

Housing Strategy and Services

Scottish Borders Council

The Scheme of Assistance for Home Owners and the Private Rented Sector

Section 72 Statement

1 April 2010

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1.Introduction

The Housing (Scotland) Act 2006 was introduced to address issues of housing quality and condition in the private sector. Section 72 of Part 2 of the Act introduced the requirement for Local Authorities to develop a Scheme of Assistance for providing assistance to homeowners and private sector tenants when carrying out works on their homes. This was based on the principle that homeowners should take full responsibility for maintaining their home but that assistance should be made available if necessary.

The Scheme of Assistance is designed to promote greater responsibility among homeowners for the repair and maintenance of their homes and sets out a range of ways Scottish Borders Council can help homeowners achieve this. It will also help homeowners and private sector tenants remain in their homes through provision of information, advice and assistance to carry out disabled adaptations.

The aims of the Scheme of Assistance are to:

- Encourage homeowners to recognise that they have the primary responsibility for maintaining their homes;
- Provide a fair and sustainable approach to providing assistance to help homeowners and private sector tenants to improve, repair and adapt their homes;
- More effectively address disrepair in private sector housing;
- Maximise the impact of public resources by leveraging in homeowners' contributions and assist a far greater number of homeowners than was possible under Scottish Borders Councils previous grants focused approach;
- Help older, vulnerable people and people with disabilities living in their own homes or the private rented sector to live independently in their home for as long as they choose to do so.

To achieve these aims Scottish Borders Council will deliver, fairly and efficiently, information and advice, and practical and financial assistance in partnership with homeowners, private landlords, private sector tenants and other services and stakeholders.

2.Development of the draft Consultation

A Working Group was established within Scottish Borders Council to develop a consultation draft.

The Council departments involved in the Working Group were:

- Housing Strategy Team
- Building Standards
- Social Work
- Planning and Economic Development Enforcement
- Corporate Finance
- Environmental Health

. Legal Services

- Trading Standards

3. Consultation and Stakeholder Involvement

A draft consultation Scheme of Assistance was approved by Scottish Borders Council's Admin Policy Working Group on the 24 November 2009 to be issued for consultation to a wide range of stakeholders and partners:

- Elected Members
- Corporate Management
- Senior Management
- Homeowners
- Private Landlords and Tenants
- Scottish Government
- The Scottish Housing Best Value Network– Private Sector Working Group
- Local Housing Strategy Steering Group
- Disability Groups
- Construction Forums and Agencies

The Consultation was held from 1 December 2009 to 1 March 2010.

The finalised Scheme of Assistance Section 72 Statement was approved for publication by Scottish Borders Council Executive on 27 April 2010.

4. Context of the Scheme of Assistance

4.1 The Legislative Framework

In 2001, the Housing Improvement Task Force undertook a comprehensive review of housing policy related to the quality and condition of private sector housing in Scotland. The Task Force concluded that the current system of improvement and repairs grants only helped a minority of homeowners and private sector tenants and proposed a substantial revision of this approach. The Task Force findings were published in 2003 and its recommendations were the foundation for the Housing (Scotland) Act 2006.

Part 2 of the Housing (Scotland) Act 2006 replaces the system of improvement and repairs grants set out in the 1987 and 2001 Housing (Scotland) Acts. It removes the requirement for Local Authorities to provide mandatory grants to homeowners and private landlords where a Statutory Notice has been served and replaces it with a requirement to provide assistance, not necessarily financial, where a 'Work Notice' is served. Mandatory grants remain but only for the provision of standard amenities and most structural alterations to meet the needs of a disabled homeowner or private sector tenant. All other grants are discretionary. Section 72 of the 2006 Act requires Scottish Borders Council to publish a Scheme of Assistance setting out priorities for improving house conditions in the private sector, including how these identified priorities are to be resourced.

In November 2008, The Housing (Scotland) Act 2006 (Scheme of Assistance) Regulations 2008 were approved by the Scottish Parliament, setting out the introduction of new duties and powers effective from 1 April 2009. This included a transitional period of a year to assist Local Authorities to develop their Section 72 Statement and make the necessary organisational and staffing changes to enable them to implement the 2006 Act. However, two duties were introduced with these Regulations which are not subject to a transitional period. These are:

- The introduction of mandatory grant of 80% of costs for disabled adaptations for standard amenities and most structural adaptations, increasing to 100% for people in receipt of specific Welfare Benefits. These means tested benefits are Income Based Job Seekers Allowance, Income Support, Guarantee Element of Pension Credit, Income Related Employment and Support Allowance.
- The introduction of a revised Tolerable Standard which introduces two new elements, thermal insulation and electrical installations.

Between April and June 2008, the Scottish Government consulted on draft guidance and regulations to support new Local Authority duties and powers set out in the 2006 Act. An analysis of consultation responses received and a consultation report in which the Scottish Government set out their responses to the key issues raised in the consultation were subsequently published later in 2008. The Scottish Government published six volumes of guidance by early March 2009.

This Scheme of Assistance embodies the policy vision in the 2006 Act that:

- There will be a cultural change in attitudes to housing quality in private sector housing;
- Local Authorities will lead on the improvement of private sector housing in their areas which will benefit homeowners, private sector tenants and the communities they live in;
- The Scottish Government will support and facilitate their work;
- Homeowners and private landlords will become more aware of repair and maintenance responsibilities and more proactive in carrying them out;
- Homeowners and private landlords will invest more to ensure their homes have a sustainable future;
- Public money will support homeowners and private landlord repairs and maintenance only where strictly necessary.
- The Scottish Government will help disabled people to live more independently in their own homes.

The main source of finance for the activities covered by the Scheme of Assistance is Private Sector Housing Grant, a ring fenced grant paid to Scottish Borders Council by the Scottish Government. For 2009/10 this has been set at £1.253M.

