

SECTION 11 – CONSULTATION RESPONSE

Name of individual/organisation: Margaret Grant, Housing Services Manager,
Bridgewater Housing Association Ltd.

Views are sought in relation to:

- the regulations on the form and manner of notifications to local authorities set out in Section 1 of this paper
- the statutory guidance to local authorities and the guidance to landlords and creditors set out in Section 2
- whether the paper addresses equalities issues
- the proposals for monitoring and evaluation of implementation of section 11

Section 1

Q1: Is the form and manner of notifications of proceedings to local authorities clear to you from the information contained in these regulations?

YES/NO YES

Comment :

Q2: Do you believe that the information outlined in the Notice of Proceedings in Form 1 is sufficient to ensure effective implementation of section 11?

YES/NO NO

Comment :

The information in Form 1 is very limited and refers to the tenant only. As it is the entire household that is at risk, fuller information should be given about the household composition, ie names and ages of all members of the household and any known illnesses, support issues etc. This will ensure that the local authority are as well informed as possible of what the particular needs might be for each member of the household.

Under the terms of the SST, the tenant must tell us who is living in the house (section 2.1). As a matter of course, this information should be requested from the tenant during arrears interviews, for example to determine qualifying occupiers and particular needs within the household, and should therefore be to hand in most cases. Communities Scotland's thematic study 'Evictions in Practice' recommends that RSLs make sure that homelessness staff are fully aware of the household's circumstances and this cannot be achieved through the limitations of the proposed Form 1.

If there are issues surrounding data protection, then perhaps the best way forward is to have a the tenant sign a mandate authorizing the RSL to provide this information to the local authority.

Q3. Do you believe that the information outlined in the Calling –up Notice etc, in Form 2 is sufficient to ensure effective implementation of section 11?

YES/NO NO

Comment: fuller information should be provided if known by the creditor, however it is recognized that this may be far more limited than for an RSL.

Q4. Do you have any suggestions to make Forms 1 and 2 in the regulations more ‘user friendly’?

YES/NO YES

Comment: As noted at Q2. Also, these forms are very formal and stilted and would not represent the style of normal everyday contact with the local authority. For example;

- headed paper would be used which would as a matter of course have the landlord’s details on it – name, address, telephone, fax, e-mail
- there would be a named contact person with his/her personal details
- include a section on household composition and known circumstances.

Q5: Do you have any general comments or suggestions on the form and manner of the notification to local authorities from landlords and creditors as outlined in the regulations set out in section 1?

YES/NO NO

Comment: As above

Section 2

A) STATUTORY GUIDANCE TO LOCAL AUTHORITIES

Q6: Are you clear from the guidance at which stage local authorities should expect to receive the notification of proceedings?

YES/NO NO

Comment: Section 10 talks about Notice of Proceedings for Possession or Proceedings to Eject Proprietor. Should this not cover both sets of circumstances? The NOP being the initial notification and then a follow which confirms that a decree for repossession is being pursued.

Q7: Do you have any comments/suggestions in relation to local authorities ensuring landlords or creditors know where to send proceedings?

YES/NO YES

Comment: The guidance gives obvious answers/examples for RSLs and private landlords, but struggles for creditors. There seems to be a required linkage that when creditors provide finance to a client, they should have a responsibility to source the local authority area at that time, so that they can fulfill their obligations should a client be threatened with homelessness at a future date.

Q8: Is it clear from the guidance which information local authorities should expect to receive from landlords and creditors?

YES/NO YES

Comment: But as noted above, this could be improved upon.

Q9: Is the guidance clear on what actions should be taken by local authorities when notification is received from landlords and creditors?

YES/NO yes

COMMENT: This is, however, limited and does not go on to cover liaison arrangements and further exchanges of information with RSLs. It would be helpful for protocols to be set up to cover this. RSLs would for example, signpost tenants to Advice Works, Money Advice etc which is also something that the local authority is recommended to do, consequently it would be helpful for one party to know what the other has or is doing to assist the tenant.

Q10: Do you have any comments about the data protection issues raised in the guidance?

YES/NO YES

Comment Potentially more could be done to improve the exchange of information between the RSL and the local authority. As noted in section 1, the tenant could be asked to authorize the forwarding of his/her household composition through signing a mandate, or some alternative.

