, Coventry: Chartered Institute of Housing**
This booklet provides advice to landlords on achieving energy efficiency. The briefing is based on work carried out by BRECSU and is based on a series on checklists, with brief good practice examples. It discusses corporate energy efficiency strategies, energy advice, tenant involvement, the Home Energy Conservation Act, energy rating and energy improvements.

**Chartered Institute of Housing (1998) Housing and Health: Good Practice Briefing No. 13, Coventry: Chartered Institute of Housing**
This short guide summarises the role and contribution of social landlords in promoting and improving the health of their tenants and other residents. One section briefly covers affordable warmth and notes that effective action depends on both technical improvements and energy advice. A checklist summarises the key elements of an affordable warmth strategy.

This report examines the efficiency and effectiveness of the HEES. It examines the impact of the scheme on energy efficiency and increased warmth and comfort, its impact on job and training, the cost efficiency of the scheme, installer selection, time taken to execute works and pay claims, the cost of works under the scheme and of insulation work. A list of recommendations is made for improvements to the scheme.


This short guide is part of the DOE Energy Efficiency Good Practice Programme. It offers general advice on setting energy advice objectives, strategy and policy and implementation. Funding sources are expected to be from existing budgets. It is largely superseded by the more detailed documentation in the 1997 DOE Good Practice Guide 82 on *Energy Efficiency in Housing - Guidance for Local Authorities* (see section 6: Awareness Raising, Advice and Education).


This guide is aimed at senior local authority managers and presents detailed advice and good practice case studies on developing and managing energy efficiency strategies. It emphasises the co-ordinating responsibilities of local authorities under the HECA 1995, the importance of addressing public and private sector needs and the social as well as environmental benefits of effective strategies. The guidance adopts a sequential process describing how to set the broad policy framework, review existing programmes and knowledge, develop action programmes, tap different funding sources, develop methods of raising awareness, education and advice-giving, establish management systems based on the EMAS model and finally, monitor, audit and report findings. *General Information Note 82* provides a summary of the guide.


This guide assists local authorities in implementing a strategy for providing energy advice. It covers successful marketing techniques, how to motivate the public and reach different audiences (children, fuel-efficient households and low-income households), ways in which local authorities can act to improve energy efficiency and how surveys can be used to focus and support energy efficiency programmes.


This research report provides an important insight to how successfully English local authorities have responded to their responsibilities as energy conservation authorities under the Home Energy Conservation Act 1995. The overall findings are disappointing. Commitments in principle are too often not translated into action, energy work is under-resourced and senior management does often not back up the enthusiasm of lead officers. The researchers recommend that the Department give every energy conservation authority an annual budget of £40,000 to fund a dedicated HECA officer plus substantial training of other staff. Data collection and monitoring, or its lack, is seen as a major weakness and the Department is advised to boost its guidance in this area. Another major problem is the lack of an integrated approach by most authorities to implementation of energy
efficiency work in their own stock and a failure by most authorities to actively promote a full package of measures for private owners.

The paper provides housing associations and co-operatives with a basic guide to the key issues around home energy efficiency from development and management perspectives. It presents 2 housing association case studies of designing energy efficient housing and summarises different measures of energy efficiency, rating systems, benefit entitlement, the home energy efficiency scheme, staff training and tenant training on operating new heating systems.

This national survey of the Scottish housing stock contains 3 chapters relevant to energy efficiency: dampness and condensation, disrepair and repairs costs, and energy efficiency. The latter chapter provides the first national data on a range of home energy topics: mean NHER and SAP levels, total CO2 household emissions per annum, levels of provision of central heating, insulation and double glazing, household satisfaction with warmth levels, household energy expenditure patterns and the relationship of income to energy expenditure. Of particular value is the profile of each of these topics by type, age and size of dwelling, tenure, household type and size, head of household employment status and household income.

The Home Energy Conservation Act 1995 makes all local authorities in Scotland responsible for energy conservation. It requires them to prepare reports which will lead to significant improvement in energy efficiency in all tenures. The circular gives advice and guidance on implementation. It covers assessment and strategies; measuring improvement; energy conservation measures (including advice and education) and submission of energy efficiency reports. The appendices include useful information such as costs and payback periods, energy saving tips and sources of advice and assistance. There is a useful inventory of publications on energy efficiency.