From 2010/11 the ring fencing will be removed and it will be Scottish Borders Council who will set the budget for private sector housing assistance, although Scottish Government allocation will continue to be separately identified for the time being. The hypothecated budget for 2010/11 through to 2013/14 has been estimated at between £1.2M and £1.25M for each year.

4.2 The National Policy Agenda

The Scottish Government's purpose is "to focus Government and public services on creating a more successful country with opportunities for all of Scotland to flourish, through increasing sustainable economic growth".¹ Their five objectives are designed to make Scotland:

- Wealthier and fairer: enable businesses and people to increase their wealth and more people to share fairly in that wealth;
- Healthier: Help people to sustain and improve their health, especially in disadvantaged communities, ensuring better, local and faster access to health care;
- Stronger and Safer: Help local communities to flourish, become stronger, provide safer places to live, offering improved opportunities for Scots to succeed from nurture through to life long learning ensuring higher and more widely shared achievements;
- Greener: Improve Scotland's natural and built environment and the sustainable use and enjoyment of it.

¹Scottish Government Moving Scotland Forward: A Single Overarching Purpose

Following the Comprehensive Spending Review the Scottish Government and COSLA signed a Concordat in 2007 which established a new relationship based on trust, mutual respect and full partnership working on the development of strategic approaches and the achievement of shared outcomes. The Concordat underpinned the funding provided to local Government for the period 2008/2009 to 2010/2011. In exchange, local authorities are committed to delivering fifteen national outcomes. These include:

- We live longer, healthier lives;
- We have tackled the significant inequalities in Scottish society;
- We live in well-designed, sustainable places where we are able to access the amenities and services we need;
- We value our built environment and natural environment and protect it and enhance it for the future generations;
- Our public services are high quality, continually improving, efficient and responsive to local people's needs.

As part of the new working relationship between national and local Government in Scotland, Scottish Borders Council has developed a Single Outcome Agreement (SOA) to improve the delivery of services and improve the quality of life for Scottish Borders residents.

4.3 Local Housing Strategy

The Local Housing Strategy is Scottish Borders Council wider strategy that sets out how we and our partners will ensure that the Scottish Borders has good quality housing of the right tenure, type and size and in the right locations to meet housing needs and aspirations of its current and future residents.

The Local Housing Strategy has three Strategic Aims:

- To ensure that there is sufficient supply of and improved access to houses that meet the needs of local communities;
- To ensure a significant increase in the number of houses in the Scottish Borders are of a quality that meets the Scottish Housing Quality Standard (SHQS);
- Promote social inclusion by supporting the reduction in economic and social disadvantage.

The Local Housing Strategy highlighted 60.8% of the population in Scottish Borders now own their own home (compared to the Scottish average of 62.6%). Scottish Borders also has one of the largest private rented sectors in Scotland (9% of households live in this sector). Since 2004 Scottish Borders Council and its partners have been committed to working together to realise the Vision, Aims, Objectives and Actions described in this Local Housing Strategy. Scottish Borders Council will develop, improve and refine the Strategy in consultation with partners and the wider community. The Local Housing Strategy aims to make the best use of the Housing (Scotland) Act 2006, along with other legislation to assist in meeting our needs of ensuring an ongoing effective supply of quality

housing in the Scottish Borders that meets future needs and expectations. The Local Housing Strategy also takes account of the Scottish Government's policy vision to maximise independence of disabled people and to drive down the extent of unsuitable housing.

Tenants of Local Authorities and Housing Associations are benefiting from new quality standards which were introduced by the Scottish Government in 2004 and are referred to as the Scottish Housing Quality Standard, (SHQS).

The standard is based on the consultation document "Modernising Scotland's Social Housing", issued in March 2003, and contains the following broad quality criteria:

- Compliant with the tolerable standard;
- Free from serious disrepair;
- Energy efficient;
- Provided with modern facilities and services;
- Healthy, safe and secure.

In 2003 Scottish Borders Council transferred its housing stock to Scottish Borders Housing Association. Although no longer a landlord Scottish Borders Council still has a strategic responsibility and work in close partnership with Scottish Borders Registered Social Landlords (RSL). An element of the Scottish Borders Council's role is to assist RSLs in meeting the SHQS by 2015.

It is for individual homeowners and private landlords to decide whether to make improvements to their property to meet the SHQS.

Scottish Borders Council is committed to working with homeowners and private landlords to optimise the expected change in attitude toward repair and maintenance. This, along with the delivery of the SHQS in the social housing sector, should see the quality of housing improved across all tenures.

4.4 Private Sector Housing Interim Delivery Plan

The Private Sector Housing Interim Delivery Plan and Action Plan 2009 - 2011 has been developed to align with the Local Housing Strategy strategic aims and objectives and will be the driver in which the Scheme of Assistance will be delivered.

