GOOD PRACTICE IN HOUSING MANAGEMENT: CASE STUDIES, CONCLUSIONS AND RECOMMENDATIONS

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CHAPTER ONE INTRODUCTION

BACKGROUND

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 the 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.

1.2 The specific objectives included:

a) to update the 1993 Baseline on housing management practice, extending coverage to the wider social rented sector and a broader range of topics

b) to explore practitioners’, tenants’ and other service users’ perspectives on current housing management practice

c) to assess the extent to which existing guidance is being followed and to explore reasons why it is not being followed

d) to investigate the impact of housing management practice on related services and strategies

e) to identify topics where new, improved or further guidance may be required.

1.3 The research was carried in 3 stages. The first stage of the project was to review the good practice literature on a range of housing management topics, concentrating mainly on literature produced between 1990 and the end of 1999. The second stage aimed to assess current practices in a number of areas through focus groups with practitioners, a large-scale postal survey, analysis of secondary data and comparison with the Baseline Study and other relevant research. The literature review and the review of progress were published as separate reports.

1.4 Our analysis of the postal survey data provided useful insights into the wide variations in practice, and the extent of changes since 1993. However, postal surveys do not have the scope to explore why landlords follow particular practices, and do not include tenants’ views. The final stage of the project therefore examined 3 particular topics in more depth through case studies in 10 organisations. These provide a qualitative assessment of each of the chosen areas and explore the views of landlords on their reasons for implementing (or not implementing) particular policies and practices. Users views of the impact of landlords’ services are also explored.

TOPICS

1.5 The literature review and the focus group work with practitioners, which we carried out at the initial stage of the research, highlighted a number of topics which were felt to be a priority. The review of practice therefore concentrated on allocations, homelessness, void
management, rent collection and arrears, repairs and maintenance, estate management, tenant participation, community care, factoring and energy efficiency. Following discussions with the advisory group for the research, it was agreed that the case studies should focus on 3 key areas:

- allocations
- anti-social behaviour
- factoring.

The reasoning for this choice is given below.

**Allocations**

1.6 Social exclusion is a key area of government policy. The initial focus groups highlighted the role of allocations in combating social exclusion. The literature review identified gaps in guidance on weighing housing needs against the need to ‘balance’ communities. Much of the guidance is about process rather than outcome. The postal survey raised concerns about restrictions on eligibility and the exclusion of applicants with rent arrears and those alleged to have committed anti-social acts. There are also links with policies on homelessness in this area. The case studies aim to explore the diversity in allocation and homelessness policies, the landlords’ rationale for these and the impact of policies on outcomes.

1.7 The issue of ‘low demand’ housing is also related to allocations and the postal survey found that many landlords had areas of low demand housing and had taken a variety of steps to alleviate these. The case studies examine landlords’ reasons for implementing these and their views on effectiveness.

1.8 A number of issues also arise as social housing ownership becomes more diverse. It is clear from the survey that the development of common housing registers in Scotland remains at an embryonic stage. However, there has been a significant decline in the proportion of dwellings allocated to council nominees by RSLs in the past 3 years. The case studies explore these areas with the aim of producing recommendations for further guidance on allocations after large-scale stock transfer programmes.

**Anti-social behaviour**

1.9 Anti-social behaviour is an issue of considerable concern for landlords. There have been several studies of this area in the past. A recent large-scale study examined the use and effectiveness of legal remedies for anti-social behaviour (Atkinson, Mullen and Scott, 2000). In addition, independent evaluations of concierge schemes and mediation have been carried out and an evaluation of the Dundee Families Unit is in progress.

1.10 However, there is a need for more information about management practices and variations in practice. The case studies explore the extent to which different practices (such as specialist units, use of mediation, use of professional witness services and multi-agency
working) make an impact. They also explore the use of design and management initiatives, landlords’ reasons for implementing these and their views on effectiveness.

1.11 Finally, the postal survey detected weaknesses in policies and practices in the related areas of racial harassment and crime strategies. There is a lack of Scottish guidance in these areas and the case studies, therefore, examine these.

Factoring

1.12 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. The literature review identified that there are concerns about the local authority role as a factor and the focus groups also identified shared ownership as an area of concern. The literature review also found that there was limited guidance in this area and even less empirical research. The postal survey indicated that there were wide variations in practice and that landlords found the area problematic. The case studies explore the variations in practice with the aim of establishing good practice in this area.

METHODS

1.13 The research was carried out between March and August 2000 and was carried out with 4 local authorities and 6 registered social landlords. Because the study was designed to complement the Review of Progress report (Scott et al, 2000b) it was primarily qualitative in nature, concentrating on interviews with housing staff on the organisation’s policy and how it was implemented. An integral part of this was consideration of the organisation’s documentation. Alongside this were focus groups with service users to explore how the policy worked in practice. Appendix 1 details how the case study organisations were selected, how the interviews were conducted, and discusses the focus groups with tenants/residents and support agencies.
CHAPTER TWO THE CASE STUDY ORGANISATIONS

INTRODUCTION

2.1 This chapter provides some information on each of the 10 case study landlords.

AUTHORITY A

2.2 Authority A was a large urban authority with over 30,000 council dwellings. Its boundaries were unaffected by local government reorganisation in 1996 and it retained a separate Housing Department. The department had 750 staff and operated a decentralised housing management service with a number of area/local teams. Area managers were accountable to the Head of Service, a Heads of Service team and thereafter, to the Director. Generic working varied between teams - some were still working with specialists: the reasons were parts historic, part a response to perceived local circumstances. Low demand was a major issue in some estates and anti-social behaviour has been considered a sufficiently serious problem to have led to the establishment of a special unit to tackle serious cases.

AUTHORITY B

2.3 Authority B was formed in 1996 at local government reorganisation. It comprised a number of former local authority districts. The authority was classified as ‘medium sized’ under our criteria (10-30,000 properties). There were over 150 housing staff employed in the council. The housing services department had a small central policy staff but housing functions were largely decentralised to area offices. In some of the smaller areas housing officers were generic but in the larger offices there was some specialisation (e.g. specialist housing allocation officers). The council was undertaking an option appraisal to assess the feasibility of stock transfer.

2.4 Harmonisation of housing policies and practices had been a major task for the new authority. Policy development was led by the central policy team. Policies were developed through working groups involving staff at both management and operational staff at all levels. These groups also monitored the implementation of policy and service standards.

AUTHORITY C

2.5 Authority C was a large urban authority. The Council was formed in 1996 from several former district council areas. It covered a large number of industrial or former industrial towns and villages.

2.6 A stand-alone department, operating through a large number of separate local offices, delivered housing services. The council’s area was divided into 3 districts, each with a divisional manager. Below them were area offices, each with own area manager and, in some places, there were sub offices. In addition, headquarters staff provided policy support for housing services.
AUTHORITY D

2.7 Authority D was a small urban local authority with less than 10,000 council properties. Its boundaries were unchanged by local government reorganisation in 1996, although the Housing Department was integrated with Social Work services into a single department. The Housing Service had 74 staff. There was a headquarters-based Housing Management Support Unit and a decentralised housing management service provided by area teams operating from local area offices. A generic housing management approach covering allocations, repairs and estate management was being developed but different patterns of generic working still operated across the area teams at the time of the fieldwork. Housing officers covered either allocations and repairs or allocations and estate management.

ASSOCIATION A

2.8 This association operated in the same geographic area as Authority A. It was formed from a stock transfer of former Scottish Homes stock. The association was classified as medium sized (between 500 and 1000 properties). However, the association acted as factor for a much larger number of ex RTB stock.

2.9 The housing officers worked generically, supported by an administrative assistant. Each officer had a ‘patch’ and dealt with allocations, rent arrears and estate management issues. Housing officers reported to the Housing Manager. A specialist officer, who reported to the Technical Services Manager, dealt with factoring.

ASSOCIATION B

2.10 This association operated in the same area as Authority B but covered a much wider geographic region, which took in several other council areas. It was classified as a large association (over 1000 stock). Some stock had been transferred from Scottish Homes. The association provided for both general and special needs - particularly mental health and ex-offenders. Some tenancies were provided to other agencies for supported accommodation.

2.11 There were around 50 staff (including wardens), operating from 2 area offices. There were 4 sections (Housing Management, Development, Finance and Maintenance). At the time of the fieldwork, the housing officers were generic and carried out all estate management, arrears and allocations in their patch. These varied in size but typically covered around 800 properties. However the association planned to re-structure its service by centralising its activities in one office and creating specialists for allocations, community development, estate management and arrears.

ASSOCIATION C

2.12 Association C was small community ownership co-operative which operated in the same area as Authority C. It was classified as a small association (less than 500 properties), all concentrated in a stigmatised estate. The association had 3 staff: a Director and 2 housing officers. The Director also worked part-time for other associations. The housing officers were generic and each managed a patch of 100 houses.
ASSOCIATION D

2.13 Association D was a large general needs housing association, which owned over 1000 properties, around half of which were acquired from a Scottish Homes stock transfer. It operated in the same area as Authority D and also had stock in a neighbouring authority. Its own stock was mainly new build but the acquired stock was much older. The Committee of Management consisted of professionals, residents and association tenants. It had 20 staff and provided a housing management service from the association’s headquarters with generic housing assistants, housing officers and senior housing officers reporting to the Housing Services Manager.

ASSOCIATION E

2.14 Association E was a small community-based organisation working within a large estate originally built by a local authority, where there were also other similar small associations. It owned and managed less than 500 houses and flats, which were all built since the association was founded, plus some unimproved ex-council flats. There was a continuing development programme. In addition it factored 56 houses and flats on behalf of owner-occupiers or shared owners. The association was the developer of all except one of the owner occupied/shared authority properties.

2.15 Housing management was carried out by a team of 2, supported by clerical and administration staff. There was a separate maintenance officer. They reported to a Director, and to the committee. The association had an office located adjacent to its stock.

ASSOCIATION F

2.16 Association F was a traditional community-based housing association. It was not linked with any of the authority case study areas. It had over 1000 properties, which were mainly tenemental property. Around 500 properties had been transferred from Scottish Homes. A further stock transfer of around 200 properties was under discussion.

2.17 There were 26 staff. The Housing Manager was responsible for a wide range of housing management functions and worked with a team of senior housing officers, housing officers and housing assistants. There were separate smaller sections dealing with development, maintenance and finance. An administrative assistant administered allocations and the association had a part-time specialist factoring officer who was responsible to the Finance Manager. The housing officers worked on a patch basis dealing with arrears, neighbour complaints and estate management. A decision had been taken that housing officers would deal with allocations in their own patch but this had not happened. The association was deciding whether to re-create a specialist allocation officer post or move to generic working.
CHAPTER THREE ALLOCATIONS

INTRODUCTION

3.1 The report on the postal survey (Scott et al. 2000a) threw up a number of issues concerning housing allocation systems deserving further investigation. Specifically these were:

- the exclusion by some landlords from waiting lists of people in rent arrears or those accused of, or previously evicted for, anti social behaviour which some authors have said is a serious source of disadvantage
- restrictions on the type of properties (typically flats not houses) offered to certain applicants, such as officially designated homeless people, and waiting list applicants
- the role of waiting time in allocations, which was a feature of local authorities, not of associations
- the relatively low level of lets in housing associations from nominations, inspired the growth of nominations agreements
- the lack of development, but the high level of interest, in common housing registers between different social landlords.

3.2 All of the landlords in the case studies stage of the research were involved in carrying out housing allocations. The chapter first examines the overall administration of allocations then the general approach to allocation, looking at aims and principles, and the sources of these in good practice advice. It then considers more specifically access and eligibility, then the extent to which the needs of people and places are considered, including approaches to low demand areas or low demand stock. The process of making lets is also examined. The chapter concludes by discussing arrangements for nominations and emerging issues concerning common housing registers.

ORGANISATION AND MANAGEMENT

Stability and change

3.3 The postal survey reported that the majority of landlords, not just those affected by local government reorganisation, had undergone significant change in housing management in the 3 years before the survey. Allocation policy and its administration did not escape this trend, with 3 of the 4 local authorities (including 2 operating on amalgamated boundaries) substantially re-vamping their allocations since then. The RSL sector, particularly owing to the pressure from Scottish Homes monitoring procedures to keep its policies under review, had also experienced change, all be it more minor.

3.4 Authorities B and C were both formed out of several former district councils, necessitating a new, unified policy to cover the new area. Both used the same approach to the
new allocation policy; that was to adapt one of the old district’s policies as the basis for the new one. Asked why a particular former district’s had been used, some interviewees in both areas pointed to the fact that current senior staff had previously worked for the districts on whose policy the new ones were based. However, perhaps not too much should be read into this observation. Authority A had revised its allocations policy in the late 1990s in order to make it less complex, for example restricting the choices available to applicants, reducing the numbers of offers which could be made, and changing the lettings areas.

3.5 However, although 3 of the case study authorities had recently altered their policies, there was little consistency in the direction of change. Authority A had simplified its group plus points system, Authority B had adopted a points system, with different groups only for new applicants and transfers, while Authority C had gone over entirely to a group system, where prioritisation was on the basis only of waiting time.

3.6 Housing associations in the study were generally experiencing more gradual, incremental change to their allocation systems. Under the pressure of Scottish Homes expectations that all policies be kept under review, recently most had made (or were intending to make) some changes of a fairly minor nature.

3.7 Association C was perhaps fairly typical; it reviewed its allocation policy annually although review did not necessarily mean changes occurred. At the most recent review, most changes recommended were procedural, for example concerning audit trails for allocations, improvements to the application form, reconsideration of the categories used to designate certain types of applicants, and the information given to applicants.

Training

3.8 Training on allocations tended to be carried out mainly when there were major policy changes, and was invariably organised internally. For example, Authority C, which had put its revised system in place in the 6 months prior to the field-work, had arranged training sessions for all staff involved, and produced documentation to support the training. The nature of such training was typically the rules and procedures to be followed by staff in pointing applications, making offers, recording refusals, etc. Similar training took place within the context of increasing genericism (see below), for example at Authorities A and D; at the former the training exercise was described as a “massive, massive exercise, but well worth it” (Policy Officer, Authority A).

Specialism and genericism

3.9 Policy determination concerning allocations was in every case a centralised function. However, as discussed below, these were significant possibilities for local discretion and some development of localised policies within the parameters of centrally-made policy. Within most of the housing associations, the delivery of allocation policy was part of the remit of a centralised team of generic staff; certainly the scale and staffing structures of the relatively small associations among the case studies mostly did not allow for specialist teams or officers. However, Association B, operating across a wide rural area, was about to move to a more specialised approach to staffing. The reason for this was that specialism was more suitable in a context where tenants rarely visited the office because of distance, also:
“officers can concentrate on one area of work and be able to develop it rather than simply touching on it... And I think it could be a way forward in providing a cheaper service....” (Policy Officer, Association A)

3.10 All of the councils carried out the administration of lettings at area office level, in other words most aspects of allocations were decentralised functions. Authority A had a specialised central unit for nominations, which may account for its apparent success in this function (see below). However with respect to which kind of staff carried out the work, there was no resolution to the long-standing discussion (dating back to at least the early 1980s) about the relative merits of specialised versus generic approaches. Indeed, mostly because of historical factors, Authorities A and B both operated both approaches in different parts of their areas, and Authority D was reported to be “moving towards full genericism” with officers doing two or three separate functions, for example allocations combined with repairs, as an interim arrangement pending training for full generic working. Among the councils, only Authority C seemed to be fully generic, with frontline housing officers responsible for allocations in their own patches, as one of a number of functional responsibilities. An officer summarised:

“I think the advantages of generic officers is that having allocated a property they are likely to know how an allocation will go in housing management. They are in touch with the effects of their own allocation - they have to deal with the consequences, if you like.” (Policy Officer, Authority B)

3.11 This kind of thinking matches well to one line of approach to successful allocations, that they should be ‘sensitive’ to the needs of households and communities, as discussed more fully below. Generic working was supported in these terms by several RSL interviewees, including Association F who had dispensed with a specialist allocation officer and whose housing management team now made collective decisions on lettings at a weekly team meeting. However, it seemed, at least from the evidence of Authority A where allocations were intended to be made ‘blind’ on the basis of avoiding any discrimination, that the choice of approach was sometimes more concerned with staff skills and abilities, rather than the quality of the lets made.

Performance review, targets and monitoring

3.12 All the landlords in the study monitored the basic outputs of their allocation system, such as how many monthly lets were made to which broad classes of applicants (new applicants, homeless, transfer, nominees, etc). None had set very sophisticated targets or operated a ‘letting plan’ as recommended by some recent good practice guidance (see, for example, Britain & Yanetta, 1998). In some quarters, questions about monitoring the outcomes of allocations systems were met with blank looks. The two authorities which relied mostly on a unified points system (A and D) mainly let the system run and so produce its own outcomes, although Authority D had introduced a quotas for transfers within this, including an allowance to let families transfer out of flats to houses. In its recently introduced allocation policy Authority B had set quotes for lets to transfer and waiting list applicants, but the way in which this was done varied from area to area. However, how this was done was not clear, even, it seems, to some of the council's staff. Asked:
Q: “How do you monitor that [the quota]? How do you keep on track?”
A: “I think [name] does, how she does it, I don’t know.” (Frontline Officer, Authority B)

3.13 Authority C's group system had no formal quotas within it, and no overall rules how many lets should go to each group. While the broad aim was to accommodate people from the groups in proportion to their overall incidence on the lists, at a local level, as on interviewee stressed, the distribution of lets was down to local knowledge and the demand for the area. Staff monitored the outcomes of the system:

“..On a quarterly basis once we get the figures through from the computer system saying, ‘over the last three months you have allocated to this list so many times, that percentage in this area’ So it's not scientific.” (Frontline Officer, Authority C)

3.14 Some of the associations operated to broad quotas. As a rule, these were used as targets to be achieved over an annual basis, and then could be adjusted at the next review. Association F, which had quotas for new applicants, transfers, nominations, mobility applicants, and referrals, had abandoned trying to achieve these exactly every month as unduly inflexible, as a policy officer explained:

“We had a monthly report to committee and we were required to have the quota balance every month. There was an arithmetic formula for each let. It's a bit more flexible than that now; the committee would expect the quotas that we set to be achieved broadly.... It probably does not make a difference in meeting the quota, but it is a better way to let property.” (Policy Officer, Association F)

FEATURES OF ALLOCATION POLICIES

3.15 The postal survey found that most landlords, in both sectors, used allocations systems which awarded points for various aspects of housing need. However, group systems involving lettings quotas for different categories of applicant were considerably more common in the RSL sector. The survey found a substantial degree of consensus between local authorities and RSLs on factors which would be given priority.

3.16 All but one of the 10 landlords prioritised applicants on the basis of housing need, using a points system or a group-plus-points system. This was to be expected, given the emphasis on meeting housing needs in the good practice guidance. Only one landlord (Authority C) used a system not based on needs; instead it put all applicants into groups and prioritised by them by waiting time.

Problems with needs based policies

3.17 The interviews with landlords revealed fairly widespread misgivings about the needs-focussed approach which most of them followed. These were various: ranging from bureaucracy and lack of flexibility to lack of choice for applicants, through to problems with
the outcomes of a needs-driven policy in terms of the concentration of particular types of tenants.

3.18 Officers in Authority A were concerned that there was a strong link between a needs-driven system and refusals, because the system did not recognise people’s aspirations. Of all the systems used by the 10 landlords, this was the only one in which allocations were made in an entirely dispassionate way, as an interviewee explained:

“The way the process and the IT works, it's actually a blind allocations policy. Strictly speaking me as a housing officer would not know who you've allocated a house to in terms of any individual and how you have made that allocation. And that throws up problems that you have in discretion or flexibility....”

(Policy Officer, Authority A)

3.19 After noting that two-thirds of offers were refused, (in spite of new limits on offers imposed recently) from “everyone, good areas, bad areas, homeless people... there is no substantial variation around that general figure” and the high costs of this to the council, it was noted that “there is something wrong here somewhere... we need to rethink” (Policy Officer, Authority A).

3.20 Elsewhere, in one of the associations where there were quotas for various groups, the need to take into account of aspirations was noted:

“Aspirations, yeah. I mean you can’t just treat them like cattle, particularly at a time when people are ... leaving towards other tenures. We've got to start marketing ourselves as landlords. I don't think the allocation quota system helps at all.” (Policy Officer, Association F)

3.21 The issue of inflexibility came to the surface in a number of other ways, concerning the needs of different places and of individuals. Discussing a newly-conceived policy covering several towns and a large rural area where there were no local lettings policies, one officer commented:

“Our policy is what I call pretty standard in terms of the range of needs factors that it takes into consideration … Problems with it are that because it's one policy covering such a huge area ranging from, for instance, an [urban] type setting where we have a concentration of estates, some popular and some very unpopular, ranging to situations where we have small - not even villages - but just groups of houses where housing becomes available once in a blue moon, and where the sorts of ideas around community are quite different from the ideas and perceptions in the town. That, I think, is a real difficulty.” (Policy Officer, Authority B)

3.22 At Association B, officers were concerned that, in spite of the policy being newly reviewed, there was real difficulty in providing fair assessments of need between people in different situations: a classic problem of bureaucratic response to human needs. An officer gave an example:

“There are issues surrounding people who are in secure private lets with overcrowding, and how heavily that's weighted against people who maybe
aren't overcrowded, but are in some kind of housing crisis situation. So I mean that's the kind of thing that I'm hearing from other staff who are pointing the applications as well.” (Policy Officer, Association B)

3.23 However, in the main, most organisations seemed reasonably satisfied that those in housing need were finding their way through the system and achieving re-housing in a reasonable time.

3.24 At Authority D, among others, there was a realisation that allocation according to need often led to the undesirable concentrations of the most desperate in the worst areas. Asked whether the system (based on points and waiting time) addressed social exclusion, the answer suggested quite the opposite:

“People who can wait longer, get the more desirable houses, because… even though they might have a need, their circumstances aren't so bad that they can't wait until these houses become available. Whereas other people are in more desperate need and therefore have to take what is available… Often the communities that they do have to go to are areas… blocks of flats, closes where there are problems, there's unemployment in the area, and all of these things.” (Policy Officer, Authority D)

3.25 While it was not specified what features within the allocation system led to these effects, it can be reasonably suggested that housing in the better areas were achieved by those who:

i) specified them when applying

ii) waited some time and, in doing so, built up their points level

iii) were able to refuse offers and wait for something better.

3.26 Information on allocations from resident's focus groups was limited. However, it seemed very clear that residents were often left totally baffled by the complexity of the rules. The irony of this, of course, is that it led them to believe the systems were unfair, whereas the complexity of the rules was designed to achieve exactly the opposite: strict fairness between different applicants. This was made worse when rules were changed and their knowledge of the system was then not only incomplete but also out of date. It also seemed that applicants were often badly informed about the methods of prioritisation, the likely length of wait for different kinds of house types and areas, are that this disadvantaged them because they either specified choices which they had little hope of achieving or were made offers which they would never want to accept. The typically mechanical nature of the allocations (register your need, and choice of areas; be assessed; wait; get one offer at a time) also led to a great deal of dissatisfaction, as did the inflexibility of rules surrounding such issues as the number of bedrooms allowed and (in Authority C) the non-availability of houses to the first-time applicants.

Transfer applicants

3.27 Housing need was not necessarily the sole concern of landlords: most also found ways to favour transfer applicants regardless of their needs. Partly this may be interpreted as a way
to make best use of the stock, but, in reality, transfers were often favoured because it was expedient to find some ways to meet the aspirations of existing tenants.

3.28 All of the local authorities in the study with points systems had some waiting time element within their systems, so the longer the wait, the bigger the points total. In some authorities, this feature was set up in such a way as to advantage transfer applicants. For example, in Authority A, waiting time was calculated back to the start of the tenancy, regardless of date of application and under- and over-occupiers also received priority over most other applicants. In Authority B, where quotas for lets to transfers were also used, transfer applicants accrued waiting points at a faster rate than new applicants, for ‘management reasons’.

3.29 None of the associations used waiting time points in this way, although some prioritised transfers by reserving them a quota of lets. For example, Association F operated a system which gave transfer applicants 45 per cent of all lets, a very high proportion in comparison to quotas for this group operated by other landlords. The association staff said that the rationale for this was that:

“The main objective that the committee has, in terms of allocations policies, is to ensure that [name of area] continues to be a balanced and sustainable community. I think the outcome of that is that there is a high proportion of allocations to transfer applications.” (Policy Officer, Association F)

3.30 It was acknowledged by a number of the interviewees that the result of allocations systems which favoured transfer applicants was that they were more likely to gain access to popular stock:

Q. “So your transfers are coming out of your less popular areas into your more popular areas?”

A. “They probably are, to be honest, and I think the policy is justifiable. It's what happens when there is a degree of recognition of aspirations within the policy - if you have served a certain time as a tenant in [name of area]. The stock has changed significantly now and [name of area] is an aspirational area for tenants. I think it would be fair to say that tenants now have access to that stock because of this policy, and they wouldn't have otherwise.” (Policy Officer, Association F)

Homeless applicants

3.31 The postal survey revealed that some local authorities disadvantaged homeless people (that is people recognised as statutorily homeless) in comparison to other applicants, for example, by restricting their access to houses (rather than flats) and by restricting their choice of area. The case studies threw a little more light on this kind of institutional disadvantage.

3.32 In 3 of the local authority case studies (A, B and D) homeless households in priority need were incorporated into the allocation system by awarding them specific points to account for their situation. In all cases these points meant that they effectively competed with other applicants and could access council-owned accommodation reasonably easily, even if
they did not have the highest priority level of all applicants. In Authority A, for example, 6 groups of applicants including medical cases, housing committee supported cases, under- and over-occupiers, and applicants who were part of The National Mobility Scheme or incoming workers were all prioritised ‘above the whole points system’, whereas homeless applicants had to compete on a points basis with all other kinds of applicants. Nevertheless, 38 per cent of all lets were said to go to homeless people.

3.33 Authority C, using its group and time system, put all priority homeless applicants in a separate group, ordered by waiting time. Homeless applicants were supported by specially charged staff, based in a central office, whose job it was to link with local offices and ensure that priority cases were dealt with promptly. In this authority homeless applicants could not access a house, but since neither could any new applicants nor tenant nominees from Scottish Homes and associations, they were not especially disadvantaged.

3.34 In the housing associations, statutorily homeless applicants could only be handled through the nominations process, which raised several difficulties (see below).

**BALANCED COMMUNITIES**

3.35 The interviews revealed that concerns with ‘community’ issues were common to most of the landlords, but these were seldom reflected in the formal aspects of the housing allocation policy. Two landlords (one association and one council) stated that they had developed specific local allocation policies partly in response to achieving a community balance. However, the proportion of stock covered was under 5 per cent in the council and under 10 per cent in the association. The authority with the allocation policy led by groups and time was also aiming to achieve balance through a flexible system. It was also clear that some landlords took community issues into account in the discretion that was available to them in screening applicants and making lets, although this was not a formal aspect of their allocation policy.

3.36 Most of the concerns about community issues surrounded the undesirability of concentrating people with particular social and economic problems in specific areas, which was often an unintended result of policy. At Association E, for example, an officer described how he would refuse some nominations from the council on the grounds that his association, which operated in a small area of a large, former municipal estate, had enough difficult tenants already.

3.37 However, the perceived official position in housing associations concerning discretionary allocations by staff was probably best summed up by the interviewee who, when asked if he would refrain from allocating a flat to a family with children when there were already several other families with children in the same close, revealed that:

> “You obviously like to balance the community right, but you could get slated by Scottish Homes if you started doing things like that.” (Frontline Officer, Association C)

3.38 It was clear in the interviews that the current debate within the housing profession about social exclusion, and the softening of Scottish Homes attitude to allocations according to need, was starting to have an effect on the thinking of housing staff. When asked about the
suggestion that allocations should try to meet the needs of communities, and not just individuals, interviewees across the board thought that this was worth thinking about, but no organisation so far had made it part of their mainstream policy.

3.39 Senior staff in Authority A, operating in the largest urban area among the case studies, had considerable concerns about its policy. One officer commented:

“I get a very distinct impression that there are many, many authorities asking the same questions at the moment and there are not ready answers… to trying to get a workable, good balance between meeting individual needs and creating, whatever, however you define a sustainable community….” (Policy Officer, Authority A)

3.40 At the opposite end of the urban-rural spectrum, an association with stock in a remote area highlighted exactly the same issue:

“I think we really need to start having a look at the balanced community. We allocated a scheme recently and almost every single person in the block was a woman and child, and that was like 30 odd children, but that doesn't produce a balanced community. All it produces, if you the slot a family in there who perhaps hasn't got children, their life will be hell.” (Policy Officer, Association B)

3.41 However, none of the organisations among the case studies had got very far in developing a practical approach to these problems, and few seemed prepared to relax needs criteria. An interviewee at Authority B typified some of the misgivings that there were:

“I think there's a question mark around sustaining communities and balanced communities because it seems to me… that it can cut both ways. By creating a balanced community we might be continuing exclusion… because you may be seeking to do some social engineering that might perpetuate exclusion.” (Policy Officer, Authority B)

3.42 It is worth giving some attention to Authority C which had no needs element within its policy. This authority had reinvented a traditional 1950-style, queue-based approach to allocations, underpinned by a great deal of discretion for both managers and front-line staff, as a solution to contemporary problems. The system was explained as an attempt to respond to problems of allocations systems which were:

“rigid and slow, with no choice, which broke up communities, and which members interfered in.” (Frontline Officer, Authority C)

3.43 Other reasons said to be behind the policy were to make the best use of the housing stock, including countering the weak demand for flatted accommodation in parts of the area. It was also claimed to be a system which was simple and easy for the public to understand, although that was not the experience of applicants at a residents focus group.

3.44 The principle of the system was to put applicants into 6 groups. Applicants were allowed a limited choice of 3 letting areas and new applicants (and homeless cases) could usually be allocated only flats. When a property became available for letting officers had
discretion over who to offer the house to from the top of any of the lists (i.e. from among those who had been waiting longest). Managers were also given discretion to let any house to anyone for ‘management reasons’. Examples given were transfers designed to solve a neighbour dispute, where it was reported by a frontline officer “we can just do it”, or in order to find a suitable property for a person with particular needs, another tenant occupying a suitable property could be offered an instant transfer.

3.45 However, in another frontline interview, some severe cases of housing need were highlighted (such as a large family living in a small high rise flat) which had been slow to get an offer of re-housing within the system, and only received attention after complaints were received. However, it is not clear that these cases were really treated more badly as a consequence of the system in use at Authority C than they might have been elsewhere.

DISCRETION

3.46 It was evident that many systems had a great deal of discretion within them in the process of making lets. This applied most obviously to some of the group systems, where there were (often loose) targets designed to achieve a balance of lets between different groups, but which rarely laid down rules about how individual vacant houses should be allocated. So it was often left to the judgement of the responsible officer to match vacant houses with applicants, as a discussion of Authority C’s policy made clear:

“They’ll know their area, and they tend to know the waiting lists as well, by working with them every single day, and some waiting lists won’t have many people on them, maybe 5 or 6, and they’ll have visited them and have a knowledge of them. But if it’s a house comes up, if it’s a ground floor flat, four in a block, in a relatively accessible area and not a top of a hill the officer is going to say, ‘I’m going to look at my medical list first of all’. If it’s a semi-detached house in quite a high demand area, they’re going to go to the transfer lists, looking at the under occupied or overcrowded lists if it’s going to ease the problem. But there are no guidelines which say that.” (Frontline Officer, Authority C)

3.47 There were, however, misgivings among the staff about the policy. One reported in interview:

“I think group date order can be abused because one of the things that was said at the briefing session was ‘it’s a breathing animal, it’ll keep developing and managers can apply discretion’. As soon as that word discretion is used, the alarm bells start to ring. I'm not one to be rigid but that tends to say, you can be discretionary; you tend to get letters coming in from people saying, can you apply your discretion and help this person? I think of we'd spent time [developing a different allocation system] a points system could have reflected need better.” (Frontline Officer, Authority C)

3.48 But such discretion also operated in points systems where, at first sight, it would seem to be clearer what the priorities were. In Association B, explaining how matching took place, and noting that she would attempt to avoid placing “vulnerable people close to other vulnerable people of the same type” one officer confirmed:
“So the top person will not automatically always get [the allocation].”  
(Frontline Officer, Association B)

3.49 The problem with discretion was highlighted by an interviewee at Authority B, referring to an allocation policy of a pre-1996 district council:

“I could point to the policy at [district], it was written on 2 sides of A4 and at the end of it, it says something like, ‘but the council reserves the right to allocate as it sees fit’ - ha-ha-ha. You throw the policy away at that point. So we're trying to maintain discretion within specified bounds... the more wide-ranging the discretion, then the less easy it is perhaps to say we have consistenc or that you can demonstrate fairness or objectivity.”  (Frontline Officer, Authority B)

3.50 Discretion at the point of let was sometimes seen as a useful tool to ensure the reduction of management problems, and is relevant to the issue of who carries out allocations: generic or specialised officers.

ACCESS AND ELIGIBILITY

3.51 The practices of excluding broad categories of applicants, which has been criticised heavily by some research (Corbett, 2000; Somerville, 2000) as a source of disadvantage, was evident in neither the postal survey nor the case studies. Scottish law prohibits local authorities from excluding people from their housing waiting lists on basis of age, income, home ownership or marital status. Applicants from outwith the area must be accepted if they have employment, are seeking employment, or have a social connection with the area and are over 60. The case study authorities appeared to comply with the legislation. It was common for them to refuse applications from outwith the area if there was no local connection, but this is permissible. Associations also had fairly open access policies, as required by Scottish Homes.

3.52 It was the practice of some housing associations not to keep active waiting lists of those who were assessed to be in little housing need. This seemed a sensible approach, as one manager explained:

“What we found over the past couple of years was that we were housing like 60 people waiting for a 2-apartment and there is only 3 [available to let] a year, so you know people were going to have to wait 20 years to get a house, so what we did was we introduced a cut-off point... We never closed the list... it has remained open all the time... so that you can still apply. We write to them and say, 'look, we're not saying you don't have housing need but at the moment you don't qualify for our list'. But we do say to them if you want, you can reapply in 6 months because things can change.”  (Policy Officer, Association E)

3.53 The postal survey found that it was common practice for councils and RSLs to exclude certain categories of applicant from eligibility for rehousing. In general, RSLs were slightly less likely to take a hard line on rent arrears, but more likely to debar ‘anti-social’ applicants. Two of the case study authorities did not allow those evicted for anti-social
behaviour to join their list; one association also did this, and also excluded people against whom there were allegations of such behaviour, although it was made clear that the policy was to investigate each case individually.

3.54 The other organisations would allow such applicants to join the list, but were reluctant to rehouse them without a resolution of the problem. Such a policy can be seen to be part of a control strategy against arrears or anti-social behaviour, as much as an allocation policy. The evidence pointed to the blocking of allocations being carried out in a sensitive manner, with landlords considering each applicant on their merits. In the case of rent arrears, landlords were looking for arrears being under control, or decreasing through an effective agreement to repay debt associated with their current tenancy. One landlord was notably sensitive to some of the complaints made by housing pressure groups:

“We'll consider whether they've established a satisfactory payment agreement. This was really to take on board some of the comments and issues that Shelter raised around exclusions for people with debt. There was also a recognition that it's a policy of inclusion... we're moving away from the 'no debt' which, generally speaking existed across the board in our previous policy.” (Policy Officer, Authority B)

3.55 Altogether, the case study organisations seemed to take a generally flexible view of debts and other misdemeanours and tried to examine the merits of each case fairly.

3.56 Only 16 per cent of RSLs responding to the postal survey said that they would restrict access to housing by owner occupiers. Some associations granted home owners a Short Assured Tenancy until their previous home was sold. This was designed to ensure that they did not accept a property and then let out their previous home.

3.57 Association F excluded people who had “given up a property without good reason”, in others words, someone who had made themselves intentionally homeless. However, each case was assessed on its merits and there was a right of appeal:

“I'm involved in any decisions where someone is excluded. I think if they have given up the tenancy, abandonment, that kind of thing, then that would be putting them off the list. They would not be accepted in terms of the policy. We do not do many exclusions. ...the rules say 'may' disqualify and 'good reason' so I think there is a lot of flexibility there.” (Policy Officer, Association F)

3.58 However, the officer also noted the association’s policy on intentional homelessness was stricter than that of the local authority in whose area it operated. In common with many of the case study landlords, the appeal process was not publicised.

3.59 The postal survey found that a quarter of local authorities imposed restrictions on the type of property which may be offered to particular groups. These tended to limit the eligibility of homeless households or waiting list applicants to flats rather than houses. A number of the case study landlords designated certain types of property for the elderly or other particular groups but this might be seen as good practice in making best use of the stock.
3.60 Only one case study organisation restricted applicant’s access to particular property types. This was authority C, whose allocation policy restricted the letting of houses (rather than flats) only to council transfer cases. The logic of this was explained as making the best use of the stock. In practice, this was really a more hard-edged version of the priority which was effectively given to transfers in other organisations. It is hard to escape the conclusion that it had been designed mainly for political reasons to favour existing tenants.

3.61 This policy was presenting some difficulties in practice. Participants at the residents' focus group on allocations in the area considered it to be unfair, and unduly inflexible. One participant believed she had a specific need for a house owing to a handicap suffered by her son, but complained that the Council had not heeded this. The restriction applied equally to settlements such as certain villages where there were no flats, so that if the policy was followed to the letter, new applicants could not access housing there at all. It also applied nominations for transfers from Scottish Homes and housing associations, leading to dissatisfaction. These problems were dealt with by the relevant local manager applying discretion to adapt the policy.