This guide provides a Scottish perspective on the development and implementation of energy efficiency strategies in accordance with the Home Energy Conservation Act 1995. Its stated intention is not to present prescriptive guidance to local authorities as energy conservation authorities, but to set out the options and approaches they can consider to meet their energy efficiency improvement targets. It draws on the findings of local authorities' first reports submitted to the Scottish Office, examples of good local authority practice and guidance already provided to English authorities by the DOE in the mid 1990s. It emphasises the need for local authorities to think about all tenures not only their own stock and to build inter-departmental and -agency partnerships to achieve their objectives. It covers policy setting, leadership and management, review of existing energy conservation measures, examples of action programmes, monitoring and possible funding sources.

This guide provides a practical introduction to energy efficiency for housing professionals. It presents a broad examination of the benefits of energy efficiency investment, explores some of the myths about energy efficiency that have prevented it being accorded priority in British housing policy. Numerous case studies are included to show the benefits that have accrued to social landlords and tenants in building or renovating to provide energy efficient housing. The key section of the guide is a framework for an energy efficiency strategy and a 10 point action plan for its production and implementation.


This report presents the findings of a research study of the effectiveness of energy advice to householders. Energy advice, based on “best practice” was given to 100 tenant households and subsequent energy usage and household behaviour compared with that of 2 control groups. Over a 2 year monitoring period, no differences could be discerned between those who received advice and those who did not. The conclusion was that, where the advice is not linked to improvements, there is little potential for increasing energy efficiency through energy advice aimed at changing the behaviour of tenants in this kind of housing. It was suggested that spin-off benefits could accrue if energy advice work was part of the general duties of housing staff. The report includes details of the energy advice checklist used and the educational leaflets used.

HOUSING MANAGEMENT AND REGENERATION


This study was based on a literature review and interviews. It discusses the experience of poverty and social exclusion for different groups and presents statistical evidence on the disadvantage experienced by minority ethnic groups and women. It describes recent trends in urban policy and provides case studies of initiatives which have placed race and gender central to their strategies. The researchers identify steps towards better practice including community profiling; consultation, targets and outputs and evaluation. They conclude that diversity must be recognised and used positively in regeneration strategies.


This guide provides aims to provide an understanding of the poverty debate and identify housing initiatives to tackle the effects of poverty. It analyses the causes and effects of poverty; discusses local strategic policy and partnerships; describes the housing management initiatives and examines resourcing issues. It concludes with a discussion of future directions. The book has greater width than depth but it provides references for further reading and provides a useful introduction to wider action initiatives.
This report explores the potential and limits of self-help and mutual aid. It details the various forms of self-help including: local exchange trading schemes, allotments, community protection schemes and informal savings clubs. The review identifies 3 key ways in which mutual aid schemes can be used; direct solutions to problems; a springboard into the mainstream or an alternative to mainstream provision. The researchers identify lessons for policy makers but conclude that the most effective initiatives are likely to come through support for organisations in the community rather than formal intervention.

Chapman, M. (1998) *Effective Partnership Working; Good Practice Note No, 1*, Edinburgh: Scottish Office Central Research Unit
The aim of the guide is to aid organisations to gain a better understanding of partnership working. It covers the foundations of partnership working; structure of partnerships; function of partnerships; resource needs, involving the community, monitoring and evaluation and continuation strategy. It concludes that partnerships are complex and difficult to maintain but, when working effectively, can make a significant contribution to long-term regeneration. A number of key lessons and stages of partnership building are identified.

The report details the finding of a research project which monitored a regeneration initiative on a problem housing estate in York over a 3 year period. The project found that the initiative had improved resident satisfaction, service delivery and crime rates. The Estate Agreement had helped to maintain tenant participation and provide for inter-agency involvement. The researchers conclude that the model would be adaptable to other small estates.

This report discusses the impact of stigma and its contribution to image problems on housing estates. It examines the perceptions of residents and stakeholders in 3 housing estates and considers how the image of such estates can be positively managed and changed. It argues that image management should be a central part of estate regeneration.