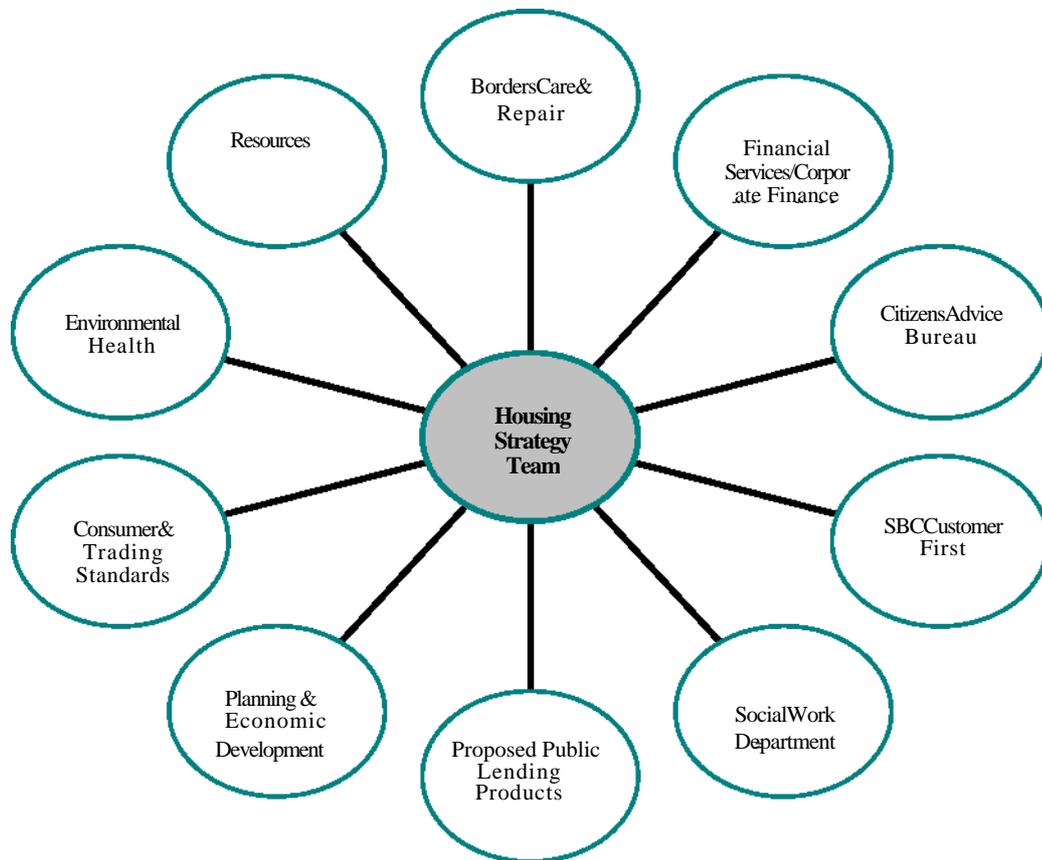
Intervention in the existing stock of private housing is important for many reasons. Well maintained housing reduces households' exposure to health and safety risks that increase the costs of health and social care. Well maintained housing can help to prevent area decline and sustain vibrant communities that deter antisocial behaviour. Economic Development is also supported by a choice of good quality private housing for working households. A diverse range of well maintained, accessible and affordable existing private housing also reduces the need for social rented housing.

The Private Sector Housing Interim Delivery Plan objectives that relate to Scottish Borders Council's Scheme of Assistance are:

- Ensure Housing Information and Advice covers all tenures
- Develop and Implement the Scheme of Assistance
- Ensure elderly and vulnerable households are priorities for access to housing repair and adaptation services
- Assist private landlords to improve management standards in the private rented sector

A copy of the Private Sector Housing Interim Delivery Plan and Action Plan 2009 – 2011 can be obtained from the Housing Strategy Team.

4.5 Delivery of the Scheme of Assistance



The Scheme of Assistance and the Housing Strategy Team have strong partnership links to: Borders Care & Repair – adaptation and improvement service for owner occupiers and private sector tenants over 60 years old and people of any age with a disability.

Financial Services/Corporate Finance – provides the provision of accounting, budgeting and financial advisory and support services to the Council.

Resources – a multi disciplinary department providing support services to both the corporate body of the Council and to its component Services.

Citizens Advice Bureau – offers independent advice to members of the community on a range of topics from consumer rights and debt issues to home improvement and tenancy issues.

SBC Customer First – this programme has four main aims: to improve and simplify services from the customer's point of view; to take a corporate view of customer service arrangements; to improve the performance of council services; and to provide a platform to realise efficiencies.

Social Work – provides a wide and important range of services for individuals, families and communities. Their services support some of the most vulnerable people in the Scottish Borders community.

Planning and Economic Development – provides services that are key to improving the quality of life in the Scottish Borders. Their work is driven by economic, environmental and social change in the region.

Consumer and Trading Standards – offers advice on consumer rights to the general public.

Environmental Health – promotes and improves standards of environmental health within the Scottish Borders area.

4.6 Status and Lifespan of the Scheme of Assistance

The Scheme of Assistance will be operated over an initial 12 month period after which it will be subject to an evaluation to highlight any necessary changes. Any views on the Scheme of Assistance should be made to:

Cathie Fancy, Group Manager, Housing Strategy and Services, Social Work, Scottish Borders Council, Council Headquarters, Newtown St Boswells, Melrose TD6 0SA

Telephone: 01835 825169

4.7 Obtaining Assistance

The underlying objective for the Scheme of Assistance is to provide homeowners, private landlords and private sector tenants with appropriate levels of information that allows them to make informed choices and to control their own outcomes. They will therefore be able to decide on how much

assistance, if any, that they wish to utilise. To obtain assistance in the first instance contact should be made with the Housing Strategy Team, Galashiels Area Office, Paton Street, Galashiels, TD1 3AS or by telephone on 01896 661392 or email housingenquiries@scotborders.gov.uk.

On contacting the Housing Strategy Team an initial assessment will determine what assistance may be offered and how best to deliver it. The format for any assistance will be dependant on the needs of the homeowner and may involve referral to a more appropriate service agency.

4.8 Equal Opportunities and Service Standards

Scottish Borders Council is strongly committed to equal opportunities. Equality measures have been incorporated into the draft Scheme of Assistance, including:

- Providing advice and assistance to any homeowner or private sector tenant who needs it, with particular sensitivity to the needs of the most vulnerable such as older people, people with disabilities and minority ethnic customers;
- Ensuring that literature is available when required in Braille, large print, on CD and in the main community languages spoken. Translation services are available when requested;
- Providing an interpreter when needed;
- Ensuring that services are accessible to all communities by engaging with community groups and attending external events;
- Regularly reviewing, consulting upon and monitoring our services to ensure that they are non-discriminatory.