Q11: Do you have any general comments or suggestions you believe would strengthen the statutory guidance to local authorities set out in section 2?

YES/NO Yes

Comment: Although Section 11 does not apply to local authorities, they should have the same responsibilities as the other parties to ensure equality amongst all tenants/owners threatened with homelessness.

Under monitoring and evaluation, it would be helpful if this included time-scales to respond to referrals. Also, the number of referrals who fail to engage as this will inform the strategy review.

There is no coverage of follow up arrangements or liaison with the RSL.

B) GUIDANCE TO LANDLORDS AND CREDITORS

Q12: Is it clear from this guidance what the duty of landlords and creditors under section 11 is and how it should be discharged?

YES/NO Yes

Comment: But again, comments about NOP and proceedings to evict. Both stages of the process should be covered, not an 'either or' situation.

Q13: Is it clear from the guidance what the purpose of section 11 is and how landlords and creditors can contribute to and benefit from this?

YES/NO Yes

Comment : The guidance does not cover follow up arrangements for liaison with the local authority which would be helpful throughout the process.

Q14: Is it clear from the guidance what actions landlords and creditors can take to help prevent homelessness?

YES/NO Yes

Comment Again, would comment on improvements to the information provided at referral stage as the entire household is at risk, not just the tenant.

Q15: Do you have any general comments or suggestions you believe would strengthen the guidance to landlords and creditors set out in section 2?

YES/NO yes

Comment: There requires to be on-going liaison with the local authority, particularly at the different stages of the process – NOP, 7 Day Warning Letter, court hearing etc. It would be helpful if protocols were put in place to define the relationship with the local authority. Assuming that local authorities can sufficiently resource their caseloads, in theory their involvement at NOP stage would be excellent practice. With the local authority intervening at this early stage, and ideally all relevant support and assistance being offered to the tenant, RSLs and creditors would be able to demonstrate to the sheriff that everything possible has been done to assist the tenant retain his/her tenancy, should it be necessary to pursue a decree.

EQUALITIES

Q.16: Do you feel the proposals promote equality? If not, please give details of your concerns?

YES/NO **yes**

Comment:

MONITORING AND EVALUATION OF IMPLEMENTATION

The Scottish Executive will consider carrying out a study on responses of local authorities, landlords and creditors to implementation of section 11. This will require local authorities to monitor implementation during the first year and provide this information to the Scottish Executive.

Q.17: Do you agree with local authorities be asked to monitor implementation in the first year and being asked to provide this information to the Scottish Executive?

YES/NO **Yes**

Comment: It is important to assess the effectiveness of the regulations and guidance from the outset.

Q.18 Do you have any other comments or suggestions about the monitoring and evaluation of the implementation of section 11?

YES/NO

Comment:

Respondent information form

Please complete the details below and return it with your response. This will help ensure we handle your response appropriately. Thank you for your help.

Name: Margaret Grant, Housing Services Manager

Postal Address: Bridgewater Housing Association Ltd, 1st Floor, Bridgewater Shopping Centre, Erskine. PA8 7AA

1. Are you responding: (please tick one box?)

(a) as an individual go to Q2a/b and then Q4

(b) **on behalf of** a group/organization go to Q3 and then Q4

INDIVIDUALS

2a. Do you agree to your response being made available to the public (in Scottish Executive library and/or on the Scottish Executive website)?

Yes (go to 2b below)

No, not at all We will treat your response as confidential

2b. **Where confidentiality is not requested**, we will make your response available to the public on the following basis (**please tick one** of the following boxes)

Yes, make my response, name and address all available

Yes, make my response available, but not my name or address

Yes, make my response and name available, but not my address

ON BEHALF OF GROUPS OR ORGANISATIONS:

3. The name and address of your organisation **will be** made available to the public (in the Scottish Executive library and/or on the Scottish Executive website). Are you also content for your **response** to be made available?

Yes

No We will treat your response as confidential

SHARING RESPONSES/FUTURE ENGAGEMENT

4. We will share your response internally with other Scottish Executive policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for the Scottish Executive to contact you again in the future in relation to this consultation response?

Yes

No