This guide is aimed at those working in urban and rural regeneration partnerships. It discusses ways of involving young people, ethnic minorities and faith communities in regeneration; and methods for involving the community in both local and local authority-wide programmes.

This research involved 12 detailed case studies of urban regeneration initiatives. It discusses the emergence of a youth focus in regeneration, mechanisms for involving young people and young peoples' experiences of involvement. The study found a wide range of projects which were aimed at young people, such as youth forums, youth representatives on partnership boards and delegated budgets for youth groups. The report concludes with a number of recommendations for successful participation.
This study was based on case studies of 5 housing associations involved in ‘Housing Plus’. The evaluation was based on a series of interviews. The initiatives developed included facilities for young children; activities for older children and teenagers; working with elders; community safety initiatives; employment and training; environmental and physical improvements and letting policies. It discusses the development and implementation of the schemes and outlines the key stages. The report concludes that, although the full impact will not emerge for several years, there are already clear perceptions of change among many tenants.

http://www.housing.detr.gov.uk/research/lasts/index.htm
This good practice guide is based on research in 18 estates. It discusses the stages in an estate regeneration programme, including getting started, designing the programme, recruiting partners, involving tenants, managing contractors and achieving sustainability.

The report is based on research into the effectiveness of the PEP approach to managing problem estates. It provides a definition of ‘problem estates’ and outlines the PEP prescription. Following a description of the estates studied, the report evaluates the implementation of decentralisation and the outcomes. It concludes that PEP approach did succeed in improving the standards of the housing service and tenant satisfaction. However, it notes that estate based management alone is not sufficient to combat housing and social decay in deprived areas.

This book includes a collection of articles describing different types of ‘problem’ estates, the kinds of problems that occur and ways of tackling and resolving the problems. Topics covered include: estate regeneration, tenant participation and community involvement, areas of research, aspects of design, design against crime, security, environmental improvements, measures for tackling anti-social behaviour, partnership approaches, community heating and energy conservation measures, the Home Energy Conservation Act, Estate Renewal Challenge Fund, deprivation problems, housing association involvement, and housing action trusts.

The research was based on 10 detailed case studies of regeneration initiatives, including both Scottish and English examples. The report discusses the changing policy climate concerning community involvement and arguments for and against the approach. The case study examples are used to consider the partnership process and the problems which may arise. The impact of community participation is then discussed. The report concludes with a number of key lessons for capacity building for active involvement.
This report is based on a literature search, questionnaire, seminars and 2 case studies. It discusses the training and learning needs of all participants in regeneration, outlines the current training provision and examines the role of accreditation and progression routes. The report concludes that there is a need for co-ordination and a national framework of training provision. It makes a number of recommendations to improve provision.

This report aims to determine whether inequality has increased in Britain, whether the resulting deprivation is persistent and to assess the role of social housing is in the process. After reviewing the trends, it concludes that inequality has increased. It also argues that targeting letting on those in greatest need has concentrated disadvantage in the social housing sector. The report discusses ways of combating social exclusion and suggests that this needs a sustained and coherent strategy, in partnership with other organisations.

This guide examines the role that housing organisations can play in economic regeneration in the localities they serve. It argues that housing associations can contribute to economic regeneration both through their activities and through contribution of their expertise. It identifies potential employment and training opportunities and provides examples of successful approaches. It suggests that there are opportunities in repair and maintenance work, the development and management of workspaces and schemes to enhance the skills of local people. However, it stresses that associations must work in partnership to maximise resources.

http://www.housing.detr.gov.uk/local/pats5/index.htm
This report is part of the Social Exclusion Unit series on neighbourhood renewal. It was based on visits, commissioned research and seminars with tenants, practitioners and academics. The report concludes that 'on the spot' housing management can make an important contribution to combating social exclusion. The report identifies 3 main models of local housing management. It outlines key features of 'good' housing management and discusses the role of caretakers, tenant involvement, allocations, race equality policies and the role of the housing manager.

This short guide sets out the core ethos of the PEP model, based on 7 years of PEP work. It sets out the ten key points of the model including a local office, local service delivery, resident involvement, trained staff and local budgets.