Scottish Borders Council is committed to providing an excellent service to its customers. It will always aim to:

- Deal honestly, fairly and politely
- Try to give the information needed
- Respect right to confidentiality
- Be trustworthy and reliable
- Take account of the needs of people with a disability
- Take account of those whose first language is not English
- Always try to be efficient and effective
- Have a user-friendly complaints procedure if things do go wrong

5. The Scottish Borders Scheme of Assistance

Part One: House Conditions

This section details the services that Scottish Borders Council offers to homeowners and private landlords to help repair, maintain and improve their properties.

5.1 Information and Advice

Information and advice represent fundamental tools in reaching homeowners and private landlords. They are highly cost effective and will be used to influence a change of homeowner and private landlord attitudes towards maintaining the condition of private sector housing.

Scottish Borders Council already has a well established Housing Information and Advice service based within the Housing Strategy Team which currently deals with both homeowners and private landlords in relation to property maintenance, repair and improvement. Information and advice is also available on heating and energy efficiency measures.

Site visits can be arranged to assist homeowners and private landlords to identify what works are required and to assist in prioritising these works.

Scottish Borders Council will produce a range of Guidance and Information Leaflets on the Scheme of Assistance for all audiences. Scottish Borders Council is currently developing Guidance and Information Leaflets. These leaflets will be available in 2010 and will provide information on:

- A summary of Scottish Borders Council's Scheme of Assistance
- Maintaining your home
- Landlords: Maintaining and managing your private rented property
- How to deal with home repair emergencies
- Keeping your home safe
- Keeping your home warm
- Helping you stay at home
- Landlords: helping your tenant stay in their home
- Employing a contractor
- Appointing an architect or other professional services
- Financial Services in the Scottish Borders
- A guide to financial assistance
- Obtaining Planning Permission
- Obtaining Listed Building consent
- Building Standards and Warrants
- Notices and Enforcement Action

.Dealing with a property in a Conservation Area

- Lead piping work
- Direct Grant Aid for Private Water Supplies
- Co-operating with others when carrying out common repairs
- Borders Care and Repair Service

The Council cannot give legal or financial advice but can signpost people to where this type of advice can be found.

The Scottish Borders Private Landlord Forum, operated by Scottish Borders Council, offers tenancy management, practices and maintenance information sessions, information packs and training to all registered private landlords. Scottish Borders Council also has a voluntary Landlord Accreditation Scheme, operated by Scottish Government funded Landlord Accreditation Scotland, which provides access to support and information on all aspects of tenancy management.

5.2 Financial Assistance

The introduction of the Housing (Scotland) Act 2006 offers Local Authorities new ways to engage with homeowners and private landlords to encourage them to take responsibility for their property and to entirely remove dependence on the Scottish Government grant system.

In view of the above Scottish Borders Council will expect all homeowners and private landlords to finance the repairs and improvements to their property through their own financial arrangements. Direct grant will no longer be given for general subsidisation of repair and improvement works or for compulsory works. Homeowners and private landlords will be required to use all reasonable means at their disposal to meet these costs including using personal savings, equity release and affordable commercial lending.

For hardship cases who are unable to utilise personal savings, equity release or obtain loans on favourable terms the Scottish Government is actively reviewing how it might facilitate the greater availability of affordable lending through the proposed National Lending Unit (NLU). Guidance on lending is to be issued by the Scottish Government at a later date. Scottish Borders Council's Scheme of Assistance will be updated at that time to reflect the position of the Scottish Government.

A guidance leaflet entitled 'A Guide to Financial Assistance' will be produced for homeowners and private landlords in the Scottish Borders.

5.3 Direct Grant Aid for Private Water Supplies

There are a large number of properties within the Scottish Borders Council's area which have their own private water supply.

Scottish Borders Council enforces the Private Water Supply (Scotland) Regulations 2006 and Private Water Supplies (Grants) (Scotland) Regulations 2006 in relation to these properties, and maintain and update the Private Water Supply Register as required by the regulations.

Environmental Health undertakes the sampling and risk assessment of drinking water supplies in response to the statutory requirements and to complaints and enquiries from homeowners, private landlords and private sector tenants. Environmental Health investigate the sample results and other concerns regarding water quality in regard to public health risk and provide appropriate advice and guidance to homeowners, private sector tenants, private landlords, solicitors, consultants and to the general public.

Environmental Health administer the Private Water Supply Grants Scheme utilising Scottish Government funding to supply sterilisation equipment and carry out other works as necessary in order to improve the quality of water from private water supplies.

These grants are allocated yearly, but are not for connecting to a mains water supply but must be for either:

- Upgrading existing supply
- Protection works to the well
- Risk assessment carried out by Scottish Borders Council's Environmental Health
- UV filtration systems

A guidance leaflet entitled 'Direct Grant Aid for Private Water Supplies' is available for homeowners, private landlords and private sector tenants in the Scottish Borders.

5.4 Practical Assistance

Practical assistance will be prioritised towards assisting older, vulnerable and disabled homeowners and private sector tenants to carry out works. Scottish Borders Council contracts with Borders Care & Repair who help homeowners and private sector tenants aged 60 or over and people of any age with disabilities. Borders Care & Repair can project manage all repairs, improvements and/or disabled adaptations to the home.

Appendix 1 details the wide range of services provided by Borders Care & Repair with regards to House Condition Works.

Guidance leaflets entitled 'Borders Care & Repair' and 'Helping you stay at home' will be produced for homeowners and private sector tenants in the Scottish Borders.

5.5 Enforcement Powers

The 2006 Act provides powers for Local Authorities to carry out works where a homeowner or private landlord fails to engage with either a joint owner or Scottish Borders Council, on a voluntary basis. Scottish Borders Council may then choose to take action that forces that homeowner or private landlord to carry out the works requested. This enforcement may take the form of either a Maintenance Order or a Work Notice. The enforcement powers available to Scottish Borders Council such as Maintenance Orders and Work Notice's are intended for use where the power of persuasion, either by joint owners, or by Scottish Borders Council, has failed to have the desired effect. Council Officers will therefore work jointly with homeowners and private landlords to achieve a satisfactory outcome before resorting to enforcement power. These processes are set out in the guidance from Scottish Government. There is no longer an automatic right to grant assistance where a Statutory Notice has been served.