LOW DEMAND STOCK

3.62 The postal survey found that most social landlords in Scotland believed that they had some low-demand property. Overall, around 7 per cent of local authority stock and 16 per cent of housing association stock was considered to be low demand. The typical symptoms of low demand included a small or non-existent waiting list, and high rates of turnover, voids and refusals. The Review of Progress report (Scott et al, 2000b) suggested that there were a number of possible causes for weak demand. These included the physical characteristics of the property, social factors in the neighbourhood such as crime and drug problems, or that it was a consequence of local economic conditions, leading to population decline.

3.63 Many of the case study landlords had types of housing in low demand to some extent. Examples included some high rise flats, flats built to low specification, or housing association flats improved some years ago which compared badly with modern, new-build stock.

3.64 In rural areas, a significant low demand problem was isolation, particularly where the dwellings were suitable only for small households. One of Association B's schemes was described as being in an “absolutely idyllic, fantastic location” and the refurbished flats looked “really bonny”, but also as “rural, inaccessible, having poor transport and no facilities”. Another hard-to-let scheme was “seriously out in the sticks” (Policy Officer, Association B).

3.65 Finally, all of the housing authorities, and some of the associations, had parts of their stock which suffered multiple problems, as an interviewee at authority D explained:

“Despite investment that area has been stigmatised for a long time... We're talking about a lot of unemployment, crime, drugs, heroin addiction, drug dealers; it's a problem area, so... the fact that housing is never being let is more of a symptom of the problems down there than anything else.” (Policy Officer, Authority D)
3.66 Leaving aside policies towards low demand which involved making the area or houses more attractive by capital investment, intensive management, security measures or multi-agency partnerships, allocation approaches could be divided into 3 main types.

3.67 First, particularly for associations which operated on a fairly strict housing need basis, there was an attempt to relax needs criteria for the least popular stock by creating local lettings policies. The Review of Progress report (Scott et al., 2000b) suggested that this might involve, for example, a relaxation in the rules for matching property size and household characteristics or departing from routine approaches to assessing the rehousing priority of individual applicants. There was a good deal of evidence from the case studies that landlords with low demand areas or stock were creative in departing from the allocation policy in order to encourage lettings. In Association E, unimproved property was available to people who normally had insufficient points to go onto the ordinary waiting list. The fact that many of these flats had been let successfully was a surprise to the association. At Association F, staff recognised that one area of stock in low demand attracted only those in urgent need, leading to an undue concentration of social problems, therefore need was relaxed as a criteria for that area. They wanted to encourage applications from people who were employed in the area and were planning a publicity campaign:

“We do have posters and we circulate them round the neighbourhood housing offices. I do think we need to go a step further, I think that is what the letting initiative is about. I think we need to market ourselves a bit more effectively.” (Policy Officer, Association F)

3.68 However, this sort of approach sometimes ran into the problem that those in little need had no reason to take a flat in a difficult area, as one interviewee in Authority C explained:

“I have 110 empties at [estate], I have 26 applicants, no families among them, none which I wish to give a house to.” (Frontline Officer, Authority C)

3.69 Second, some organisations had tried to market particular properties. However, this was not a feature of all areas. One interviewee, asked if they had ever tried to attract non-traditional applicants, responded: “Mmm. We've got enough on the list at the moment, thank you” (Authority B). Often marketing had been a one-off exercise involving local shop-window advertising rather than an authority-wide initiative.

3.70 Of the local authorities among the case studies, Authority C had the biggest low demand problem. Its response recently had been vigorous and systematic, including non-allocation measures but also designating any house refused more than 3 times as ‘difficult to let’, and therefore not subject to the usual allocation rules. Managers were also required to implement initiatives to promote their low demand areas. Measures had included newspaper advertisement, late opening hours of offices, and setting up stalls in shopping centres. Some particularly difficult-to-let high-rise in a central location had been strongly marketed, including letting everyone on the local waiting list about the opportunity. Interviewees at the centre of the authority concerned with policy seemed pleased with the outcome, but a locally-based interviewee believed it resulted in increasing vacancies in the very worst estates, as the special initiatives had given the means to dissatisfied residents to transfer out. This suggests that where the low demand problem is underpinned by a weak market for social housing, management innovations may be a zero-sum game.
3.71 The third approach was to target particular types of applicants. A number of the case study landlords had introduced supported accommodation for young people. Authority A placed vulnerable young people in mainstream tenancies and had support workers who worked intensively pre-tenancy and immediately post-tenancy. At Authority B young people moving into a particular low demand housing estate, were targeted for a continued housing support package, designed to fill voids and to create sustainable tenancies. Authority D worked with specialist agencies that provided shared accommodation for young people with a residential warden and had follow-on accommodation which had attached support. Association E had let a close of 8 flats and 4 follow-on flats to an agency which specialised in working with young people, particularly care-leavers. The association felt that this model was very successful and were planning to expand the scheme to their low demand area, where a high number of lets were made to young people:

“We want to provide the support and counselling for any one that is moving into [area]. If you have a support worker that's a one to one relationship. So that's how we see it moving on. We don't want to provide the support worker ourselves; we want to contract the support to a specialist agency. We would identify tenancies through our waiting list and offer people a tenancy with a package of support which is gradually diminishing.” (Policy Officer, Association F)

3.72 All the interviewees in these organisations said the original reason for introducing supported accommodation was about ensuring that people could sustain a tenancy. As one officer put it: “to keep folk in their tenancies so we have a lower turnover” (Policy Officer, Authority A). More recently, these projects had widened their objectives to embrace social inclusion aims. This was specifically recognised in Authority B, which funded its support worker with Social Inclusion Partnership funding.

NOMINATIONS

3.73 The postal survey found that over 80 per cent of RSLs had formal nomination agreements with the local authorities in whose areas they operated. However, the Review of Progress (Scott et al, 2000b) also noted that there had been a significant decline in the number of nominations in recent years and suggested 4 main reasons. First, liaison arrangements between local authorities and RSLs seemed to have become less effective. Second, RSLs were increasingly invoking the terms of nomination agreements which allow them to re-let vacancies to their own applicants if a nominee was not submitted within a given period. Third, RSLs seemed to have become more lax in their notification to authorities about vacancies owing to disputes over the eligibility of nominees or concerns about rehousing nominees who they believe to constitute a risk in terms of anti-social behaviour. Finally, the decline may be a product of falling demand for social housing in certain areas, producing a situation where housing association vacancies cease to be sought by local authorities. The case studies sought to explore the effectiveness of nominations agreements in more detail.

3.74 Nominations agreements between councils and associations were in place for all of the case study landlords in the study. Most of the associations complied with Scottish Homes guidance and had agreements to give 50 per cent of net lets to local authority nominees. However, Association F only gave 15 per cent of net lets to nominees. This had been a bone
of contention between the council and the association which had been discussed at a senior level. The council refused to formally endorse an agreement for less than 50 per cent so the association had agreed a local arrangement with the neighbourhood housing office to administer nominations:

“It’s agreed with the manager on the understanding it’s a working document that’s outwith council policy.” (Policy Officer, Association F)

3.75 In one area (Authority A), which had a specialist unit to deal with nominations, staff thought that the process was working well:

“Generally it works very, very well; we have a small dedicated team that deals solely with nominations and they are excellent they have got very, very good working relationships with associations across [the area]... We don’t seem to have any problems of associations not wanting to take… homeless people or whatever; we really do not have a problem with that [here].” (Policy Officer, Authority A)

3.76 The council’s view was corroborated by a housing association working in the same area which agreed:

“The council are very, very efficient... they're faultless in their nomination process. They not only meet the timescales, they exceed them....” (Policy Officer, Association A)

3.77 However, this degree of satisfaction with the process was not found elsewhere. In Authority D, it seemed the mechanics of the process effectively prevented homeless people being nominated to associations. The council gave 3 names to associations when asked to nominate; meanwhile these names were suspended from the council’s own list. If a person in urgent need was selected, they would be disadvantaged by the delay, so, as an officer pointed out:

“There’s certainly a willingness there by the housing associations to take homeless applicants, but the practicalities in effect don't allow them.” (Authority D)

3.78 Delay on the council’s part in making nominations, and the poor quality of information about applicants was seen as a key problem by Association E. Asked:

“So generally what happened was that there was no nomination taken because you couldn't afford the delay?”

the answer was:

“Yes. Basically. You sent a letter to [the Council] and they would send a letter back saying, okay, we’ll look at it, 3 weeks later you would get a list of nominations, and some of them were dead and didn’t exist... I said ‘look, this is a waste of time’.” (Policy Officer, Association E)
3.79 The solution aimed at in this case was to open up informal relations with the local housing office, trying to identify suitable nominees in advance. This worked much more successfully.

3.80 Nominations were a big problem in low demand areas. Association C, which operated in a deprived estate, complained that they couldn't meet their nomination targets because the council did not come up with the nominations. One officer reported:

"We have a nomination agreement with the council, 50 per cent nominations, and I've asked for it to be reduced to 25 per cent, but they can't even meet 25 per cent. I mean, I am willing to take nominations, but they just can't provide them." (Policy Officer, Association C)

3.81 However, this was perhaps a misjudgement of the problem. In the same authority (but not the same town) a council interviewee admitted that, if it was up to him, he would end the nominations agreements. In an area with weak demand, he had applicants who were willing to move to associations. However, he did not wish to nominate “good tenants”, instead he wanted to keep them “as we have lots of houses to let”. On the other hand, it was hard to successfully nominate “bad tenants” to associations as they would probably reject them. So he viewed the nominations agreement as pointless.

3.82 Allegations that associations “picked and chose” which nominations they wanted to take had some support from the research. One association manager used the process of references and house visits and the discretion to turn down nominees he didn't want, on the basis that the association already had more than enough people with problems of one kind or another. However, it is a moot point whether this is an example of old-fashioned discrimination or new-fashioned 'sensitive letting'.

COMMON HOUSING REGISTERS

3.83 A common housing register is a database of housing applicants in a given area which many different landlords can access, each applying their own allocation criteria. In most cases they would centre on the participation of the council as the statutory housing authority, but they could also involve a group of housing associations acting alone.

3.84 The postal survey found that only 6 local authorities were in the process of setting up a common housing register but more than half of them were considering establishing one. Among the case studies only one of the local authority landlords (Authority A) was in the process of developing a common housing register but all the other councils said that the idea was under consideration and all their senior interviewees seemed to be aware of the theoretical advantages of common registers. However, the others all seemed a long way from making a common register a reality.

3.85 In Authority B a common register was “something for the future”, possibly to be tackled in the context of large scale transfer of council stock. For the meantime, the council was pre-occupied with its own affairs, having only recently introduced a common allocation system for it whole area. On officer conceded:
“We’ve got the books on the common housing register but I must admit I’ve not read them. So, we need to do a bit of work on it.” (Policy Officer, Authority B)

3.86 Authority C was not much further ahead; an officer reported:

“It’s actually one of the things that has been on the back burner for so long it’s in danger of catching fire.” (Policy Officer, Authority C)

3.87 Authority D, however, seemed a little more advanced. Staff had recently visited an English authority to see a common housing register in action, and it already had some common working over allocations with an association in a part of its area.

3.88 Authority A’s experience was that information technology problems were the biggest barrier to faster progress; it had been relatively easy to sign up most of the 25 housing associations in the area to participating in principle, perhaps because of the large degree of successful co-operation over nominations which already existed. At the time of the interviews, the IT problems had not been resolved, and progress had stalled. Other interviewees elsewhere also recognised the incompatibility of computing technology as the key problem. However, at least one council also seemed to think that getting housing association agreement would not be straightforward. The impression given by staff at both Authorities C and D has that they were rather daunted by the task of all the negotiations with associations, and other tasks were a more important use of staff time.

3.89 Among the associations both E and F had also been active in attempting to set up common registers for their areas, including with the local decentralised council offices, and other associations. The failure to move matters forward at Association E was lamented by one of the interviewees; the main problem had been lack of resources for carrying out a feasibility study. However, it was also reported that, in a situation of weak demand, there was competition between the local associations for tenants, and some associations (although not the respondent’s) were fearful it would make their problems even worse by displacing their demand elsewhere. An officer at Association F also seemed to believe that it could be harmful to the association, raising the possibility of agencies “cherry picking” the best applicants.

**CHANGES IN LEGISLATION**

3.90 The case study fieldwork was carried out prior to the publication of the Scottish Executive’s proposals to introduce a Housing Bill but there was some awareness of the work of the Task Force on Homelessness. There was general support for the proposals:

“There probably is a need for a change. Obviously associations have always been encouraged in terms of the guidance on voluntarily basis to assist the authority with their statutory duties on homelessness. I certainly think that this association has a good record of doing that. But everybody involved in the housing association movement knows that certain associations don’t play an active role and others have a very inactive role by not touching homeless people with a barge pole. ...So I do think that there is a need for more compulsion.” (Policy Officer, Association F)
3.91 The greater inclusion of homeless people was also supported by the local authority interviewees, for example:

“...I'm aware of the Homeless Task Force recommendations in terms of not excluding people from waiting lists and what have you. My personal view is that people shouldn't be excluded from waiting lists anyway.” (Policy Officer, Authority C)

3.92 Elsewhere at Authority B, legislating for authorities to expand their statutory duties towards people who are not priority homeless was welcomed:

“I think [it] is a good step forward because I think there is probably huge variation and, I would suspect even variation, for instance, in this Council.” (Officer, Authority B)

3.93 However, there was no real support for further legislation on changes to legislation regarding mainstream allocation policies and practices. One interviewee at Authority A, speaking in the context of developing common housing registers did, however, suggest that some legislative change concerning the legal protection of data held about individuals might be useful:

“[at present] we need to pick our way through very carefully as to how we’re using personal information and we are getting some fairly varied legal opinions how you can [use such information], and it really seems to fly in the face of joined-up work.” (Policy Officer, Authority A)

SUMMARY

3.94 Allocations is a very basic housing management function: all landlords have to find methods of matching applicants to vacant dwellings. While there is a fair degree of consensus on some of the aims and objectives of allocations among different landlords, there is significant diversity in their administrative approach, their methods of prioritisation, and the way that lettings are made.

3.95 Most allocation systems were, or had recently been, subject to change, including in those new authorities created in 1996. However, there was little coherence in the direction of change either in the administration of allocations (e.g. by specialist or generic staff) or in the basis of prioritisation. Managerial thinking concerning letting plans and outcome monitoring had made relatively little impact.

3.96 Most of the case-study landlords based their allocation policies on housing need. However, the interviews revealed widespread misgivings about the needs-focussed approach. These were various, ranging from bureaucracy and lack of flexibility to lack of choice for applicants, through to problems with the outcomes of a needs-drive policy in terms of the concentration of particular types of tenants. The complexity of systems which tried to reflect the circumstances of all applicants so that they could compete with each other usually also left the public very confused. However, need was not the sole criterion and all found ways to meet the aspirations of some transfer applicants.
3.97 Local authorities tended to do this by giving points for waiting time. One restricted eligibility for houses to transfer applicants. None of the associations used waiting time points in this way, although they prioritised transfers in other ways such as using their quota systems. The outcomes of the various mechanisms was much the same; they gave transfer applicants access to stock which they would not have been allocated on strict housing needs factors.

3.98 Interviewees in all the landlords thought that ‘sustainable’ or ‘balanced’ communities were a desirable aim of allocation systems. While many were thinking about how to get a workable balance between meeting individual needs and creating sustainable communities, or at least were aware of the problem, none had developed a practical approach within their mainstream policies. Three difficulties seem to lie behind the slowness of new policy development in this area; one, difficulties of conceptualising a policy in which need was downplayed; and two, the lack of demand, except by the desperate, for the locations where the community was most unsustainable or imbalanced. The third difficulty was the deep residualisation of social housing generally and its lack of attraction to economically active households. Some landlords took community needs into account by exercising discretion allowed in the policies for making lets or by vetting applicant's for suitability for rehousing. However, there was clearly unease about the use of such mechanisms.

3.99 There was also more general unease about the use of discretion in allocation policies. While many systems clearly provided a great deal of discretion for officers making lets, staff often expressed concerns about potential abuse. There were also problems of squaring wide discretion with the objectives of transparency, fairness and objectivity. On the other hand, the one allocation system in the study which was meant to operate ‘blind’ (i.e. no discretion) was seen by its staff to be dogged by high refusal rates and low consumer satisfaction. Generally the case studies present a picture of landlords struggling to come to terms with the desirable role and extent of discretion in modern allocations.

3.100 Many of the case study landlords had stock in low demand to some degree. The landlords used a wide range of measures to overcome the problems. Allocation systems were used in three ways: local letting initiatives, marketing to non-traditional applicants and providing supported accommodation for young people to widen the customer base and to sustain tenancies.

3.101 To return specifically to the issues raised by the postal survey, the case study information suggests the following conclusions.

Access

3.102 There is no evidence from the case studies that blanket exclusion policies aimed at particular categories of applicants exist. Local authorities and associations operate within the law, and rules about access to lists (and about the allocation of properties) are largely designed to operate as part of policies against rent arrears and antisocial behaviour. Landlords in the study seemed to operate exclusion policies on a case-by-case basis in a sensitive manner, bearing in mind the needs of the applicants and any special circumstances. However, there were concerns that exclusion policies varied widely and that appeal systems were not publicised.
3.103 Some associations operated cut-off policies, and did not keep a ‘live’ list of those assessed as having little priority. It seems difficult to raise any objection to this as long as lists are open and there is possibility of re-entry to the list if applicant’s circumstances worsen.

Property restrictions

3.104 On the evidence of the postal survey, restricting the eligibility of some applicants to particular property types was not widespread, and only one example was evident among the case studies. Restrictions seemed to be in place to boost the demand for flatted stock, and to allow for the aspirations of transfer applicants for a house to be met more easily because they were not competing with first-time renters. This case study illustrated some difficulties for applicants and the landlord if the rules were strictly adhered to; the response was to use discretion to modify them if necessary. It is difficult to assess the impact of the restrictions without knowledge of the counterfactual; on the face of it, the policy seems unduly restrictive but, with the use of discretion taken into account, it is possible that the outcomes are not all that much different to systems without property restrictions which also effectively allocate different kinds of applicants to different property types and areas.

Waiting time

3.105 The postal survey found that waiting time was an element of policy in councils but not in associations, and this is confirmed by the case study evidence. However, unless detailed studies were to be undertaken concerning the dynamics of individual organisation’s allocation systems by tracking the outcomes for different kinds of applicants, the precise contribution of waiting time in the prioritisation of applicants and policy outcomes has to remain unclear. Previous studies have shown that points for waiting time is a contributory factor to social differentiation within the housing stock, with access to higher quality areas and/or stock more easily available to those who have accrued waiting points. However, other elements of allocation systems such as a differential ability to refuse by category of applicant also contributes to such outcomes.

3.106 Councils seem to retain an element of prioritisation according to time within their systems for 3 main reasons, although few are explicit about such policies and their predictable outcomes. The first is to recognise that, for all its residualisation, aspiration for a better house or area within social housing is a legitimate consideration and using waiting points gives the possibility of those not in any great need, especially transfer cases, the possibility to move up the quality rankings. Parallels could be drawn with the housing careers of owner occupiers who may start off in a basic, small flat and move on to better accommodation in a succession of moves. Second, organisations with diverse qualities of stock and area must find ways to cool off demand for the best houses or areas, and find takers for the worst ones. Waiting points assists those who are already reasonably well housed to wait for a ‘good’ offer, while those who cannot afford to wait, are encouraged to accept a poorer quality area or dwelling. There is no doubt that the results of this are inequitable, but any distribution of housing stock is inequitable because of the variety of stock and locations in most organisations. Third, in some quarters, there is a belief that waiting time prioritisation has the benefit of being readily understood and regarded as fair by the public,
although, especially when combined with points for elements of need, this advantage may not be apparent to applicants.

3.107 Although associations did not use waiting time as a structural element in their policies, they nevertheless often found ways to meet the aspirations of their own tenants, particularly by reserving quotas for transfer applicants.

Nominations

3.108 In an era where the stocks of housing associations, which are generally of higher quality, continue to grow while council’s shrink, the ability of applicants to access association housing is a key issue for social equity. The main problem apparent in the postal survey was low nomination rates, which were variously ascribed to administrative breakdown, local authority reluctance to nominate owing to low demand for their own stock, and associations refusing nominations of tenants perceived to be difficult. These issues were all apparent among the case studies, confirming that they are widespread. Nominations procedures worked very well only in Authority A, which had a dedicated unit, whereas elsewhere they were handled through local offices. It might well assist the effectiveness of the nominations process if other council’s were to imitate Authority A, however A has the advantage of operating in a pressured housing market which many other organisations do not.

Common housing registers

3.109 With the prospect of ‘whole stock’ transfers increasing in Scotland, common housing registers have risen up the agenda of national policy makers. The local authorities in the study were all considering common housing registers with varying degrees of seriousness, and all senior policy makers know of their theoretical benefits. Some associations, too, had carried out some exploratory work. Three main problems, though, held back their development. First, officers seemed to be wary of the large amount of work needed to gain agreement from potential participants in the face of competing priorities on their time. Second, there were serious problems regarding the incompatibility of the IT systems in use by different landlords. This had caused the development of a common register to stall at Authority A, where there was the greatest enthusiasm for the concept among the case studies. Third, some organisations were worried that they might be disadvantaged if common registers displaced demand to other organisations.

3.110 The Scottish Executive has been awarded over £500,000 from the Modernising Government Fund to promote and develop CHRs in Scotland. This fund will be used to provide further guidance and support in overcoming the problems inherent in developing CHRs.

CONCLUSIONS

3.111 These case studies of allocations were carried out at a time when many landlords are facing new challenges about how to modernise their policies and procedures to cope with problems such as low demand, social exclusion, and the multiplicity of social housing providers which now operate in most areas of Scotland. The findings suggest that landlords
are struggling to find adequate responses to this new agenda; there is broad consensus about the nature of the problems, and a shared understanding of the theory of ‘good practice’ as it has been developed so far, but no real confidence that the means can be found to meet the challenges.

3.112 The design of allocations policies and procedures is still led by traditional concerns relating to housing needs and stock management; how to distinguish between different needs; how to satisfy them by matching applicants with vacancies; and how to cool the demand for the best stock while managing to find tenants for the worst. Many landlords seem to find this enough to cope with within their own organisations without also worrying about inter-organisational arrangements or about ideas about desirable neighbourhoods arising from debates about social inclusion.

3.113 Allocations also remains inculcated with the values of traditional bureaucratic approaches to need which have been reinforced over the last 30 years by pressure groups, academics and regulators who have pounced on policies which appear to be discriminatory. Indeed, recent debates about access and property restrictions, for example, are examples of the continuation of this trend. In spite of this, landlords and regulators alike have continued to accept tacitly (for practical and political reasons) the necessity of favouring transfer applicants, in spite of the constant repetition of the mantra of ‘allocation according to need’.

3.114 At present, the way forward for allocations is not very clear; however the evidence of the case studies suggests it is not set for radical change. There seems to be no grounds for new legislation although further advice on nominations and common registers might reasonably emerge if stock transfer proposals crystallise and as experience with the latter develops. Concerns about ‘balanced’ and ‘sustainable’ communities seem to require a significant change in the organisational and professional values which have informed allocations since the 1970s. At present, the search is on for alternative approaches to allocations, but there is no consensus around this, nor any promise yet that alternative approaches are practicable. In any case, more fundamental solutions to ‘unsustainable’ neighbourhoods lie outwith social housing management in the realm of the wider influences on tenure choice and residential location.
CHAPTER 4 ANTI-SOCIAL BEHAVIOUR

INTRODUCTION

4.1 This chapter discusses landlords’ policies and practices on dealing with anti-social behaviour, racial harassment and community safety. It begins by examining the organisation and management of the task within housing organisations and the perceived scale of the problem. The chapter then assesses the policies and procedures of landlords. It goes on to discuss the perceived advantages and disadvantages of a number of initiatives suggested to tackle neighbour problems, views on legal remedies and experience of multi-agency working.

ORGANISATION AND MANAGEMENT

4.2 The case study authorities organised the task of dealing with anti-social behaviour in different ways. Two of the 4 local authorities (Authority B and Authority C) had central policy staff that were responsible for drawing up policies and procedures. However, staff in local offices dealt with all neighbour problems. Cases which were considered for legal action were referred initially to the area manager and then on to the council’s solicitors. The other 2 authorities (A and D) had established central specialist units to deal with the most difficult cases and provide support to local office staff. Staff in Authority A explained that the specialist unit had been established to focus resources on legal action for anti-social behaviour:

“We’ve realised that there’s certainly a perception or maybe it’s the reality, I don’t know, that complaints, this is an area that’s growing and that we need to be more proactive. We need to be perhaps pursuing legal action more than we’ve done in the past and that’s why it’s led to the creation of the investigation team... and to the appointment of the in-house solicitor so that we’ve got our own legal resource within the housing department without having to use legal services.” (Policy Officer, Authority A)

4.3 Authority D’s specialist support was rather different. Rather than appoint specialist officers, the authority had established a central support group with heads of service from sections with an interest in the issue. The only specialist specifically employed was a Vulnerable Persons Officer:

“We have established as an anti-social behaviour management group that consists of heads of services which... head of housing management, we have a head of service from social work, we have a head of service from money and benefits advice and we have input from our legal services and a vulnerable tenants officer that we’ve employed. This would be a forum that... would review the whole case. At that point we would be deciding what legal action we may have to take... The group will only deal with the more serious problems. The majority are being dealt with at the local housing officer level.” (Policy Officer, Authority D)

4.4 One of the former local authorities in Authority C had a similar specialist unit to that in authority A, including a dedicated solicitor to deal with housing issues. This unit was
disbanded at local government re-organisation but staff were considering re-introducing a specialist support team:

“We had a dedicated team, 2 of the solicitors were regularly in contact... We worked jointly with them and were mapping out procedures and approaches to the anti-social behaviour orders... The idea of having this dedicated solicitor here is trying to just really emphasise what we’re trying to do. The other part of it is to try and make some housing staff available on a 24-hour basis. X council... had what they called a help desk and what happened there would be if you had a report an officer would actually turn out, if appropriate, to deal with the situation.” (Policy Officer, Authority C)

4.5 Authority B had considered appointing a specialist team, but decided that the size of the problem they faced did not warrant this. In addition, the authority was highly decentralised and had only a small central staff. However, staff said that the issue might be reviewed again in the future:

“If for instance, the experience over the next year or so, indicated that there is a much bigger issue then that’s maybe something that we would be looking at.” (Policy Officer, Authority B)

4.6 The study of legal remedies for neighbour problems (Atkinson, Mullen and Scott, 2000) found that only a few local authorities had set up specialist units. However, this study suggests that there may be a trend towards creating central support for local housing staff. This seems likely to be a response, mentioned by a number of local authority staff, that the problems appear to be increasing and require a wider range of management and legal responses.

4.7 The practices in the 6 associations were similar in that housing officers managed initial and minor complaints referring more problematic cases to senior staff. All the associations used solicitors in private practice to give legal advice on anti-social behaviour cases and to take cases to court. Most of the association staff had dealt with only a small number of serious cases and thus had only limited experience of legal action. As these organisations were small, in comparison to the local authorities, none felt the need to create a specialist unit:

“The day-to-day work on a neighbour disputes... is done by the housing officer, within their particular estate... It appears to work reasonably well.” (Policy Officer, Association A)

4.8 However, the policy officer in association D noted that staff might prefer this approach:

“We haven’t seriously considered it but I think housing officers would probably like to see something like that because it’s a hefty part of their workload and I think increasingly so, but we’ve never seriously thought that we would need a specialist officer just for that.” (Policy Officer, Association D)
4.9 Atkinson, Mullen and Scott (2000) found that only 15 per cent of landlords’ thought that neighbour nuisance was a big or very big problem and 40 per cent thought that it was a small or very small problem. Although they found that local authorities tended to consider that they had a larger problem than housing associations, this was not apparent in the case study landlords in this research. Very few of the case study landlords thought that they had a serious problem. The following comments were typical of the responses:

“We fortunately have not a lot of very serious cases. …Like other local authorities, we have the smaller one-off instances that we can tackle relatively quickly.” (Policy Officer, Authority D)

“It is a very small problem... It is not to say that there are not problems in this area but for us as an organisation, and within our own housing stock, anti-social behaviour is not a problem.” (Policy Officer, Association E)

4.10 Only one landlord said that they had a big problem, and this was in reference to the officer time needed to resolve the problems rather than the nature of the problems themselves:

“It’s a fairly big problem in terms of the time it takes up because even the simplest anti-social complaints can take time to resolve… We’ve got about 20 serious cases in a period of a year. They would take up a great deal of time so it’s a fairly big problem for the association in staffing and how they can devote time to it to resolve it.” (Policy Officer, Association D)

4.11 The Baseline Study of Housing Management (Clapham et al, 1995) found that the most common problems were noise, problems with children and teenagers and pets. The housing officers in the case studies also agreed that noise was the biggest problem and that complaints about children and pets were common. Staff in local authorities and housing associations cited very similar issues:

“I did a wee bit of research about 4 or 5 months ago looking at the stats that we keep on neighbour complaints, how we categorise them and what types of complaints they are. It’s something like 95 per cent of all complaints fell into category C. And there were relatively few that were serious. …around about 20 per cent of complaints were to do with noise, so that was the biggest single source of complaint and I expect that will still be fairly constant.” (Policy Officer, Authority A)

“I think the most common problem that we probably have is noise complaints. Depending on the time of year, we have complaints about kids as well. I mean, this is particularly a good period in the Easter holidays, where we get phone calls from kids who are creating all sorts of problems.” (Policy Officer, Authority D)

“I suppose noise nuisance, stereo music, general household noise can be a bit of an issue, just children playing, pet problems, dogs barking, fouling, cats, that sort of thing. The occasional reptile. Parties, playing football, you know,
in common areas, cars being dumped, parked in the wrong places.” (Frontline Officer, Association A)

“Small complaints like so and so’s not cleaning the close or the dog barks all the time... the biggest thing is probably noise nuisance that we get complaints about. We have quite a lot of 4 in a block flats. We get a great deal of noise complaints from these properties. They are family sized flats and there are lots of noise troubles there.” (Frontline Officer, Association D)

4.12 However, most landlords agreed that, while the majority of complaints concerned relatively minor issues, they had a few more serious crime-related problems:

“The types of things are mainly related to closed in areas where people will tend to hang about and congregate and cause a nuisance to people... It tends to be youths and you get perhaps damage done to communal areas or closes. We don’t have a lot of closes or a lot of flats but the ones that we do have seem to attract people who will break in the doors and vandalise the close, the stair areas and things like that.” (Policy Officer, Association D)

4.13 Interestingly, all the associations mentioned drug-dealing as a problem but few of the local authority landlords did so. In some cases, problems were located in specific areas. Officers also commented that there were few complaints: either because tenants were too afraid to come forward or because the drug-dealers kept a low profile:

“Drugs are certainly a problem, particularly in one of our estates, which is seen as quite a bit of a hot bed for drugs locally. We have had a few problems there centred around one particular street in fact. You tend to find that people are very scared to come forward about it and speak about it so it’s been very difficult to tackle. But I think there’s dealings going on in that area and there is a fear certainly for people to speak about it.” (Frontline Officer, Association D)

“Drug culture is a funny thing because the people who deal in drugs tend to be very efficient at it and what you will find is that a drug dealer is not a high profile person. They are very quiet and keep to themselves: the serious ones. Users tend to be more to the forefront because when they use the drugs they lose sensibility and they start being anti-social. There is a drug problem in this area as with every area.” (Policy Officer, Association E)

4.14 In some cases, the design or housing mix was thought to contribute to neighbour problems:

“We do have one estate where there’s quite a lot of family housing and there’s also amenity housing, which is 2-apartment, largely for older people. You often get rumblings, not necessarily specific complaints, about lots of kids running about and they knock on doors or bang windows, that type of thing. A lot of times there’s not a lot you can do about that, and a lot of it is really just different lifestyles. The architects obviously, when they designed it, thought it was a great idea to get a mix and we spoke earlier about balanced
communities. In reality it can often create a lot of management problems, because they don’t necessarily mix too well.” (Policy Officer, Association A)

Racial harassment

4.15 All the landlords had very small proportions of tenants from ethnic minority backgrounds. Some associations had none at all. Not surprisingly, therefore, officers could recall few cases of racial harassment. However, this may represent a high level of harassment for the small proportion of the ethnic minority tenants in the sector.

“We don't have large groups of ethnic minorities. …I think the issue is more around travelling families than issues over racial harassment.” (Policy Officer, Authority B)

“It's pretty low, yeah. It's a very, very low percentage. …I can only think of one case where there was perceived to be an element of racism in it.” (Policy Officer, Association A)

Focus group views

4.16 The focus group interviews produced similar findings. Many of those who attended the focus groups had personal experience of problems from neighbours. However, this is likely to reflect the fact that those with problems are more motivated to attend than that all tenants have problems. The most commonly mentioned problem was noise. In some cases, noise problems seemed to be caused by poor design or inadequate soundproofing. Other problems mentioned were noisy parties, children kicking balls into gardens, vandalism to fences and gardens full of rubbish. In area C, alcohol was said to be a greater problem than drug misuse. The group in area B said that drugs were an issue in some areas and that this caused a variety of problems:

“There was the problem of the danger of finding needles lying around, that kind of thing. There’s the problem of having people under the influence of drugs with no control over what they do. There is the general fear for the other tenants who have a drug dealer in their midst… There’s - just the way the children of a lot of these drug takers behave. …Their children are out of control and there are general concerns for the children's welfare… There’s a whole lot of different issues. There’s also, among the drug people, another sort of culture that involves baseball bats and... a lot of violence, threats of violence. There are people who were maybe bad in the first place but are now mad and bad because of the effects of drugs and that can cause horrendous problems.” (Tenant, Focus Group Area B)

4.17 This group also said that there were problems, in one area, with organised crime involving burglary, fighting in the street and joy-riding. These problems were said to be due to the presence of one family “a clan that cause a lot of problems”.
POLICIES

Anti-social behaviour

4.18 The postal survey found that 87 per cent of local authorities and 94 per cent of local authorities had policies on anti-social behaviour (Scott et al, 2000b). All the case study landlords had some sort of policy, but there were wide variations between them. Authority A did not have a single policy document which described its policies and procedures. However, there were a number of committee reports, which provided policy guidance on issues related to anti-social behaviour:

“There isn’t one comprehensive A to Z here’s all the kind of nuts and bolts of how we deal with anti-social behaviour and that’s certainly something that we need to look at and probably pull it all together in a standardised document, and up to date document.” (Policy Officer, Authority A)

4.19 Authority B had produced a policy and procedure note on Anti-social behaviour orders but did not have a wider policy document, although one was in preparation. Instead, local area offices used the policies that existed prior to local government reorganisation:

“We still don’t have an over-riding anti-social behaviour policy. We see it as being part of a wider housing management policy and although a draft went to committee, it didn’t have the anti-social behaviour bit …so effectively then we’re using what policies existed pre-reorganisation.” (Policy Officer, Authority B)

4.20 Authority C had a set of Estate Management procedures, with a section on anti-social behaviour. This covered policy aims, procedures for dealing with complaints, mediation and legal remedies (eviction and interdict).

4.21 Authority D had a very comprehensive policy and procedure document. The policy was designed in consultation with other departments and agencies, including the police, legal services and social work. The result was well thought out, detailed and wide-ranging:

“This tool that you see in front of you here is our whole policy which I think covers basically everything. We are quite pleased with this. …It looks at all aspects of neighbour complaints… Different types of problems have developed over the years so we have to deal with them in different methods… which this document provides… it's different tools for different jobs.” (Policy Officer, Authority D)

4.22 The associations also varied in their approach to policies. Most had a policy, which outlined the general principles of their position and a detailed procedure note for staff. Association D's policy and procedure document was much more comprehensive and covered the role of allocations, the tenancy agreement, the role of other agencies and the role of the management committee. Association E had several policy documents covering a range of anti-social behaviour issues. They explained the reasoning for this as follows:

“We don’t have something that is called an anti-social policy we tackle it from a different way. We have a neighbour complaints policy and we have a
tenancy agreement and we have a racial harassment policy but we don’t have an anti-social behaviour policy because there is all these others and if you use all these other tools then you don’t need an anti-social behaviour policy.” (Policy Officer, Association E)

Definitions

4.23 The Scottish Affairs Committee sought to draw a clear distinction between neighbour disputes and anti-social behaviour:

“Disputes between neighbours are common but they are not in the same league as situations where the behaviour of the household becomes unacceptable, not just to one set of neighbours, but to the neighbourhood in general.” (SAC, 1996: para. 2)

4.24 They suggested that anti-social behaviour was more serious and occurred:

“Where the problem is the 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 or individuals.” (SAC, 1996: para.3)

4.25 Surprisingly few of the policies attempted an overall definition of anti-social behaviour. Associations B’s policy defined anti-social behaviour as:

“Any action perpetuated the tenant or low cost home owner, member of family or visitor to the tenancy, which contravenes the Tenancy Agreement and takes place in, or in the vicinity of its tenancies and causes, or is likely to cause, disturbance to the people living within their tenancies.” (Policy document, Association B)

4.26 Authority C’s definition was:

“Where a person’s behaviour causes unreasonable interference with a tenant’s right to quiet enjoyment of their home or adversely affects the quality of life of the local community.” (Policy document, Authority C)

4.27 Interviewees provided a wide variety of definitions of anti-social behaviour. Some used the Scottish Affairs Committee definition:

“My definition of anti social behaviour is really behaviour by an individual or household that would threaten any other individual. Now that behaviour may be physical or may be mental.” (Policy Officer, Authority D)

4.28 Staff in Association A defined anti-social behaviour in terms of their tenancy agreement:

“There are various clauses about the use of the house and it covers those sorts of things. It’s not just the use of the house. They’ve widened the scope. Our tenancy agreement’s based on the SFHA’s model agreement and they’re
moving away from just the use of the house to in the vicinity of the house and in the neighbourhood, locality. However, you define what the neighbourhood is or the locality or whatever, so there’s various clauses about, ‘you can’t use the house for illegal or immoral purposes’ and ‘you can’t harass people’ and ‘violence towards people’ and staff as well. It’s not just neighbours. They’ve included staff now or people acting on behalf of the landlord, whether it be a contractor or whatever. So there are a number of clauses in the tenancy agreement.” (Policy Officer, Association A)

4.29 However, a number used the term to describe any behaviour which: “prevents people from enjoying the use of their own home.” (Frontline Officer, Association D).