This report explains the Housing Plus concept and looks at some of its activities. It describes housing association support for Housing Plus and 3 core roles for associations: providers of a quality service, organisers, and partners in regeneration initiatives. It describes how
associations can promote Housing Plus through: improving services; providing facilities; tenant involvement; security measures; involving young people; staff training; job opportunities for residents; jobs and enterprise; care in the community; using empty property and developing partnerships. It gives brief case study examples of each. Finally, the report considers the future and sets out a number of proposals for the future of Housing Plus.

http://www.cabinet-office.gov.uk.seu
This report sets out the steps towards a national strategy for tackling poor neighbourhoods. It describes the work already underway in the New Deal programmes for the unemployed, lone parents and the disabled, and also the Government’s actions on failing schools, crime reduction and public health. It considers some of the proposed new funding programmes which will support the regeneration of poor neighbourhoods, in particular the New Deal for Communities, the next round of the Single Regeneration Budget and Sure Start. It outlines the work of 18 new cross-cutting government action teams in tackling unemployment, improving neighbourhoods and housing, providing help for children at risk of social exclusion and providing access to affordable food and basic financial services. The appendix provides a checklist for the key elements of a neighbourhood management scheme.

This report is based on a postal survey of 200 organisations in the UK which employ residents and interviews in case study organisations. In France consultations were held with national bodies to select 2 case studies. The report discusses the experiences of the regies de quartier schemes in France and similar organisations in the UK. It identifies a number of services which could be delivered by resident employees including cleaning, caretaking and repairs and maintenance. It suggests that Tenant Management Organisations could build on their expertise to offer such services. The report sets out the key stages in the establishment of an RSO and identifies the key characteristics. The research concludes that changes in national policy would be required to provide a more favourable climate for RSOs and sets outs recommendations on this.

Taylor, M (1995) Unleashing the Potential; Bringing Residents to the Centre of Regeneration, York; Joseph Rowntree Foundation
This report is draws on 33 studies carried out under the Action on Estates programme for the Joseph Rowntree Foundation. It examines resident involvement in estate regeneration and concludes that sustainable regeneration is based on a strategic approach; resident involvement; support for participation; locally administered services; access to economic opportunities ; new forms of partnership and the development of community-based organisations. It suggests the need for national policies and central government resources with leadership at ministerial level.

Thake, S (1995) Staying the Course: The Role and Structures of Community Regeneration Organisations, York; York Publishing Services
This study examined 20 community regeneration organisations in 10 UK cities. The report identifies the range, origins and histories of various types of community regeneration organisations, including housing associations and housing trusts. It discusses the scope their activities, including youth work, community education, skills training, crime prevention, housing management and development, health projects and community care. The research
found that the most significant contributions have been the development of local economic
development strategies and community support programmes. The key factor in their success
was found to be entrepreneurial skills - transforming neglected assets - land; buildings,
money and people through partnerships and alliances. The research concludes that this, along
with accountability and control through effective governing bodies, is essential.

The report examines approaches to the problems of multiple deprivation found on the poorest
estates. It was based on a questionnaire survey and 7 case studies. The report begins by
outlining the problems found on ‘difficult’ estates and summaries previous policy initiatives.
It then summaries the main findings from the research and sets out a number of
recommendations. It includes a useful inventory of further reading on the topic and provides
brief descriptions of the case study estates.
REFERENCES

Age Concern Scotland (1998) Housing advice and information for older people, Edinburgh: Age Concern Scotland
Atkinson, R., Mullen, T. and Scott, S. (forthcoming) Legal Remedies for Anti-social Behaviour, Edinburgh: Scottish Executive
Audit Commission (1986a) Managing the Crisis in Council Housing, London: Audit Commission
Audit Commission (1986b) Improving Council House Maintenance, London: Audit Commission
Audit Commission (1989) Housing the Homeless: The Local Authority Role, London: Audit Commission
Audit Commission (1998b) A Measure of Support: Good Practice in Managing Supported Housing, London: Audit Commission
Bannister, J. and Scott, S. (2000) Is It Worth It?: The Feasibility of Assessing the Cost-Effectiveness of Remedies to Deal with Anti-Social Behaviour, Glasgow: Department of Urban Studies, University of Glasgow