Appendix 2 provides more information on Scottish Borders Council's enforcement powers.

A guidance leaflet on Notices and Enforcement Action will be produced for homeowners and private landlords in the Scottish Borders.

Part Two: Adaptations and Standard Amenities for people with disabilities

The Social Work (Scotland) Act 1968 and the Chronically Sick and Disabled Persons Act 1970 places a duty on Local Authorities to assess people who appear to be in need of Community Care Services and where the assessment calls for the provision of services including adaptations then Scottish Borders Council must make arrangements to meet that need.

The 2006 Act includes a general duty to provide assistance to make a house suitable for a disabled person where the house is, or will be, that persons' only or main residence. The 2006 Act widens the scope of mandatory grant to include most structural adaptations as well as for installing additional standard amenities which are needed because a disabled homeowner or private sector tenant cannot use the existing ones.

5.6 Financial Assistance

Works subject to mandatory grant provision will be a priority for financial assistance by Scottish Borders Council. These are:

- Provision of standard amenities which can include an extension to provide any or all of the standard amenities;
- Provision of structural adaptations with the exception of extensions to provide living accommodation.

Appendix 3 provides further information on all works.

5.7 Practical Assistance

This section details the type of assistance available to homeowners and private sector tenants to adapt their properties to meet their needs. The aim is to assist homeowners or private sector tenants to remain independent and living within their own homes and within the community in which they are familiar and supported.

Whilst striving to assist homeowners and private sector tenants in maintaining their independence, Scottish Borders Council is mindful of the Scottish Government's belief that homeowners have a personal responsibility for their own housing. We have therefore attempted to reflect this within our package of assistance while endeavouring to ease the additional burden that disability can bring. For this reason the package of assistance will be tailored to suit the individual needs of each applicant. The assistance will be open to those people not only with physical disabilities but include those with mental health issues and learning disabilities who meet Scottish Borders Council's criteria.

5.8 Assessment of individuals needs

Most, if not all, requests for assistance will be subject to a Single Shared Community Care Assessment, the complexity of which will be appropriate to the homeowner or private sector tenants needs and include any relevant contributions across health, housing and social care. A comprehensive Community Care Assessment will not always be necessary or appropriate for minor works, but will normally be carried out if major work is being considered or if there are other indicators present (such as carer issues).

Request for assistance will normally be referred to an Occupational Therapist depending on the level of need. In accordance with the Scottish Government Guidance for more collaborative working Scottish Borders Council and NHS Borders have a Joint Assessment Procedure and Occupational Therapists are employed by both organisations.

The assessment will be in accordance with all relevant legislation and will take account the needs of immediate family members living in the same property and any informal carers. The assessment will also account for, as is reasonable and practicable, the views of the homeowner or private sector tenant being assessed and of their carer(s), together with relevant advice across health, housing and social care.

Once the assessment has been completed the Occupational Therapist will be able to confirm with the homeowner or private sector tenant whether or not they meet the Council's eligibility criteria for services and secondly the priority rating. Scottish Borders Council operates a priority system to ensure that those with critical needs receive services first.

Scottish Borders Council view adaptations for the needs of people with disabilities as only one element of an overall support package. In order to fulfil this view once the assessment has highlighted the homeowner or private sector tenant needs, various options of assistance will be considered depending on the individual circumstances e.g. equipment and minor adaptations, referral to Borders Care & Repair, advice on changing accommodation, adaptations to the existing home, and advice and signposting to other service providers.

5.9 Borders Care & Repair - Planning of Adaptation Work

Borders Care & Repair services help disabled homeowners or private sector tenants with adaptations that will enable them to stay in their own home. Borders Care & Repair offer help and assistance and can project manage the entire adaptation process. They will help complete the grant application forms, choose reliable contractors, assist in obtaining finance, oversee the works and ensure the adaptation is completed to satisfactory standard.

Appendix 1 details the wide range of services provided by Borders Care & Repair with regards to Disabled Adaptation Works.

Guidance leaflets entitled 'Borders Care & Repair Services' and 'Helping you stay at home' will be produced for homeowners and private sector tenants.

5.10 Application Process for Financial Assistance with a disabled adaptation

If you are eligible for a mandatory disabled adaptation grant Appendix 4 details the application process for financial assistance by Scottish Borders Council. Borders Care & Repair are able to assist with completing the application.

Appendix 4 highlights the range of information required by Scottish Borders Council to process an application for financial assistance.

6. Appeals and Complaints Procedures

6.1 Appeals

Any person aggrieved at the outcome of their request for financial assistance or as regards any other matter should detail their grievance/s in writing to Scottish Borders Council. These matters will be handled in terms of Scottish Borders Council's existing Complaints Procedure.

At the end of this process if the person still feels they have been treated unfairly by Scottish Borders Council they can ask the Scottish Public Services Ombudsman to investigate.

6.2 Complaints

Scottish Borders Council takes complaints about services seriously and deals with them in confidence.

Scottish Borders Council's Complaints Procedure is designed to ensure all complaints are dealt with fairly, quickly and transparently.

Complaints can be made by:

- Visiting any Council office or telephoning the service concerned;
- Speaking to your local Councillor;
- Writing directly to the service concerned;
- Obtaining a copy of the Council's 'How to make a Complaint' leaflet from any Council office or online at www.scotborders.gov.uk.

7. Monitoring the Scheme of Assistance

It is important for Scottish Borders Council to have in place, robust and reliable monitoring, reporting and review arrangements to ensure that the Scheme of Assistance meets the objectives as set out in Section 4.