4.30 Several of the interviewees used the overarching term of ‘anti-social behaviour’ but went on to distinguish between different levels of behaviour within the wide variation of problems:

“Anti-social behaviour is such a huge term but within that there’s simple things that can be dealt with by a phone call or short visit to the ones that are much more serious which would involve a whole multi agency approach, bringing in other services and other departments. So there are different levels within that big term, anti-social behaviour.” (Policy Officer, Authority D)

4.31 There was also acknowledgement that different things annoyed different people and that perceptions of problems varied between areas:

“I think in trying to attempt at a definition that would suit everybody has proved almost impossible. …In some ways, different ranges of things will affect people differently and indeed some things that actually people complain about in one area, they might not necessarily complain about in another area. What’s acceptable to one person might not be acceptable to somebody 4 or 5 streets round the corner.” (Policy Officer, Authority A)

4.32 In practice, therefore, the housing officer had to make some judgement about the seriousness of the problem or whether there was a problem at all:

“If somebody draws to our attention something that we feel that we’re not happy with, we would then go out and have a look at that and we’d make a decision on whether there was some substance for that.” (Policy Officer, Authority A)

4.33 Not surprisingly, the focus group participants did not attempt to define anti-social behaviour. However, while some classified every problem they had with a neighbour as ‘anti-social’, others were concerned that the description was applied too easily:

“The word anti-social behaviour… when I’m listening to your stories I’m thinking, that’s different lifestyles, that’s the design of the building…should they actually be saying it is anti-social… If you think back to when you were 20, there was nothing terribly wrong with having a party… When I think of anti-social, I think of the neighbour from hell syndrome… Being in the Residents Association, people come to speak to me about… the balls landing
in their back garden... and I think back to all the times my kid’s ball landed in gardens. There should be some distinction about what is really anti-social behaviour.” (Resident, Focus Group D)

Categorisation

4.34 Rather than use an overall definition, most of the policy documents categorised the different levels of behaviour. These categories also provided the foundation for different ways of dealing with problems. The categories were generally 3 or 4 stage models. These generally tended to classify complaints in degrees of seriousness but there were variations between different landlords.

4.35 There were 2 distinct models of categorisation. In the first type, complaints were classified in degrees of seriousness. For example, Authority A categorised problems within the wider description of anti-social behaviour: “The categories are basically A, B and C - very serious, serious and minor” (Policy Officer, Authority A). Association B’s 4-stage categorisation was similarly based on the perceived seriousness of the problem and ranged from neighbour disputes to criminal activity.

4.36 The second model classified complaints by type. For example, Authority C's classification was in 3 categories. However, the classification in this instance was on the basis of breaches of the tenancy agreement, lifestyle complaints and behaviour which was not a housing issue and which would be referred to other agencies (e.g. vandalism, illicit dumping and abandoned vehicles). Association F's framework was breaches of the tenancy agreement, complaints which requires a response from housing management in conjunction with other agencies and complaints which were not housing matters. This last category included a wide range of issues from lifestyle differences, noise nuisance and criminal behaviour.

4.37 Association A’s categorisation linked the seriousness with the type of response:

“We do try to categorise it into the sort of thing I’ve spoken about, like somebody playing their music loud once in a blue moon through to more serious problems in which we might have to involve other agencies... We then perhaps have to go and liaise with the social services or the health authorities... because we alone cannot resolve that problem. And then you get onto the third category which is probably more looking at where you should really be involving things like the police, when you start to get into assaults or that type of thing.” (Policy Officer, Association A).

4.38 However, many of the interviewees acknowledged that complaints could be redefined as the investigation proceeded, either as a result of new information or changes in the situation:

“It can start off with somebody not cleaning the stair and it could end up with assault or something stupid like that. So we’ve kind of tried to categorise it... I've looked at it again recently and I think it’s possibly a bit too complicated in terms of trying to put it into practice.” (Policy Officer, Association A)
Lifestyle disputes

4.39 Several of the landlords classified lifestyle and inter-personal disputes as an area where they would not get involved. Such disputes were thought to be very time-consuming for staff and difficult to resolve. In some cases, such complaints were passed to mediation services but in others, complainants were simply told that there was nothing that the landlord could do because there was no evidence of breach of the tenancy:

“We’ve realised that there are a number of areas of just straightforward inter-personal disputes that a landlord has no part in. We have no locus to get involved in them. Where that kind of thing happens, the category C minor complaints, we would recommend to the individuals involved, that they seek help through the mediation project.” (Policy Officer, Authority A)

“When there are just lifestyle differences that can’t be resolved, that’s incorporated into our policy. I think that’s quite important sometimes because you can bang your head off a brick wall. I think it’s supportive from the staff point of view that we do acknowledge that we can sometimes say to people, look we cannot help here, we have no proof, we have no evidence. ...I think that’s quite important. Where I worked before, that was not acknowledged. You just had to keep trying and keep trying and it was very frustrating for both the tenants and staff that you were never going anywhere.” (Frontline Officer, Association D)

Drugs policies

4.40 Several of the landlords had policy statements on the use of drugs. However, some landlords took a harder line than others did. Some had blanket ‘zero tolerance’ policies in which a conviction for possession or drug-dealing would automatically lead to court action for eviction:

“It is our policy that we will not tolerate drug dealing. If you know of anyone who is a drug dealer or, if you have drugs in your house and you are found guilty, we will evict you.” (Policy Officer, Association E)

4.41 Others took the view that eviction was always a last resort which should only be taken after all other avenues had been tried and exhausted. For example, Authority D considered families with drug or alcohol problems to be vulnerable and would refer such cases to a specialist vulnerable persons officer for support. Association F examined the circumstances of each case prior to a decision on whether to seek to pursue eviction action:

“We take the view that its not about the principle – that somebody's broken the law in terms of drugs, its about the actual impact on the other that are living in that close. It’s about the context... So that is why the policy is saying that there is no blanket policy where any one who is convicted of drug-dealing should be evicted. Where one of our tenants is creating a real problem we can look at it as a breach of tenancy conditions – where it is making the life of other tenants intolerable. We have to be aware of the issues of double punishment – Where you might be throwing the whole family out on
the street because somebody in the household has been convicted for drug abuse.” (Policy Officer, Association F)

Racial harassment

4.42 The postal survey found that 57 per cent of local authorities and 87 per cent of housing associations had policies on racial harassment. This pattern as also found in the case studies. Two of the local authorities (Authority D and A) had policies compared with 4 out of the 6 associations. The policies on racial harassment varied. Authority D had the most comprehensive policy on harassment. The council actively participated in a multi-agency group within the region, which had produced a region wide strategy for dealing with racial harassment. Following the Lawrence Inquiry, this was in the process of being reviewed. The racial equality council, who kept a central database, monitored complaints about racial harassment.

4.43 The policy in Authority A had been in force for 10-12 years and was acknowledged to be out-dated and little used, leading to under-reporting:

“I think at first it was probably very rigorous and there was lots of recording. Then, through time, it gradually become maybe less used, maybe staff were less au fait with it, or less aware of the reasons behind it. We are now in the process of re-vamping it... We are responding to the new aspects of things like the Lawrence enquiry and the report subsequent to that so, we’re updating our procedures.” (Policy Officer 2, Authority A)

4.44 The interviewees also felt that there was a need to simplify the paperwork to encourage staff to complete the forms:

“We record racial harassment incidents separately. We’ve got a fairly laborious process of filling in information sheets... I suspect that folk are getting complaints but they aren’t filling in the forms, just because it’s bureaucratically a nuisance to fill them in.” (Policy Officer 2, Authority A)

4.45 Among the associations, Association E had the most well developed policy:

“We do have a racial harassment policy and it is very specific. It says anybody who is a victim of racial harassment, any sort of racial harassment, it shouldn’t be just restricted to the colour of somebody’s skin. Racial harassment covers a wide spectrum. ...It tells you the timescales. If there is a report or somebody was saying that they were harassed or racially discriminated against in some way then... they’ve to be visited right away. If there is any graffiti it has to be removed within 24 hours and there has to be a statement taken... and the police have to be informed.” (Policy Officer, Association E)

4.46 The only mention of racial harassment in Authority C's policy was in the appendix listing the powers of various agencies. This noted that racial harassment was a criminal offence and suggested that the remedy was to refer such complaints to the police. There was no indication, in the interviews, that the authority intended to produce a more comprehensive
policy. The other landlords who did not have a racial harassment policy were considering adopting one. However, in the case of Authority B, this was not considered a high priority.

“We did have some idea of including that somewhere within policy management and we had some contact with PATH who have a standard model policy. Whether or not we do it, as part of policy management or whether we do it just separately, but it’s not a huge priority.” (Policy Officer, Authority B)

Community safety

4.47 The postal survey found that only 38 per cent of local authorities and only 9 per cent of RSLs had a policy on community safety. Among the case study landlords, none had a specific housing policy on this issue. Authority A had a corporate community safety officer with a wide-ranging remit to provide advice and guidance and to draw different departments together. However, the post had only been recently filled and the housing staff felt that:

“The whole community safety thing’s not had a terribly high profile therefore within the Council or filtering down through to us departmentally.” (Policy Officer, Authority A)

4.48 Authority B also had a central community safety unit within the Council. This appeared to be more active than in Authority A. The unit had produced an overall community safety strategy and had also carried out a cost of crime audit. The unit had also worked with local groups:

“There’s been some work looking at community priorities and obviously that varies from street lighting here to whatever. It is very varied and that I think is influencing the agendas in the different areas. There are local community safety groups and they more or less set their agenda.” (Policy Officer, Authority A)

4.49 However, there appeared to be limited contact between the unit and housing staff, although they acknowledged that the developing anti-social behaviour policy would have to fit within the more corporate community safety work.

RECORDS

4.50 The postal survey found that 80 per cent of the respondents said that they kept records of the number of complaints about neighbour nuisance, three-quarters (75%) kept records about complaints of racial harassment while only a quarter (26%) kept records of complaints about crime. All but one of the case studies claimed to keep records of the number of complaints about anti-social behaviour and racial harassment. However, only 3 out of 10 kept records about crime. Seven out of 10 landlords provided statistics on the number of complaints received. However, it was difficult to make comparisons about the scale of the problems because there was no common type of recording system. In some cases, all complaints were logged. However, some of the landlords only kept statistics of more serious cases.
4.51 There was also variation in how recording was carried out. In some landlords each complaint was logged as a separate complaint: so that 10 people complaining about the same incident would be recorded as 10 complaints. In others, such multiple complaints about the same incident would be recorded as one complaint. It was also apparent that there was a fair degree of officer discretion about how complaints were recorded, so even within the same organisation, different officers might treat complaints differently. The quotes illustrate the range of recording methods:

“It’s essentially up to the officer dealing with it whether or not they’re recording it once or recording it several times because it’s like a new complaint about the same individual... it also does include pure estates management things like stair cleaning complaints, like not having a tidy garden, things like that so it does reflect a very broad area.” (Policy Officer, Authority A)

“If there’s something which is resolved fairly quickly, sometimes it can be resolved over the telephone in fact without anything being put in writing. That one will just disappear. But anything at all that we’ve had to visit or interview for will be set up in its own file which is separate from the tenant’s house file and kept in a separate part of the office... and they’ll be the ones that are pretty long-standing or ongoing or serious in nature.” (Frontline Officer, Association D)

“There is only one area historically that’s kept a central record of complaints coming in, but it’s just a manual record and therefore you can’t retrieve it.” (Policy Officer, Authority B)

4.52 This study did not examine the recording systems in detail, but Atkinson, Mullen and Scott (2000) found that a substantial number of landlords’ information systems were not adequate to provide the data required to monitor anti-social behaviour cases. Their case study work also found evidence of inadequate record-keeping, including inaccurate information on the number of legal actions. Although the number of landlords keeping records and statistics of cases of anti-social behaviour appears to have increased, there are still serious concerns about the adequacy of these for monitoring purposes.

PROCEDURES

4.53 The procedures of all the case study landlords were essentially similar. The ‘normal case’ was started for all landlords by receipt of complaints. All the landlords would accept complaints in a variety of forms. This comment was typical of those received:

“Whether it be from a telephone call, personal visit, letter, anonymous letter, anonymous phone call, they come in all different shapes and sizes, our policy is that we’ll really look at every one of them because even the anonymous complaints we feel will always warrant a check. We do not force someone to say if they’ve got a complaint they must put it in writing. We don’t do that.” (Policy Officer, Authority D)
4.54 Officers would then check that complainant wished the landlord to investigate further:

“We’ll interview them, discuss really what they want us to do about it... explain what would be involved if we followed it up, so they knew the process.” (Frontline Officer, Association B)

4.55 If the complainant did want to proceed, the housing officer would interview the complainant and relevant witnesses. Where there appeared to be a case to answer, the person complained of would be interviewed at their home or the housing office. If it was felt that the complaints had been established a warning would be issued, and the landlord would monitor the situation, issuing further warnings if necessary.

“Typically, whoever’s receiving contact of it is responsible for taking the information that's required. It then tends to be passed on to the housing officer initially to investigate... Most of the time it would involve them going out on site and either looking at the problem or speaking to the people involved and working out what to do from there... There's so many different types of complaints, so it's hard to be more specific than that. If it's a close cleaning thing, it's finding out who's responsible... So they're responsible for taking on the case, doing either a full investigation or at least looking at the facts, then making a judgement on where they need to go with that.” (Policy Officer, Authority A)

“What we do is that we go and visit them right away and say to them ‘look you know do you realise that this was a bit out of order’...I think that by tackling it right away you stop it there and then... We have formal letters where somebody would get a warning and then get a second warning and then they will get a letter saying come in and speak to us or whatever. So there are procedures and it is very formal but in most cases we have never had to enact them.” (Policy Officer, Association E)

4.56 If the problems persisted after warnings the landlord would raise proceedings for eviction. Housing associations usually sought approval for eviction from their management committees before a summons was served, but in local authorities the decision would be made at officer level.

4.57 The type of behaviour could make a difference to procedure. In more serious cases, there would be much faster action than in more routine complaints:

“They will - depending on what information is supplied regarding the seriousness of the complaint - make a decision on what their actions would be. If it was somebody at a serious end, any abuse, they would be taking much, much quicker action within a defined timescale than if it was the overgrown garden. They wouldn't run out straight away to that.” (Policy Officer, Authority A)

“It depends on the complaint. If it was something like music playing at all hours of the night I would just get the tenant in and have an interview with the tenant and hopefully that would be it resolved... The more serious cases...if it was drugs or whatever then the first thing I would do is get in touch with the
community policeman and take it from there.” (Frontline Officer, Association C)

4.58 In general, the interviewees thought that most cases were resolved without court action.

“We don’t take that many cases to court. We take a few but not a huge number of cases. It’s got to be a very high proportion that don’t get to that stage. Now that could be because they’re just progressing through and eventually they will or it could be because they’ve been resolved or it could be because there’s been no corroboration and therefore no action that we can take.” (Policy Officer, Authority A)

4.59 However, many of the interviewees cautious about whether the outcomes could be considered to be successful:

“Personally, a successful outcome is one where both parties are either happy… or where having tried everything else and showed that it failed in that, that an individual is removed from further situations so there’s a range of definitions… It’s not a game where there’s a lot of success in because when you’re trying to deal with people’s emotions. It’s very, very hard to get to a situation where the Council, the victims and the perpetrators are all happy.” (Policy Officer, Authority A)

“The majority are successful. If I was to look at the log just now I would probably go through it and say ‘they are still there but I think she is getting fed up; that other party has moved and that one is closed because… maybe it was a one off.’ I could easily say a case has been resolved but it has not. Just because you don’t get further complaints doesn’t necessarily mean that it has gone.” (Policy Officer, Association C)

INITIATIVES

4.60 The postal survey found that almost all landlords had introduced some measures to reduce crime and anti-social behaviour. The most common management measures were home visits to applicants prior to offer, settling in visits and graffiti removal. The most common design measures were door-entry systems, double-glazing, security locks and improved external lighting. The least common measures were supervised accommodation for families and security patrols on estates. The measures which landlords were most likely to be considering introducing were external mediation services, use of professional witness services and CCTV systems on estates. Due to time constraints, the case study interviews concentrated on a limited range of measures, including those which landlords were most likely to be considering introducing. The findings are detailed below.
Supported accommodation

4.61 As noted in Chapter 3, a number of the case study landlords had introduced supported accommodation for young people. Only one (Authority D) had supported accommodation for families although Authority A was considering this. All the interviewees in these organisations said the original reason for introducing supported accommodation was about ensuring that people could sustain a tenancy. There was a concern that the measures should not be seen as a response to the presumption that young people would cause problems.

“I would hate to ever suggest that because any of these people didn’t have the kind of intense support that had to start with, that they would be likely candidates to cause problems.” (Frontline Officer, Association B)

4.62 However, they agreed that reducing anti-social behaviour problems might be a useful side-benefit. Authority D had gone on to appoint a Vulnerable Persons Officer who worked with a range of households who were referred after causing neighbour problems and association F was considered a similar scheme.

4.63 Tenants in the focus groups were aware of supported accommodation initiatives in their areas and had positive views about the contribution that they made. However, some thought that landlords should be clearer and firmer in setting out and enforcing the conditions of tenancy with new young tenants.

Mediation services

4.64 Three of the case study landlords said that they had an in-house mediation service and they had used independent external services. In associations C, E and F some staff had mediation training which they used to operate an ‘ad-hoc’ mediation service. This comment was typical:

“Rather than just going to your individual and where you get one side of the story and you don’t know who to believe... so I tend to get the 2 of them together and just thrash it out. It does seem to work. I have only done it on a couple of occasions and it hasn’t been major anti-social problems. It has just been petty things and it seems to have worked. But if it was more heavy duty than that I don’t know if I would be able to.” (Frontline Officer, Association C).

4.65 Both Authority A and Association A had used an independent mediation service, which operated, in the area. Authority A routinely referred minor neighbour disputes to this project, while association A did so occasionally. Authority D was discussing the possibility of setting up an independent scheme with a specialist agency. Authority B and Association B were supporting the development of a local independent mediation service. Association F had used an independent mediation service, but indicated that the management committee were not committed to the idea of mediation:

“We’ve got a neighbour dispute leaflet which does say we will provide mediation and we will look at independent mediation. So we do offer it on that basis... we’ve had them doing a case ...but that’s basically through
networking …they did come out and actually resolved the case. It was free of charge at that time basically because of networks but if I was going to do it again the chances are that it would cost £500-£1000. I would be the first to admit there have been a couple of cases were absolutely suitable in terms of resolution through mediation and we just have not done it because I haven’t got the time. And I have not had the time to set up someone external to do it and that’s a shame. Again it comes back to what the priorities are.” (Policy Officer, Association F)

4.66 Staff in association F also said that the Scottish Federation of Housing Associations had tried to set up a scheme for associations, involving trained housing staff. However, this had not progressed further than initial training:

“SFHA had a stab at a scheme to provide trained mediators that were staff employed by the associations. But as with a lot of these things, it was just dead in the water in terms of how it would be pulled together and actually work. …That’s an issue about the resources within the association and how much the committee is prepared to spend on the association providing that service.” (Policy Officer, Association F)

4.67 Most staff who had tried mediation, whether through use of their own skills or through an external service, felt that this tool could be very successful.

4.68 Although the concept of mediation has been grasped by many landlords, mediation services were often carried out in an ad-hoc way by housing officers with limited training. It was encouraging that several of the local authority case study landlords were considering setting up independent mediation services in their area. In most cases, it appeared that local associations would be able to make use of these. However, some raised issues of resources and priorities for spending. Some interviewees felt that there was still a need to argue the case that a good mediation service would be cost-effective:

“We were going backwards and forwards between the tenants - if you thought about it and went through how much staff time it would actually involve in a case, I think it is money well spent. That is an argument that needs a champion to get that across.” (Policy Officer, Association F)

4.69 None of the tenants in the focus groups had experience of mediation services, but tenants in area B and area D were aware that there were plans to set up such services in their area. They thought that this was a good idea.

Close cleaning service

4.70 Six landlords (2 local authorities and 4 associations) offered close cleaning services. These were sometimes introduced as a preventative measure, to keep common areas in good condition in new build and rehabilitated flats. In these cases, the service was compulsory. In other cases, the service was offered when cleaning rotas had broken down, leading to disputes between neighbours.
“Usually if it’s new build property we usually have close cleaning right away. But on other closes sometimes the tenants will come to you and say they would like to take up the service. Or it could be that it’s a close that’s in poor condition and we contact all the tenants and say that were concerned about the condition of the close.” (Policy Officer, Association F)

4.71 The housing officers with experience of such schemes thought that they did reduce the number of complaints and the work-load of housing staff:

“Almost all of those that are flatted have a close cleaning service provided and it’s included in the service charges for the property. And that was really to prevent the type of housing management problems you can get with people not taking their turn and closes deteriorating in condition. …You can class people not cleaning their close as an anti social problem and it’s one that we certainly get complaints about and so therefore by introducing the service, you’re avoiding that type of problem as well.” (Frontline Officer, Association D)

Victim support services

4.72 Only 2 of the case study landlords (Authority A and Authority D) offered a victim support service. The scheme in authority D was of the more traditional kind, where volunteers from a local group would go out to offer support to victims of break-ins. The housing department provided financial support to the group for this service on a case by case basis:

“We also have a victim support budget …one where maybe there has been a break-in at someone’s house and we’d ask this person to go out and give us an assessment and we’d deal with that as an individual.” (Policy Officer, Authority D)

4.73 The scheme in Authority A was more unusual. Although the service was provided by a voluntary victim support group, it aimed to support neighbours who were due to act as witnesses in court:

“We’re starting to refer because of the links from …the police, who advised us that a reasonable group could provide good support to clients. We very often don't have the full range of time available to us to counsel people and don't always necessarily have the skills in cases where they're going to court. We're finding that quite a high level of people are actually taking up the offer.” (Policy Officer, Authority A)

Professional witnesses (staff or professional)

4.74 All the local authorities said that they would use staff as professional witnesses and 3 landlords had used private investigators. In Authority A, the specialist team was available on a 24-hour basis and officers were able to go out and witness incidents. This also seen as a form of victim support:
“The... investigation team... are available on a 24-hour basis where they accept a case onto their books, the person's given their contact number and can call them at any time. Now that would mainly be to go and witness incidents actually happening and therefore they would be professional witnesses. But I suspect that there is some psychological support there for the person that's suffering that, just to know that they've got somebody they can contact in the middle of the night or whenever.” (Policy Officer, Authority A)

4.75 However, Authority D felt that non-specialist housing officers and environmental health staff could perform a similar function.

4.76 There were mixed views on the employment of private investigators as professional witnesses. Authority C had employed private investigators on a regular basis and felt that this was a useful tool. One of the associations had used private investigators and would do so again, in suitable cases:

“We have had private investigators, covert cameras and stuff. The association has used private investigators observing things. It didn’t lead to a case but that’s because the tenancies were given up and probably the police dealt with them. I think that it would be used again as a potential tool of the association to support a court case in suitable cases.” (Policy Officer, Association F)

4.77 Other associations also said that they were willing to consider this option. However, one of the local authorities was very concerned about this tool and had rejected the idea:

“We had looked at the use of professional witnesses some considerable time ago. We had concerns about it. We looked at 2 examples... and I actually interviewed some prospective professional witnesses. My own concern ... was really was a professional witness - were we lining up someone to get payment by results, where we actually put someone in there and the individual to sit in and listen and how long does this go on? Certainly the costings that we were getting at that time were very concerning to us. We could spend a fortune and not be guaranteed that this would resolve the problem.” (Policy Officer, Authority D)

However, the officer said that he was open to looking at the idea again to see if things had moved on.

**CCTV on estates**

4.78 Three of the local authorities (A, B and C) and 2 of the housing associations (C and F) had CCTV schemes on their estates. Both the local authority and the housing association in area D were considering introducing them. In Authority A the CCTV system was based in multi-story blocks but the council was planning to extend the scheme to estates. Authority C had invested heavily in CCTV systems, which operated on a number of the estates, in multi-storey blocks and in the town centre. Further extensions of the system were planned to cover more areas Authority B had a limited number of cameras in one area. The associations had provided financial support to schemes to provide cameras in their areas. There were mixed
views on the effectiveness of the systems. Two of the authorities were very positive but the views of the staff in the 2 associations were less enthusiastic. These 2 contrasting comments were typical:

“We are trying to use as broad a brush as we can. And we’ve had some success. We’re very pleased with how the cameras have worked.” (Policy Officer, Authority C)

“Well we've got the (x) street watch project so there is a camera just out there... ...It does provide a feeling of security but there are issues about how effective it actually is in reducing crime... There is the general feeling that the cameras will deter some problems - but they’ll go somewhere else where there is no camera.” (Policy Officer, Association F)

4.79 The tenants in the focus groups were also generally pessimistic about the deterrent value of CCTV. Some thought that additional police resources on the beat would be more effective:

“You can walk through the town centre here on a Friday night when the pubs and night clubs are pouring all their filth out onto the street and the police are perhaps sitting in headquarters watching what's going on, you know, on a monitor screen. That's precious little use if a knife is pulled on someone because they could be dead by the time the police get there. There's nothing can supersede policemen on the beat.” (Tenant, Focus Group Area B)

Sound insulation

4.80 The postal survey found that 63 per cent of landlords had introduced improved sound insulation to deal with noise nuisance. This was surprisingly high, as previous research (Bannister and Scott, 2000; Boyle, unpublished) had found little evidence of specific sound insulation measures. Among the case studies, 4 of the associations and one of the councils claimed to have introduced improved sound insulation to deal with noise nuisance. On investigation, it appeared that several of these landlords had indicated that they had improved sound insulation because they carried out such work in new build and modernisation schemes. A number of the interviewees complained that, even in new build property, they received complaints about domestic noise nuisance and several said that they did not think that the Building Regulation standards were high enough. This comment was typical:

“Well the sound insulation is pretty poor. There seems to have been a big issue about heat insulation and all this but noise insulation seems to have been ignored. It's vital that they can get a restful night's sleep and they'll not hear next door's baby cry. There are people who can't... We've got an award for heat insulation but people can't live in them. They complain all the time about the noise...washing machine going, conversations... They meet the sound standards but that's all. I don't think the standards are set high enough. ...I'm not technically knowledgeable of that but judging by the number of complaints that we get, there must be some problems with it.” (Policy Officer, Association A)
4.81 The issue of poor sound insulation was also raised in one of the focus groups. One who lived in a recently built block of blocks described the problems:

“The shape of the building looks lovely but the whole thing is an echo chamber... My bedroom in at the side of the close and I hear them at 2 and 3 in the morning coming home fae the dancing, bringing girlfriends home, they're tottering up the stair with their big high heels... I can hear them going for a widdle. I hear that.” (Resident, Focus group)

4.82 Only one of the landlords had attempted to carry out specific improvements to the sound insulation. This was thought to be reasonably successful but it caused disruption in occupied property and was therefore not always accepted by the tenants as a solution:

“We've done that in a few properties in that area. At the moment there’s been a long term anti-social case between 2 neighbours and we’ve offered to put soundproofing in but this woman's refused it due to the disruption.” (Frontline Officer, Association F).

EVALUATIONS AND COSTS

4.83 Although, The Scottish Office circular (SODD, 1988) recommended that landlords should aim to evaluate measures and assess their cost-effectiveness, the postal survey found that assessment of the costs of anti-social behaviour was poor and that few landlords had carried out any evaluations of the initiatives they had established. The case studies reflected these findings. Very few of the case study landlords were able to provide information on the costs of dealing with anti-social behaviour. Most said that the costs were subsumed into the general housing management budget and that it would be too time-consuming to extract it.

“It something that you want to get, to monitor the cost..but there is an issue, where you have housing officers at the front-line that we don't have the time to do it. Let alone recording the information which is another hassle, something else to do.” (Policy Officer, Association F)

4.84 Several officers noted that there had not been any attempts to cost the time spent on anti-social behaviour at a national level either:

“Discussions with colleagues in other authorities I've had recently where even at the national level where there's been a lot benchmarking exercises done, the neighbour nuisance, anti-social type issues have tended to be looked at in the box of estate management overall. So it's been hard to separate out what the amount of time is.” (Policy Officer, Authority A)

4.85 However, some landlords had begun to look at the issue:

“Our best value review will attempt to try and work out actual costs. We're in the process of doing that at the moment. I was carrying out a time analysis working on the various aspects of estate management so it's hoped that within the next few months that I'll actually be able to work out costings.” (Policy Officer, Authority D)
4.86 None of the landlords had commissioned an external evaluation of any of their initiatives, although a few noted that there had been independent research on mediation and concierge services. In-house evaluations tended to be informal and based on staff views:

“In terms of the close cleaning, for instance...there’s not been any type of formal evaluation but obviously in day to day management, they’re aware that it reduces problems. And so in that sense, you know it is working and that's a good service to provide.” (Frontline Officer, Association C)

4.87 In Authority A, the decision to continue to fund the independent mediation service was based on figures provided by the service itself:

“There’s a recent committee report ...resolved to continue funding (the mediation service). I don’t think we evaluated in any depth the actual quality of what they were doing. We were looking more at the overall numbers that were getting punted their way and then their assessment of how successful it had been in resolving those disputes. I don't know whether they’ve ever been externally evaluated.” (Policy Officer, Authority A)

4.88 Some landlords mentioned the use of customer satisfaction surveys and focus groups to assess users views of services. Others said that they would evaluate their management of anti-social behaviour as part of best value reviews of service:

“We intend to look at areas such as anti-social behaviour and carry out assessments on what is good practice where we have been successful. I'm probably aiming in that area to look at customer satisfaction surveys... We'd get ...the users of the service and ask them how they feel that we're actually performing. ...I think we need to go external to get the big picture. This idea of best value reviews and benchmarking in other authorities helps us to identify good practice and to determine if we are delivering the goods.” (Policy Officer, Authority D)

4.89 It does appear that Best Value was having a positive impact on the need to review both costs and the quality of service provision. However, the work carried for this seemed likely to fall well short of a full and robust cost-effectiveness evaluation.

LEGAL REMEDIES

Eviction

4.90 Atkinson, Mullen and Scott (2000) found that willingness to evict varied by sector with local authorities expressing greatest readiness to use the legal process and co-ops the least. However, in practice, few cases were taken to court. They estimated that, in the 2 years studied (1995/96 and 1996/97), around 1500 to 2000 tenants per year were served with a notice seeking possession due to their behaviour and at most 150 were taken to court each year. That study of legal remedies concentrated on landlords who were more frequent users of legal remedies.
4.91 In contrast, none of the case study landlords in this study were heavy users of legal remedies for anti-social behaviour. Eviction was the most commonly used legal remedy. Authority A had taken a number of tenants to court. Authority B had not used eviction since local government re-organisation in 1996, but one of the former councils had evicted a small number of tenants for anti-social behaviour. Authority D had very few cases that reached the stage of repossessing the property. Association D had 2 cases, involving convictions for drug-dealing in process.

4.92 A number of the officers stressed that actually evicting someone would only be taken as a last resort. They tended to see the commencement of court action to evict as a preventative tool rather than remedy. In practice, several of the associations (B, C and E) had served notices seeking possession (the first stage in a court action). However, they had not had to evict anyone for anti-social behaviour because the problem was resolved before the hearing, either because the tenant moved out or because the problem behaviour stopped. In some cases, the threat of eviction was seen as a useful tool in its own right:

“There is one where there is a notice outstanding but we have not had any further complaints since. …Luckily for them, there have not been any other instances but if there were we have got a file ready. We would send it off to our lawyer and say ‘we have done everything at our end, just arrange the court for us’. So we do the legal proceedings up to the court stage.” (Policy Officer, Association C)

4.93 A number of officers commented that eviction action was last resort, after other action had failed. This comment was typical:

“I think though eviction is the ultimate sanction and people with anti-social cases don’t tend to think that we’ll go that far... but certainly I think it should be used in extreme cases.” (Policy Officer, Association D)

4.94 The assertion that action was not taken lightly was borne out by the descriptions of behaviour which had led to eviction action. These included drug-dealing, threatening staff, out-of-control children, noisy parties and threatening and abusive behaviour.

“The person concerned stayed in a top flat and 24 hours a day the house was packed with crowds and crowds. Social work were involved eventually and the person got their kids taken away from them. It went on and on for months and months and eventually we did get a decree and we got the person evicted. So that is a severe case. You do hope that it never comes to that but unfortunately sometimes it does.” (Frontline Officer, Association C)

“They were both in tenements and both of the cases involved the tenants who had alcohol related problems and were basically shouting and swearing, disturbing the quality life of other tenants in the close where they lived. This resulted in the association taking action.” (Policy Officer, Association F).

4.95 However Atkinson, Mullen and Scott (2000) noted that, in many of the cases they examined the tenants could be regarded as vulnerable. This included vulnerability through mental health, serious alcohol abuse and ‘out of control’ children. This was also true of the examples provided in this research. Atkinson et al also noted that many of the landlords took a fairly traditional approach to preventative action, based on visits and verbal or written
warnings. The last resort of eviction arose when these traditional methods failed. Authority D, however, took a radically different approach. Although they still had eviction as a measure in their toolbox, both staff and councillors were unconvinced that eviction was a solution. Instead, they aimed to solve the problem by dealing with the offending tenant. As noted above, any-one who was felt to be vulnerable, including drug-users, alcoholics and families with out of control children were referred to the Vulnerable Persons Officer who would work intensively to try to resolve the under-lying problems.

“The ultimate in our action is eviction and we would try every tool that we have before it would get to that stage. An eviction just creates a problem further down the line as far as the Council perceives this, so we really have to get in there and try and develop a strategy, a package to resolve the issue. Moving tenants away and evicting the individual who's caused the problem isn't solving the problem. We've got to tackle the individual that's causing that particular problem.” (Policy Officer, Authority D)

4.96 None of the authorities appeared to think that eviction was particularly problematic. Those who did perceive problems with the eviction process often had very little direct experience of it. One officer commented that she was concerned that a case involving a conviction for drug-dealing would be unsuccessful because there were no neighbours willing to act as witnesses. However, the Atkinson, Mullen and Scott research found that eviction action for drug-dealing was common and rarely relied on the evidence of witnesses. The fact that the tenant had broken the condition of tenancy not to use the premises for illegal use was usually enough to secure a decree. Two officers felt that evictions were problematic because they took so long to come to court. However, the legal remedies research found that, on average, cases were concluded in 10 months – from the point at which the notice of proceedings became live to the date of disposal. A third officer (who admitted no direct experience) felt that sheriffs were reluctant to evict:

“If you reach the stage where you feel you've got to go all the way and evict this family, I don't necessarily think it's all that easy... The sheriffs, I think, might argue that you shouldn't be evicting people, especially households. If a father is a rogue, for example, why should the rest of the family get evicted? So the sheriff has to be very cautious, I think, about just granting decrees to evict people.” (Policy Officer, Association A)

4.97 Again, there was no evidence from the Legal Remedies study that sheriffs generally were reluctant to evict. They were concerned that ‘innocent’ family members might lose their home as the result of the activities of one person – but this is a legitimate test of reasonableness. In practice, very few cases were dismissed on reasonableness grounds (Atkinson, Mullen and Scott, 2000).

4.98 Tenants views on eviction, expressed in the focus groups were mixed. Some thought that eviction, and the threat of eviction was effective. Others thought that it simply moved the problem on:

“I don’t think that eviction is the answer... I mean, they get evicted and where do they put them? The Council’s got to put you somewhere, so somebody else is getting that problem.” (Resident, Focus Group Area D)
There was also a concern that eviction action had to be supported by neighbours giving evidence. Three participants felt that neighbours did not want to give evidence. Various reasons were given: either because they did not want to see the tenant evicted; because they were frightened or because they did not want to be seen as a ‘grass’.

Interdict

Atkinson, Mullen and Scott (2000) found that, despite good practice guidance, the use of interdict as a measure for dealing with anti-social behaviour was very limited and largely confined to a few local authorities. However, this study found that a number of the landlords had made some use of interdict. This suggests that the use of interdict is growing. Authority A had had a substantial number of cases in the past though it was making little use of the remedy at the time of the research. Authority B cited several recent cases and Authority D had started ‘half a dozen’ interdict actions in the previous year – though not all had proceeded:

“However, not in every instance would we have proceeded to actually seeking that interdict because something may have happened in the process during us obtaining statements so we haven’t used it a lot.” (Policy Officer, Authority D)

Interdicts were used in a wide variety of cases, as the examples below illustrate:

“One was very much a dead straightforward, loud music by teenage family member and the interdict put a stop to it. There was also the woman with all the pets... We got the interdict to prevent her from keeping that amazing number of animals. ‘She had about 20 cats, in a flat. Basically she wouldn’t give them up.” (Policy Officer, Authority B)

“We got an interdict on the tenant’s behalf – which was really good – and it was very successful. It was basically just harassment, personal harassment. It was a young woman of 21 who lived on her own and it was a father and son who were basically harassing her and making her life a bit of a misery. We also interdicted someone from coming to the office and threatening staff. That was on the police advice.” (Policy Officer, Association F).

They were generally used where the landlord did not wish to evict or where eviction action was thought unlikely to succeed. One landlord thought that they could be used as a useful initial stage in appropriate cases:

“I do think probably we should look at interdicts perhaps as an initial stage. We never seem to particularly threaten the interdicts or explore them a bit further and find out do we have a case here for an interdict perhaps to be brought. And it might be a useful tool that doesn’t have quite as serious repercussions but might in fact resolve some issues at an earlier stage.” (Policy Officer, Association D)
4.103 Most of the landlords who had tried interdict found that it had stopped the problem but one landlord cautioned that:

“It worked in the first circumstance where it actually put the frightener’s on the individuals concerned. But this was a hardened individual who was extremely anti-social.” (Policy Officer, Association F).