233


Chartered Institute of Housing (1995a) *Making the Best Use of the Social Rented Stock; Good Practice Briefing No. 2*, Coventry: Chartered Institute of Housing

Chartered Institute of Housing (1995b) *Neighbour Nuisance: Ending the Nightmare, Good Practice Briefing No. 3*, Coventry: Chartered Institute of Housing

Chartered Institute of Housing (1996a) *Day-to-Day Repairs, Good Practice Briefing Issue 5*, Coventry: Chartered Institute of Housing

Chartered Institute of Housing (1996b) *Energy Efficiency, Good Practice Briefing No. 6*, Coventry: Chartered Institute of Housing

Chartered Institute of Housing (1996c) *Housing Benefit, Good Practice Briefing No.4*, Coventry: Chartered Institute of Housing

Chartered Institute of Housing (1997a) *Rents and Service Charges, Good Practice Briefing No. 11*, Coventry: Chartered Institute of Housing

Chartered Institute of Housing (1997b) *Planned Maintenance and Improvements, Good Practice Briefing Issue 9*, Coventry: Chartered Institute of Housing

Chartered Institute of Housing (1997c) *Taking Care of Estates, Good Practice Briefing No.8*, Coventry: Chartered Institute of Housing

Chartered Institute of Housing (1998a) *Housing and Health: Good Practice Briefing No. 13*, Coventry: Chartered Institute of Housing

Chartered Institute of Housing (1998b) *Community Regeneration: Good Practice Briefing No. 12*, Coventry: Chartered Institute of Housing

Chartered Institute of Housing (1999a) *Housing Management Standards Manual*, Coventry: Chartered Institute of Housing

Chartered Institute of Housing (1999b) *Resident Involvement in Housing Services: Good Practice Briefing No. 15*, Coventry: Chartered Institute of Housing


Clapham D. and Franklin, B. (1994b) *Housing Management, Community Care and Competitive Tendering*, Coventry: Chartered Institute of Housing


Department of Environment (1995b) *Local Authority Leasehold Flats; A Guide to Good Practice on the Administration of Service Charges and Improvement Contributions*, London: Department of Environment


Department of Health (1989) *Caring for People: Community Care in the Next Decade and Beyond*, London: HMSO


Hoffman Research Company and Glasgow Caledonian University (1999) Research and Development of Computer Based Housing Information, Edinburgh: Scottish Homes


HomePoint (1999) Housing Information and Advice News Issue 24, Edinburgh: Scottish Homes


Hope, T (1997) ‘Crime - the local solution?’, Social Sciences 34, p.4

Housing Corporation (1999) A guide to starter tenancies for RSLs, London: Housing Corporation
Housing Corporation/Audit Commission (1995) Homing in on Performance; Social Housing Performance in 1994 compared, Bristol: Housing Corporation/Audit Commission
Housing Management Advisory Panel for Wales (1991) Making Good? Quality of Service Standards in day-to-day repairs, Cardiff: HNAPW
Housing Policy and Practice Unit (1993) Good Practice in Housing Management Note 1: Rent Collection and Accounting, Edinburgh: Scottish Office
Housing Policy and Practice Unit (1994a) Good Practice in Housing Management: Tenant Participation; Good Practice Note 4, Edinburgh: Scottish Office
Housing Policy and Practice Unit (1994c) Good Practice in Housing Management Note 2: Rent Arrears, Edinburgh: Scottish Office
Housing Policy and Practice Unit (1995) Good Practice in Housing Management: Good Practice Note 5, Tenancy Management, Edinburgh: Scottish Office
Housing Policy and Practice Unit and School of Planning and Housing (1994b) Good Practice in Housing Management: Void Management Good Practice Note No. 3, Edinburgh: Scottish Office
Hutchinson, T. and Brown, B. (1999) ‘Head to Head: Everyone Seems to Agree that Tenant Participation is a Good Thing but is it Working?’, Housing, September
Institute of Housing and Tenant Participation Advisory Service (1989) Tenant Participation in Housing Management, Coventry and Salford: Institute of Housing and TPAS

240


Mackay, R., Moody, S. and Walker, F. (1994) *Neighbour Disputes in the Criminal Justice System*, Edinburgh: Scottish Office Central Research Unit