The Housing Strategy team will monitor and analyse the delivery of the Scheme of Assistance on a monthly basis. All service requests and applications for assistance will be recorded on the current in-house database recording systems which allow a wide range of reports to be drawn.

There are a number of outputs that we will regularly monitor, these are:

- Who is seeking advice and assistance
- The type of assistance required
- Common problems within the private sector housing stock
- The barriers to carrying out repair and improvement works
- The cost of delivering the Scheme of Assistance

We will also obtain information from our partners, including Borders Care & Repair to enable us to develop a complete overview of progress in delivering the Scheme of Assistance.

We will consider producing a bi-monthly review of the Scheme of Assistance which we will publish on Scottish Borders Council's website.

A review of the Scheme of Assistance will inform the development of the Local Housing Strategy 2010 - 2015 and should the strategic objectives of Scottish Borders Council change a review of the Scheme of Assistance will ensure that these changes reflect Scottish Borders Council's Section 72 Statement.

8. Contacting Scottish Borders Council

Appendix 5 provides addresses and contact numbers for all Scottish Borders Council's Contact Centres and Social Work offices. Details are also provided for the Borders Care & Repair Service and Scottish Borders Council's Home Energy Advisor.

General information about Scottish Borders Council can be found on our website at www.scotborders.gov.uk or by contacting Scottish Borders Council's Customer Services on telephone number 0300 100 1800.

APPENDIX 1

Borders Care & Repair Service

Appendix 1 details the range of services available from the Borders Care & Repair Service with regards to House Conditions and Disabled Adaptations. These services are available to homeowners and private sector tenants over 60 years old and people of any age with a disability.

House Condition Works

1. Home Improvement Advice Service

A Care & Repair Officer can visit and carry out a “home check” to ensure the property is in good order. They can provide information and advice on a wide range of issues such as:

- Rising Dampness;
- Roof problems;
- Electrical Rewiring;
- Window Replacement;
- Provision of satisfactory kitchen;
- Providing bath/shower facilities;
- Provide an internal WC;
- Replacement of lead piping.

If the property requires work for upgrading Borders Care & Repair can assist with obtaining estimates for the required works. These are from approved contractors or from any contractor of the client’s choice. The estimates will be checked and clarified to ensure best value for money. On the decision to proceed by the homeowner or private landlord, Borders Care & Repair can assist with arranging the timescales for the work and carry out a final inspection to ensure a high standard of work has been carried out.

2. Small Repairs Service

Borders Care & Repair can check the home to see if there are any minor problems that if not attended to could cause serious damage in the future:-

- Loose or slipped slates;
- Cracked or loose rough-cast;
- Leaking window;
- Minor electrical problem;
- Leaking taps.

If there are any of the above problems Borders Care & Repair can assess and help arrange repairs before they become major problems.

3. Handyperson Service

Borders Care & Repair Handyperson Service can carry out small DIY jobs for clients to ensure that they are comfortable at home and living in a safe environment. A "Home Safety Check" can be carried out to ensure that there are no trip hazards around the home and sockets are not overloaded. Smoke alarms can be tested and replaced if required. Security work can be carried out, door chains and viewers fitted, window locks fitted and advice given on other security matters. The Handyperson will assist by changing curtains; light bulbs; tap washers; unblocking sinks; and many other minor tasks. This service is free of charge and homeowners or private sector tenants are only asked to pay for any material's that are required.

4. Advice Service

Advice is available if a client has any queries regarding technical issues around their home or wishes to discuss adaptation work. Borders Care & Repair can also provide information on; heating and energy advice, contractor advice, and/or instigate contact with other agencies covering a wide range of topics.

Disabled Adaptation Works

Borders Care & Repair offer the following services to people with a disability:

1. Major Adaptation Works

If a major adaptation is required for a person with a disability Borders Care & Repair can assist with the grant process including financial assessment to indicate the appropriate grant percentage. Borders Care & Repair have an in-house Occupational Therapist who can carry out a specific client/environment assessment. The assessment endeavours to ensure client-centred good practice. This ensures control of present costs, control on budgets and avoids inappropriate adaptations and future adaptation failures. Estimates can be obtained and financial reports provided to determine costs and funding. The onsite works can be project managed by Borders Care & Repair and final inspections are carried out to ensure quality of workmanship.

2. Minor Adaptations and Provision of Equipment

Borders Care & Repair can provide and install equipment to assist with safety at home. They can provide and fit grab rails, over step rails, banisters, remove thresholds and fit any other types of equipment that are required. Borders Care & Repair administer and carry-out all minor adaptations in private sector properties for Scottish Borders Council Social Work Department as well as provide and fit all equipment to all tenures across the Scottish Borders area.

3. Advice Service

Advice is available if any homeowner or private sector tenant has any queries or wishes to discuss adaptation work.

APPENDIX 2

Enforcement Action - Maintenance Orders, Work Notices and Housing Renewal Areas

Appendix 2 outlines Scottish Borders Council's enforcement procedures to assist in improving and maintaining private sector housing.

1. Maintenance Orders

A Maintenance Order allows a Local Authority to require the homeowners and the private landlord of a property to prepare a Maintenance Plan that defines; what works they will carry out to their property, when it will be carried out, how much it will cost and how it will be paid for. This plan will be presented to the Local Authority for approval and/or amendment.

The Maintenance Plan can remain in place for up to 5 years, and is recorded against the Title Deeds. This alerts any prospective purchaser to the fact that they will be committed to meeting the conditions of that plan for its duration.

Where the homeowners or private landlord fail to prepare a Maintenance Plan the Local Authority can prepare a plan for them and insist that the homeowners or private landlords implement it. The Maintenance Order can also stipulate that the homeowners or private landlord appoint a manager to oversee implementation of the plan. Where a homeowner or private landlord fail to implement the plan Scottish Borders Council can implement the plan on their behalf and recover all relevant costs. These costs will include; the cost of carrying out any works, costs of any agent appointed to oversee the project on behalf of the owners and any costs incurred by the Local Authority in implementing the order. These processes are set out in the guidance from Scottish Government. There is no longer automatic right to grant assistance where a Statutory Notice has been served.