4.104 Other staff mentioned the problems with enforcement of interdict and the cost:

“One case we had where maybe an interdict's the answer and we spoke to our solicitors and they poo-pooed it. They didn't think that it had enough teeth and could be quite costly.” (Policy Officer, Association A)

4.105 The legal remedies study found that there was a problem with breach of interdict proceedings, but that most landlords moved to eviction action if the interdict did not have the desired effect. The actual legal costs were between £600 and £800. While this may seem expensive, it should be compared with the cost to the landlord of repeated visits by housing officers and the stress caused to tenants who are suffering from anti-social behaviour.

Anti-social behaviour orders

4.106 Anti-social behaviour orders (ASBOs) were introduced by the Crime and Disorder Act 1998. They can be raised against any person, over the age of 16, who has “acted in an anti-social manner; or pursued a course of anti-social conduct”. The behaviour can take place anywhere in the local authority’s area and those affected need not be ‘neighbours’. The remedy is, therefore, a ‘general purpose’ provision which could be used for anti-social neighbours (Atkinson, Mullen and Scott, 2000). The postal survey found that only a handful of landlords had requested an Anti-social Behaviour Order. In total, 13 ASBOs had been requested up to October 1999.

4.107 Only 2 of the case study landlords (Authority A and Authority D) had actually used ASBOs at the time of the survey but both the other local authority landlords had drawn up policies on their use. Authority A saw themselves as heavy users of this new remedy: “There’s at least 6 been done and there are certainly another number in the pipeline” (Policy Officer, Authority A).

4.108 The benefits of ASBOs were seen to be speed, possible criminal sanctions, added power to any subsequent eviction action if the ASBO failed and the use of the remedy for non-tenants:

“We certainly did get a breach of an anti social behaviour order and the tenant was fined. Now that was something that we couldn't have done before. That was immediate. It hit them in their pocket as opposed to your only sanction is turfing them out… I think that longer term I would expect that where we’ve tried an anti social behaviour order on a tenant and where that's not been successful, that would be more power to our elbow if we go for eviction action. The other thing about… ASBOs is clearly that they're applicable to wider than just the Council sector. We're just about to go on
outwith Council tenants... one's actually private rented and the other's in the owner occupied sector.” (Policy Officer 2, Authority A)

4.109 However, even the enthusiastic staff in Authority A noted that it was too early to say whether the ASBO would prove to be a successful remedy: “I think it's probably too early to say. I mean, it's relatively small numbers.” (Policy Officer, Authority A)

4.110 Other authorities were less enthusiastic about ASBOs:

“The members… thought that ASBOs were the answer to all our problems. ... In actual fact I think there are about 2 or 3 potential cases out there hence the rush to get the ASBO policy out. I think it has become clearer that it isn't a panacea. It's an additional tool and it may be helpful in some cases but it's not going to solve anti social behaviour because there's going to be some cases, which aren't appropriate for ASBOs... I think it's gonna be a process of going through the various procedures with partners like the police and raise awareness as to when an ASBO might be appropriate and when it will not.” (Policy Officer, Authority B)

“Genuine attempts have been made by government to try and find solutions but I feel that they scrape the surface and don't go down below. They don't have that coal face look at the problems that we're dealing with. In almost sweeping comments like - ASBOs will solve everything ... I don't think they're taking a more global approach and looking at anti social-behaviour and the complexities of it.” (Policy Officer, Authority D)

4.111 None of the associations had experience of using ASBOs. Some had not put any policies and procedures into place and had only recently had contact from the council about procedures. One had not had any contact from the council at all. None of the associations expressed very positive views about ASBOS. The main concern was that ASBOs had to be administered by the local authority and this would be a bureaucratic procedure, which would not be worth the effort involved. The quote below was typical of the responses:

“We did have a couple of cases where we thought that there might be scope for an ASBO, but there are problems in applying. We spoke to the association solicitor but there are so many hoops that the association would have to go through for the council to apply an ASBO order on our behalf. I don’t think that the legislation has benefited us at all in terms of anti-social behaviour... I think it’s an additional level of bureaucracy that we would rather not have. I think it is a fast track for council tenants potentially for anti-social behaviour cases but I think that associations are way down the priorities in terms of the council. ...If it was ever going to work then housing association should have the opportunity to apply on our own behalf and not through the authority. That is probably something else that will need to be thought through, given the change, which may result from stock transfer.” (Policy Officer, Association F)

4.112 There was limited awareness of ASBOs among tenants in the focus groups. However, one of the voluntary agencies was concerned that the machinery could be activated very quickly and that people would be disadvantaged. She felt that ASBOs should only be used as a last resort.
Probationary tenancies

4.113 The postal survey asked local authorities whether they would be likely to introduce probationary tenancies “for those tenants thought likely to exhibit anti-social behaviour or have done so in the past”. The majority of respondents thought that would be likely to make use of the provision. The staff in the case study authorities were also (cautiously) generally in favour of the proposal. A number of the officers compared the proposals in the new Housing Bill with earlier proposals in the 1995 consultation paper. There was a general view that the new proposals were “much more restricted, much more targeted and less discriminatory in terms of stigmatising whole groups and categories of folk - that was really the stumbling block in the earlier discussions about probationary tenancies.” (Policy Officer, Authority B).

4.114 However, there were some concerns about perceived ‘grey areas’. There were worries about what might be considered as anti-social behaviour. Some interviewees though that the criteria might be too loose while others thought that they be may too restrictive:

“I think the bit about ‘likely to cause’ is more difficult and then you almost get back into the debate about whether young people are more likely to cause difficulties than other folk and I’m not so sure about that.” (Policy Officer, Authority B)

“I think we said that we didn’t want to be put in the position where probationary tenancies were only available in very, very tight circumstances. We wanted to have some leeway ourselves to decide when to use them.” (Policy Officer, Authority A)

4.115 There were also concerns that delays could occur during a review procedure and as a consequence potentially result in prolonged anti social behaviour.

“In effect, should a tenant contest the end of a tenancy, which is highly likely, it could be assumed that the tenant would not be evicted until the decision is made at a hearing. The probationary tenancy will therefore last significantly longer than the one-year period, given current court delays.” (Policy Officer, Authority D)

4.116 However, although suggesting room for improvement in the proposals, all the case study authorities though they would be likely to use probationary tenancies:

“We wouldn’t wish to give it as a matter of course. It would only be where we did have something quite clear. The advantage there would be that we wouldn’t be barring them from our waiting list, which is effectively what we’re currently doing.” (Policy Officer, Authority A)

Short assured tenancies

4.117 The postal survey found that around 500 short assured tenancies (SATs) were granted by housing associations but only a small proportion of these appeared to be used where “the tenant was thought likely to exhibit anti-social behaviour or have done so in the past”. All
the case study associations had made use of short assured tenancies for lets where the tenancy was provided with support:

“We have used short assured tenancies but not so much for neighbour problem, it’s more about referrals and requests from voluntary agencies. Basically because the committee, and other associations got their fingers burnt really badly when providing tenancies to other agencies. We decided to go down the line and protect the associations’ best interests by offering short assured tenancies on an initial basis… if tenancy is successful, with the tenant and the support provided, after 6 months they will get an assured tenancy.” (Policy Officer, Association F)

4.118 Associations C and D had used SATs occasionally for anti-social behaviour problems

“Occasionally. I’ve known them to be used - again for something quite like the same type of circumstances described for probationary tenancies perhaps. ..They have been used as such an occasion, if we felt that we don’t want to hold back a house for a particular person but we do have grave concerns, then that has been used in that sense. That’s not particularly desirable but it has happened.” (Policy Officer, Association D)

4.119 Association A had used SATs for rent arrears, but indicated that they would consider the use of this form of tenancy where the alternative would be to grant no tenancy at all.

“If there had been complaints about somebody, but upon investigation they maybe weren’t.. serious complaints. I think there’s an argument that we might think about just giving them a short-assured tenancy and see how things progress, making it clear to them why we’re doing that.” (Policy Officer, Association A)

4.120 The interviewees in the tenant focus groups were generally in favour of both probationary tenancies and short assured tenancies. However, one participant felt that if someone was granted a probationary tenancy due to previous problems than they should get support:

“The probationary tenancy. If it was there for a particular reason rather than the problems in the past… it maybe needs to be a supported tenancy as well. Then they come back to the thing… about money and resources and the idea that there’s some quick fix… Say it was for young people. Maybe 16 or 17 years old, what do they know about running a house?” (Resident, Focus Group)

Further changes to legislation

4.121 Few of the housing staff interviewees saw a need for further legislation, other than the introduction of probationary tenancies. This comment was typical:

“Our view was that we’ve got a quite good relationship with the courts …so we didn’t see any need for any fundamental reform of the courts. We didn't
think there’d be any point in things like housing tribunals... We think that current legislation is satisfactory. Where you’ve got court delays and so on, you maybe need some kind of local court user's group to talk those through but by and large the legislation is fine.” (Policy Officer, Authority A)

4.122 However, several interviews said that while the legislation was fine, the resources were limited and expectations of what could be achieved were far too high. This response summarised the concerns:

“I think what has been provided at the moment is a nice new big tool bag of things that we can use... but I worry that the government are changing the goal posts and ...placing too much emphasis on the local authority housing departments and services to produce results. Some of the situations that we’re dealing with are serious criminal actions that we definitely do not have the training and knowledge to deal with. ...The expectations have been raised so much that the housing service will be able to deal with the drug dealer, the violent person. ...It’s way and beyond just the traditional anti-social behaviour. I don’t think I’m alone in thinking that. The government’s maybe just taking the emphasis away too much and not providing the resources... I feel the government shouldn’t misguidedley think that they’re solving the problems by giving local authorities all these tools but not giving us the resources to actually back them up.” (Policy Officer, Authority D)

4.123 The views of the tenant focus group members were radically different. They felt that the process of dealing with anti-social neighbours were far too slow. One participant suggested that there should be a ‘3 strikes and you are out’ policy: people who were subject of complaints should be removed quickly. However, there were also complaints that landlords were too reluctant to take court action:

‘I was speaking to a policeman, who said that until recently the council had not evicted because of anti-social behaviour...they got all the paperwork prepared...but as soon as it reached the council lawyers they wouldn’t touch it with a barge-pole’. (Resident, Focus group B)

MULTI-AGENCY WORKING

4.124 Multi-agency working is recommended in the Scottish Office circular (SODD, 1998) and also features in many other good practice guides (see SFHA, 1996). The postal survey found that both local authorities and RSLs had links with other agencies to deal with anti-social behaviour. However local authorities were more far more likely to have formal arrangements such as committees with agreed terms of reference; protocols on policy and procedures and nominated liaison officers. In contrast, registered social landlords were more likely than council housing departments to have informal links with the police, social work and other social landlords. The case studies aimed to examine the types of relationships which existed and the nature of those relationships.

4.125 All the landlords agreed that housing officers alone could not tackle problems of anti-social behaviour. This comment was typical:
“It needs the support of other agencies. It needs the support of the police. In specific instances it maybe needs to go beyond that. It maybe needs the support of social services. You do quite often get people who have mental health problems and as a housing agency, we’re very limited in what we can do. We can enforce tenancy agreements, ...but how do we deal with that? In isolation, I don't think you can.” (Policy Officer, Association A)

Police

4.126 All the local authority case study landlords, but only 2 of the housing associations, had formal protocols for sharing information with the police. These included provision of information about convictions for criminal offences and police disclosure of information about incidents that they had attended, such as noisy parties and late night disturbances. There were some variations in the details of these arrangements. For example, Authority A had nominated liaison officers to whom information might be passed. Authority B had agreed a protocol on anti-social behaviour orders, but in the absence of a wider anti-social behaviour policy, had not developed a wider arrangement. Authority C had developed a protocol around the information provided by CCTV cameras. They were also developing local anti-social task forces with the police. The housing associations in area C were also involved in this initiative. Authority D had formal protocols for information sharing, but also had a much wider anti-social forum. This involved a range of agencies, including the police, social work, the health board and local associations. The local associations also had individual formal protocols for information sharing:

“There is a formal relationship with the police in terms of the exchange of information and we have (a) named officer for our organisation that the police would contact for information, or she could contact them for information.” (Frontline Officer, Association C)

4.127 In practice, all the case study landlords had informal working relationships with the police. This also varied from area to area and, in some cases, within areas. Several of the housing associations said they would invite the police along to public meetings “to get the message across”. In a number of areas, the local community police would drop into the housing office for an informal chat on a regular basis. Some associations also worked closely with the police to deal with problems, conducting joint interviews in the office or joint visits:

“Sometime a visit with the police can have more effect than sending them threatening letters...especially if there are threats involved to next door neighbours. If the police go down and say ‘look we are telling you now that if there is any violence you are going to get charged’. Then I will go to them and say ‘it is a breach of your tenancy agreement and we will take you to court’. We are using both approaches and to date it’s worked quite effectively.” (Policy Officer, Association E)

4.128 There was general agreement that both the formal and informal arrangements worked well. Several interviewees thought that this was because housing officers and the police had the same objectives: “we're coming at it from the same perspective in that X is a problem, let's get rid of that problem.” (Policy Officer, Authority E)
Some of the associations without formal agreements did not seem to find this a problem because they had good relationships with the local police and could obtain any information necessary. However, other associations expressed frustrations about police availability and access to information:

“If you don’t get the community cop for the area there is no one else can help you. He’s been on surveillance courses or whatever in the past couple of months and it is becoming a bit of a nightmare.” (Frontline Officer, Association C)

“I think probably what could be a lot better is if the police would give us information. But they don’t. We’re trying to develop closer links. Often the tenants think that if the police have been out to an incident that we know about it the next day, that we are told about it. And I have to try and explain that the police don’t tell us anything we’ve got to ask them about it. I think that could be better if we had more links with the police. And they were willing to give us more information than they do.” (Frontline Officer, Association F)

Tenants in the focus groups had also mixed views about the police. Some thought that they acted quickly, others did not. Some tenants expressed the view that although the police had good intentions about working with landlords on anti-social behaviour, they lacked the manpower to put it into practice:

“Basically the problem is they are terribly thin on the ground. If we appreciated how poorly we are policed, we’d panic in a lot of instances, you know. And then they come round to the prioritising. If you phone in about an anti-social neighbour, and they had a street fight or a car accident, it’s a question of where do they put the few bodies they have?” (Tenant, Focus Group Area B)

Social work

All the local authority case study landlords had agreed protocols with social work about joint areas of interest such as evictions, homelessness, arrears and adaptations. However, relationships between housing officers and social workers were more strained than with the police. However, there was recognition that tensions and conflicts were based on differing client interests and responsibilities:

“I think there are still issues between housing and social work but I think that’s because we perform different roles. There is a tension between the landlord role of the local authority and the statutory role of the local authority particularly in relation to children. And I suspect that there will always be a tension and half the battle is recognising that it is a source of tension but respecting that we are coming from different places.” (Policy Officer, Authority B)

The majority of housing officers said that their organisations had sought to improve working relationships between the 2 services. However, there were marked differences in the
approach to this. In Authority C, staff suggested that: “We are forcing area managers, housing and social work to get together”. Authority D had a different method of working for their joint department:

“When we merged the housing and social work, we felt that was an opportunity ...to look at ways that we could jointly tackle problems and find solutions to people who were experiencing anti-social behaviour. That was probably one of the big ones that made us say 'let's look at ourselves. How can we provide a better service that’s gonna deal with the problems efficiently and effectively?'.” (Policy Officer, Authority D)

4.133 Housing associations relied on more informal contacts. In some cases relationships were very good but in others they were poor. Larger associations said that relationships also varied from area to area:

“When I came here we didn’t have any relationship with the social work. So I set up joint meetings and we do a joint visit to these families. ...If we want to refer anybody we can just get on the phone ...and speak to one of the senior social workers and that is a referral. We don’t have to put it in writing and go through a long drawn out process. ...We don’t have a formal service agreement with social work department because we are quite small. I reckon we have got about 5 families that we have joint visits with ...You don’t really have to have a big formal policy you know.” (Policy Officer, Association E)

“I have recently had to deal with social work through anti-social behaviour because we were involved with a family. So I had to get them involved and do a report to them. That all turned really sour because he advised me that everything I told him was in total confidence and it then got back to the person, the tenant of mine, saying that it was us that reported him. ...I have got to walk about there. So I have got my reservations about involving them again.” (Policy Officer, Association E)

4.134 Several interviewees noted the marked difference in the types of relationships with social work between local authorities, which were now part of the same organisation, and housing associations. Some of the associations felt that their relationship was dependent on good relationships with the council housing department, to include them in meetings. It does appear that relationships between council housing services and social work have improved since re-organisation. But some interviewees expressed concerns about what would happen if the housing stock was transferred to a housing association:

“As a unitary authority, I think that - well for a start you don’t wash your dirty linen in public. So you tend to deal with issues that are coming up in a different way perhaps than they had done pre-reorganisation. But we were 2 different authorities so ...taking that logic it is possible that there could be more of a tension in a situation where the housing authority doesn't actually own or manage the housing stock. I think there are again ways round that. Maybe it is also looking at Scottish Homes guidance as well to ourselves in terms of anti-social behaviour and the kind of rights. But ...a post stock transfer world is obviously going to be very different.” (Policy Officer, Authority B)
Environmental health

4.135 Many of the case study landlords involved in the study of legal remedies said that they received only limited support from Environmental Health Services (Atkinson, Mullen and Scott, 2000). The landlords in this study generally felt that Environmental Health played an adequate role in relation to anti-social behaviour. In practice, this role varied widely. In some areas, they provided a limited supporting role in monitoring noise levels and visiting properties where there were suspected health hazards. In other areas, they played a wider role:

“A lot of tenants allow the dogs to foul the pavements and the streets. We have involved environmental health in that respect. We have also involved environmental health to deal with the house that is well below standard with regards to cleanliness because the tenant is not making any attempt to bring the standard of the house back up so we involved them that way.” (Frontline Officer, Association C)

4.136 The tenants in the focus groups did not have such a positive view. There were complaints that it was difficult to speak to an Environmental Health Officer and that they were reluctant to take any action.

Multi-agency forums

4.137 Three of the areas had multi-agency working parties to discuss anti-social behaviour. However, in Authority A, this was limited to different departments of the council.

“The head of housing management chairs an inter agency working group which is just beginning to find its feet. It involves different departments of the Council, social work, education, environmental services.” (Policy Officer, Authority A)

4.138 In area C, there was a group which included the council, the police, local housing associations and Scottish Homes. This aimed to get all the housing providers in the area to agree a joint policy on how to deal with anti-social behaviour across all tenures. However, staff acknowledged that, in practice, it was difficult to deal with complaints about owners.

4.139 In area D, the forum involved a number of council departments (housing, social work, legal services) talking with a much wider groups of agencies. These included the police, the Health Board, local housing associations and voluntary agencies. Tenant and community representatives were involved. The group was set up to avoid the problems discussed in the Scottish Affairs Committee report (SAC, 1996) of residents being passed from service to service. One of the first tasks of the forum was to complete a multi agency document outlining what the different services could do:

“It gave a list of all the individuals and basically a summary of what people can do. It is an attempt really to try and help an individual identify who they really need to go to or who their first of contact should be. It also tries to help by showing the limitations that certain people might be able to do.” (Policy Officer, Authority D)
4.140 The staff in both the local authority and the housing association were very positive about the impact of the forum:

“The multi agency working ...has helped us understand the constraints that are placed upon one another and I think that's positive. ...Certain criteria have to be met and maybe we can help meet those criteria by working together. ...I feel that it's been moved forward in getting on with one another better, that we are, and we're getting better at every opportunity.” (Policy Officer, Authority D)

4.141 However, even in this area, there was a view that relationships were strongest with the police and weakest with social work.

“I'd say we do have good relationships with the police here. There's a very strong link there and with the local authority and the housing department itself. Probably weakest in terms of really help is social work because I think of conflicting priorities more than anything.” (Frontline Officer, Association D)

SUMMARY

4.142 None of the case study landlords thought that they had a very serious problem of anti-social behaviour but all dealt with a wide variety of complaints about neighbours. In all cases, minor disputes were handled by generic housing officers. Only 2 the local authorities had specialist support for front-line staff, but managers would usually become involved in more serious or long-running cases.

4.143 The postal survey found that the vast majority of landlords had policies on neighbour nuisance and all the case study landlords had some policies which covered this area of work, but there were wide variations in the scope and depth. There were also a variety of definitions of the topic. However, most landlords distinguished between different levels and types of behaviour. There appeared to be a broad consensus about the sorts of behaviour that were considered minor and serious. The postal survey found that local authorities were much less likely than housing associations to have policies on racial harassment and this pattern was also found in the case studies. Only 6 of the 10 landlords had policy statements on racial harassment and these had, in most cases, been little used. All but one of the landlords kept records of the number of complaints received but there were a wide variety of recording practices, both between and within landlords. Policies on crime and community safety were rare in both the postal survey and the case studies.

4.144 The procedures for dealing with complaints were very similar in all the case study landlords. All the landlords would accept complaints in a variety of forms. Staff would interview the parties and issue verbal or written warning if the complaint appeared to be substantiated. If complaints continued there would further warning and if problems persisted, a notice to seek possession. More serious cases would progress to this stage more quickly. Very few cases proceeded to legal action but in many cases, problems might never be fully resolved.
4.145 The postal survey found that almost all landlords had introduced some measures to reduce crime and anti-social behaviour. All the case study landlords used variety of preventative initiatives and many were exploring new ideas and extensions to existing measures. Views on supported accommodation and mediation were all positive but there were more mixed views on CCTV and the use of private investigators. Although noise was a major source of complaint, only one landlord had tried additional sound proofing measures. There were concerns that building regulations governing sound were inadequate and some examples of newly built homes which had problems.

4.146 The postal survey raised concerns that most landlords did not assess the costs of dealing with anti-social behaviour and that few had carried out any evaluations of initiatives. In line with this, very few of the case study landlords were able to provide information on the costs of dealing with anti-social behaviour. However, a few had begun to look at this issue. Similarly, there had been few attempts to evaluate initiatives.

4.147 In contrast to the recent study of legal remedies (Atkinson, Mullen and Scott, 2000) none of the case study landlords made heavy use of legal remedies for anti-social behaviour. They were all prepared to take eviction action as a last resort but tended to see the commencement of legal action as a tool to stop the behaviour. Very few cases resulted in eviction. However, among the cases which did lead to eviction were tenants who could be regarded as vulnerable. None of the landlords who had taken cases this far felt that the process was problematic. However, some felt that often cases did not proceed due to lack of evidence, particularly from neighbours who had witnessed problems.

4.148 Interdict was found to be more popular among this group of landlords than the case study landlords in the legal remedies study. This may reflect a growing interest in this remedy. A number of the landlords had made use of interdict and most found that this stopped the problems. The postal survey found that only a handful of landlords had requested anti-social behaviour orders. Among the case study landlords, only 2 used anti-social behaviour orders and one was very enthusiastic about the remedy. However, most of the other landlords had a lukewarm response.

4.149 The majority of local authorities in postal survey thought that they would be likely to use probationary tenancies. The case studies found that there was cautious approval for the proposals for probationary tenancies. Some of the associations made limited use of Short Assured Tenancies where there had been concerns about possible anti-social behaviour problems. Few of the housing staff interviewees felt that there was a need for further legislation, beyond that proposed, but there were concerns that the resources were limited and expectations of what could be achieved were far too high. However, some of the tenants wanted landlords to have much stronger powers.

4.150 The postal survey found that most local authorities and housing associations had links with other departments and agencies but that local authorities were much more likely to have formal liaison agreements than housing associations were. All the case study landlords worked with other agencies to resolve problems. Local authorities were more likely to have formal agreements with the police and social work while associations relied on informal contact at a local level. Relationships between landlords and the police were generally good but there was some tension between housing officers and social work. Interviewees felt that this was due to differing roles of the professions: police were perceived to have similar perspective while social work were seen as acting as advocates for their clients. Local
authority staff felt that relationships between housing and social work had improved since local government re-organisation. However, there were some concerns that this might not be sustained if stock was transferred. There was little comment about the role of environmental health officers - but equally, few negative views.
CHAPTER FIVE       FACTORING AND PROPERTY MANAGEMENT

INTRODUCTION

5.1 Since 1980, sales of over 350,000 former public sector homes have transformed the scale, geographical pattern and socio-economic composition of public sector housing (Scott et al, 2000a; Leather and Anderson, 1999). The growth of private ownership, due to tenure change, has not only impacted on local authorities but also on the former New Town Development Corporation stock, Scottish Homes stock and on the stock of housing associations. One result of this change has been the growth in numbers of multi-tenure buildings (mixed ownership, flatted, low-rise tenement blocks and multi-storey blocks) and multi-tenure estates and ‘embedded’ private owners in social housing estates. The implications for effective housing management and maintenance by social landlords of their remaining properties has been profound: most strikingly where flats are involved (Jones and Murie, 1999) because of the communal obligations on owners for the upkeep of common parts of their blocks or tenements. However, even in traditional cottage estates, serious problems have arisen when landlords have sought to carry out landscaping improvements, ground maintenance and boundary upkeep.

5.2 There is a dawning realisation on local authorities that the private owners embedded in many proposed stock transfer estates:

(a) have no legal obligation, even where factoring agreements operate, to agree to any improvements to buildings or environment and

(b) are often marginal owners with limited financial capability to meet the levels of expenditure being proposed.

5.3 In multi-tenure buildings and estates the relationships between private owners and social landlords are expressed through the Deeds of Conditions and, where they exist, factoring agreements (Scott et al, 2000a; SFHA, 1999; CIH, 1999). The 2 previous stages of this housing management research (Scott et al, 2000a; Scott et al, 2000b) concluded that factoring and management of multi-tenure estates by social landlords was a complex and problematic area of work. Those landlords who had expressed positive views about their responsibilities and management in a multi-tenure environment were in a minority and more likely to be Registered Social Landlords (RSLs) than local authorities.

5.4 These findings were consistent with those from Leather and Anderson's (1999) study of former RTB properties. This found most local authorities in Scotland fell well short of operating with clear agreements setting out the responsibilities of owners for repairs and maintenance. They concluded that although there were some examples of innovative good practice to deal with the problems, “Scottish social landlords had not been very active or innovative in developing such options” (p.47).

5.5 To this critical commentary must be added the consumer's point of view which is at odds with those of factor landlords. Research by the Scottish Consumer Council (Russell and Welsh, 1998; Welsh, 1999) found that owners' perceptions and experiences of factoring and property management by social landlords were very negative. Ex-Right to Buy (RTB) owners of local authority dwellings believed that the factor's property management service was of poor quality and did not provide value for money.
5.6 Local authorities were seen to have failed to communicate with owners prior to decisions on repairs, were not interested in hearing their views and would not agree to repairs that they, as owners, wanted done. The SCC concluded that, fundamentally, local authorities had not treated ex-RTB owners fairly in terms of their contractual rights and their obligations in the titles of sale and accompanying factoring agreements. These findings related only to ex-local authority RTB owners and might not necessarily be replicated by ex-RSL tenants. However, it is reasonable to conclude that factoring and multi-tenure property and estate management is a problematic, often vexatious, field of work for most social landlords and for most owners.

5.7 Such critical findings must be seen against the background of 2 significant good practice guides in this field produced by the Scottish Federation of Housing Associations (1999) and the Chartered Institute of Housing (1999) the details of which are discussed in the literature review (Scott et al, 2000a). While seen as authoritative documents with much to commend them, the review raised concerns about the extent to which they were derived from evaluative research on factoring policy and practice. As noted above, the postal survey found a number of practical difficulties that suggested the need for more detailed study.

5.8 The case studies explore how social landlords organise, manage and carry out factoring and general property management work with owners and their perspective on the difficulties that attend this type of work. Incorporated in the study are the views and experiences of a focus group of owners with experience of being factored by social landlords.

ORGANISATION AND MANAGEMENT

5.9 There was no consistent approach evidenced of how factoring and property/estate management work was organised, managed and delivered by the landlords. In small RSLs, it was integrated quite effectively within the mainstream work of small housing management teams that had short lines of communication with the finance staff and where everyone worked from the same office.

5.10 Some of the landlords with large stock numbers and decentralised area teams also located the operational relationship with owners in the housing management teams, with factoring-related work carried out by generic housing officers or technical officers. However, the finance functions of accounts’ preparation, billing and debt recovery were located at headquarters in a finance department. Such arrangements had 2 problems. First, frontline housing officers were often very pressed dealing with their own stock management priorities and had little time to focus properly on the different role they needed to adopt with ex-RTB owners. Second, the physical and functional distance between housing and centralised finance and legal staff placed major demands on the communications and information flow between them.

5.11 IT systems in housing organisations were seldom designed with owner-occupiers in mind. In one large authority staff complained that:

“Our systems here for repairs are geared to when we used to have fifty to sixty thousand [jobs] and are not geared to 300 owners in multi-storeys. …we actually have a heavy administrative burden to go through and analyse that. We are trying to improve that and we are trying to get it at the computer
stage but the computer stages are set for responding to tenants enquiries.”
(Frontline Officer, Authority A)

5.12 An alternative to the area team management approach was the dedicated 'Factoring Officer' post. While this specialised post offered owners clarity about whom to deal with in the organisation, it also implied an efficiency of practice that was hard to achieve. The issues raised from the experience of those who had discharged this role were: to whom should the officer be responsible? How can the officer have enough control over aspects of other staff's work that impacted on their job? Can one person have sufficient skills in such diverse functions as technical works contracts, apportioning costs from Deeds of Condition, preparing accounts and negotiating with difficult owners? One Factoring Officer's experience of the role with 2 employers summed up the different ways even this specialist officer role can be structured:

“I found it difficult [in the previous association] to answer maintenance queries - when they came to me after I had to put the bills out. I could not answer the questions. I had to go and ask and then get back to them. Here, it goes straight to the person who issued the line and it's answered quite plainly. I feel at [the last job] it was a disjointed service for the owners because I could not answer them straight away. ...I find that the [present job] way is better for the repair work because I did not feel very professional saying 'I'm sorry I don't know.'” (Frontline Officer, Association F).

5.13 There was an indication from some of the case studies that, after years of management neglect, the mounting problems related to factoring and property/estate management work were finally rising up the agenda of some senior staff:

“When J. is forming the owners’ accounts, she’s relying on information from the technical side but she was quite detached from the technical side. ...and on the landscaping side, our reactive maintenance, building works and projects were taking up so much time of other team members that landscaping was always the one that got left to the bottom, yet it’s the one we get most correspondence from our owners.” (Policy Officer, Association A)

5.14 Some landlords had recently re-appraised how they managed their responsibilities and owners' obligations. This had been done for a variety of reasons: to improve line management responsibility; to strengthen financial control and debt recovery; to respond to the inefficiency of long-standing working practices or poor internal communications between sections. Association A had carried out a restructuring to integrate this previously autonomous officer with the technical staff responsible for landscape and contract work, under the Technical Services Manager. Association F had created a specialist officer post, responsible to the Finance Manager. Authority D, with a management agreement to factor an RSL's new rented stock through one of its local housing teams, was creating a specialist post that combined the RSL factoring role with managing the authority's low demand stock in the team's area.

5.15 Landlords normally kept capital works and major repairs and improvements separate from housing management teams and factoring officers. Works such as roof renewals, central heating system installation schemes, major upgrading of home insulation standards, removal of external balconies, etc were managed by development staff, who, in larger
organisations, were centrally based. Housing management staff had little engagement with this aspect of the relationship between owners and landlord other than to note that they knew it was a very problematic area of work for their colleagues.

5.16 Development staff dealing with property improvements and planned maintenance programmes have to operate in a discretionary environment as owners were not obliged to agree to such works and where individual costs could be high. An example of the intractability of the problems that development staff could encounter was evidenced by one authority in its relationships with owners of former New Town Development Corporation stock when the Corporation's stock was transferred at local government reorganisation in 1996. Although it inherited a clear factoring role, ownership rates were very high: in excess of 75 per cent of the stock in most of the former new town - and it could not progress its capital improvement works for its own tenanted properties. One manager described the frustration:

“We drive round C____ and say ‘I’d like to do this here and this here and this here’ and we haven’t even got one regeneration programme off the ground.”
(Policy Officer, Authority C)

SCALE AND TYPES OF WORK

5.17 In identifying the extent to which social landlords worked with private owners, the postal survey report cautioned about how accurately landlords had understood and responded to the terms used in survey – ‘property management service’ and ‘factoring’. While about 70 per cent of RSLs stated they provided some type of service, only about a half (53%) of the local authorities indicated similarly, yet:

“Since all local authorities have sold stock under Right to Buy, they are likely to face mixed tenure issues when carrying out repairs and improvements.”
(Scott et al 2000b, p. 113)

5.18 This ambiguity in interpreting the core terms carried over to the case study stage. Such was the uncertainty about what was meant by ‘factoring’ that, in a number of the case studies, it only became apparent that property management arrangements other than those stated in the postal survey return, were carried out when officer interviews were underway. In some cases the officers interviewed did not define them as factoring or property management.

5.19 A recurring feature of the case studies was that, in almost every case, the local authority or RSL had to discharge responsibilities under the terms of more than one type of property management arrangement. Different arrangements and rules (or none) for factoring, repair responsibilities, building insurance, charges, etc applied to different types of owners (e.g. outright or shared), different RTB sale periods or different types of properties (e.g. flats or non-flats). Part of the management difficulties in organising and delivering efficient factoring and other forms of contractual agreements arose from having to work with the sometimes complex, and often obscure, different legal and procedural features of different arrangements.

5.20 While there was generally one dominant type of arrangement with one type of owner or property, there were other obligations, significant or minimal, with other owners or
properties. Dominant arrangements were those where a specific property type was factored or there existed a clear and formal, written relationship between the landlord and another party. These were most likely to arise with:

- new-build shared or outright ownership developments
- ex-RTB tenants in multi-storey buildings
- properties factored for another housing organisation.

5.21 In categorising the various arrangements, neither the officers interviewed nor the postal survey results could give accurate numbers of properties involved with all the different arrangements.

5.22 Generally, the numbers covered by the ‘dominant’ arrangement could be defined and described accurately but the numbers involved in arrangements that were defined only by the title deeds, particularly for ex-RTB tenants, could only be guessed. This does not necessarily mean that such other arrangements were insignificant. One local authority described the difference as follows:

“What actually happened on the ground was, we got 50 houses and we have a management contract with the housing association to deliver the housing management service - all housing management services... With the ex-council houses we don't have a formal factoring arrangement and there is no charge but we deal a lot from the area team's point of view and from the capital improvement side which is a centrally managed service. We do have a lot of liaison with owner-occupiers.” (Policy Officer, Authority D)

5.23 The position of each case study, as best as the research could clarify, is summarised below in Table 5.1.

5.24 The provision of certain services, most notably repairs to common building parts, ground maintenance and lighting of common parts, were carried out by almost all case study landlords. This was consistent with the findings of the postal survey. Of the landlords in the postal survey who said they provided services to ex-RTB owners, the most frequently provided obligatory services were repairs to common parts (88% of landlords), lighting of the common parts of buildings (80%) and grounds maintenance (74%) (Scott et al, 2000, Table 10.5).
Table 5.1 Factoring and property management arrangements between social landlords and owners

<table>
<thead>
<tr>
<th>Landlord</th>
<th>Factoring and property management arrangements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authority A</td>
<td>325 ex-RTB owners of multi-storey flats covered by a mandatory factoring service linked to Deeds of Conditions, but no written agreement. Also, many thousands of ex-RTB sales of low rise, non-flatted properties but no factoring service operates. Ad hoc arrangements. Obligations arise under Deeds of Conditions but the authority has to liaise with owners to achieve agreement for any mutual repairs to be carried out.</td>
</tr>
<tr>
<td>Authority B</td>
<td>Provision of a repairs service under a Management Agreement to 200 tenants of a housing association, plus ex-Scottish Homes, RTB stock covered by a management agreement and an unspecified number of ex-local authority RTB owners covered by numerous different Deeds of Condition but no factoring agreement.</td>
</tr>
<tr>
<td>Authority C</td>
<td>600 ex-RTB, flatted property owners covered by a mandatory factoring agreement from a New Town stock transfer. In addition, 25,000 houses sold under RTB, of which about a quarter were flats not covered by a factoring agreement, only by the Deeds of Conditions, of which there was no single standard form.</td>
</tr>
<tr>
<td>Authority D</td>
<td>50 rented properties owned by a housing association and managed by the council under a Management Agreement, plus an unspecified number of ex-RTB council owners not covered by a factoring agreement but having obligations under Deeds of Conditions for common repairs.</td>
</tr>
<tr>
<td>Association A</td>
<td>About 400 ex-Scottish Homes RTB owners who purchased after 1988 covered by a mandatory factoring agreement linked to Deeds of Conditions and around 1200 other ex-Scottish Homes. RTB owners who purchased prior to 1988 and are covered by a basic estate landscaping service linked to Deeds of Conditions, plus 6 new build shared ownership flats to be covered by a third type of factoring agreement linked to new Deeds of Conditions.</td>
</tr>
<tr>
<td>Association B</td>
<td>Over 400 shared owners covered by a mandatory factoring agreement linked to Deeds of Conditions, plus an unspecified number of ex-Scottish Homes, RTB owners who have a basic landscaping service.</td>
</tr>
<tr>
<td>Association C</td>
<td>4 owner occupiers via an Improvement for Sale scheme covered by a mandatory factoring agreement and Deeds of Conditions, plus 10 shared owners in a new build scheme not covered by a factoring agreement.</td>
</tr>
<tr>
<td>Association D</td>
<td>46 shared owners and 8 outright owners from the association's own stock covered by a mandatory factoring agreement linked to Deeds of Conditions, plus between 150-200 ex-Scottish Homes, RTB owners not covered by a factoring agreement.</td>
</tr>
<tr>
<td>Association E</td>
<td>24 owner-occupiers and 32 shared owners from a new build scheme with mandatory factoring agreements linked to Deeds of Conditions.</td>
</tr>
<tr>
<td>Association F</td>
<td>460 ex-Scottish Homes, RTB owners, 59 shared owners and 50 traditional owners in tenements, each group covered by different factoring arrangements and management fees.</td>
</tr>
</tbody>
</table>
5.25 However, in the case studies no definitive list of services to owners could be drawn up due to the extent of variation between landlords in the range of services they provided to owners. Within landlords there were variations on terms: in the inclusion or exclusion of a clause in sales deeds appointing a factor and in which services were obligatory and which were discretionary. Several underlying reasons explain this diversity of approach to service provision to owners.