McCluskey, J (1997) *Where there's a will ...: Developing single homelessness strategies*, London: CHAR


Nixon J., Hunter C., Shayer S. (1999) *The Use of Legal Remedies by Social Landlords to Deal with Neighbour Nuisance, CRESR Paper No. H8*, Sheffield; Sheffield Hallam University


Safe Neighbourhoods Unit (1985) After Entryphones, London: Safe Neighbourhoods Unit
School of Planning and Housing (1996) Good Practice in Housing Management – Nomination Arrangements. Good Practice Note 6, Edinburgh: Scottish Office
Scottish Development Centre for Mental Health Services (1998) Developing Housing Services for People with Mental Health Problems, Edinburgh: Scottish Development Centre for Mental Health Services
Scottish Executive Development Department (1999) A New Single Social Housing Tenancy for Scotland: Rights, Obligations and Opportunities, Edinburgh: Scottish Executive
Scottish Federation of Housing Associations (1992) Model Lease, Edinburgh: SFHA
Scottish Federation of Housing Associations (1992) Model Occupancy Agreement, Edinburgh: Scottish Federation of Housing Associations
Scottish Federation of Housing Associations (1993a) Homelessness: The Role of Housing Associations and Co-operatives, Edinburgh: Scottish Federation of Housing Associations
Scottish Federation of Housing Associations (1993b) Briefing Paper No. 4: Community Care, Edinburgh: Scottish Federation of Housing Associations
Scottish Federation of Housing Associations (1993c) Model Management Agreement, Edinburgh: Scottish Federation of Housing Associations
Scottish Federation of Housing Associations (1997a) Model Assured Tenancy Agreement, Edinburgh: Scottish Federation of Housing Associations
Scottish Federation of Housing Associations (1997b) Planned Maintenance and Repairs: Guidance Booklet No. 3 (revised), Edinburgh: Scottish Federation of Housing Associations
Scottish Federation of Housing Associations (1999) Raising Standards in Housing, Edinburgh: Scottish Federation of Housing Associations
Scottish Federation of Housing Associations and Scottish Homes (1996) Performance Standards for Housing Associations, Edinburgh: SFHA and Scottish Homes
Scottish Federation of Housing Associations and Scottish Homes (1999) Performance Standards for Registered Social Landlords, Edinburgh: SFHA and Scottish Homes
Scottish Homes (1992) Maintenance and Major Repairs, Guidance Note SHGN92/01, Edinburgh: Scottish Homes
Scottish Homes (1993) Ethnic Minority Housing; A Scottish Homes Consultation Paper, Edinburgh: Scottish Homes
Scottish Homes (1994a) Raising Standards in Housing – Supplementary Guidance: Local Authority Nominations, Scottish Homes Guidance Note 94/17
Scottish Homes (1994b) Repairs and Maintenance, Right to Repair, Guidance Note SHGN94/15, Edinburgh: Scottish Homes
Scottish Homes (1999a) Tackling Homelessness, Edinburgh: Scottish Homes
Scottish Homes (1999c) Precis No. 99: Personal Housing Plans; Maximising the Potential, Edinburgh: Scottish Homes
Scottish Homes/SFHA (1991) Raising Standards in Housing, Edinburgh: Scottish Homes
Scottish Office (1999a) Investing in Modernisation: An Agenda for Scotland’s Housing, Cm 4272, Edinburgh: The Scottish Office
Scottish Office (1999c) Modernising Community Care: Guidance on the Housing Contribution, Edinburgh: Scottish Office
Scottish Office Development Department (1998a) Housing and Neighbour Problems; Circular 16/1998, Edinburgh: Scottish Office

248
Scottish Office/Scottish Homes (1989) Housing Maintenance Kit for Housing Associations, HMSO
Shelter (Scotland) (1994) No Place Called Home: Young People and Homeless in Scotland, Edinburgh: Shelter (Scotland)
Taylor, I. (1992) Discharged with Care, Edinburgh: SCSH/Lothian Health Board


Turok, I. and Hopkins, N. (1997) *Picking Winners or Passing the Buck?*, Glasgow: Centre for Housing Research and Urban Studies, University of Glasgow


250