2. Work Notices

A Work Notice allows a Local Authority to 'bring any house which the Local Authority considers to be sub-standard into, or keeping it in, a reasonable state of repair'.

The Work Notice also brings enforcement powers whereby the Local Authority can instruct the works to be carried out when the homeowners or private landlords fail to comply with the conditions detailed in the Work Notice. Scottish Borders Council can then reclaim all expenses incurred in carrying out the works by means of a repayment charge which is secured against the Title Deeds of the property. A repayment charge will incur interest payments over the duration of the debt and all administration costs can be charged. These processes are set out in the guidance from Scottish Government. There is no longer automatic right to grant assistance where a Statutory Notice has been served.

3. Declaration of Housing Renewal Areas

Where it is established that an area has a significant number of houses which are sub-standard or that the appearance or state of repair of any houses are adversely affecting the amenity of that area,

Scottish Borders Council may consider declaring a Housing Renewal Area with the purpose of improving that area. Where a house is defined in a HRA action plan as a house which the Local Authority considers to be in a state of serious disrepair and ought to be demolished, the Local Authority may require the homeowner or private landlord to demolish it by the serving of a Demolition Notice.

When considering whether an area is to be declared a Housing Renewal Area, Scottish Borders Council will consult with the owners and representative groups within that area in order to:

- Advise on how an HRA operates and what it will mean for that particular area;
- Agree on the boundary of the area to be included;
- Agree on an appropriate action plan that will ensure that any agreed works can be carried out;
- Advise on what assistance if any can be provided.

These processes are set out in the guidance from Scottish Government. There is no longer automatic right to grant assistance where a Statutory Notice has been served.

Scottish Borders Council currently has no active plans to seek to declare any Housing Renewal Areas but the situation will be reviewed where circumstances, resources and priorities are changed as reflected in Scottish Borders Council's Local Housing Strategy.

APPENDIX 3

Financial Assistance

The works detailed below are subject to mandatory grant provision and will be given priority by Scottish Borders Council for financial assistance.

1. Provision of Standard Amenities

The Local Authority will provide mandatory grant for the provision of standard amenities which, in the opinion of the Local Authority, meet the needs of a disabled person. This also includes houses which already have the standard amenity in question, but in the opinion of Scottish Borders Council this amenity does not meet the need of the disabled person. Where the provision of standard amenities involves extending the property there is no exclusion from the scope of mandatory grant.

A standard amenity is:

- A sink with satisfactory supply of hot and cold water within the house;
- A water closet available for the exclusive use of the occupant of the house and suitably located within the house;
- A fixed bath or shower and wash-hand basin, each with a satisfactory supply of both hot and cold water and suitably located within the house.

2. Provision of Structural Adaptations

The definition of adaptations which are covered by mandatory grant is:

- Structural work and other changes to the house to make a dwelling suitable for a particular disabled homeowner or private sector tenant (which can include an extension to house a standard amenity).

Extensions (including work to outbuildings) to provide living accommodation are not included within the scope of mandatory grant. Please see Part 4 of this Appendix on House Extensions.

3. Amount of Grant

Mandatory grants for the provision of standard amenities and eligible structural adaptations as defined by the 2006 Act and the Scheme of Assistance Regulations will attract a minimum 80% grant with between 80% and 100% being paid on a means tested basis using the existing Housing Grants Assessment of Applicants Contribution Grant Calculator in terms of the 2001 Act test of resources. The minimum percentage will be 100% for those applicants in receipt of one of four income replacement benefits:

- Income Support;
- Income Based Job Seekers Allowance;
- Guarantee Element of Pension Credit;
- Income Related Employment and Support Allowance.

In the case of works for a disabled child under 16 years of age the above would apply to any parent(s) or other person(s) responsible for them making the application on the child's behalf.

In accordance with Sections 76 (6) and (7) of the 2006 Act the approved expense for work to provide standard amenities or eligible structural adaptations for a disabled person cannot be limited at a Council's discretion. The approved expense is therefore the full cost of the work required to meet the assessed need that is eligible for assistance under the terms of the 2006 Act and the Scheme of Assistance Regulations.

4. House Extensions other than those required to install a Standard Amenity

In recognition of the fact that extensions incur high costs and normally add to the value of a house it is intended that they will normally be funded using the disabled persons own personal savings, equity release or affordable commercial lending.

For hardship cases who cannot utilise personal savings, equity release or obtain loans on favourable terms the Scottish Government is actively reviewing how it might facilitate the greater availability of affordable lending through the proposed National Lending Unit (NLU). Guidance on lending is to be issued at a later date. Scottish Borders Council's Scheme of Assistance will be updated at that time to reflect the Scottish Government's position. Where finance for hardship cases cannot be obtained from any source either private or public for essential house extensions, Scottish Borders Council will consider other forms of help e.g. (a) approaching charitable organisations or other sources for funding (b) alternative housing.

The aim of such assistance is to enable the person to carry out the work assessed as being necessary, eligible and a priority for assistance.

5. Assistance with House Sale, Purchase or Construction

Where appropriate, consideration will be given to any alternative housing options which the individual or family is willing to explore where assessed need is essential. Such assistance may be easier to consider in cases where the individual or family has a property to sell but faces a shortfall in buying or building a more suitable home. Moving house to more appropriate accommodation where this demonstrably meets the medium to long term needs of the disabled person may be a more effective way of meeting need than adapting an existing property.

6. Voluntary Additions to the Specification of Occupational Therapist recommended Adaptations If the applicant wants to make additional improvements including providing additional living accommodation or to upgrade the specification of works, then the cost of providing the 'required' mandatory grant adaptation or standard amenity will be funded as above, with the applicant meeting the full amount of any additional cost.