5.26 Those landlords that had acquired stock (for example from Scottish Homes or from a successful stock transfer) inherited particular legal arrangements with the owners of ex-public sector stock that, invariably, were different from the obligations and responsibilities towards ex-RTB owners of their own stock. Authority C operated a factoring arrangement for ex-New Town flatted properties. Owners had to accept the authority as factor as long as it owned one flat in a building. It provided a common repairs service, maintained the lighting in common areas of blocks and provided a ‘portering’ service for minor repairs, cleaning of bin stores and stair, light-bulb replacement. For its own ex-RTB stock there was no factoring responsibility. It operated an obligatory emergency and repairs service for common parts of buildings but title deeds gave it no authority to instruct maintenance and improvement programmes. Its problems were compounded by the fact its predecessor authorities had different legal arrangements with ex-RTB owners that continued after re-organisation:

“That process of development has resulted in a situation where each of these authorities had no standard form of deed, but a series of deeds which differed according to the dates they were granted. In addition, each of those authorities used different forms of deeds for semi-detached, 4-in-a-block, terraced, flatted tenemental and flatted tower-block houses.” (Policy Report, Authority C)

5.27 Where landlords (normally RSLs) developed shared ownership schemes and privately owned new developments they constructed different title deeds and Deeds of Conditions from those that applied to other privately owned ex-RTB stock. Under a factoring agreement, Association D provided as obligatory services to shared home owners: buildings insurance, minor common repairs works, major common repairs works on approval of a majority of owners and a planned maintenance programme. However, with the ‘inherited’ ex-Scottish Homes stock after a successful stock transfer, there was no factoring agreement and nothing was being done as Scottish Homes had never applied any charge.

5.28 Factoring or management contracts with other landlords invariably had different terms from any factoring or property management services provided to ex-RTB owners. Authority D had a Management Contract with a housing association that gave it responsibility for providing an allocations service, managing rent arrears, carrying out estate management duties and delivering a response repairs service (but not planned maintenance) to the association's tenants in a new-build scheme. However, with its own ex-RTB stock, it only had responsibility under the deeds for ensuring common repairs were carried out. While the relationship with the housing association was working well, the relationship with its own ex-RTB owners was very difficult when it came to environmental improvements and boundary fence maintenance because no obligation existed for owners to have to accept or contribute to such works. Improvements such as installation of door entry systems were typical of the problems experienced:
“How we have been handling it is that we approached the owners and if they said ‘no’, we would move on to the next block where there were no owners.”
(Frontline Officer, Authority D)

5.29 With some landlords, different obligations and services arose when, from a specific date, changes were made to Deeds of Conditions because it was realised there needed to be a ‘tightening up’ of control of property or estate management:

“Twenty eighth of July 1988, Scottish Homes changed the titles and they decided that because of the high number of flats that were being sold, they didn’t know whether a flat was insured or not… so they decided to incorporate into the titles that it was mandatory for the owner to be in our factoring service and to participate in our block insurance. So anybody who bought before that is not in it [the factoring service], so that’s why we have a mix.”
(Frontline Officer, Association A)

5.30 Buildings insurance was also obligatory with Association C and Association D but was optional with Association B. With Association F, it was obligatory for ex-Scottish Homes owners but only for those covered by a management fee that they had been paying prior to 7 December 1994. For other owners, including the private tenement owners, it was optional - while the owners could select their own company, the association had authority to set the minimum level of building insurance cover required. It also would “make available house contents insurance to those (owners) interested” (Policy Report, Association F) as well as allow owners to buy in to its stair cleaning, back-court maintenance and day-to-day repairs service (with a higher management fee).

5.31 Neither the answers to the postal survey nor the interviews with officers indicated that ex-RTB owners in Authorities A, B and D were obliged to take their council’s buildings insurance although it was an option in Authority D. This finding contrasts sharply with a Scottish Consumer Council report, which found that:

“Three-quarters of the home owners in our survey were obliged to take out the building insurance arranged by the council.” (Welsh, 1999, p.9)

5.32 The reason may be that the case study authorities did not overlap with the authorities on which the SCC findings were based. Or, it could be an example of the poor communications and understanding that often arises between local authorities and ex-RTB owners (see later section on Attitudes and Relationships).

5.33 No local authority offered access to a gas fire/central heating maintenance scheme but a further 2 associations offered it as an optional service. In general, RSLs were more likely than local authorities to adopt a more helpful attitude to owners by offering them optional services.

5.34 Landlords who provided insurance cover to owners identified 2 major benefits. First, it ensured the owners were adequately protected for fire or damage to communal parts of buildings for which they had a liability and second, owners could get a cheaper deal because of the block insurance cover these landlords had secured for their tenanted stock:
“We allow them to participate in the block insurance as well, which is probably half what they are paying for buildings insurance. So what we said to them... was, if you are saving £60 on your gas and £60 on your building insurance that is £120 and your factoring fee is only £60. So, you are actually not only saving money, you are making money by having us as your factor”.

(Policy Officer, Association E)

and

“The building insurance is £30 a year (and if they want that, they really should be paying us for doing the admin). It would still be cheaper for them. It’s a lot cheaper than they would get anywhere else.” (Frontline Officer, Association F)

POLICY AND PROCEDURES

5.35 The management and factoring of mixed ownership properties and estates is very largely determined by the title deeds and Deeds of Conditions. These should set out the obligations and rights of all the owners in respect of common repairs and maintenance, factoring (if included), the charging formula to allocate costs and the payment obligations of owners. Good practice guidance advises on developing standard Deeds of Condition and on their appropriate content (PIEDA, 1990; SFHA, 1999; CIH, 1999; Scott et al, 2000a). However, title deeds and Deeds of Conditions, by their construction and purpose, are too often impenetrable and inaccessible enough to constitute a working framework of policy and practice for landlords. Also, most landlords are 'trapped' by the nature of deeds constructed years before these good practice recommendations were published and have to work within the legal constraints of deeds never written with any real thought to how (in-) efficient and (in-) effective their practical implementation could be.

5.36 In such a context, developing a clear policy framework can be very useful for landlords whether they are only feu superiors or factors as well. To be effective, a good policy framework should be:

- written in plain english
- define key terms
- set out the current position on factoring or feu superior roles that the organisation must perform with all the different types of owners and properties with whom it has a legal relationship
- identify its delegated authority for action
- state whether it is offering specific optional services to owners
- set out the procedures for charges, payments, debt recover and arbitration.

5.37 The postal survey found that the most frequently reported policies concerned common repair charges to flat owners, responding to neighbour complaints and planned maintenance
(Scott et al, 2000b, Table 10.10) and that policy development was more limited in local authorities than in RSLs. While the case studies concurred with these findings they revealed a rather complicated situation and in relation to policy development framework. Across the case studies, various combinations of policy statements, factoring agreements and Deeds of Conditions were in operation.

5.38 The most developed position was those landlords who had a factoring policy linked to factoring agreements with individual owners that were based on obligations in Deeds of Conditions. For example, Association F had a factoring policy document setting out the broad framework of its legal and technical relationship with private owners. This covered a range of issues including:

- the basis of the management fee and service fees
- the items of planned maintenance that were compulsory (gutter cleaning, close redecoration and external painter-work)
- the rules for the delegation of authority to the association to carry out repairs work
- establishment of a ‘float’
- submission of accounts to owners
- arrears control and court action for recovery of debts
- disputes resolution procedures.

5.39 The policy also defined the services that the association offered to owners on an optional basis: building insurance, contents insurance, gas fire and central heating inspection, landscaping/backcourt maintenance, internal flat repairs service. Interestingly, on one of the most difficult issues in any factor-owner relationship, property improvements, the policy paper was very noncommittal:

“As these involve additions or changes to the fabric of the property they would require consent by all owners regardless of the cost before proceeding.” (Policy Paper, Association F)

5.40 The overall structure and content of the factoring policy was shaped by the underlying obligations in the Deeds of Conditions. Also, for a number of specific issues (e.g. the complaints, planned maintenance and contractor tendering) the policy in relation to owners was the ‘mainstream’ policy of the association.

5.41 There were other landlords who had a factoring agreement with owners but with no explicit policy document. Their relationship with owners was underpinned by the authority of the Deeds of Conditions. On the other hand, there were those landlords who had a factoring responsibility set out in the Deeds of Conditions and that was all: there was no adoption of individual factoring agreements and no factoring policy document. Staff worked principally from the Deeds of Conditions supplemented by a variable set of issue-specific policies. In these cases, the Deeds of Conditions, with all its intrinsic limitations and legalistic language, was de facto, the overall policy framework. In such cases, staff were
obliged to interpret the obscure and convoluted ‘legalise’ that typified many deeds. Where there was no standard Deeds of Conditions, they had to understand the variable obligations and constraints in the deeds for different types of dwellings.

5.42 There were also examples of landlords providing discretionary factoring agreements to owners, not dictated by the Deeds of Conditions, for specific services such as buildings insurance, stair cleaning or an annual property maintenance check. Usually, the policy amounted to no more than the terms of the agreement.

5.43 Some of the RSLs (Associations A and D), that had ‘inherited’ factoring duties for ex-Scottish Homes RTB tenants as part of a tenants' stock transfer, discovered that Scottish Homes had created no framework for factoring. There was no policy, no factoring agreement and Scottish Homes had not even collected payments for costs incurred on behalf of ex-RTB owners. The result was that ex-RTB owners of the associations’ own stock were covered by an overall factoring policy framework but the ex-Scottish Homes RTB owners were not.

5.44 Local authority C, created by an amalgamation of districts in 1997, faced 2 contrasting legal positions that impacted on its policy framework. For ex-New Town, privately owned flatted properties for which it had a responsibility:

“It’s within the Deed of Conditions at the time of purchase that it is stated that a factor will be in operation. We factor blocks where there is at least one tenant remaining.” (Policy Officer, Authority C)

5.45 However, in its relationships with other ex-RTB owners across the former districts, different common repair and maintenance obligations in their Deeds of Condition arose and no obligatory factoring service operated. Despite 3 years since reorganisation and the problems this situation was causing, the authority had not been able to formulate a policy:

“Well we don’t have any formal factoring arrangements whereby people pay a management fee. There was some work started 3 years ago and you can speak to M****, she was involved with it, looking at the problems of owner occupiers in properties such as flats and how we could encourage people to participate with various projects we wanted to get of the ground. But nothing has – there’s no policy come out yet. We’re still looking at that.” (Policy Officer, Authority C)

5.46 However, despite the factoring agreement with the ex-New Town flat owners, when it came to modernisation and Capital Programme work to its own stock, there was little or no difference in the difficulties experienced compared with the ex-council owners.

5.47 This authority was interesting to look at more closely as officers had analysed the problems they were experiencing with all private owners and reported to members. To help them, advice from Queen’s Counsel had been obtained but in 1999, a committee paper admitted it “has not provided any easy solution to this difficult problem” (Policy Report, Council C).

5.48 Essentially, Counsel said that Deeds of Conditions were the unavoidable starting point and in as much as they dealt with common repairing obligations, not improvements, there
were no additional powers to compel owner participation in improvement works than the
council knew about. The report listed the options available:

- notices under s108 of the Housing (Scotland) Act 1987
- notices under s87 of the Civic Government (Scotland) Act 1982
- maximising the payment of repair and improvement grants
- maximising the payment of environmental improvement grants
- providing loan assistance as lender of last resort
- obtaining a standard security over the property
- buy-back at sale price plus inflation.

5.49 It was a common occurrence across the case studies for social landlords to operate
quite different policies and practices to different owners and this largely explained the failure
to identify any overall policy consistency in working with owners on property management.

5.50 The specific policies referred to above, varied across landlords. Some were
essentially wider organisational policies such as the landlord’s general debt recovery policy,
works tendering policy, complaints policy or anti-social behaviour policy that were used to
support factoring and multi-tenure property management. Others were specific policies
tailored to the type of responsibilities the landlord had with owners such as a mutual repair
policy, a delegated authority/spending limits policy or an owners’ consultation policy for
major repairs. At times, there were no policies on these topics, only procedures, some of
which amounted to just custom and practice.

5.51 Consistent with the low priority accorded to factoring and multi-tenure property/estate
management policy and practice, in-house procedure manuals and guidance notes designed to
deal with owner issues, were largely absent. This is not to say that landlords had no
procedures, they clearly did. But so much practice had developed on an ad hoc basis over
time, with officers copying what others had done before them, that little thought had been
given, until recently, of the need to codify, formalise and revise work procedures. This
applied to apportionment rules, performance reporting procedures, administrative systems,
information and communications with owners and database management. At times, where
there was a factoring agreement, the details it contained constituted the practice guidance. In
other cases, the procedural guidance designed for the landlord’s own tenants, was applied to
owners (e.g. complaints procedures, debt recovery procedures).

5.52 The lack of written procedures and guidance was widespread but there were signs of a
management response in some organisations. One RSL with over 1600 ex-Scottish Homes
RTB owners covered by different factoring and administrative arrangements decided it had to
gain better knowledge and control of what was happening:

“Last year, the Director worked through all areas of owners’ services
because there was a lot of it that we had developed systems for but we hadn’t
recorded why we had done it that way. So as we were recording a system we
looked to see if that was what we still thought was the best way to do it... we touched on every area.” (Frontline Officer, Association A)

PROBLEMS

5.53 The problems associated with factoring and multi-tenure property/estate management identified in the case studies, generally paralleled those identified in the postal survey (Scott et al, 2000b). Across both types of landlord, problems inhibiting efficient and effective practice were identified as:

- poorly constructed Deeds of Conditions,
- excessively detailed accounting and invoicing obligations,
- owners’ reluctance to recognise or pay for their shared common repair responsibilities,
- difficulties in legally enforcing repayment by owners,
- marginal owners who were unable to meet high repair costs,
- the disproportionate amount of time spent on administration and
- the over-high expectations by owners of what their (ex) landlord would, or could, do.

These are discussed in the sections below.

DEEDS OF CONDITIONS

5.54 Deeds of Conditions form part of the title deeds of properties in Scotland. They set out enforceable rights and obligations on the owners of properties and in former public sector properties, they usually set out the legal relationship between successive owners and the former landlord as original owner and feu superior (Scott et al, 2000a; SFHA, 1999).

5.55 Managing multi-tenure buildings (e.g. multi-storey blocks, walk-up tenements) with inappropriate Deeds of Conditions was a fundamental, and seemingly intractable problem for almost all the case study landlords. It was considered the most significant obstacle they faced in achieving an efficient and satisfactory factoring or property upkeep service. The problems inherent in many Deeds of Conditions were compounded for some landlords, as noted above, by having to work with a variety of different forms of the Deeds of Conditions. This was at its most acute with 2 of the local authorities because they were formed by the amalgamation of a number of different district councils, each with its own approach to constructing title deeds and with no standard form of Deeds of Conditions used for RTB sales:

“What we are finding - and Legal [Services] are advising us, is that it is quite intensive, the work involved here. As houses were sold on an individual basis,
they had individual conditions within the title and every single title has to be investigated and assessed to see if we have the authority to go ahead.” (Policy Officer, Authority C)

5.56 Most of the deficiencies in Deeds of Conditions related to historic RTB sales of local authority and Scottish Homes stock. Aggregating the experience across the case studies, the defects identified from a factoring point of view included:

- a requirement for highly detailed individual accounts
- very low, fixed fees that bore no relation to actual administrative costs incurred
- no allowance for a formal factoring agreement to be prepared
- obscure legal language that could not be interpreted unambiguously
- omissions in the identification of common parts or common interest
- different apportionments for different parts of estate maintenance.

5.57 One officer noted that one of the problems was that properties were designed for public ownership, with estate services provided by the landlord. This resulted in confusing and complex charges:

“I think the biggest problem is that the estates were never really designed to be sold off because of these common areas.” (Frontline Officer, Association A)

5.58 Association F, working in an area of traditional tenemental flats, had to deal with even older deeds:

“These one’s where we have taken over the property from private owners, it’s been sold before so there have been Deeds of Conditions dating back to the 1850’s or older sometimes. So they are really difficult to read. They are not in modern language. They are something else’. (Frontline Officer, Association F)

5.59 Deeds can only be changed by mutual agreement. Some local authorities could never contemplate the scale of the individual negotiations involved and the major expense with no guarantee of success. One authority that was the factor to private owners in its multi-storey blocks had its factoring role built into the title deeds at the point of sale. There was no factoring contract. The Deeds of Conditions also required it to itemise to each owner, all repairs carried out and their cost. This was a very labour intensive business:

“It’s within the condition of the missive when they buy the house. If it were a factoring contract it would be a lot easier for us to change it. Now for us to move away from this individual billing and charging, we would have to change every single one of the missives for every single multi-storey owner occupier within the city.” (Finance Officer, Authority A)
5.60 Even the medium sized RSLs with ex-Scottish Homes RTB owners or traditional 19C tenemental stock had problems with deeds and would face considerable costs if they contemplated negotiating with hundreds of owners to standardise and correct poorly written deeds:

“There are some that run over 2 closes. Where they have done renovation work they sometimes created new flats... and that is horrendous. You have to try to work out what the share is. It’s part of one close and part of another close. Why they didn’t just stick to the close that they had the floor in, I don’t know. I don’t know how I’m going to explain this to the owner. Then there are other ones where the Deed of Conditions is so old they haven’t got a breakdown of the common charges. It varies so much.” (Frontline Officer, Association F)

OWNERSHIP CHANGES

5.61 A recurring concern across the case studies was the consequence of resales: the onward sale of an already purchased property (excluding shared ownership). The first purchase of a landlord's rented property was under the landlord's control. It knew when the sale was concluded and it knew the owner. The landlord could ensure the owner, the ex-sitting tenant, knew about his or her common repair responsibilities, any mandatory factoring arrangements and any management fee that would have to be paid. However, subsequent sales, even if a condition was written in that the feu superior must be informed, were often not being notified to the landlord. As a consequence, new owners were unaware of the real burdens, the common obligations and the costs that ran with the property unless their solicitor pointed them out (which as discussed later, seemed to be too infrequently). When the first invoice for a repair or the factoring fee was received, the result was an owner refusing to recognise his or her common liabilities or make payment and, more seriously, a new, long-term relationship had started with a dispute:

“They don’t advise you of the resale - neither does the solicitors - although it was in the titles, but that is another of our problems. Every year, a whole load of resales is found because I am sending out the accounts.” (Frontline Officer, Association A)

5.62 Authority A sent out bills to factored owners on a monthly basis to minimise the loss of income due to resale:

“The problem with common charges at the moment is that it is actually an addendum to their ownership agreement so if they sell the house they don’t even need to tell us they don’t own the house. We have to find out. ...Now that is one reason why we do charge on a monthly basis, that if we incurred 8 or 9 hundred pounds worth of debt and they did a moonlight shall we say, …we wouldn’t recover any of that money and then we would be at fault to our tenants because the residue of that (debt) is met by the tenants of the city.” (Frontline Officer, Authority A)
PREVIOUS MANAGEMENT BY SCOTTISH HOMES

5.63 RSLs successful in stock transfer bids for Scottish Homes’ tenanted stock, also had to accept the legal arrangements for factoring that Scottish Homes or its predecessor, the Scottish Special Housing Association, had entered into with ex-RTB owners. The problems RSLs found were various. Too often, Scottish Homes had not implemented the terms of its factoring schemes. Interviewees said that ex-Scottish Homes owners did not appreciate their obligations and that Scottish Homes/SSHA had not charged administration fees or had set them at such a low rate that it could scarcely have been economic at the time of sale, far less 10-20 years later. When the RSL sought to right such situations they were generally met with anger, refusal to accept the legal position and refusal to pay. Across the different RSLs operating in different parts of Scotland, the experiences were similar:

“Scottish Homes didn’t have a factoring agreement at all with the ex-tenants so we are still struggling with this just now because they never applied a charge and we know through the regular meetings we have …that the people weren't happy to pay the charge.” (Frontline Officer, Association D)

“Scottish Homes did it 3 times when I was there and the serviced owners were being subsidised but Scottish Homes would never do anything about that because it was policy not to upset the owners - because the policy was to sell houses… So when we left Scottish Homes and they were charging £3 a year for the management service… We were advised to start at least at £10 and immediately we had a furore. So for 5 years I’ve been trying to convince them that what we charge is a reasonable amount.” (Frontline Officer, Association A)

5.64 Subsidy could also be built in by not re-charging maintenance costs:

“It came from Scottish Homes that cyclical maintenance had to be done… It was in tablets of stone among the older maintenance staff. They had this view that they would keep everything nice for the tenants - but with the owners there - they didn't see how much bother that was going to give them. But I think its coming home to them now.” (Front-line Officer, Association F)

5.65 The problems discussed above arose across different types and sizes of RSL landlords but one or 2 organisations argued they were not inherent to the concept of factoring and property/estate management. This optimistic view was expressed by RSLs that factored new shared ownership developments or new private housing developments that did not carry a history of poor communications, badly thought-out Deeds of Conditions, conflicts over quality of work and accounts or deeply imbedded negative attitudes by both parties.

5.66 Given the general pessimism of most landlords, it is important to record the positive organisational attitude towards factoring arrangements that could be exhibited. Association E had a 3 year-old development containing 24 owner-occupiers and 32 shared owners and its own rented housing. It modelled its factoring agreement and Deeds of Conditions on the management policies and factoring arrangements of other RSLs. It had a very proactive attitude and commitment to providing a value of money service. It produced a factoring guide with cross-references to the Deeds of Conditions, visited every outright and shared owner to explain their obligations and the owner's obligations and why they had to pay
charges on a brand new house (which took some explaining). The association adopted a very visible profile on estate management. It had also extended to the owners, an offer to join its block buildings insurance scheme and gas central heating maintenance contract. The success of this very active management style is clearly predicated on the luxury of starting with a ‘blank sheet’ but the importance of a dynamic attitude, as expressed by one of the staff, cannot be underestimated:

“I know people have got horror stories about factoring and things but I think if you get in the beginning and get everything in place before it [starts] - that is the important thing. And also, I think if you provide sharing owners and owners with the appropriate level of information about how much they are going to be expected to pay and what they are going to get for it, I think that is important as well.” (Policy Officer, Association E)

FEES AND CHARGES

Administration fees

5.67 While Deeds of Conditions set out the responsibilities of owners for common repairs and maintenance, the inclusion of a responsibility to pay a factoring or management charge was not universal. As a result, the case studies revealed a wide range of approaches to setting factoring or management fees and, in a number of cases, it was clear that owners were being subsidised.

5.68 As noted earlier, in some cases where RSLs had inherited responsibilities to ex-Scottish Homes owners, there was no administration charge levied at all. Although the services may have been only for landscaping or common ground maintenance, administration costs were incurred so, in fact, owners were benefiting from a subsidy which would have to be charged to the management account and paid for from rental income. One of local authorities was in a similar position with its ex-RTB owners:

“Where the council is doing common repairs they have to go along with that and contribute to the costs, obviously; [but] we don’t have a factoring agreement and there is no charge.” (Front-line Officer, Authority D)

5.69 Surprisingly, given the reductions in Non-HRA budgets, this authority retained a priority to provide 50 per cent repairs grants to owners where major or structural common repairs works arose in multi-tenure properties. While clearly another form of subsidy, it was considered the only way that owners were ever likely to be able to agree to proceed and be able to meet their costs.

5.70 Another authority charged ex-RTB owners in multi-storey flat owners a £12 administration fee for any repair cost under £10 and 11.5 per cent for costs over £100. If there were caretaking and other services the fee would be 15 per cent. However, the authority’s administration of its factoring service was very elaborate, labour intensive and difficult to cost. In one officer’s personal view, it had to result in an unquantifiable subsidy to owners. On the other hand, in new build schemes, landlords could construct deeds, factoring arrangements and fees to deliver an appropriate standard of service without subsidy.
In one case, an RSL reduced its initial annual fee from £250 to £150 because its cost calculation had been too conservative and could not be justified.

Charges for services

5.71 The postal survey found a wide range of charging methods. Repairs to individual properties (where this service was provided) were usually charged on the basis of the schedule of rates or the actual cost of the work. The common charging method for ground maintenance and estate lighting was an estate specific charge. Services to flat owners (such as communal repairs and cleaning) were usually charged an equal share of costs. However, a number of respondents to the survey said that they did not charge for some services at all (Scott et al, 2000b).

5.72 The case studies also found a wide range of charging methods. Charges for estate maintenance and common parts were usually derived from the Deed of Conditions. These varied from area to area - and sometimes from property to property. Sometimes the charges were based on rateable value, sometimes on the size of the property, sometimes on equal shares. However, where this was extended to shares of estate services, the charges could become very complex:

“I send accounts to one estate and they have one 210th share of the common landscaping, they have one 42nd share of the underpass being cleaned, they have one 66th of the private areas being maintained ...its very confusing but that's the way its got to be to keep it legal.” (Frontline Officer, Association A)

5.73 Some had to be derived from the share of the feu duty:

“One of them recently, all they had was a share of the feu duty and its in LSD. I have to work out their share of £1 and 13 shillings.” (Frontline Officer, Association F)

5.74 Staff admitted that, in some cases, they simply did not bother to charge for services because it would cost too much to do so - and there was little chance of collecting the money.

CAN'T PAY OR WON'T PAY

5.75 The postal survey found that recouping costs for planned maintenance work was considered problematic or very problematic for a large majority (88%) of landlords. A similar strength of feeling (79%) was registered about recouping costs for communal repairs. More landlords felt this was due to a reluctance to pay than an inability to afford the costs. The case studies explored this issue further and found that the problem of owners not paying their share of repair or maintenance costs or their administrative fee, was a widely expressed complaint by landlords:

“The main problem we have is probably planned maintenance with our painting programme, our 5-year painting programme. Again, we’re going back to our C... area where we want to paint the closes and paint the rainwater pipes and we are billing owners - could be £200, £300 - for which
they get no grant and they're not very happy about it. But we’ve got a programme and we want to push ahead. So that’s caused a few problems.” (Policy Officer, Authority C)

“Everyone that does factoring says that you are not going to get the money until the property is sold.” (Frontline Officer, Association E)

5.76 Officers interviewed held both tough and compassionate positions on the cause of the problems. There was a recognition by some that many ex-tenant owners were marginal owner occupiers with limited financial reserves and capacity to meet intermittent, fluctuating sizes of bills to pay, some of which could be for large costs. They simply did not have the financial capability to meet their responsibilities. A finance officer explained the trap that multi-storey flat owners were in:

“What they don’t appreciate when they are tenants - tenants have, under current legislation, a protection in multi-storeys in that ..... they are protected in their rents. Within their rents we can’t charge for certain services like lifts and various other things. These are corporate costs across the city. So, consequently, they have purchased their houses and they are now responsible for the physical repairs to their block which as a tenant, they weren’t.” (Frontline Officer, Authority A)

5.77 On the other hand, other officers felt too many owners were simply unwilling to meet their obligations and could pay, particularly for the small repair invoices and the modest annual factoring fee. There was a genuine belief by officers that their organisation was providing a good ‘value for money’ service to owners:

“Well, a lot of them are sitting there only paying us £12 a year and why should they bother because we do most of the work. The ones who are not in the factoring service get very good value for their money. You won’t get them to admit that, but they do.” (Frontline Officer, Association A)

5.78 As discussed in a later section, the ‘can pay, won't pay’ attitude of owners may have been due to a residual assumption from their period as tenants that their ex-landlord would continue to meet the property upkeep costs. Some officers thought that ex-RTB owners had no idea how expensive repairs were until they started to receive quotations and invoices:

“Perhaps their aspirations are a bit higher about the work to be done or it’s too expensive. Most of them think it should be a ‘wee homer’ from the lad round the corner. They are not prepared to pay. They always think that it is too expensive - even though it was tendered for and lowest tender [won]. They don’t believe it.” (Frontline Officer, Association F)

Responses to non-payment

5.79 The non-payment issue was very real. Even in housing associations, owners owed thousands of pounds in unpaid fees and changes. Action varied from landlord to landlord. Some raised action to recover the debt using either Small Claims or Summary Cause Actions for larger debts. However, this was not considered very effective:
“They went for decree but they still did not pay. So that was it, you just left it there. Sometimes they were on income support and there was nothing they could pay.” (Frontline Officer, Association F)

5.80 Others put a charge on the property, to be repaid when the property was sold. However, in order for this to be effective, the landlord had to informed when the property was sold:

“As soon as I got a solicitor’s letter about a sale, I would see if there were any arrears and get a bill out in the post - so we could get the money back.” (Frontline Officer, Association F)

5.81 But, in many cases, as noted below, landlords did not receive any information about re-sales and therefore missed the opportunity to recover the money. In practice, many of the landlords wrote off considerable amounts of debt as irrecoverable.

5.82 Some interviewees had found some ways to encourage payment. In the case of known ‘bad payers’, additional services might be withdrawn or payment for improvements requested in advance of work. However, there were limitations to such action, if the withdrawal of service or refusal to carry out work without payment would impact on tenants. One association had allowed owners 3 months to pay bills and was currently investigating introducing a ‘swipe card’ for easier means of invoice payment. Other suggestions included monthly payment schemes:

“I keep thinking that there must be an easier way of doing it - rather than send out quarterly or yearly bills. If you could pay a rent for your factoring every month - or an annual fee that would help - like paying rent or the council tax. People could pay by direct debit. ...But I don’t know how you would work a factoring bill on a regular basis. What is the carrot and the stick? You can threaten tenants with eviction. You could have a discount for regular payers but I don’t know what you would do for the stick.” (Frontline Officer, Association F)

5.83 New build schemes were also seen to offer the opportunity to incorporate into the Deeds of Conditions the requirement for a money ‘float’ to be paid by the owners to reduce the likelihood that the factor landlord would be ‘out-of-pocket’ from unpaid invoices when ownership changes occurred. The SFHA (1999) says RSLs should consider the inclusion of such a provision in new deeds. Association E, with a new build scheme, had adopted this approach and required a £50 float and a £50 annual factoring charge from the first owners and Association F had written in to its policy framework that:

“Wherever possible, either through the implementation of a new Deed of Conditions or with the consent and agreement of owners individually or collectively, the Association shall seek to introduce a float whereby an owner deposits and annual sum with the Association... floats shall be repayable on sale.” (Policy Report, Association F)

86
5.84 The postal survey found that nearly 90 per cent of landlords felt that dealing with the resolution of neighbour disputes was problematic or very problematic. Across the case studies, views and experiences of owner-neighbour disputes and anti-social behaviour varied. While experiences of owner-owner and owner-tenant conflicts were recounted and considered very problematic (consistent with the postal survey findings), overall, it could not be concluded that they were major issues in scale or intensity. When problems arose with factored owners they were much more likely to be neighbour disputes over noise, boundary lines or neighbours’ children’s behaviour. They rarely involved serious anti-social behaviour involving violence or drugs.

5.85 For some landlords, particularly those with recent new build shared ownership, no problems were recorded. For one RSL, the problems were not with its factored owners but in the wider estate where drug-dealing was rife and ex-council houses where being sub-let to people who were “causing a bit of a problem within the area”.

5.86 Some concerns were voiced that as the numbers of owners increased, so to would inter-owner and owner-tenant conflicts. Some interviewees felt that part of the problem lay in the changed self-image that ex-tenants underwent when they became owners. They suggested that many ex-tenant owners became more exacting in the standards of property upkeep they expected and some became more argumentative with neighbours. They sometimes felt they had a right to say who should live next door to them:

“People who have actually bought their property want to pick and chose their neighbours - there is a lot of people want to have a say in who’s living next door to them because ‘I’m now an owner occupier not a council tenant and I’m not having any problem family next door to me’.” (Policy Officer, Authority B)

5.87 They put pressure on officers to take action on minor irritations that, as a landlord, they would not normally address even with their own tenants. They also suggested that owners had a greater tendency to take grievances “all the way to the top”, to councillors, MSPs and MPs.

5.88 Landlords did not appear to have a clear idea of how to respond to disputes involving owners. Some landlords declined to become involved in disputes between owner-occupiers for whom they were factors unless there was a very serious issue. Instead, owners were referred to advice services, their solicitors or a mediation service, if one existed. Others had a pessimistic outlook and said that effective intervention was very difficult because they could not see how to react. One local authority had set up an inter-agency working group to consider anti-social behaviour across all tenures:

“But where it’s an owner, no one’s really coming up with a solution to that.”
(Policy Officer, Authority C)

5.89 Some landlords had considered using the title conditions to control anti-social behaviour by owners. Many title conditions include clauses on behaviour and, as feu superior in RTB sales, the landlord could, in theory, raise an action. However, the action of ‘irritating the feu’ is a drastic remedy that deprives the occupier of the house. Landlords felt that it
would have been very unlikely, if these cases had gone to court, that the sheriff would have upheld their position.

5.90 Atkinson, Mullen and Scott (2000) noted that very few landlords had tried this, so it difficult to know what view the courts would take, in practice. However, they also suggested that there were real difficulties in the use of this remedy. In addition, the proposed abolition of the feudal system and the rights of superiors to enforce real conditions would remove the possibility of using this remedy. Nevertheless, some landlords said that they had had some success with a solicitor's letter threatening to ‘irritate the feu’ and that this had been effective. However, it was clear that even this informal method of enforcement was rarely attempted.

5.91 Some landlords had considered the use of interdict but were aware that there had been an unsuccessful case where a local authority had tried to interdict an owner from causing a nuisance to neighbouring tenants. Atkinson, Mullen and Scott argued that further legislation was required to clarify the right of social landlords to seek interdict on behalf of their tenants.

5.92 No organisation had used Anti-Social Behaviour Orders against owners but one landlord had a case in the pipeline (although it was not clear what the grounds of the anti-social behaviour were). Several landlords thought it was a promising tool.

ATTITUDES AND RELATIONSHIPS

5.93 Results from a recent survey of owners with shared common repairs responsibilities with local authorities (Welsh, 1999) revealed generally, a very critical attitude by owners towards their local council. The survey found that owners received insufficient information at the pre-purchase stage and inadequate consultation before common repairs were started. Staff were considered helpful but insufficiently knowledgeable and complaints handling was poor.

5.94 Such views reflect accumulated experiences over many years of Right to Buy during which factoring and multi-tenure property/estate management have been neglected and undervalued ‘services’ by social landlords and professional bodies alike. It is only very recently that serious efforts have been made to correct this weakness with the publication of 2 good practice guides (CIH, 1999; SFHA, 1999) that set out standards and procedures for factoring by social landlords. The aims of the guidance are to ensure an efficient, well-managed service and a positive relationship between landlords and private owners. However, as the factoring Focus Group and the case studies reveal, translating laudable guidance on paper into a practical reality on the ground is a much more complex matter than the guides presume.

The owners

5.95 The experiences of the owners who attended the factoring focus group related to one local authority, a previous New Town Development Corporation and 2 housing associations. Historically, the local housing environment had been dominated by public sector housing. Owners’ attitudes reflected a combination of new individualist values associated with home ownership and embedded expectations from their past as tenants about the continuing responsibilities that public authorities should have.
5.96 The owners who attended the focus group expressed very negative views about landlords (local authorities or RSLs) as factors. Criticisms were wide-ranging. Inadequate information at the point of house purchase left owners unaware of their new responsibilities:

“I mean I knew, obviously I had responsibility for the upkeep of the flat… but there’s a lot more goes along than that. There’s the whole building – it’s not just your part of a flat and I don’t think we knew - you know, I honestly don’t think we knew what that involved and I don’t think we had really much advice at all.” (Owner, Focus group)

5.97 Strong feelings were expressed about the failure of landlords as factors to inform and consult with owners about repairs and proposed maintenance. Virtually every aspect of the relationship was criticised. Requests for communal repairs to be carried out were ignored. Letters were not replied to. The regularity of planned maintenance by the local authority was unfavourably compared with the previous Development Corporation and was seen to result in higher costs because of the delays. The costs of common repairs and maintenance were criticised as too expensive. The ‘skipping’ of closes with no landlord ownership when painting contracts were being carried out was considered unfair. The factoring fee was not thought to provide value for money.

5.98 Part of the problem lay in the lack of clarity in owners’ minds about the different powers and roles of factor landlords in relation to maintenance and improvements. To them, the behaviour of factor landlords was confusing and contradictory. On the one hand, they were told that certain maintenance programmes would go ahead and they would have to pay their share:

“We all objected to it but they carried on and started painting our close. We’ve never been billed for it and we’ve all objected and we said, there’s no way, we had no consultation over colours, who was doing it, who the contract was going out to.” (Owner, Focus Group)

5.99 But on the other hand, owners said they were offered no opportunity to participate in modernisation schemes (e.g. new windows, central heating, rewiring) to tenants’ houses. Such uncertainties may be because owners have failed to read information provided to them. However, as is shown below, a number of landlords have not been particularly proactive in consulting with owners and explaining issues and that is as likely an explanation as a failure by the owners.

5.100 Despite their bad experiences of factoring, the owners considered the principle of co-ordinated management of property to be reasonable. However, they wanted to see more proactive management than either housing associations or the local authority was providing and they wanted much better consultation:

“If they detailed what you were paying for; if they gave you advance notice of larger jobs, larger projects they were going to take on; if they let you know who the tenders were going out to, who was tendering for this, this and this; if they let you know why any tender won… So, if they’d let you know - if they kept you involved.” (Owner, Focus Group)
The landlords

5.101 With the exception of factoring new-build properties, the interviews with most officers of the case study landlords, revealed relationships between owners (shared, outright, ex-RTB, ex-Scottish Homes) and landlords as often problematic, sometimes antagonistic and generally unsatisfactory. Staff, burdened by hundreds, sometimes thousands, of ex-RTB owners covered by a variety of different forms of Deeds of Conditions, no effective factoring and inadequate remuneration for their administration, expressed frustration at the obstacles to efficient property and estate management:

“I think also, here, there is very much a cultural dependency thing. Where there was a very high level of social rented housing in comparison to other areas, I think that people are quite dependent on the council and if they’ve historically been a council tenant, then that legacy carries on.” (Policy Officer, Authority D)

5.102 In turn, this created ambivalent attitudes towards owners. Officers felt that owners were failing to accept their responsibilities yet could recognise that for a number, they simply could not afford the real costs of owner occupation.

5.103 However, a more positive perception arose in relation to managing new build schemes by RSLs. Such schemes carried no ‘history’ and were not ‘hemmed in’ by old title deeds. The landlord could shape the framework and detail of new Deeds of Conditions and factoring agreements and organise internal staffing arrangements to deliver an economic and efficient service and, hopefully, a positive relationship with the new factored owners:

“I think that we manage it properly. You know, we take as much control as possible from the beginning of the process and we create good relationships with people before they move and after they move in.” (Policy Officer, Association E)

5.104 However, landlords in this positive situation recognised that their positive relationships were correlated with the fact that no major repairs were needed and the factored properties had hardly entered a planned maintenance cycle: both traditional trigger points for conflict. Ironically, RSL factoring landlords who factored for new, shared, or outright, owners could also express unhappiness about their relationship with ex-Scottish Homes owners.

INFORMATION AND COMMUNICATION

Pre-sale information

5.105 The provision of appropriate information to, and the adoption of effective means of communication with owners, cannot undo the weaknesses inherent in poor Deeds of Conditions. But they can counteract their deficiencies by translating obscure legal information into comprehensible, ordinary language and help owners better appreciate their responsibilities and the role of the factor/property manager. How well landlords inform, explain, discuss, negotiate and seek agreement with owners for common repairs, maintenance and improvements also feeds into the quality of their relationship with owners:
“The owner needs to have an idea of what they are to pay for and what they are taking on. If it was more laymen’s language - even they did a Deed of Conditions, as the lawyers want it and a synopsis at the end for the owner. It needs to say clearly what the shares are and you have to do this and do that.”

(Frontline Officer, Association F)

5.106 However, more than one local authority landlord referred to, what it believed had been past government policy, of ‘bearing down’ heavily on any local authority that had been thought to be inhibiting tenants from deciding to buy their homes. Landlords felt that they had been prevented or discouraged from pointing out the real costs and responsibilities that went with home ownership, not least in high-rise flats. Some officers felt, erroneously, that this was still part of Scottish Executive guidance:

“The council is restricted in what it can say to prospective purchasers. While it can make it clear there will be maintenance responsibilities it cannot stress that strongly - that is Scottish Executive guidance. Leaflets can state obligations but not 'force the issue', not put information in a negative way.”

(Policy Officer, Authority D)

5.107 Across the case studies, the extent and means of communicating with owners varied widely but in few cases could it be said to be satisfactory in quantity or quality. Several landlords accepted that their standard of information provision, its packaging and promotion could be much improved. In relation to the crucial pre-purchase stage, some landlords were very proactive. One RSL sent out letters to intending flat purchasers and their solicitors explaining in detail the obligatory responsibilities of owners to take the factoring service and RSL’s block buildings insurance policy. Another RSL produced a factoring guide to explain the Deeds of Conditions and its factoring role to pre-purchasers. An RSL with a new shared ownership scheme held pre-purchase interviews that explained the purchase, renting and factoring arrangements and provided reports about the association, its services, the complaints procedure and factoring.

5.108 One factoring officer said that in her previous post she had considerable involvement at the pre-purchase stage and provided a lot of information to prospective owners:

“We did a pre-application interview with the owners, which explained to them what they were looking at in terms of costs. This covered whether on not they would be factored, what all the costs were when they bought their house - not just the mortgage - all the costs. We sold properties in multi-storey flats and we had to let them know that the cost of actually buying the property was not that high - but the service costs, for things like lifts and electricity, were going to be high. If you explain things to owners at the beginning what the charges are going to be, they get a better idea. It will not be a shock then they get their first bill. That’s what we tried to do. We could give them an idea of what the house was going to cost - an estimated cost of everything that they would be responsible for.”

(Frontline Officer, Association F)

5.109 On the other hand, some local authorities took a more reactive stance. One officer admitted that a single page in a sales booklet referred to factoring and that while the council's sales staff were very knowledgeable and helpful, they were not proactive with information. Similarly, finance staff were helpful with providing prospective buyers or their solicitors with
estimates of annual factoring costs but this was only provided on request. Another local authority officer reflected:

“We’ve not had any communications specifically on the duties and obligations of both parties in this contract and its only when disputes arise that you're advising people.” (Policy Officer, Authority C)

5.110 A recurring complaint across RSLs and local authorities was about the role of purchasers' solicitors whom, it was felt, should bear more of the responsibility for properly briefing their own clients yet, too often, were failing to do so:

“The onus is definitely on the purchaser's solicitor and it very much depends on that solicitor and I know from experience that some solicitors just want a quick sale.” (Frontline Officer, Authority A)

“What I also found was that the owners, when they were buying the property, the solicitor did not explain at all what they were due to pay and what they were signing for. They did not say whether there was a management scheme, nothing like that... Solicitors did not bother to explain the Deeds of Conditions at all.” (Frontline Officer, Association F)

Repair and improvement work

5.111 In relation to common repair and improvement works, landlords generally felt that information and consultation was not a problem with minor communal repairs. These were normally governed by established work cost thresholds for carrying work out with or without consultation. The difficulties came with major repairs, planned maintenance and improvement works where owners’ consent was needed to proceed with a contract, or where the landlord's procedures required it to consult before proceeding with high cost repairs. Considerable effort was often put in by officers to secure agreement, often with little success.

5.112 Public meetings were commonly used for major works but were more often than not, ineffective and frustrating:

“We had public meetings, we had grant information available, we had the architect going through the design brief. It was a very positive response from all residents, there were housing association residents and there were owner-occupiers and our tenants but when push came to shove to sign on the dotted line - no. Not one of the owners signed.” (Policy Officer, Authority C)

5.113 One RSL had effectively given up holding public meetings for anything other than major problems because it felt owners were not willing to use the opportunity offered:

“Even that one meeting we had where there was 12 people. They're not willing to listen and they're not willing to take their turn to speak. So even with a smaller scale it’s very difficult to deal with them because they want to tell you all their problems and you're only trying to talk to them about one issue.” (Frontline Officer, Association A)
5.114 Problems with securing owners' agreement or payment had led some landlords to reassess how they relate to owners. One RSL that had a poor response rate to letters seeking approval for maintenance contracts was experimenting with Freepost replies and finding it was at least getting a response - though not necessarily a positive one. A similar idea was being pilot tested in a local authority that had decided that in the future, before any works in a multi-storey proceeded, it will use a post-back procedure with owners and work will not commence until affirmative replies are received. The concern about extending this procedure citywide was that 'even more time' would have to be spent by area teams dealing with non-rent payers.

**Wider participation**

5.115 A number of landlords sought to extend their relationship with owners beyond the specific confines of works contracts and factoring responsibilities. This was more likely to happen with RSLs who typically sent their newsletters to shared and ex-RTB owners as well as their tenants and encouraged owners to join residents associations or join the housing association. One RSL had area representatives that included shared owners as well as tenants and they met with senior staff and, on an annual basis, met with the association’s Chair. One of the local authorities extended to ex-RTB owners in its multi-storey blocks, the opportunity to join tenants in inspections and monitoring of concierge services and the standards for cleaning.

5.116 On the negative side, there were hardly any examples of landlords carrying out customer satisfaction surveys of factored owners or owners with common repair obligations. Few had any policies specifically on participation with owners. In many cases, contacts were limited to discussions with individual owners about proposed major repair and improvement projects and were purely project-based.

5.117 Complaints procedures were more evident, but were usually subsumed within the landlord's general complaints procedure for tenants. Some officers could not confirm that their recording system actually separated and monitored owners' complaints from tenants' complaints. Complaints about invoices or works standards tended to be taken as queries needing explanation whereas complaints against an officer were streamed into a formal complaints process. Overall, the case studies reported very low levels of formal complaints but, exempting the new-build schemes, there was a considerable level of questions, queries and complaints about the costs of repairs or fees that owners were being charged:

> “I can’t think of any one that has complained about the factoring service. Bills, yes and about the repairs, but not about the service.” (Frontline Officer, Association F)

**TRAINING**

5.118 Specific training for staff with responsibilities for factoring services or generally carrying out property management duties in multi-tenure estates was a low organisational priority. This was particularly the case where day-to-day relationships with private owners over repairs and maintenance were the responsibility of housing officers working in area teams where the primary focus of training was on services to their own tenants. Only where
there had been recent training events about Anti Social Behaviour Orders, had frontline
officers acquired knowledge of value to them in their contacts with private owners. In some
cases, senior staff had attended training courses on factoring but not frontline staff directly
involved in owners’ property management work. Even an experienced member of staff with
a dedicated role as ‘factoring officer’ of an RSL with over 1000 owners learned through her
own efforts:

“I learned it all on the job - sometimes the hard way. If you did something
wrong, you soon found out and knew to do it right the next time. I learnt -
knowing the difference between a Deed of condition and a feu disposition - the
whole lot!” (Frontline Officer, Association F)

5.119 The lack of priority for training conveys the impression throughout an organisation
that working with private owners is a devalued activity. This can affect staffs' perceptions of
the value they place on their work with private owners and their motivation to seek out and
apply good practice. In turn, this can feed through to owners’ sense of being devalued.

THE FUTURE

5.120 The draft Housing (Scotland) Bill (Scottish Parliamentary Corporate Body, 2000a)
proposes changes to the Improvement and Repair grant system for particular types of work.
These include specific grants for owners in buildings in common ownership for particular
types of work, increases in the maximum levels of grant and powers for local authorities to
give minimum percentage grants (regardless of income) for certain types of work. All other
grants will be subject to a national means tested scheme. The accompanying Policy
Memorandum indicates that these changes were in specific recognition of the problems in
carrying out work in buildings in common ownership (Scottish Parliamentary Corporate
Body, 2000b).

5.121 Given the research found that one of the most problematic aspects of tenure of multi-
tenure property management work was in obtaining owners’ agreement for capital funded
improvement works and the larger scale planned maintenance programmes, the changes to
the Improvement Grant schemes are likely to be welcomed. However, unless generally
higher levels of resources are directed towards improvements grants and the means-tested
levels are generous, the effect may be limited. The Policy Memorandum also notes that:

“The Executive recognises the need to consider the wider issues relating to
the encouragement of repair and improvement in the private sector and these
will be considered by the new Task Force as part of its review of general
housing quality issues” (Scottish Parliamentary Corporate Body, 2000b,
p.22)

5.122 The Task Force will consider the legal, administrative and financial elements
currently in place which prevent or encourage housing improvement, including the forms of
financial assistance available for owner occupiers and the powers available to local
authorities to compel private owners to invest in their property (Scottish Executive, 2000a).

5.123 Several interviewees hoped that the Scottish Law Commission’s draft bill to reform
the Law of the Tenement (SLC, 1998) would solve their problems of working with ill-
thought out property title deeds and securing agreement (and payment) from private owners in multi-flatted buildings to carry out necessary maintenance and improvements.

5.124 One association, concerned with the difficulties of getting owners to pay for common repair costs yet having no power to charge an administration fee for its efforts, reflected the hopes of all of the landlords:

“We have been looking at it and senior management team has been looking at it and J... has done a paper about it but with the housing bill coming out and the proposal for a possibly mandatory factoring scheme they actually held off to see what the proposals would be... Hopefully, that will make it mandatory and we wont have to bring in our own approach.”  (Policy Officer, Authority D)

5.125 The Commission’s proposals include a tidying up of common law rules and provision for the application of a statutory property management scheme (scheme A for existing flatted buildings and scheme B for new, flatted buildings). A summary can be found in the Factoring chapter of Raising Standards in Housing (SFHA, 1999). However, expectations that these and related reform proposals will provide salvation for social landlords may be premature. First, the SLC’s draft bill is not likely to be considered by the Scottish Parliament in the near future. When it is, it could be subject to considerable modification during its parliamentary passage. Second, the proposals will not replace existing arrangements that are set out in title deeds, deeds of conditions or common law except where they make no reference to a particular responsibility or where they are agreed to be defective in construction in relation to some matter.

5.126 In a recent review of the Commission’s reports, Robertson (2000) identifies the strengths and weaknesses in relation to its reform proposals for existing flats. The positive features are that they clarify the definition of common ownership, set out common responsibilities and should help resolve disputes about responsibility for common elements of building. Benefits are seen from the proposals for default decision-making for schemes, the ability to enforce real burdens and the introduction of mandatory buildings insurance.

5.127 However, scheme A is also seen to have serious weaknesses. First, the proposals exclude an obligation on owners to maintain common parts. Second, owners’ rights to challenge decisions in the courts is only negative (i.e. to stop remedial works not initiate them). Third, dispute resolution remains with the Sheriff’s Court rather than a more straightforward, less daunting procedure and finally, the Commission has side-stepped interfering with existing deeds to impose retrospectively, a statutory requirement to establish an effective management system except where deeds are defective:

“As a result of this decision poor and inadequate deeds remain unchanged, and there is no easy means of changing them in the future.”  (Robertson, 2000, p.9)

SUMMARY

5.128 The ways in which the property management or factoring service was organised varied greatly across landlords. Mostly it was located in housing management teams and was
seen as just one small and often difficult element of a heavy workload carried out by generic staff. A few housing associations had established a specialist Factoring Officer post. In larger organisations, usually the local authorities, the lines of communication between the frontline officers who had contact with owners and the finance staff who dealt with accounts could cause problems. There was often over-demarcation of roles and a heavy dependence on information technology: which was not always efficient. A further demarcation arose between the housing management or factoring officers who dealt with owners on the day-to-day issues while the larger planned maintenance and improvement programmes were handled by capital programme or development staff.

5.129 As with the postal survey, it was clear from the case studies that a number of landlords had problems with the terminology of ‘factoring’ and ‘property management’ in multi-tenure environments. This led to some initial difficulty for the research in accurately interpreting the role(s) they played with different owners. Generally, there were different relationships with different types of owners and different types of properties.

5.130 Again, similar to the postal survey findings, no standard, consistent approach was evident from the case studies as to the range of services provided to owners beyond a core set: usually repairs to common building parts, ground maintenance and lighting of common parts. Some of the case study landlords had worked hard to produce an effective service to owners. Others were just beginning to look at this area of work more closely but found it difficult to overcome the problems caused by old and inflexible Deeds of Conditions. Many found this whole field of work frustrating and unsatisfactory. Ironically, this is one of the few points on which owners were in agreement with landlords.

5.131 As in the postal survey, policy development in this field of work varied across the landlord organisations but was more evident in RSLs. Some landlords had no formal policy framework but worked from factoring agreements underpinned by the Deeds of Conditions. Others simply operated on the basis of the obligations on owners laid down in Deeds with no articulated policy framework or factoring agreements. Where there were policy documents, they were often supplemented by issue-specific policies that were the landlord's mainstream policies.

5.132 The recurring theme, from both the case studies and the postal survey, was the deleterious effect of many Deeds of Conditions on achieving effective management, maintenance and improvement of multi-tenure properties and estates. The problems raised were their poor construction, sometimes the excessively detailed accounting and invoicing obligations and their limitations in being able to secure owners’ agreement to essential common upkeep works proceeding and to pay their share of communal costs.

5.133 RSLs that had been successful in tenants’ stock transfers expressed a fair level of unhappiness towards the historical management role of Scottish Homes and the Scottish Special Housing Association in their relationship with ex-RTB owners. At times, common repair obligations had not been exercised and owners had either been charged an unrealistically low administration charge or no charge had been applied at all. Inevitably, RSLs met strong resistance from owners when had sought to revise charges to a realistic level and secure implementation of common repair or landscaping maintenance works.

5.134 The postal survey focused on the apportionment of costs for common repairs and estate management and found a complex and contradictory picture. The case studies found a
wide range of approaches to setting factoring or management fees. The problems of ex-
Scottish Homes/SSHA owners has been noted but other examples were found where owners
were being subsidised by tenants for maintenance and improvements that were a shared
responsibility. Access to improvement grants was very limited, though one local authority
stated it still gave priority to approving 50 per cent repair grants to owners involved in major
common repairs schemes.

5.135 Officers were divided on their views as to why there were such problems getting
owners to pay. Some felt that most owners could pay reasonable costs but simply would not
view the works involved as a priority for their expenditure. However, others were
sympathetic to owners’ circumstances. They recognised many were elderly and that many
were 'marginal' home owners with little spare financial capacity to meet unexpected high
repair or improvement costs.

5.136 Although the postal survey found that most landlords found dealing with neighbour
disputes involving owners were problematic, the problems that arose were typically of a
minor nature involving noise, children or boundary disputes. RSLs with recently developed
schemes including shared or private owners registered no problems. However, case study
landlords were unsure of the best way to respond when problems did arise.

5.137 The focus group on factoring revealed similar critical and negative attitudes towards
landlords as factors or feu superiors as has been reported in other research. Owners felt there
was a lack of communication and participation. They were in favour of co-ordinated
management but wanted much better consultation.

5.138 The officers had scarcely more positive view of owners. They felt that working with
owners was often problematic, sometimes antagonistic and generally unsatisfactory. It was
only officers in RSLs who factored recently developed, shared or private ownership schemes
that had no problems with owners - though this may be because the schemes were too new to
have any major repair problems. Similarly, it was RSLs rather than local authorities that
made efforts to encourage participation by owners in their organisation.

5.139 The provision of information to owners at pre-sale and subsequent communications
with them about proposed works, costs and participation varied across the case studies. Some
landlords were very proactive with leaflets, guides and discussion. Others were less dynamic
and admitted they should be doing more as it would reduce disputes and improve
relationships. The main concerns about how to communicate effectively arose in relation to
major repairs and improvements.

5.140 There was little evidence that staff involved with managing multi-tenure properties
and estates had received much, if any, training about the particular knowledge and skills
required for the job. Awareness of recently published factoring guidance was limited. For a
number of landlords, work with private owners was a minor part of their housing
management activities and this was reflected in their attitude to training.

5.141 A number of officers referred to factoring and the management of multi-tenure
properties and estates as the ‘Cinderella’ service in housing: an area of management work
that, for many years, has been accorded a low organisational and resource priority relative to
the management of the tenanted stock. Reviewing both the findings of this research and of the
postal survey, it is difficult to avoid the conclusion that this is a fair assessment.
5.142 However, both studies also show clearly that even if this organisational failing is addressed (as it should be), it will not resolve the fundamental problems identified. These include unsatisfactory Deeds of Conditions, inability of landlords to implement improvement works, problems with getting owners to agree to repairs and maintenance and problems with recouping costs and administrative fees.

5.143 These organisational and systemic failings in factoring and multi-tenure management reflect a contradiction in current policy thinking. The government is promoting the benefits of large-scale, voluntary transfers of local authority stock. This will require finance to subsidise the improvement costs that will be incurred by private owners embedded in multi-tenure buildings and estates and highly effective systems for on-going factoring and management. The research questions whether either of these 2 pre-requisites for short and long term success will be realised under existing policy or proposed legislation. It is hoped that the new Task Force will address these wider issues.
CHAPTER SIX: THE ROLE OF GUIDANCE IN GOOD PRACTICE

INTRODUCTION

6.1 A fundamental part of the case studies was an investigation into whether, and how, good practice guidance is used by housing organisations in the 3 aspects of housing management studied. The research was also intended to identify those gaps in good practice guidance that practitioners were aware of. It is intended to complement the findings of the literature review (Scott et al, 2000a) and review of practice (Scott et al, 2000b).

6.2 Scott et al (2000a) comment that there is an industry around good practice in housing management, with advice and guidance regularly published by government, professional bodies, and academic, charitable and commercial organisations. The production of such materials has been encouraged by the increasing emphasis on the monitoring and evaluation of welfare providers; and by the demands of government and residents that housing providers continuously improve.

6.3 An overview of housing providers’ use of good practice is given in Chapter 12 of the review of practice report. Here we consider in detail the evidence on using guidance in developing policy and practice in allocations, the management of anti social behaviour and factoring. The chapter begins by reviewing the written sources of guidance used by respondents, discusses other mechanisms by which good practice is disseminated, and finally identifies the gaps in guidance. Each aspect of housing management is discussed separately where the evidence requires this, but a number of issues are common to all 3 topics.

6.4 It should be noted that the data on using good practice guidance needs to be treated with some degree of caution because of the potential for false positives. This is because it is considered desirable to have consulted sources of good practice and often we are asking professionals to describe policy development that has taken place a number of years ago and that they may not have been directly involved in themselves. For frontline staff a standard response to enquiries about using guidance or good practice research was:

“I would imagine that good practice and such would have been taken cognisance of at the time of formulating the policy.” (Frontline Officer, Association D)

6.5 Similar responses were received from policy staff in organisations that had not recently reviewed their policy.

6.6 It is likely that respondents will report a greater use of good practice guidance in retrospect than would be observed at the time of policy review. It is also likely that, because of the vagaries of memory, they will report using sources that they would expect to exist and not report some sources that they did use, simply because these are now forgotten:

“While I could say reasonably accurately that yes we did, I couldn’t tell you where we went.” (Policy Officer, Authority D)
WRITTEN GOOD PRACTICE GUIDANCE

6.7 The postal survey found that all the various sources of good practice were well used by local authorities and RSLs (see Scott et al, 2000b, Table 12.1). However, in the case studies, interviewees were generally vague on precise sources, and tended to cite organisations such as Shelter and CIH, without being able to say what documents or other advice sources in particular they had drawn on. Some respondents did not know what specific sources of good practice were used in developing specific policy areas, but were aware that the organisation would typically turn to a number of standard sources:

“I know, generally speaking, that the policies being reviewed or formulated [guidance] from SFHA and Institute of Housing are looked at to make sure that we try and comply with all the issues that are in there.” (Policy Officer, Association D)

6.8 For housing associations the principal sources of guidance used on all 3 topics were those produced by the Scottish Federation of Housing Associations (particularly its Raising Standards manual). This is supported by the postal survey findings where over half of RSLs always used SFHA guidance. It was also noted by respondents that housing associations are obliged to follow the guidance issued by Scottish Homes and are subject to their performance audit. In the postal survey 76 per cent of RSLs would always use Scottish Homes guidance.

6.9 There was some evidence of mixed views about Raising Standards. A senior officer in Association F, while suggesting a range of sources was referred to in reviewing his association’s policy, eulogised:

“Raising Standards in Allocations… that was certainly a major achievement …I think that it is very, very helpful guidance on allocations from the housing association point of view. It has really set the framework for what associations should be doing.” (Policy Officer, Association F)

6.10 However, another interviewee elsewhere suggested that the manual imposed a rigid framework and that deviating from the recommendations was something that required specific justification.

“Most of the stuff that was already in the policy was compatible with [the new] Raising Standards in Allocations… I wanted to look at the policy that we had which had always worked for us, I have to say, but there was stuff coming out of the good practice thing which we were being pushed into; to consider quotas… that was the big issue.” (Policy Officer, Association E)

6.11 Local authority respondents referred less to specific sources of guidance in interview. However they did report using resources produced by the Chartered Institute of Housing, and to following Scottish Office/Executive guidance. The postal survey found that 10 per cent of local authorities always used CIH guidance, and two-fifths used Scottish Executive guidance. A few local authority respondents reported wide ranging searches for good practice which included examination of guidance which applies to England and other European countries, academic research published by the Joseph Rowntree Foundation and reports by organisations such as Shelter and the Scottish Consumer Council.
“We looked at a range of things... anything basically we could lay our hands on... For instance, when local lettings initiatives became an issue during the development of the policy looked at the Joseph Rowntree research that was carried out 2 years ago. ...obviously some of the Shelter publications. I think we even looked at publications from Wales....” (Policy Officer, Authority B)

6.12 The postal survey suggests that practitioners are most likely to draw on guidance when developing or reviewing policies, or when a specific problem arises. Interviewees in the case studies confirm this:

“There’s so much material comes in here for us to read and we just don’t have the time to do it... It’s out there when you need it and it’s only when it happens then you start going looking for it and reading up.” (Policy Officer, Association C)

6.13 Guidance was also helpful for use with committees and/or councillors who are less familiar with current thinking on key issues than housing professionals. Thus, research and good practice examples are a form of support and legitimisation for policy staff:

“There was a lot of research done before putting pen to paper in terms of proposals for changing the policy. We set up an allocations sub-committee with the management committee as well... talking about what the guidance was and what research was available – that was a big part of it.” (Policy Officer, Association F)

“It helps make these arguments and it’s not just (name of senior officer) who’s saying it.” (Policy Officer, Authority C)

6.14 One interviewee in authority C described good practice advice, as containing nothing much that was new, but it was a useful source of corroboration and mutual support for the officer's ideas. The key issue here was that staff serving on an officer/members working group had successfully argued that elected members should no longer have a veto over allocations; a practice condemned by all the guidance.

“I’m not sure we discovered anything we didn’t know about or hadn’t come across; it is useful to get some moral support, to get the information that what we are thinking about is what others have been thinking about and we haven’t missed anything out.” (Policy Officer, Authority C)

6.15 A few interviewees expressed some distrust of written guidance; questioning both its applicability to their particular situation, or the practicability of implementing it. This is corroborated by the postal survey, which reports the importance of learning from others in their networks – at times instead of turning to published advice. Some interviewees did not consider research findings when drawing up their policies. There was a view, from some, that academics do not live in the real world:

“I suspect that in practice practitioners would rather speak to practitioners face to face than sitting with academics.” (Policy Officer, Authority A)
6.16 However, this authority was also actively engaged in following the latest research about ‘community lettings’, greater consumer choice in allocations and medical priority.

“Recently we were looking at reviewing the medical points and we have drawn on the most recent best practice guide.” (Policy Officer, Authority A)

6.17 Staff also commented on ways in which access to guidance could be improved. Several commented on the need for better access to guidance material and the benefits that would come from better use of information technology and access via the internet and disc, as well as paper format. Several organisations also commented that they could not afford publications and suggested a need for lower cost or free guidance material.

6.18 In fact a number of these sources already exist. A number of organisations (such as the Scottish Executive, Scottish Homes and the Joseph Rowntree Foundation) which produce good practice advice also produce free summaries of research findings and have these available on their web sites. The Scottish Executive and the Department of Transport and the Regions often make the full text of reports available on the Internet and have a policy of keeping costs low. The SFHA produce a monthly policy digest and both the Chartered Institute of Housing and the SFHA use their magazines to disseminate good practice advice and research findings. Research Findings and good practice are also disseminated at training events and seminars run by a range of organisations.

6.19 Finally, a number of respondents mentioned the problem of information overload. Several agencies regularly issue good practice guidance and advice on how different aspects of legislation interact with housing management functions. There are also frequent publications by other sources, such as pressure groups and academic institutions offering perspectives on best practice. As well as the demands made on officers’ time in getting hold of such reports and digesting their contents there is the problem that their findings and recommendations are inconsistent, even contradictory. Further it is often the case that good practice examples lack any rigorous investigation into their efficacy.

OTHER MECHANISMS OF DISSEMINATING GOOD PRACTICE

6.20 Of seemingly equal importance to formal written good practice guidance are the other mechanisms by which housing professionals learn. Many have brought their experience in other organisations to their current job and this knowledge is naturally drawn upon when reconsidering policies and procedures. Others have had recent education and training opportunities, which they bring to the job. Finally they will draw upon their professional contacts and networks, either formally or informally, when reviewing policy. Each of these 3 routes to good practice knowledge were mentioned by interviewees.

6.21 Drawing on previous experience was common. It was noted in Chapter 3 that some of the 'new' allocation policies drawn up by the unitary authorities after re-organisation were remarkably similar to those that had existed in the lead authors previous authority. Similarly, one of the factoring officers, who was due to revise her associations policy in this area had brought a copy of the policy she had used in her previous post.

6.22 Some organisations used their own networks and contacts. In local authorities, several interviewees referred to Best Value networks and housing association managers
mentioned SFHA forums as a source of information. Outwith these more formal networks, staff said that they would 'ring round' similar organisations and get copies of their policies.

6.23 Authority D was planning to set up an anti-social forum to discuss good practice initiatives, using e-mail and the Internet to keep in touch:

“There’s a lot of initiatives that actually go on that we don’t always find out about. The Institute’s pretty good at picking on the larger things… but there’s a lot of things that some of the smaller authorities do that aren’t always publicised. So we were looking at some way of using the new - using e-mail and what sorts of new technology to try and make people aware of what’s happening…. We don’t always have time to run up and down the country and we have to use the new technology to understand what’s happening within other authorities, know who we can contact in say a similar sized authority, similar types of problems.” (Policy Officer, Authority D)

6.24 These alternative mechanisms were considered important by respondents at both frontline and policy levels because they allow an organisation to see how particular approaches work in other similar organisations. One organisation setting up a new approach to anti social behaviour had used visits to other local authorities rather than written guidance. The rationale was:

“To learn from the horses mouth type of thing, To find out from somebody who has already been through the kind of battles of setting something up.”
(Policy officer, Authority A)

6.25 The importance of face to face contact and of seeing examples, rather than just reading about them, is stressed in a report by the Office of Public Management (Ollerearnshaw, King and Wright, 2000). This report also stressed that people need to trust, and to identify with, the source of the guidance. They need to have the opportunity to discuss ideas and work out what might work in their situation. They suggest that, to be effective, a variety of approaches be needed to promote change and that written guidance is best used as part of a wider dissemination strategy.

6.26 The Office of Public Management report recommends the use of local champions to promote good practice. This approach has been adopted by the Scottish Executive in relation to anti-social behaviour, where a ‘Social Neighbourhood Co-ordinator’ has been appointed to encourage local authorities to adopt better practices. Other suggestions include the use of newsletters and seminars linked to the promotion of written guidance.

GAPS IN GUIDANCE

6.27 The postal survey identified additional guidance on Common Housing Registers as the top priority of both local authorities and housing associations. Of the 3 policy areas reviewed here guidance on factoring was the 4th highest priority for local authorities, and 6th highest for RSLs (out of 23 policy areas). Neighbour problems were ranked 4th by RSLs and 14th by local authorities. Guidance on allocations was a lower priority for both types of landlord (14th for RSLs, 20th for local authorities). There are, therefore, known to be gaps in guidance on the 3 policy areas. This section discusses where those gaps lie.
It should be remembered that, unless they were actively in the process of reviewing that policy, the knowledge and recollection of respondents will be partial. This section therefore is not an analysis by the authors of what further guidance is required (for this see Ch. 7). It is a report on what guidance the housing professionals in 10 case study organisations feel would be of use to their practice.

**Allocations**

The good practice literature review (Scott et al, 2000a) highlighted a group of emerging problems which were regarded as important, but where there was relatively little guidance. These included transfers and exchanges, including under-occupation. However, by far the biggest emerging issue noted was the absence of much guidance on local lettings in pursuit of community needs. Related to this, was the absence of attention to a consumer perspective in allocations. Both of these points are tied up with the current reconsideration of the role of social housing, and the social character of its housing estates, which is part of the ongoing development of thinking about social exclusion.

The concerns about meeting community needs and combating social exclusion were mentioned by a number of the case study interviewees. Some of the association staff felt that the revised version of the SFHAs *Raising Standards* manual was helpful in moving the debate on from housing need.

> "The slant, I think, from Scottish Homes guidance had to be about greatest housing need. But I don’t think that is necessarily a good way to operate an allocation policy... There has been a distinct change in Scottish Homes and SFHA policy to allow flexibility." (Policy Officer, Association F)

However, a number of staff, in both sectors, felt that more guidance in this area was necessary.

> "Trying to get a workable good balance between meeting individual needs and creating whatever, however you define a sustainable community." (Policy Officer, Authority A)

The legislative position on mutual exchanges was felt by one organisation to be too open to differing interpretations and they would be keen to see guidance that would reduce the capacity for landlords taking widely varying stances on the issue. Other issues which respondents felt were insufficiently covered included:

- exclusions from waiting lists
- local connection
- local lettings initiatives in rural areas
- marketing low demand property
- landlords’ role in meeting housing aspirations
• the implications of the Asylum Act, and

• setting up common housing registers.

Anti social behaviour

6.33 The literature review identified a considerable body of recent research and guidance on anti social behaviour and crime. Yet gaps were identified, particularly with respect to using legal remedies, the use of probationary tenancies and the value of ‘wider action’ initiatives. In the case studies, respondents felt that there was a substantial amount of good practice material available on anti-social behaviour. They specifically mentioned the SFHA's publication on anti-social behaviour, the Scottish Office circular and Positive Action's racial harassment guide. However, there was a perception that a lot of guidance was subsumed under general estate management issues and that much of the advice given was ‘common sense’.

6.34 Staff also criticised a number of the guides for listing many different types of initiatives but giving little information on what was effective and under what conditions:

“It should look at what initiatives did work and what didn't work. That would be interesting. At the moment there is this long list of ideas but no information on how effective they are.” (Policy Officer, Authority B)

6.35 In particular more information was sought on the effectiveness of supported accommodation for families and specialist units, and their working practices. Several officers said that they had been to visit, or planned to visit existing initiatives such as the Dundee Families Project and the Renfrewshire ASSIST team. The Dundee Families Unit is currently the subject of an evaluation by the University of Glasgow, so more guidance on the effectiveness of the model will be available in 2001.

6.36 There was a criticism that much of the guidance in this field is dominated by issues facing larger urban authorities with less consideration of the problems faced by smaller and rural organisations. It was also felt that the guidance would typically look to these larger authorities to demonstrate best practice, with smaller agencies’ work being less well publicised.

“My big problem is large authorities like that forget about the smaller authorities and we've different types of problems and different things to deal with.” (Policy Officer, Authority D)

6.37 One authority argued that there was a need for further guidance on joint working to address problems of anti social behaviour.

“How environment, health, social work, the police and everybody plays their part, because we've all got a part to play in that. I think that best practice could be used to work with other services, to get them to see the strength of a Council wide approach.” (Policy Officer, Authority A)
Another issue raised was the perception that different courts across Scotland take different stances on evictions for ASB. Landlords wanted to know whether this was due to the courts responding to stronger or weaker landlord policies on collecting evidence and putting together the case, or whether the courts operate differently.

“It would be useful to find out across Scotland how the different courts are reacting to this. In (x) the courts seem to react, from our perspective, particularly well. I'm aware that in other authorities, that isn't the case... Have we just got a good court or have we got a particularly good set of policies that create a good strong case that means that if we do take it to court we're successful?” (Policy Officer, Authority A)

This question is answered by the publication of research on legal remedies for anti-social behaviour (Atkinson, Mullen and Scott, 2000). However, unless there is wide dissemination of the findings, busy housing managers are unlikely to read it.

Officers were also concerned about the impacts that the proposed housing legislation would have on their policies and practices on anti-social behaviour and wanted additional guidance on the implementation of the proposed new homelessness legislation and on probationary tenancies.

Finally, a number of interviewees pointed to the expected changes in the shape of social housing provision in the next few years. If local authorities are to lose their landlord role then the guidance will need to be updated to reflect the different roles of landlords and authority, and the continuance of good practice needs to be supported:

“It’s a point of all of us getting together and using the good practice that we have at this point in time, and making sure that that’s transferred to all these other organisations that may be set up in the future.” (Policy Officer, Authority C)

Factoring

The literature review found guidance on mixed tenure management detailed, comprehensive and up to date; although it had only recently attracted much attention and differing legislative frameworks makes English guidance of limited relevance. This stands in sharp contrast to the case study respondents’ perspectives. In the 10 organisations awareness and adoption of good practice literature on factoring and multi-tenure property management was very limited:

“It’s on my list of things to do.” (Policy Officer, Authority B)

“I can’t remember now actually looking at any, seeing any guides in terms of factoring. I’m sure there is but I’m not aware of actually taking time to look at that. It tends to be something that you tend to do when there’s no other priorities and it's something I haven't really looked at.” (Policy Officer, Association B)
6.43 In particular, no officers referred to Scottish Homes’ research report on the management and financing of repairs to RTB properties (Leather and Anderson, 1999). While most, but not all, RSL managers were conscious of guidance from the SFHA (1999) and the performance standards of the SFHA (1999), there was little indication they felt that these offered particularly relevant or practical guidance on factoring. One manager believed that the SFHA was:

“Just at this moment doing their Raising Standards chapter on how to deal with factoring.” (Policy Officer, Association A)

- although the chapter had been published in 1999.

6.44 Across both types of landlords, hardly any front-line staff who dealt with private owners were aware of the recent guidance or standards, or if they did, had not read any of it. No mention was made of the CIH Housing Management Standards Manual and its chapter ‘Factoring Property in Scotland’. Two of the RSLs studied had used the experience of other RSLs to draw up their factoring arrangements and Deeds of Condition for new shared ownership schemes as they felt there was no useful published guidance on these subjects.

6.45 The view of one authority, which acted as factor to several hundred owners, was that the development of good practice was constrained by the conditions in the titles of the ex-RTB flat owners. The manager also felt that factoring was a political issue: councillors’ opinions about the costs of working with already subsidised ex-tenants and the higher priority they wanted for mainstream estate management were important determinants of factoring practice - and this could inhibit the application of external models of good practice.