7. Assistance with Reinstatement

A tenant can request their landlord's permission to adapt a home to suit their disabled needs. A landlord cannot unreasonably withhold such permission. A code of practice by the disability rights commission deals with what is reasonable and this could include requiring that a tenant reinstates the property to its original condition at the end of the lease.

Information and advice will be provided to private tenants or their private landlords to assist in the reinstatement of any property which has previously been adapted.

Where a private landlord has consented to adaptations but placed a condition requiring reinstatement in terms of S.52 (5)(b) of the 2006 Act, Scottish Borders Council will expect the private landlord in the first instance to seek a new tenant who will use the adaptations. Failing this, Scottish Borders Council will meet the cost of reinstatement in full where the adaptation prevents the re-letting of a property. Scottish Borders Council will not give grants for reinstatement to owner occupiers.

8. Related Repair and Improvement Work

Where major repair and improvement work is needed prior to adaptation being possible this will be considered under Part One House Condition Works (see Section 5 for further information). Where minor repair and improvement work is needed this may be considered as part of the adaptation on an individual basis at Scottish Borders Council's discretion.

APPENDIX 4

Application for Financial Assistance

When making an application for financial assistance the following information applies:

1. Applications

An application for financial assistance to Scottish Borders Council should contain full particulars of:

- The work in question, including approved plans and specifications of the work;
- The land on or premises in which the work is to be carried out;
- At least 2 detailed estimates of the works including professional fees;
- Evidence of title to the property.

2. Determination of Applications

Scottish Borders Council can only approve an application for financial assistance if all of the following conditions are met:

- That the owners of any land on or premises in which the work is to be carried out have consented in writing to the application and to being bound by grant or loan conditions;
- That where the work has begun, there were good reasons for beginning it before the application was approved;
- That, if the house or houses to which the application relates form part of any premises containing more than one house, the work to be carried out will not prevent the improvement of any other house in the premises.

The works must be completed within 12 months from date of approval.

3. Approved Expense

The approved expense, in relation to work referred to in an application for a grant, is the amount of:

- The expense of carrying out the work or;
- The proportion of that expense (as specified in the application) which Scottish Borders Council considers reasonable.

4. Notification of Decisions

On approving an application for grant Scottish Borders Council will notify the applicant of the approved expense, the amount of grant and the terms on which the grant is offered.

Where Scottish Borders Council refuses an application for grant it will notify the applicant of the reasons for its decision.

5. Payment of Grant

On satisfactory completion of work Scottish Borders Council will pay the grant to the nominated party within a period of one month. Instalments may be made as the work progresses.

6. Conditions Applicable on Completion of Work

Conditions 1 - 4 below apply for a period of 10 years from the date of payment of approved grant:

The house must be used as a private dwelling but part of it may be used for other purposes

e.g. as a shop or office;

The house must not be occupied by the homeowner or a member of the homeowners family except as that persons only or main residence i.e. it cannot be used as a second or holiday home;

The owner of the land or premises must take all practicable steps to keep it in a good state of repair

The owner of the land or premises must, if required to do so by Scottish Borders Council, certify that conditions 1 to 3 are, in so far as they apply, being observed.

On breach of any of the above conditions Scottish Borders Council will demand repayment of grant.

7. Registration of Conditions Registration of completed grants

will be made in the Land Register.

8. Discharge of Conditions Grants may be repaid with interest at anytime and thereafter

conditions imposed will be lifted.

APPENDIX 5

Contacting Scottish Borders Council

This appendix details contact information for services provided by Scottish Borders Council in relation to the Scheme of Assistance.

1. Contact Centres Enquires can be made in person at the following offices:

Berwickshire:

High Street, Coldstream (open Friday only, closed 12.30-1.30pm)
Newtown Street, Duns

Old High School, Eyemouth

Ettrick and Lauderdale:

Paton Street, Galashiels

High Street, Selkirk

Roxburgh:

High Street, Hawick

Exchange Street, Jedburgh

Woodmarket, Kelso

Tweeddale:

High Street, Peebles

Leithen Road, Innerleithen (open Thursday & Friday only)

Opening times for the Contact Centres are (unless otherwise stated): 9am to 4.30pm Mondays, Tuesdays and Thursdays; 9.30am to 4.30pm Wednesdays and 9am to 3.30pm on Fridays.

2. Social Work offices

You can contact Social Work by telephone on 0300 1001800.

Duns

14 Newtown Street, Duns TD11 3DT

Galashiels

4-6 Abbotsford Road, Galashiels TD1 3DS

Hawick

5-7 Lothian Street, Hawick TD9 9HD

Kelso

Rose Lane, Kelso TD5 7AP

Peebles

Chambers Institute, Peebles EH45 8AF

Opening times for Social Work offices are: Monday to Thursday - 8.45am to 4.45pm and Friday - 8.45am to 3.45pm. In an emergency and out of office hours, please telephone 0300 100 1800.

3. Borders Care & Repair Service

The contact details for the Borders Care & Repair Service are:

Borders Care & Repair, The Weaving Shed, Etrick Mill, Dunsdale Road, Selkirk TD7 5EB

Telephone: 01750 724 895

4. Home Energy Advisor

To contact Scottish Borders Council's Home Energy Advisor please call 01896661392 or email:

<mailto:housingenquiries@scotborders.gov.uk>

5. Enquires about the Scheme of Assistance

Enquires about particular aspects of the Scheme of Assistance can be made to:

Housing Strategy Team, Galashiels Area Office, Paton Street, Galashiels, TD1 3AS

Telephone: 01896 661392

Email: <mailto:housingenquiries@scotborders.gov.uk>

Scottish Borders Council
Housing Strategy Team
Galashiels Area Office
Paton Street
Galashiels
TD1 3AS
Tel: 01896 661392