6.46 These findings raise several concerns. Current practice is not tracking current good practice. The responses from those interviewed point to existing guidance and research not being seen as sufficiently useful in addressing the practical issues and problems that landlords face in trying to deliver factoring services or to implement the terms set out in Deeds of Condition. However, as current guidance and research reports are not being disseminated effectively within organisations it is difficult to conclude that the guidance is actually so limited in value. It may be that it is simply not reaching the right people.

6.47 The conclusion to be drawn is that there is undoubtedly a problem with both the dissemination and content of good practice literature in this area. Landlords seem to gain more knowledge about how to factor, devise agreements, relate to owners and implement good practice, by communicating with each other than from available literature which is too often invisible, not particularly useful or has gaps. There is a message here for regulatory and professional bodies that they need to work more closely with practitioners to improve, produce and disseminate better, clearer and more relevant, practical literature about the practical aspects of factoring.

6.48 Respondents felt practical guidance was most needed on Deeds of Conditions. There was a sense that each organisation had developed its own way of working and that this knowledge was yet to be pooled. Staff of both types of landlords expressed the need for clearer guidance on the legal framework for factoring.

“There doesn’t seem to be much on it at all. Because it’s so unclear, particularly the legal element of it, I feel there should be a lot more just
generally on information on best practice for that.” (Policy Officer, 
Association B)

6.49 Particular issues raised were:

- enforcing conditions

- enforcing notification obligations with ownership changes in flatted properties; and

- dealing with major repairs and improvements in a block with majority private 
  ownership.

6.50 There was a perceived need for strengthened guidance on the importance of customer 
care and information provision, following the Scottish Consumer Council’s criticisms of 
landlords’ relationships with ex-RTB owners.

6.51 A number of the organisations had sought guidance or clarification from Scottish 
Homes on these issues but felt that the advice given had not been adequate. However in one 
authority a policy officer argued that factoring arrangements, particularly with regard to the 
level of service provided and fee structures, are of necessity political decisions:

  “Officers having access to best practice stuff might help to inform that debate, 
it might not.” (Policy Officer, Authority A)

6.52 Some respondents identified other areas of good practice guidance – such as on debt 
collection, or the management of neighbour conflicts. They noted that although there is 
plenty of general information on such topics most are written for tenanted stock and do not 
meet the needs of managing owner-occupied property:

  “Arrears. I like to know if there were other things we could do. They were 
always looking for an arrears course for me to go on – but the ones for 
housing officers are not suitable. Arrears work for factoring is different. It’s 
all the legal side. You only learn it if you come across it.” (Front-line Officer, 
Association F)

  “[The] private sector is definitely an area that we need to look at good 
practice, with the local authorities becoming more and more involved with 
disputes that started obviously with the sale of Council housing. But I feel that 
there’s quite a large area out there that we still need to examine and look at 
what is the best practice.” (Policy Officer, Authority D)

6.53 Some RSL managers made reference to the lack of guidance about developing and 
operating on-going management arrangements with shared owners.

6.54 Finally, some staff felt that there was a need to disseminate information on who is 
doing what. For example, one organisation with a contract to factor another landlord’s 
property had not drawn on good practice or contacted any other organisations, because it was 
felt that their situation was unique. As this research identified several arrangements of this 
nature, this is clearly not the case.
SUMMARY

6.55 The use of good practice in the 3 fields of allocations, mixed tenure management and anti social behaviour broadly fits the patterns identified by the postal survey for good practice across all aspects of housing management. Bearing in mind the warnings expressed at the beginning of the chapter about the reliability of evidence on using good practice guidance, we can say with some confidence that landlords are turning to expected sources when policies are reviewed. However, they do not always keep up to date with publications as they are released.

6.56 In reviewing their own policies the standard approach is to treat written good practice guidance as one source among many. Other mechanisms of disseminating good practice are of equal importance in affecting how an organisation operates, and speaking with those who have direct experience is sometimes considered a preferable route by members of this pragmatic profession.

6.57 Across the 3 policy areas there are common problems with existing written good practice. Respondents highlight the sheer quantity of material made available to them from a range of services. While some sources – notably the Scottish Executive, Scottish Homes and the SFHA – are regarded as generally helpful there is little to guide the housing professional through the often inconsistent recommendations of different publications. Further, good practice does not necessarily reach the staff whose work it could usefully inform. Widespread ignorance about recent work on factoring suggests that ‘trickle down’ within organisations takes time.

6.58 In order to promote good practice more effectively, there needs to be a variety of dissemination mechanisms. The lack of knowledge about the good practice advice of factoring, in particular, may reflect the fact that responsibility for this function is diffused in organisations – so no-one sees it as their responsibility. However, it was telling that none of the specialist factoring staff had read the guidance. Their comments on the lack of training in this area suggest that if training were offered, it would help to promote good practice.

6.59 There remains the issue identified by both the literature reviews and the case studies of how rigorously practice is assessed before it is deemed ‘good practice’. Questions of value for money, effectiveness, and the context within which a model or approach is working need to be addressed if professionals are to form judgements on the applicability to their own housing management duties.

6.60 Finally, a number of interviewees pointed to the expected changes in the shape of social housing provision in the next few years. If local authorities are to lose their landlord role then the guidance will need to be updated to reflect the different roles of landlords and authority, and the continuance of good practice needs to be supported.
CHAPTER SEVEN: CONCLUSIONS FROM THE RESEARCH

INTRODUCTION

7.1 The aim of this chapter is to summarise the findings from all the components of the research. These were:

- the review of the good practice literature on housing management
- *the Review of Progress* (including focus groups of housing staff, agencies and tenants’ organisations; postal survey of 115 social landlords and analysis of secondary data)
- case studies of 10 social landlords (including interviews with both senior and front-line staff, analysis of policies and documentation and focus groups of service users).

7.2 The chapter begins by discussing the definitions of housing management and the approaches taken in this study. It goes on to assess the findings on the organisation of housing management. The chapter then discusses the functional areas of housing management which were considered in the research, and it concludes with an assessment of good practice. Since the completion of the fieldwork for this study there have been several important developments, including the publication of the Housing (Scotland) Bill. If enacted, the bill will make changes to the homelessness persons legislation, introduce a single tenancy for the social rented sector and create a single regulatory framework for housing covering both local authorities and RSLs. This chapter therefore incorporates comments on the implications of the proposed changes.

DEFINING HOUSING MANAGEMENT

7.3 The *Literature Review* found that there has never really been any clear consensus on what housing management is and what it should achieve. Recent attempts to define housing management have suggested a basic division of ‘core’ services - that is services provided primarily for tenants and funded from rental income and ‘wider services’: those benefit the community as a whole and are funded from a variety of sources. However, these studies found little consensus about which activities were core and which were part of the wider service.

7.4 Most previous studies of housing management (see for example, Bines et al, 1993; Clapham et al, 1995) have focused mainly on ‘traditional landlord functions’ including allocations and void control, rent collection, accounting and arrears recovery, responsive, major and cyclical repairs, estate and tenancy management and tenant participation. However, these studies do not recognise that housing management has a key role to play in the success of key public policies such as regeneration, community care and social inclusion. This wider role is now increasingly stressed by government and it is evidenced in the reports from the Social Inclusion Unit at Westminster and the Scottish Executive’s consultation paper on housing (Scottish Office, 1999).
7.5 The present study took a much wider definition to encompass both all the ‘core’ services mentioned above and a range of ‘wider’ services. These wider services included homelessness administration, housing advice, energy efficiency advice, Housing Benefit administration and the management of special needs housing. The study also included housing management contributions to regeneration, such as employment initiatives and community services.

7.6 The study began by examining 13 broad topics in the literature review. These were:

- the organisation of housing management
- tenant participation
- allocations
- homelessness
- void management
- rent collection and rent arrears
- repairs and maintenance
- estate management
- housing management and community care
- factoring and the management of mixed tenure areas
- housing advice services
- energy efficiency
- housing management and regeneration

7.7 Focus groups of housing officers and agencies were used, along with the advisory group for the research, to identify which areas might be covered in less depth in the later stages of the work, and which would be the key areas for the postal survey to examine in greater depth. The Review of Progress report covered 10 areas. The final stage, the case studies, concentrated on 3 high priority areas:

- allocations
- crime and anti-social behaviour
- factoring and property management

7.8 This means that some topics were considered in greater depth than others. The source of the findings is stated at each stage.
THE ORGANISATION OF HOUSING MANAGEMENT

7.9 The research found that there have been many changes affecting the organisation of housing authorities since the last Baseline Study was carried out in the early 1990s. At the most general level, the social housing system in Scotland has continued to evolve in consequence of social changes and government policy. The overall share of the housing system represented by social housing continues to fall and, at the same time, the number of social landlords has increased, particularly through stock transfers to RSLs.

7.10 The Review of Progress found that local authorities and RSLs shared a common commitment to housing those in greatest need, and both operated in a variety of different contexts – ranging from high-density urban areas to dispersed rural locations. However, comparisons between local authorities and RSLs must be made with care. The sectors had different statutory duties and responsibilities and they were regulated in different ways. There were very different organisational profiles in terms of staffing levels, units in ownership and tenancies under management. In addition, the RSL sector was not homogeneous. Some RSLs were locally based community controlled organisations while others were larger national organisations. Some catered only for specific client groups while others had a wider role.

Reorganisation

7.11 The reorganisation of local government in 1996 produced new challenges and changes for local authority housing services. While some new councils had the familiar boundaries of the old districts, many involved mergers of 2 or more former districts. There were therefore several housing management systems which required to be harmonised. The abolition of the regional authorities have also led many councils to redesign their departmental structures. In some cases housing was merged with social work; in others with technical services divisions.

7.12 There have also been changes in the RSL sector, but for different reasons. Many associations have been formed as a result of stock transfer, others have been expanded and a few have merged or been disbanded.

7.13 The Review of Progress found that both types of organisation had been affected by organisational change since local government reorganisation. Almost three-quarters of local authority respondents reported further changes. Although affected to a lesser extent than local authorities, half of RSLs surveyed indicated that some form of reorganisation had taken place.

Forms of organisation

7.14 Much of the literature on the management of housing recommends 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 advice and energy efficiency advice) there are recommendations that services should be provided which are independent of the landlord.
7.15 The *Review of Progress* found that there was little consistency in the types of changes taking place across landlords. Some landlords were integrating different functions while others were separating them. Some were creating specialist posts while others were moving towards more generic housing management roles. Moves to decentralise were largely being made in RSLs. However, this may be because most local authorities had previously established decentralised structures.

7.16 The case studies also found evidence of considerable change in how functions were administered. In the local authorities, responsibilities often varied between different offices, for example, some had specialist officers for allocations while, in others, allocations were carried out by generic housing officers. The reasons were part historic and part a response to perceived local circumstances. Within most of the housing associations, the delivery of allocation policy was part of the remit of a generic staff. Due to their size and scale there was little scope for specialist officers.

7.17 There was a similar diversity in the management of anti-social behaviour. Among the case study authorities, 2 had central specialist units, which dealt with more serious cases, while the other 2 had central policy staff that were responsible for drawing up policies and procedures. One of these latter authorities was considering re-introducing a specialist support team. The practices in the 6 associations were similar in that housing officers managed initial and minor complaints referring more problematic cases to senior staff. None felt the need to create a specialist unit.

7.18 There was no consistent approach evidenced of how factoring and property management work was organised. Three of the landlords (one LA and 2 RSLs) had specialist staff - with varying responsibilities. In the other local authorities, the work was spread among a number of people. Typically, local technical staff dealt with repairs, housing management staff with neighbour problems and accounts and debt recovery were located at headquarters in a finance department. In the RSLs, factoring was integrated into the work of housing management, development and finance staff. This appeared to work more effectively than in the larger landlords due to short lines of communication.

7.19 Overall, it appeared that, in both the management of anti-social behaviour and the management of mixed tenure, there was a move towards the creation of specialist posts or central support, at least in the larger landlords where there was scope for choice. Conversely, in allocations, most of the changes were moving towards more generic working.

7.20 If any pattern can be discerned from this, it is that where issues were felt to be problematic, the appointment of a specialist officer might focus and prioritise policies and activity. There was also an acknowledgement, from some landlords, that hard-pressed generic housing officers could not develop expertise in all areas and required support from specialist staff.

7.21 The study points to a need for further research specifically focussed on alternative ways of managing housing service. This should examine the generic versus specialist role, and the in-house or external provision of services in areas such as anti-social behaviour, rent arrears and factoring. The aim would be to develop guidance which would assist housing managers to assess the advantages of one approach as more appropriate than the other in particular circumstances.
Multi-agency working

7.22 The Literature Review found that the good practice guidance, in many areas of housing management, increasingly recommended the importance of multi-agency responses. There has been a trend towards broad-based policy initiatives, on issues such as crime and anti-social behaviour, homelessness, community care and regeneration of estates which require cross professional collaboration. To be effective, however, such an approach is inevitably reliant on a robust framework of mutual objectives, suitable structures, effective networking processes, trust and inter-agency protocols.

7.23 The Review of Progress explored partnerships and multi-agency working in a number of areas including homelessness, crime and anti-social behaviour and community care. With respect to homelessness, local authority housing departments were most likely to have formal liaison arrangements with social work departments while less than half the authorities reported formal arrangements with health boards, voluntary agencies and other social landlords. In all cases, where there were no formal agreements, there was informal liaison.

7.24 In crime and anti-social behaviour, landlords were most likely to have formal arrangements with the police (45%) and social work (20%). Just under a fifth of landlords (18%) had formal links with other social landlords and only 10 per cent had formal arrangement with environmental health: the same proportion that had links with voluntary agencies. However, there were stark differences between the local authority and registered social landlord sectors: council housing services were far more likely to have formal arrangements with other agencies.

7.25 In community care, most local authorities and RSLs indicated that they had joint working at a strategic level. All local authority housing departments were involved in joint working, which is not surprising given the statutory duties on local authorities as enablers. A smaller, but still high, proportion of RSLs reported joint working with social work (80%) and health boards (64%). However, there were differences in the types of arrangement for collaboration. Local authorities were more likely to have regular consultations with other agencies while RSLs relied on ad-hoc arrangements. The survey findings do not show whether the reliance by RSLs on informal and ad-hoc consultation was through choice. However, the focus group with RSL staff suggested that there was considerable frustration with the lack of access to other agencies.

7.26 The case studies explored multi-agency working on crime and anti-social behaviour in more depth. All the case study landlords worked with other agencies to resolve problems. Local authorities were more likely to have formal agreements with the police and social work while RSLs relied on informal contact at a local level. Relationships between landlords and the police were generally good and local authority staff felt that relationships between housing and social work had improved since local government re-organisation. However, a number of RSLs felt that relationships with social work could be improved and some relied on local authority staff to raise problems on their behalf. There were some concerns, from both local authority and RSL staff, that relationships with social work might not be sustained if local authority stock was transferred.

7.27 Overall, therefore, local authority housing services were more likely to have formal and regular consultations with other agencies at a strategic level across a range of issues, while RSLs relied on informal contacts at an operational level. This is not particularly
surprising, given the statutory responsibilities of local authorities and their strategic role. However, there were real fears that relationships with the police and social work would break down if local authority housing services were transferred to other landlords. Many interviewees felt that this issue had not been fully thought through by either local authorities or government and some noted that much existing guidance is based on the role of local authorities as both strategic bodies and landlords.

7.28 There is a need for new guidance on allocations and homelessness, crime and anti-social behaviour and community care which specifically addresses how multi-agency partnerships may operate in a post-stock transfer environment.

Growth of a performance culture

7.29 The original Baseline Study in the early 1990s (Clapham et al, 1995) found that some organisations were starting to introduce performance systems. Since then, government initiatives on Compulsory Competitive Tendering and Best Value have led local authorities to reassess their service delivery. The requirement for the development of performance indicators has led to the growth of the use of information technology to produce more complex and detailed management information.

7.30 Housing associations have also been developing a performance culture. Starting in 1990, Performance Standards were agreed between the SFHA and Scottish Homes. These were revised in 1996 and again in 1999, to extend them to all registered social landlords. The Performance Standards outline the tenets of good practice that the regulator expects RSLs to follow and this is backed by a good practice manual, which is jointly developed with RSLs (SFHA, 2000). RSLs must also produce performance statistics and submit to regular management audits. Scottish Homes has also linked performance and investment allocations.

7.31 This research found that both local authorities and RSLs had well established systems for measuring and reviewing their performance for the core housing management functions of rent accounting, rent arrears, allocations, voids and repairs. Performance review systems for anti-social behaviour work and tenant participation were less well developed. There was a marked difference between the 2 sectors with respect to planned maintenance; most RSLs operated performance review but relatively few local authorities did so. Not surprisingly, given their statutory responsibilities, local authorities were more likely to have developed performance review systems for homelessness and Housing Benefit.

7.32 In contrast to the well-established internal performance review systems in operation for the core housing management services, few of the respondents said that they had established benchmarking to compare their services with services in similar organisations. The only function for which more than half the respondents said that they had fully established benchmarking was rent arrears. It may be that landlords were relying on the benchmarking carried out by the regulators (Audit Scotland and Scottish Homes).

7.33 Staff performance is a key issue in the effective management of a modern housing service. The Review of Progress found that performance appraisal systems were becoming more widespread. However, there was a divergence in uptake between local authorities and RSLs. While nearly 80 per cent of RSLs had adopted some form of staff appraisal system, less than half of local authorities had done so. This difference was thought to be due to the
fact that Scottish Homes, as the regulator of RSLs, expected that staff appraisal would be carried out while local authorities faced no such requirement.

7.34 A growing number of both local authorities and RSLs had focussed attention on achieving publicly recognised awards and accreditations. Although few landlords had achieved such awards, 81 per cent of local authorities but only 31 per cent of RSLs were working towards such recognition. However, the study found that local authorities were more likely to be seeking to achieve European Foundation for Quality Management/Business Excellence Model (EQFM) status while RSLs tended to emphasise the adoption of Investors in People. The Review of Progress report suggested that the explanation for this difference is the encouragement by the Convention of Scottish Local Authorities (COSLA) to local authorities to pursue the EFQM/BEM approach because it provides a holistic framework and accords with the principles of Best Value. Investors in People has a narrower focus on the development and training of staff and may be seen as more relevant for small RSLs.

7.35 Although these findings all point to the increasing acceptance of performance assessment, it should be noted that the most of the staff focus groups expressed concern that the ‘performance culture’ role was in conflict with the ‘social role’ of housing management in that it imposed competing priorities. Concern about the changing regime may also be deduced from the finding that the need for further guidance on Best Value was stressed by a third of both local authority and RSL respondents.

7.36 The researchers also had concerns, raised by both the Review of Progress and the case studies, that landlords were not aware of costs at a detailed level and that option appraisal and formal evaluation of initiatives were rare. Some landlords had begun to address these issues, in relation to anti-social behaviour, but they appeared to be unsure how to assess costs or carry out an evaluation.

7.37 The housing bill proposes a single regulator for all social landlords and a working group, including representatives from SFHA, CoSLA and Audit Scotland, has already started to develop new standards which will apply to both local authority housing services and RSLs. These aim to build on “the best and most applicable elements of the assessment frameworks already in place for RSLs and Councils” (Scottish Homes, 2001). The proposed new regulatory system will bring further changes for both local authorities and RSLs. Local authorities will have greater external scrutiny of their housing function while RSLs will find more emphasis on self-assessment and less prescription.

7.38 The new regulatory regime will bring further changes in the performance requirements for both local authority housing services and RSLs. This research suggests a need for more detailed guidance and training on option appraisal and evaluation techniques.

TENANT PARTICIPATION

7.39 The Literature Review found that there was a wealth of material of tenant participation, which demonstrated great consensus both about the principles of tenant participation and the detail of how to achieve it. However, the initial focus groups found that the issue continued to be contentious, because achieving effective tenant participation which
was mutually satisfactory to landlords and tenants, and met the aims of public policy, was difficult to achieve in practice.

7.40 There was evidence from the Review of Progress that many landlords were embracing good practice ideas in tenant participation. The level of activity within the council sector appeared to have grown considerably since the 1993 Baseline Study. The post-reorganisation councils were more likely to have tenant participation policies, to provide information to tenants on a range of issues, to use a variety of forms of consultation and to consult on a range of issues. All councils had some tenants’ groups (compared with 80% in 1993) and all provided some form of material support to such groups. Surveys and other forms of market research were also more common. The only area in which there had been a decline was in the number of tenant management organisations (TMOs).

7.41 The pattern of participation activities in RSLs was very different to that of local authorities. Registered social landlords were much more likely to involve tenants in committees. They were also more likely than councils to provide information to tenants and to consult tenants on housing management issues. However, more than half the associations had no tenants’ groups operating in their area and only 41 per cent provided any support to tenants’ groups. Associations were also less likely to have surveyed tenants and very few had carried out a survey of applicants. Only 3 RSLs had TMOs within their stock and these seemed likely to have resulted from stock transfer of existing bodies. The survey findings suggested, therefore, that some RSLs relied on tenant representation on committees as their main form of participation.

7.42 The housing bill contains proposals for a right to participate, as part of the Single Tenancy. This will require both local authorities and RSLs to prepare strategies for promoting tenant participation which include an assessment of resources needed to finance the strategy. Social landlords will also be required to keep a register of tenant organisations (Scottish Parliamentary Corporate Body (2000a). In addition, the Scottish Executive is making £4.5 m available through a ‘Capacity for Change’ initiative to help to develop tenant participation (Scottish Executive, 2000a). However, as good practice stresses the need to take local needs and conditions into account, there will always variations in practice. The proposed new unified regulatory system will cover all aspects of housing management and it is important that the regulators ensure that tenant participation activities are maximised in each landlord.

ALLOCATIONS

7.43 In general, the Literature Review concluded that allocations was an aspect of housing management well covered by regulatory and good practice guidance. However, it found that there were no useful sources of good practice advice specifically for housing managers on the Disability Discrimination Act. The Scottish Executive should commission a guide to the implications of the Disability Discrimination Act as it applies to housing management, with particular emphasis on allocations.
Housing need

7.44 The *Review of Progress* found that most landlords, in both sectors, used allocations systems which awarded points for various aspects of housing need. However, group systems involving lettings quotas for different categories of applicant were considerably more common in the RSL sector. Most of the case-study landlords based the prioritisation of waiting list applicants on housing need. While there was a fair degree of consensus on some of the aims and objectives of allocations among different landlords, there was significant diversity in their administrative approach, their methods of prioritisation, and the way that lettings were made.

7.45 However, the case study interviews revealed widespread misgivings about the needs-focussed approach. There were particular concerns about the ability of needs-based policies to deal with variations in property and quality.

Meeting aspirations

7.46 All the case study landlords found ways to meet the aspirations of transfer applicants. Local authorities tended to do this by giving points for waiting time while RSLs tended to prioritise transfers in other ways, such as using their quota systems. The outcomes of the various mechanisms was similar; they gave transfer applicants access to stock which they would not have been allocated on strict housing needs factors. Landlords defended consideration of the aspirations of transfer applicants as a legitimate concern. They also suggested that the application of such priority provided a means of cooling off demand for the most popular areas. The Literature Review found that transfers and exchanges, including mutual exchanges, had received little attention in the good practice literature. Given the widespread use of mechanisms to prioritise transfers, this is an area which merits further guidance.

Exclusions

7.47 The *Review of Progress* found that it was common practice for LAs and RSLs to exclude certain categories of applicant from eligibility for rehousing. In general, RSLs were slightly less likely to take a hard line on rent arrears, but more likely to debar ‘anti-social’ applicants. The case studies found that rules about access to lists (and about the allocation of properties) were largely designed to operate as part of policies against rent arrears and anti-social behaviour. Landlords in the study generally seemed to operate exclusion policies on a case-by-case basis in a sensitive manner. However, there were concerns that exclusion policies varied quite widely and that appeal systems were not publicised. The regulators should produce guidance to ensure that there is a limited range of reasons for exclusion or suspension from housing lists and that such cases are reviewed after a reasonable time. Landlords should also offer advice to excluded households about other rehousing opportunities.
Property restrictions

7.48 The *Review of Progress* found that a quarter of local authorities imposed restrictions on the type of property which may be offered to particular groups. These tended to limit the eligibility of homeless households or waiting list applicants to flats rather than houses. Such restrictions were used as a device to ration access to higher quality stock, and to ensure that transfer applicants could have their aspirations met. There was only one case study that operated such restrictions and it was difficult to assess the impact of these without evidence of the outcomes. However, there were concerns that the clumsy application of the policy could disadvantage applicants who had a need to live in a particular area where there were no flats, or required a house for medical reasons. **Restrictions on property types raise issues that should be addressed in regulatory and/or good practice guidance.**

Balanced communities

7.49 Interviewees in all the case study landlords thought that ‘sustainable’ or ‘balanced’ communities were a desirable aim of allocation systems and many were thinking about how to get a workable balance between meeting individual needs and creating sustainable communities. Some landlords took community needs into account by exercising discretion or by vetting applicant’s for suitability for rehousing. However, there was clearly unease about the use of discretion in allocation policies. While many systems clearly provided a great deal of discretion, staff often expressed concerns about potential unfairness or abuse.

7.50 Most staff in the case studies seemed reluctant to relinquish their traditional thinking on allocations. The new agenda of ‘balanced’ and ‘sustainable’ communities requires a change in organisational and professional values which has not yet taken place. Although there was broad agreement about the nature of the problems, there was no consensus around the solutions. The literature suggested that the concept of balanced communities was ill defined and the effectiveness of proposed solutions was unclear. In any case, more fundamental solutions to ‘unsustainable’ neighbourhoods lie outwith social housing management in the realm of the wider influences on tenure choice and residential location. **The Scottish Executive might follow the example of the DETR, which has promoted a monitored some pilot initiatives that address the issue of ‘balanced communities’. This may then lead to guidance which addresses more squarely the purpose of social housing, and how this relates to balanced communities and consumer choice in the allocations process.**

Nominations

7.51 In an era where the stocks of housing associations, which are generally of higher quality, continue to grow while council’s shrink, the ability of applicants to access association housing is a key issue for social equity. The *Review of Progress* found that liaison between local authorities and RSLs with respect to nominations had become more formalised. However, only just over half of such agreements were subject to routine performance monitoring. More worryingly, there had been an apparent decline in ‘nominations performance’ in the last 3 years.
The case studies suggested that poor performance was due to administrative breakdown, local authority reluctance to nominate and, to some degree, associations refusing nominations of tenants who they perceived to be difficult. Nominations procedures worked very well only in one of the local authority case studies, which had a specialist central unit dedicated to this task. However, this authority also operated in a high-demand housing market. There was considerable reluctance by local authority staff to use nominations in areas of low demand, in case they lost 'good' tenants and increased voids. The regulators should monitor performance on nominations closely and establish reasons for failure to meet targets.

Common housing registers

With the prospect of ‘whole stock’ transfers increasing in Scotland, common housing registers have risen up the agenda of national policy makers. The Review of Progress found that the development of common housing registers (CHRs) in Scotland remained at an embryonic stage, though CHRs were being set up in 6 local authority areas and in only one area has such an arrangement been explicitly rejected. There were also several groups of RSLs who were in the process of developing a common register, which did not include the local authority.

The case study local authorities were all considering common housing registers with varying degrees of seriousness and some RSLs had also carried out some exploratory work. However, officers felt that there were a number of problems in the development of CHRs. These included large amounts of time needed to gain agreement from potential participants, the incompatibility of the IT systems in use by different landlords and concerns that common registers might displace demand and lead to letting difficulties for some landlords.

The Scottish Executive has secured funding of over £600,000 from the Modernising Government fund to promote and develop CHRs in Scotland. This fund will be used to provide appoint a co-ordinator to produce further guidance and support in overcoming the problems inherent in developing CHRs. The CHR initiative should pay close attention to the problems of low demand which common registers may exacerbate.

HOMELESSNESS

The Literature Review found that there was a wealth of good practice guidance for local authorities on the operation of the homeless persons legislation in Scotland and the administration of basic homelessness services was well covered.

The Review of Progress found that there had been progress in the implementation of good practice advice since the last study of this area (Evans at al, 1994). The findings suggested that the advice contained in the 1997 Code of Guidance on Homelessness appeared to have been largely accepted by councils. However, some authorities did not appear to have implemented more recent legislative change. The evidence from the survey indicates that practice was somewhat variable and confused on the Children Act 1995, particularly with regard to intentionally homeless families.
7.58 The Scottish Executive has established a Homelessness Task Force, which recommended a range of legislative change to strengthen the rights of homeless people and the duties of local authorities and RSLs. These changes have now been incorporated into the Housing Bill and, if implemented, this will necessitate amended good practice guidance. The Homelessness Task Force has also established a wide-ranging programme of research to support its longer-term work on the alleviation and prevention of homelessness. It will make its final report in November 2001.

7.59 However, there remains a need for more research and guidance on the needs of particular groups, such as older single homeless people and ethnic minorities, and on the links between the homeless legislation and the Children Act 1995.

VOIDS

7.60 The Literature Review found that there was relatively little good practice advice on void management aimed specifically at a Scottish audience. The analysis of secondary data in the Review of Progress found that, overall, social landlords’ void management performance had remained relatively static in recent years. However, there had been significant performance gains in some local authorities. In the RSL sector, there had been a marked trend of declining performance among landlords operating in the Glasgow area, probably reflecting a weak housing market area.

7.61 Most social landlords worked to specific void management performance targets but among landlords working to relet interval targets, 46 per cent fell short of their objectives in 1998/99. The most common problem cited by local authorities for failure to meet targets was delays in repair works. There is a need for guidance on the management of repairs contractors in relation to void work.

Low demand

7.62 The Review of Progress found that low demand was a significant problem for both local authorities and RSLs. All the local authorities, and over half the RSLs, said that they had some low demand stock. Concern that the problem is increasing was shared by three-quarters of all landlords – a proportion significantly in excess of that in England. Factors most commonly perceived to contribute to the low demand included area stigmatisation, anti-social behaviour, drug abuse and high crime rates.

7.63 The majority of authorities had implemented physical works and/or selective demolition as a response to the problem of low demand. In the RSL sector, where the problems were generally less severe, there was more emphasis on managerial responses involving access to housing. In both sectors, a high priority has been placed on area-specific multi-agency working, involving liaison with local police and other agencies.

7.64 Many of the case study landlords had stock in low demand to some degree. The landlords used a wide range of measures to overcome the problems. Allocation systems were used in three ways: local letting initiatives, marketing to non-traditional applicants and providing supported accommodation for young people to widen the customer base and to
sustain tenancies. However, there was some evidence that responses to low demand were often made on an ad-hoc basis, rather than as part of an overall strategy.

7.65 As this study makes clear, low demand is an issue of concern in Scotland, in spite of Scotland’s previously low profile in media coverage of the subject. There are now signs that the prospect of widespread local authority stock transfer will lead to greatly increased sensitivity to the problem. Indeed, concerns over the sustainability of demand for social housing in some areas may present major hurdles to prospective transfer landlords in securing financial backing for their plans. Given this linkage with its flagship housing policy, the Executive needs to pay greater attention to the issue.

7.66 The Literature Review found little Scottish guidance on low demand, although recent advice to social landlords in England should have some relevance (Bramley et al, 2000). Nevertheless, even on the basis of the limited coverage of the issue within our own study, it would appear that the nature of the problem in Scotland differs to some extent from that south of the border. For example, low demand in Scotland appears to be more concentrated within the public sector stock rather than extending into largely private sector areas. Consequently, there is a case for guidance on low demand which is specific to Scotland, though further research (e.g. on the nature of the areas affected and on causal factors) would be required to provide a sound basis for this.

RENT COLLECTION AND ARREARS

7.67 There was a solid body of research on which good practice advice in this area is founded and there were relatively few gaps in the guidance. However, the inter-relationship between Housing Benefit and rent arrears remains a problematic area. The key difficulty appears to be the inability of some local authorities to process claims accurately within a reasonable time-scale. This causes particular problems for registered social landlords who rely on the local authority to process benefit payments for their tenants. There may be a need for more guidance on Housing Benefit and rent arrears, in view of the proposed large-scale stock transfers. Further guidance on the impact of new technology on rent collection methods might be useful. Finally, further guidance on the use of debt collection agencies to recover arrears may also be required.

REPAIRS AND MAINTENANCE

7.68 The overall conclusion of the Literature Review was that repairs and maintenance were generally well served with good practice guidance. However, the repairs service had received more attention than maintenance and some redress of this imbalance was overdue. There is a need for detailed guidance about planning and implementing large repair and maintenance programmes. Comprehensive guidance on procurement and contract management in a post- CCT/LSVT environment would also be desirable.

ENERGY EFFICIENCY

7.69 The Review of Progress found more local authorities than RSLs actively engaged with all types of energy efficiency work, other than developing new energy efficient housing.
However, despite their responsibilities under the Home Conservation Act 1995, 40 per cent of local authorities said that they did not have written policies or procedures on energy efficiency for housing management staff. It was some cause for concern that few landlords were able to provide an energy efficiency performance rating for their stock, despite the amount of energy related activity taking place. **Guidance on energy efficiency needs to clarify the role and scope of housing management staff.**

**CRIME AND ANTI-SOCIAL BEHAVIOUR**

7.70 The *Literature Review* found that there had been a significant increase in both research and good practice guidance, over the last decade, on the issues of anti-social behaviour and crime. The *Review of Progress* found that most landlords appeared to have improved their practices in relation to establishing written policies about neighbour nuisance. All the case study landlords had some policies which covered this area of work, but there were wide variations in the scope and depth. **The production of ‘model’ good practice policies on crime and anti-social behaviour would be useful.**

7.71 It was a cause for concern that local authorities were much less likely than housing associations to have policies on racial harassment, a pattern also found in the case studies. The *Review of Progress* also found that few landlords had information for tenants on racial harassment. In most cases these policies had been little used and only one authority was actively reviewing their policy in the light of the MacPherson report. **The Scottish guide on racial harassment (PATH, 1997) was considered useful by landlords. However, there is scope for a much larger and more comprehensive guide on this issue. There is also a need for the Scottish Executive to ensure that Scottish landlords take their responsibilities for race equality more seriously.**

7.72 Although there has been considerable good practice guidance on housing and crime, housing policies on crime and community safety were rare in both the postal survey and the case studies. While in England, authorities are required by legislation to draw up crime and community safety strategies, this issue does not appear to have been given a high priority in Scotland. **Stronger guidance, stressing the multi-agency nature of crime and community safety policies, and the role and contribution of social landlords to such policies, may be required.**

**Initiatives**

7.73 Both the *Review of Progress* and the case studies found that almost all landlords had introduced some measures to reduce crime and anti-social behaviour. Views on supported accommodation and mediation were all positive but there were more mixed views on CCTV and the use of private investigators. Although noise was a major source of complaint, only one landlord had tried additional sound proofing measures. There were concerns that building regulations governing sound were inadequate and there were some examples of newly built homes which had problems. Landlords in both the focus groups and the case studies suggested that they would find independent research on the effectiveness of different measures useful at the option appraisal stage. The *Literature Review* found that there were a number of evaluations of some types of initiative, including concierge schemes, CCTV, mediation and supported accommodation. However, there was little on the cost-effectiveness
of sound-proofing measures, allocations initiatives or services such as Garden maintenance, close cleaning or estate handypersons. **Research on the relative cost-effectiveness of these measures to reduce crime and anti-social behaviour would assist landlords to select appropriate measures for their area.**

7.74 The research found that most landlords did not assess the costs of dealing with anti-social behaviour and that few had carried out any evaluations of initiatives. **Landlords should be encouraged to identify the costs they incur in responding to anti-social behaviour. They should also be encouraged to carry out an option appraisal before deciding whether to undertake an initiative and to monitor and evaluate the success of initiatives.**

**Legal remedies**

7.75 The recent study of legal remedies (Atkinson, Mullen and Scott, 2000) found that legal remedies for anti-social behaviour were not extensively used. In line with this, none of the case study landlords made heavy use of legal remedies for anti-social behaviour. Landlords who had taken cases to court did not feel that the process was problematic. However, some felt that cases often did not proceed due to lack of evidence, particularly from neighbours who had witnessed problems. Interdict was found to be more popular among this group of landlords than the case study landlords in the legal remedies study. This may reflect a growing interest in this remedy. A number of the landlords had made use of interdict and most found that this stopped the problems.

7.76 The postal survey found that only a handful of landlords had requested Anti-social Behaviour Orders. Among the case study landlords, only 2 used anti-social behaviour orders and only one was very enthusiastic. However, most of the other landlords had a lukewarm response to the remedy. **The research suggests that there is a need for guidance on the effective use of the legal process. Landlords should have clear strategies for serving Notices Seeking Possession, and the use of interdict, eviction and Anti-social Behaviour Orders. They should seek to manage cases more effectively and consider ways of improving their arrangements for support of victims and potential witnesses.**

7.77 The housing bill proposes to introduce short Scottish secure tenancies which could be used in specific circumstances, including probationary tenancies for people against whom an order for recovery of possession for anti-social behaviour had been made within a period of 3 years. At the time of the fieldwork, the detailed proposals were unknown, but the majority of local authorities in the postal survey and the case studies thought that they would be likely to use probationary tenancies where there had been previous evidence of anti-social behaviour. Some of the associations made limited use of the existing Short Assured Tenancies where there had been concerns about possible anti-social behaviour problems). **The Literature Review found that there have been some concerns about the operation of Introductory Tenancies in England. If short secure tenancies are introduced in Scotland, this should be accompanied by guidance on their use and management.**

7.78 Few of the housing staff interviewees felt that there was a need for further legislation, beyond that proposed, but there were concerns that the resources were limited and expectations of what could be achieved were far too high. However, some of the tenants wanted landlords to have much stronger powers.
HOUSING MANAGEMENT AND COMMUNITY CARE

7.79 Although the Literature Review suggested that there were many research reports and good practice guidance that discussed factors and action to create effective joint working, the Review of Practice highlighted the wide variations in practice. The study suggests that there is a need for the Scottish Executive to produce more detailed guidance to clarify the roles of different agencies and action which may be taken to improve joint-working.

7.80 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. The Literature Review found that, while there was guidance on the assessment of risk in the development process and revenue funding, there was a little on the housing management aspects of community care. There is a need for detailed guidance on the development of risk management strategies in relation to community care assessments, successful allocations and assisting people to sustain their tenancy.

7.81 Almost all landlords carried out adaptations to existing stock and the vast majority kept a register of completed adaptations. Although local authorities were more likely to have a computerised register, they were less likely than RSLs to be able to match applicants needs against adaptation information. Although there has been recent good practice guidance on this issue, there is a need for wider dissemination of this work.

7.82 Although recent guidance encourages the use of self-contained accommodation and full tenancy rights for people with care in the community needs, analysis of secondary data found that the majority of such supported accommodation was still in shared accommodation. It was a cause for concern that over half of those living in such accommodation were subject to occupancy agreements and 5 per cent had no written agreement at all. There may be a need to strengthen the guidance on tenancy agreements for people with community care needs.

7.83 The Literature Review found that, in England, sheltered housing is undergoing a radical change, with greater use of schemes as an alternative to residential care and enhanced roles for wardens. However there has been little research or discussion of the role of sheltered housing in the literature. The Review of Progress found that almost all Scottish landlords who had sheltered housing provided a warden service. Wardens had a varied range of functions but the most common tasks were the traditional ‘good neighbour’ roles. Housing management roles were less common and few wardens in either sector provided personal care or assisted tenants with medication. However, wardens in RSL schemes were often involved in the co-ordination of care to residents. There appears to be considerable scope for widening the role of sheltered housing and enhancing the role of wardens in Scotland. There is a need for further detailed research on this to develop Scottish guidance.

MANAGEMENT OF MIXED TENURE ESTATES

7.84 The study found that 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 in the
housing bill to grant the Right to Buy to RSL tenants and the proposed changes in land tenure reform, increase the importance of this topic.

7.85 Following the publication of 2 recent good practice guides on factoring, there was comprehensive and up-to-date guidance on the practice of mixed tenure management. However, the recommendations did not appear to have been based on up-to-date research of a systematic kind.

**Extent of property management services**

7.86 Both the Review of Progress and the case studies found that some landlords (especially local authorities) did not recognise that they were providing property management services to owners living in ex Right to Buy stock. The case studies suggest that this was because many councils did not have formal relationships with such owners. They did not perceive their ad-hoc contact with owners living in ex Right-to-Buy property over common repairs and proposed improvements as the provision of services. As a result, the study did not find it possible to assess the extent of property management services. Registered social landlords appeared to be more likely to recognise this role, perhaps because they were more likely to offer services to owners other than those who had bought through the Right-to-Buy. This reflects their location (in inner city tenemental stock) and distinctive forms of provision (for example, of shared ownership), as well as a conscious decision to offer services to private owners as part of their business activities and neighbourhood management role. The study highlights that it is necessary for the Scottish Executive to stress to councils that they have a continued role in the management of ex-Right-to-Buy stock, which they should take seriously.

**Basis of agreements**

7.87 Both the postal survey and the case studies found that services were most commonly based on the Deed of Conditions and, as there were wide variations in these, there were also wide variations in the range of services provided. However, the majority of landlords provided at least a core set of services including repairs to common building parts, ground maintenance and lighting of common parts. Overall, RSLs were more likely to offer services, and more likely to make the receipt of such services obligatory.

**Costs and charges**

7.88 The Review of Progress focused on the apportionment of costs for common repairs and estate management and found a complex and contradictory picture. The case studies found a wide range of approaches to setting factoring or management fees. In a number of areas, officers admitted that owners were being subsidised by tenants for maintenance and improvements that were a shared responsibility. As the number of ex RTB owners grows, this is not a position which is financially sustainable. There may be a need for more guidance to ensure that the management fees charged by landlords they charge cover the costs incurred.
Policy development

7.89 Both the postal survey and the case studies found that RSLs were more likely to have policies on a range of issues relating to factoring services. Some landlords had no formal policy framework but worked from factoring agreements underpinned by the Deeds of Conditions. Others simply operated on the basis of the obligations on owners laid down in the Deeds with no articulated policy framework or factoring agreements. In some cases, the only references to owners were found in policies on specific issues (such as repairs and anti-social behaviour), that were mainly concerned with tenanted stock.

Communication and participation

7.90 The first opportunity to provide information to owners occurs prior to sale. The case studies found that RSLs were more likely to be proactive in the provision of information. Several had produced information packs for prospective purchasers. Local authorities were more likely to take a reactive stance: although staff involved in council house sales were often very knowledgeable they tended to provide information only on request. More than one local authority landlord felt that they had been prevented or discouraged, by previous governments, from pointing out the real costs and responsibilities that went with home ownership, not least in high-rise flats. Some officers believed, erroneously, that this was still part of Scottish Executive guidance. A recurring complaint across RSLs and local authorities was about the role of purchasers’ solicitors whom it was felt should bear more of the responsibility for properly briefing their own clients yet, too often, were failing to do so. The Scottish Executive is preparing a pre-purchase booklet. In conjunction with this, they should make it clear to both local authorities and RSLs that they are encouraged to provide specific pre-sale information. Solicitors should also be encouraged to provide appropriate information at both initial and subsequent re-sales.

7.91 The Review of Progress expressed concerns that that few councils had policies on consultation with owners. Communications with owners about proposed works, costs and participation varied across the case studies. A few landlords were very proactive with leaflets, guides and meetings. However, most were less dynamic and admitted they should be doing more. RSLs were more likely to have made efforts to encourage participation by owners in their organisation.

7.92 The focus group on factoring revealed highly critical and negative attitudes towards council landlords as factors. Owners felt there was a lack of communication and participation. Many of the housing officers also had negative views of owners. The best relationships between landlords and owners were found in new developments. These benefited from clear factoring agreements and were also too recent to have any major repair problems. Landlords should be encouraged to extend consultation policies and processes to owners living in their estates on matters which affect them.

Problems

7.93 The recurring theme, from both the case studies and the postal survey, was the deleterious effect of many Deeds of Conditions on achieving effective management, maintenance and improvement of multi-tenure properties and estates. The problems raised
were that they were poorly written, contained excessively detailed invoicing obligations and, most importantly, did not provide the authority to secure owners’ agreement to essential common upkeep works or ensure payment of communal costs.

7.94 In many cases, owners had no legal obligation to agree to any improvements to buildings or to the environment. Landlords’ response to owners who refused to take part in maintenance and improvement work varied, depending on the type of work proposed. In many cases, improvements or repairs were to tenants were cancelled or delayed due to the non-participation of owners. However, overall, RSLs were more likely to proceed with planned work than local authorities.

7.95 Deeds of Conditions can only be changed by mutual agreement and landlords would incur considerable costs if they contemplated negotiating with hundreds of owners to standardise and correct poorly written deeds. Although the Scottish Law Commission has drawn up a draft bill to reform the Law of the Tenement, the proposals would not replace existing arrangements in Deeds of Conditions unless they made no reference to a particular responsibility or were agreed to be defective. The Scottish Executive has now set up a Task Force on Housing Quality, which will consider common repair and improvement obligations. The Task Force needs to address the concerns raised about the proposed reforms to the Law of the Tenement.

7.96 RSLs that had been successful in stock transfers from Scottish Homes expressed unhappiness towards the former management role of Scottish Homes and the Scottish Special Housing Association. In many cases, they found that common repair obligations had not been exercised and owners had either been charged an unrealistically low administration charge or no charge had been applied at all. Inevitably, RSLs met strong resistance from owners when had sought to revise charges to a realistic level and secure implementation of common repair or landscaping maintenance works.

7.97 Many staff in the case studies noted that it was difficult to get owners to pay their share of costs. The Literature Review noted that RTB purchasers are often marginal owners with limited financial capability to meet unexpected high repair or improvement costs. This was also recognised by some of the interviewees in the case study landlords, who were sympathetic to owners’ circumstances. However, some officers felt that most owners could afford to pay reasonable costs but refused to view the works involved as a priority for their expenditure.

7.98 Despite the problems, few landlords provided advice and assistance to owners who were asked to pay for improvement and major repair work - other than to offer payment in instalments. Access to improvement grants was very limited, though one local authority said it still gave priority to approving 50 per cent repair grants to owners involved in major common repairs schemes. The Housing Bill includes proposals to reform the improvement grant system and makes specific provision for grants for common repair and some common improvements. However, it is not clear that these proposals will solve these problems. The Scottish Executive’s Tack Force should give further consideration to reforms to improvement grants to assist marginal owners to pay for common repairs and improvements. The Scottish Executive should also encourage landlords to examine methods of assisting owners to pay their share of major repairs and improvements.
7.99 Although the Review of Progress found that most landlords found dealing with neighbour disputes involving owners were problematic; the problems that arose were typically of a minor nature. Some RSLs with recently developed schemes including shared or private owners registered no problems. However, case study landlords were unsure of the best way to respond when problems did arise. **There is a need for specific guidance on the management of neighbour problems involving owners.**

7.100 Most staff involved with managing multi-tenure properties and estates had received little, if any, training about the particular knowledge and skills required for the job. Awareness of recently published factoring guidance was slight. For a number of landlords, work with private owners was a minor part of their housing management activities and this was reflected in their attitude to training. **There is a need for specific training courses for housing staff who are involved in property management /factoring for owners.**

7.101 A number of officers referred to factoring and the management of multi-tenure properties and estates as the ‘Cinderella’ service in housing: an area of management work that, for many years, has been accorded a low organisational and resource priority relative to the management of the tenanted stock. This research suggests that this a fair assessment. **Landlords urgently need to review the organisation and management of services to owners.**

7.102 However, the research also shows that even if the organisational failings are addressed, this will not resolve the fundamental problems identified. These include unsatisfactory Deeds of Conditions, inability of landlords to implement improvement works, problems with getting owners to agree to repairs and maintenance and problems with recouping costs and administrative fees. **The Scottish Executive’s Task Force on Housing Quality needs to address these wider issues as they could be a serious barrier to the success of stock transfer as a means of improving housing in Scotland.**

**HOUSING ADVICE**

7.103 The literature review found that there was a fairly comprehensive body of guidance, which was built on research findings intended to improve the quality of housing advice through strategic and joint action. Scottish Homes ‘Homepoint’ was a key provider of this information which was continually being reviewed and developed.

7.104 **Future guidance and training should 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.**

**REGENERATION**

7.105 The Literature Review suggested that there were 2 elements of housing management’s involvement in regeneration: the ‘good landlord’ approach, focused on decentralised, responsive service delivery and the ‘outreach’ approach, centred on housing organisations taking a wider role. The first was well developed and based on a range of research findings, and the components of good management in regeneration areas were reasonably well-known.
However, much of the advice on the housing management role in social inclusion activities was conceptually very weak and anecdotal.

7.106 The \textit{Review of Progress} found that many social landlords were contributing to tackling social exclusion through housing management. The main focus was on anti-poverty initiatives and participation initiatives. Overall, local authorities appeared to be more active than RSLs. However, this reflects the broader remit and statutory responsibilities of councils.

7.107 \textbf{There is a need for more good practice advice which starts with some more convincing conceptual models of the links between housing management action and area regeneration. There is also a need for more guidance on the overall structures for the governance of regeneration.}

\textbf{GOOD PRACTICE GUIDANCE}

\textbf{Sources}

7.108 The \textit{Literature 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. The \textit{Review of Progress} survey suggested that landlords used a wide range of sources. While guidance from regulatory bodies tends to be most frequently used, guidance from the professional institute, representative organisations, specialist voluntary agencies and others were all used when they had relevant information to offer.

7.109 The case studies found that local authority landlords were most likely to mention using guidance from the Accounts Commission, Chartered Institute of Housing and the Scottish Executive while RSLs were most likely to turn to guidance from Scottish Homes and Scottish Federation of Housing Associations. They tended to consult guidance when policies were being reviewed, but there was clear evidence that many staff did not keep up to date with publications as they were released. There was also evidence that guidance did not filter down to the staff who would most benefit.

7.110 There are a range of reasons why, despite the efforts of the producers of information, it does not filter through to those who should be reading it. First, housing staff are working under considerable pressure and have little time to look for information, or read it. Second, landlords may not encourage staff to keep up to date. Third, for those who do look for guidance, the sheer volume of guidance may be daunting. Finally, some interviewees raised concerns about the quality of some of the advice.

7.111 There are a range of possible solutions to improve the dissemination of good practice advice.

7.112 \textbf{Landlords should be encouraged to support continuous staff development by subscribing to organisations which produce research findings, budgeting for the purchase of good practice reports, allowing staff to use the Internet to search for}
materials and sending staff on training courses and taking part in networks which discuss issues of common interest.

7.113 Organisations which produce good practice material should review their dissemination mechanisms to ensure that the information reaches the widest possible sources.

7.114 There may also be scope for the Scottish Executive to produce a regular review of good practice literature and a continuously up-dated inventory of key materials which could be made available on the Internet. The Literature Review for this study could form the basis for such an information source.

7.115 It should noted however, that most interviewees in the case studies considered written good practice guidance as one source among many. Other mechanisms of disseminating good practice were of equal importance and learning from the experience of similar organisations was sometimes considered a preferable route. A number of staff ‘borrowed’ policies from other organisations - and some staff were concerned that the policies they were copying might not be ‘best practice’. There may be scope for the production of more model or exemplar policies and procedures which would avoid practitioners re-inventing the wheel. However, such guidance should discuss why particular approaches are recommended.

Gaps in guidance

7.116 This research has produced a number of recommendations on the gaps in current guidance. Among the landlords, the Review of Progress found that both local authorities and RSLs were unanimous in agreeing that more guidance on common housing registers was a high priority. However, views diverged on other issues. Local authorities were most likely to mention stock transfer, providing housing with support, environmental management, factoring and partnership working as areas for more guidance. However, RSLs most commonly mentioned energy efficiency, environmental management, neighbour problems and Best Value.

7.117 Our list of priorities are based on the findings of the research and the principles of social justice identified by the government for housing. We suggest that the highest priority should be given to 6 areas:

- allocations
- low demand
- planned maintenance
- factoring
- equal opportunities
- evaluation.
7.118 Allocation policies are fundamental to social justice. The research identified gaps in guidance on weighing housing needs against the need to ‘balance’ communities, restrictions on eligibility and the exclusion and the development of common housing registers. Although the Scottish Executive is promoting the development of common housing registers, there is a need for a fundamental appraisal of the role of social housing and a wide discussion about practical alternatives to the needs based approach to allocations.

7.119 The issue of ‘low demand’ housing is related to allocations and the research found evidence that problems of low demand are increasing. There is a need for further research on the causal factors to produce sound guidance on measures and initiatives to overcome the problems.

7.120 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. There is an urgent need for guidance on planned repair and maintenance programmes to target investment.

7.121 The research found that factoring was a very weak area of housing management and that there were organisational failings in many landlords. Landlords should be encouraged to improve management in this area and the gaps in guidance should be filled. However, more fundamentally, there is a need for further legislative change to address the underlying problems.

7.122 Good practice should also 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.

7.123 Although there have been considerable improvements in performance, and performance management, the research found key weaknesses in option appraisal, evaluation and assessments of cost-effectiveness. The proposed new regulatory regime emphasises self-assessment and staff must have the skills and knowledge to undertake this.

7.124 Finally, good practice must, by definition, conform to legislative requirements. But in many areas (for example, tenant participation, allocations and housing advice) the current legislation is vague and untested in the courts. There may also be confusion because much legislation is different across the UK and for different types of landlords. Many points of legislation are unenforceable, for practical purposes, and rely on the willingness of landlords to fulfil not just the letter but also the spirit of the law. The proposals in the housing bill will do much to clarify the duties and responsibilities of landlords. However, the role of the regulator will be crucial in ensuring that landlords fulfil both the letter and the spirit of the legislation.

7.125 In addition, there is a need to continually update guidance to keep advice up-to-date in a changing environment. Proposed legislative changes in the housing bill will make many areas of advice out-of-date. Advances in information technology may also have considerable impact on the various tasks of housing management. The regulators will have a major role in identifying new areas for guidance and ensuring that landlords are aware of key recommendations.
APPENDIX 1  RESEARCH METHODS

A1.1 The research was carried out between March and August 2000 and was carried out with 4 local authorities and 6 registered social landlords. Because the study was designed to complement the Review of Progress report (Scott et al, 2000b) it was primarily qualitative in nature, concentrating on interviews with housing staff on the organisation’s policy and how it was implemented. An integral part of this was consideration of the organisation’s documentation. Alongside this were focus groups with service users to explore how the policy worked in practice. This section records how the case study organisations were selected, how the interviews were conducted, and discusses the focus groups with tenants/residents and support agencies.

Case study selection

A1.2 The 10 case studies were selected to represent variations in practices in the 3 topics under consideration. This was achieved using responses to the postal survey (Scott et al, 2000) and the research team’s existing knowledge of the organisations’ practices.

A1.3 All 32 local authorities had responded to the postal survey. However, the choice of some local authorities was constrained by their recent participation in related case study research, and in the case of the island councils by considerations of travel time and costs. The selected 4 authorities were chosen following consideration of:

- the size of stock
- type of allocation policy
- whether the organisation had local letting policies
- whether setting up a Common Housing Register
- the number of initiatives for anti-social behaviour
- whether they had used the new legal remedies for ASB
- whether they factored property
- the number and type of property factored
- urban or rural environment.

A1.4 Four of the 6 associations selected were chosen for their overlapping geographical remits with the local authorities, as well as for the variation in practices displayed. The same factors as those assessed for the local authority case studies were examined. We were particularly keen to gather some examples of factoring as RSLs appear to be stronger on this than local authorities. The 2 remaining associations were selected to ensure that a range of different types of association was covered in the sample. Here geographical matching was not considered an issue.
### Table A1.1  Case study profiles

<table>
<thead>
<tr>
<th>Authority</th>
<th>Stock size</th>
<th>Allocation policy*</th>
<th>Local lettings</th>
<th>CHR</th>
<th>Number of ASB initiatives</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authority A</td>
<td>&lt;30,000</td>
<td>Groups/Ranking</td>
<td>Yes</td>
<td>Setting up</td>
<td>15</td>
</tr>
<tr>
<td>Authority B</td>
<td>10-30,000</td>
<td>Groups/Quotas</td>
<td>No</td>
<td>Considering</td>
<td>9</td>
</tr>
<tr>
<td>Authority C</td>
<td>&lt;30,000</td>
<td>Groups/Ranking</td>
<td>Yes</td>
<td>Considering</td>
<td>22</td>
</tr>
<tr>
<td>Authority I</td>
<td>&gt;10,000</td>
<td>Points</td>
<td>No</td>
<td>Considering</td>
<td>16</td>
</tr>
<tr>
<td>Association A</td>
<td>&gt;1000</td>
<td>Points</td>
<td>No</td>
<td>Considering</td>
<td>8</td>
</tr>
<tr>
<td>Association B</td>
<td>&lt;1000</td>
<td>Points</td>
<td>Yes</td>
<td>No</td>
<td>7</td>
</tr>
<tr>
<td>Association C</td>
<td>&gt;500</td>
<td>Points</td>
<td>No</td>
<td>Considering</td>
<td>9</td>
</tr>
<tr>
<td>Association D</td>
<td>&lt;1,000-</td>
<td>Groups/Ranking</td>
<td>Yes</td>
<td>Considering</td>
<td>11</td>
</tr>
<tr>
<td>Association E</td>
<td>&gt;500</td>
<td>Points</td>
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<td>Considering</td>
<td>13</td>
</tr>
<tr>
<td>Association F</td>
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<td>Groups/Quotas</td>
<td>Yes</td>
<td>Considering</td>
<td>9</td>
</tr>
</tbody>
</table>

Note:  * This information shows the data provided in the postal survey. The research found some variations in practice.

Source: Postal survey data
Interviews

A1.5 In-depth face-to-face interviews were undertaken with officials to obtain qualitative data. The research team aimed to interview at least one member of staff with policy responsibilities and one frontline member of staff for each of the 3 topics under consideration. Senior staff identified the most appropriate individuals to approach. It was not uncommon, particularly in the associations, for interviews with one member of staff to cover more than one topic.

A1.6 In total interviews were conducted with 38 staff (20 local authority staff and 18 housing association staff). Each typically lasted between 60 and 90 minutes (although some were much longer). Tables A1.2 and Table A1.3, show the number of interviews conducted in each organisation, and the role of that individual. As the research promised anonymity to the officers interviewed, we classified their role as either ‘Policy’ or ‘Frontline’. Most of the frontline staff were generic housing officers but there were also some specialist staff such as allocation officers and factoring officers. The policy staff ranged from Heads of Service and Directors of associations to Area Managers.

Table A1.2 Number of interviews with local authority staff

<table>
<thead>
<tr>
<th>Authority</th>
<th>Policy staff</th>
<th>Front line staff</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>4</td>
<td>1</td>
<td>5</td>
</tr>
<tr>
<td>B</td>
<td>3</td>
<td>2</td>
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</tr>
<tr>
<td>C</td>
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<td>3</td>
<td>5</td>
</tr>
<tr>
<td>D</td>
<td>4</td>
<td>0</td>
<td>4</td>
</tr>
</tbody>
</table>

Table A1.3 Number of interviews with housing association/co-operative staff

<table>
<thead>
<tr>
<th>Association</th>
<th>Policy staff</th>
<th>Frontline staff</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>2</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>B</td>
<td>1</td>
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<tr>
<td>C</td>
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<td>D</td>
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<tr>
<td>E</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>F</td>
<td>1</td>
<td>2</td>
<td>3</td>
</tr>
</tbody>
</table>

A1.7 In all but a few cases interviews were tape recorded and transcribed, and the transcripts analysed using NUD*IST software.

Data analysis

A1.8 We also examined and analysed relevant written documentation on each of the 3 topics, in each of the landlords. This included policies and staff procedure guides on allocations, factoring and anti-social behaviour and information provided to tenants in these areas. We also sought to analyse relevant performance information. For allocations, this included information on waiting and transfer lists, lets and nominations. In factoring we examined the number of properties factored and the charges made to owners for various services. For anti-social behaviour, we examined records and statistics on complaints, referrals to mediation and legal action taken.
Focus groups

A1.9 In each of the 4 local authority areas, focus groups were arranged for each theme (12 groups in all). Both the local authority and housing association operating in that territory were asked to identify random samples of individuals fitting our criteria. For allocations, individuals were applicants for housing; for anti-social behaviour the tenants invited were members of tenants’ associations and for factoring owners and shared owners were invited.

A1.10 We had intended to contact individuals directly, using information supplied by the landlords. However, in the majority of cases organisations were reluctant to divulge names and addresses of their service users and instead contacted individuals on behalf of the research team. The landlords were therefore asked to select a random sample of up to 50 people for each group and send them a letter, giving details of the research and the purpose and location of the meeting. Reply paid postcards were also included with the letters: some people accepted the invitation to attend but did not appear while others appeared without returning the postcards.

A1.11 We had hoped to have around 10 service users at each focus group, but numbers attending were sometimes much lower than this. Representatives of support and advice agencies such as CAB, homelessness services and mediation organisations operating in the area were also invited to attend the focus groups. An average of 3 organisations were contacted in each locality, and 8 attended in total.

A1.12 Overall, there were 42 participants in the focus groups. Table A1.4 shows the number of individuals attending focus groups on each theme. Lower than expected attendance may be explained by residents’ disinterest in the subject, the lack of financial incentive, by our inability to confirm attendance with those invited before the meeting, or by our choice of venue (in terms of accessibility or connection to the individual’s landlord/factor). Some of the focus groups were very useful but it was accepted that the poor response meant that the consumer view reported was weak relative to that of the landlords.

Table 1.4 Number of individuals attending focus groups

<table>
<thead>
<tr>
<th></th>
<th>ASB</th>
<th>Allocations</th>
<th>Factoring</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area A</td>
<td>1</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>Area B</td>
<td>9</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td>Area C</td>
<td>1</td>
<td>8</td>
<td>7</td>
</tr>
<tr>
<td>Area I</td>
<td>8</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>SUBJECT TOTAL</td>
<td>19</td>
<td>14</td>
<td>9</td>
</tr>
</tbody>
</table>

A1.13 Focus groups were tape-recorded and the most useful were fully transcribed. However for the majority of the groups field notes were used for analysis, with recourse to the tape where direct quotes or further detail were sought.
APPENDIX 2 CASE STUDY LANDLORDS

INTRODUCTION

A2.1 This appendix provides more detail on the policies and practices of the 10 case study landlords in each of the 3 topic areas (allocations, anti-social behaviour and property management).

AUTHORITY A

Allocations

A2.2 Allocations were decentralised to area teams, with the exception of nominations which was the responsibility of a small central team. The policy was very firmly based on need and strictly driven by need assessment. The allocation system was a groups plus points scheme. There were a number of local letting initiatives. A review of the allocations policy was underway at the time of the study.

A2.3 Transfer and main waiting list applicants were essentially treated the same way although there was a small allowance for years as a tenant and waiting time. Homeless applicants received a high proportion of total lets. There were no blanket restrictions on eligibly. Applicants in arrears were allowed onto the list but would not receive an offer until the amount was cleared. Households evicted for anti-social behaviour would not be reconsidered unless there was proof of a change in behaviour.

A2.4 Only a small proportion of nominations resulted in rehousing by associations but relationships between the council and RSLs operating in the area were said to be excellent. Nominations were monitored. A Common Housing Register was being developed with a number of associations.

Anti-social behaviour

A2.5 In the past, neighbour complaints were dealt with by generic housing officers but a specialist team had been set up in recent years to deal with more difficult cases. The specialist unit had a small number of staff, including a solicitor. However, the day-to-day work was the responsibility of Area Managers and their staff (the generic housing officers). The area team and specialist unit discussed and decided action together. Minor disputes were referred to an external independent mediation service.

A2.6 There was no single policy document on anti-social behaviour. Instead, staff referred to a number of reports and committee decisions. There was a policy document on racial harassment, which had been in place for 10 years. This was under review. There was no policy on crime but there was a corporate policy about community safety to which all departments subscribed. A Corporate Community Safety Officer post had been recently filled.
A2.7 The council had a number of initiatives to tackle anti-social behaviour. No formal monitoring of the various initiatives had been carried out. However, an internal evaluation of CCTV at one location had found a dramatic reduction in crime.

A2.8 Eviction was the most common legal remedy used and specific implement was also used regularly. Interdict was used occasionally. The council had sought a number of Anti-social behaviour orders.

A2.9 There was a formal protocol with the police on disclosure of information to specified officers. There were also good informal working relationships with the police and with environmental health at area office level. Although there were procedures for joint liaison in relation to proposed court action for eviction with social work, there was not close cooperation.

Mixed tenure/factoring

A2.10 The authority provides an obligatory factoring scheme to several hundred multi-storey, ex RTB flat owners through its area housing management teams. Other ex-RTB owners could buy in to a discretionary factoring service.

AUTHORITY B

Allocations

A2.11 Council-wide policies had been recently introduced on allocations, homelessness and nominations. The allocations system was a points system, which appeared to meet most elements of good practice. There were quotas for waiting list and transfer applicants (these varied from area to area - generally 70/30). This was seen as a way to meet the aspirations of transfer applicants. Homeless applicants were dealt with by local offices and pointed for insecurity of tenancy.

A2.12 The policy complied with the legal requirements on eligibility. Applicants with rent arrears had to show satisfactory repayment arrangements. Transfer applicants had to have a clear rent account at the point of let. Applicants with unsatisfactory tenancy references were considered on their merits. There were concerns about local connection, particularly in more rural areas, and applicants had to demonstrate a reason for wishing to live in a particular area (residence, family support, medical etc). Priority was given to such applicants. In practice, this had negatively affected only a handful of applicants.

A2.13 Nomination arrangements were in place with local associations and were felt to work satisfactorily. A common housing register was not under active consideration but was considered something to be examined in the future.

A2.14 There were some low demand areas. Eligibility criteria for connection and house type/size were relaxed in these areas and a local letting initiative was being considered in one estate. However, it was stressed that this was part of a wider regeneration programme for the area.
Anti-social behaviour

A2.15 There was no common policy on tenancy management or ASB - a draft policy on the use of ASBOS had recently been produced. There was a policy on racial harassment - this was modelled on the Positive Action policy. It has not been invoked. There were no central records of complaints about ASB - but some local offices kept records. There were no housing policies on crime or community safety - but there was a corporate community safety unit in the council.

A2.16 ASB was not thought to be a big problem, except in one problematic estate where drug dealing was an issue. Elsewhere domestic noise, dogs and the usual run of the mill lifestyle problems were common.

A2.17 The council had a number of initiatives to tackle anti-social behaviour. There was an embryonic independent mediation service but this was not operational at the time of the study. A young persons tenancy support officer had recently been appointed to assist people to sustain their tenancies. Garden maintenance is provided for the elderly and disabled. One of the previous councils had used private investigators - this was not ruled out in future but was thought to be expensive.

A2.18 Since re-organisation, legal action had been raised in a few cases - but no cases had been taken to court. A few interdicts had also been served. No anti-social behaviour orders had been raised.

Mixed tenure/factoring

A2.19 The council factored around 200 Scottish Homes property and provided repair services for an association. Both were the subjects of long-standing agency agreements. Around one third of the housing stock has been sold since 1980. However the council did not have any formal arrangements for factoring ex-RTB stock and had very little contact with these owners.

A2.20 Development of a policy on mixed tenure and factoring was at an early stage. The only written policy was a section in the repairs policy on mutual repairs (where there was an obligation on both the council and owners to carry out repairs). This noted that there were a number of different missives of sale - and that obligations varied. However, in practice, where a mutual repair issue arose, local officer were asked to check with legal services to establish cost-recovery procedures.

A2.21 In some cases, the council would look at funding sources for owner-occupiers where major works were required. In an emergency, the council would carry out work and sort out responsibility for payment afterwards.

A2.22 Work was underway to develop a common missive of sale, which would specifically cover cost-recovery for future sales, and provide advice to all owners on their repair responsibilities.
AUTHORITY C

Allocations

A2.23 The allocation policy has recently unified for the whole authority. The new policy was based on the policy of one of the authority's predecessor district councils. The basis of prioritisation was groups plus waiting time; there were no points. All waiting list applicants, excluding people who had medical needs or wanted sheltered housing, were placed in the same group. Officially designated homeless households were also treated separately. Therefore, apart from these groups, housing need did not figure in the prioritisation system. All applicants who were not already Authority B council tenants normally could be only allocated a flat. People in rent arrears or having a history of anti social behaviour were kept off the lists.

A2.24 In practice there was a great deal of discretion in the system. There were no guidelines on how vacant dwellings should be matched with applicants: a process, which was carried out by generic housing officers. There was a general aim to house people from the different groups in proportion to the overall size of the group, but this was monitored retrospectively and not used actively as a target by each letting officer. Lets could be made outside the system for stock management reasons, and areas designated as difficult to let (agreed by the Housing Committee) had their own local policies, outwith the system.

A2.25 Nomination agreements were in place with the large number of housing associations (and Scottish Homes) who operated in the area, but there were no concrete moves to establish a common housing register.

Anti-social behaviour

A2.26 The Council had a clear set of policies and procedures for dealing with anti social behaviour, established since 1996. Anti-social behaviour was managed at the area office level. Most of the generally recommended practices were in place including formal liaison with other agencies, arrangements for mediation, professional witnesses, and various types of legal action (interdicts, specific implement and evictions) but no ASBOs as yet. The council was also able to use its discretionary allocation system to separate neighbours in dispute. There were target response times which were monitored, as were liaison meetings with social work, etc.

Mixed tenure/factoring

A2.27 The council factored 600 properties, transferred from another landlord to one of the predecessor district councils, but did not offer any other factoring service. The council acknowledged that there were significant problems in this area, particularly regarding owners' unwillingness to participate in common maintenance and repairs. This applied equally to the areas receiving a factoring service and to the many other right-to-buy owners living next to council tenants. In addition, significant difficulties arose from inconsistent deeds of condition held by owners, often differing within the same block of flats. Although 2 committee reports had been written since 1997 and legal advice sought from a Queens Counsel, there was no integrated policy on mixed tenure, although there was a set of
procedures for approaching owners with a view to involving them in common maintenance and repair schemes. In some cases the council offered 50 per cent grants to owners to secure participation, and in other cases went to law, including placing a charge over the property. The process of dealing with owners caused such difficulty that it was monitored at the level of individual owners by a depute director. Other priorities and the intractable nature of the problems had held back further development of policy in this area.

**AUTHORITY D**

**Allocations**

A2.28 The allocation policy was a points based system with need points and management points. There was a special cases procedure but councillors were not involved, only advised of decisions. There had been no major changes in the policy in recent years but continuing refinement. New and transfer applicants were not distinguished although new applicants received insecure tenancy points. Homeless applicants in priority need received homelessness priority points. Balanced communities had not been a big issue in the council although there were visible ‘pockets’ of streets that were becoming problems.

A2.29 Applicants from outwith the district were not allowed on the list and there were some restrictions on eligibly for property types. Sensitive lettings were carried out with sex-offenders and people recovering from drug abuse. There were a number of low demand areas through the council area. There were no local lettings schemes but some were under development. No marketing was being done but in the past difficult-to-let properties had been advertised via local offices.

A2.30 Formal nomination arrangements existed with all the locally operating housing associations. Generally, arrangements were working well. There was no common housing register but the idea was under consideration.

**Anti-social behaviour**

A2.31 There was a comprehensive a policy document on anti-social behaviour. It was based on the multi-agency model and was under review. There was a separate racial harassment policy, which was a region-wide agreement. There was a seconded crime safety police officer in the Chief Executive’s office. His role was to help forward planning to improve community safety through environmental and housing design and contribute to the statistical monitoring of ASB and racial harassment problems.

A2.32 In the first instance, ASB was dealt with by generic housing officers. A specialist support group had been established involving legal services, housing, social work, money and benefits advice. It dealt with the most serious cases of ASB (however, the great majority of complaints were retained at generic housing officer/area team level).

A2.33 Anti-social behaviour was not considered to be a serious problem. Most problems were minor and the most common types were noise and children nuisance. Early action and multi-agency working were considered the key to preventing serious problems developing. The ethnic minority population in the district was very low and the council had very few
ethnic minority tenants. However a small number of racially motivated incidents involving council tenants were reported in the previous year.

A2.34 The council had a number of initiatives, which addressed anti-social behaviour. These include supported accommodation for young people and improvements to door and window security. The council also had a Victim Support budget and a Vulnerable Tenants Support Officer. In one estate, applicants for a house met a small panel of local residents who set out what was expected of new tenants. A mediation service was under discussion. The council did not use professional agencies as witnesses but would use its own staff.

A2.35 Although the council had served a number of notices seeking possession, very few cases ever reached court. No ASBOs had been used although one was considered. There had been no use of the extended grounds of eviction nor had interdicts been used.

A2.36 The council had a multi-departmental and a multi-agency approach to ASB and racial harassment issues. In addition to the specialist support group there was also an ASB Forum involving local housing associations, the Health Board, Police, Citizen's Advice, Housing, Social Work and Environmental Services. There was also a region-wide group to address racial harassment. It included representatives from several councils, the police, the Health Board and representatives from ethnic minority groups.

**Mixed tenure/factoring**

A2.37 There were over 6,000 RTB owners pepper-potted all over the district. There was no policy on multi-tenure issues or factoring but the issue was recognised to be an increasing problem. Officers were planning to put a paper to council once the details of the housing bill and land reform bill were known.

A2.38 Standard conditions in the titles of all sales indicated that the council would carry out common repairs and that RTB owners had pay their contribution but there was no separate factoring agreement. Owners were charged for the actual cost of a repair but not for the service. Where capital works were planned, the council wrote to owners and held public meetings. There had been one or 2 cases of threatening court action and using a Charging Order.

A2.39 In addition to RTB owners, the council had an innovative property management service with a housing association covering about 50 recently built, rented association properties. There was a Managing Contract to deliver all housing management services for a fee. The services included allocations, rent arrears, neighbour disputes, estate management and day-to-day repairs but the association retained planned maintenance. Relationships between the tenants and council seemed be good.

**ASSOCIATION A**

**Allocations**

A2.40 The association had a points based allocation policy based on need. Turnover was low. Housing officers could use their knowledge of the area to make sensitive lets. There
was no local letting policy but the association was considering adopting one for a new development in a disadvantaged area. There were no eligibility restrictions on access to the list but, in common with many other associations, applicants had to pass a points threshold. Applicants with rent arrears and a history of anti-social behaviour were investigated at the point of let. There were no restrictions on property types or areas for particular groups.

A2.41 Although the association classified around 200 properties as being ‘low demand’, there were no low demand areas as such - though areas did vary in popularity. Improvement works were sometimes carried out to less popular properties, when void, to increase desirability.

A2.42 The association had a nomination agreement with the council which ran smoothly. Nominees were sent an application form and assessed in the same way as waiting list applicants. A common housing register was under investigation.

Anti-social behaviour

A2.43 Anti-social behaviour was not considered to be a problem and the association had few complaints. These were usually dealt with by the housing officer. Racial harassment was not considered to be a problem - but there were very few tenants from ethnic minority backgrounds. There was limited use of preventative measures. The association had supported the introduction of a neighbourhood watch scheme in some areas and has used an independent mediation service occasionally. There were no formal agreements for working with other agencies but the association has informal relationships with the police and social work.

Mixed tenure/factoring

A2.44 The association had a large number of factored properties. These were all ex RTB property, but some properties had been sold on to private landlords. A procedure manual had recently been established. Owners were consulted by letter when works were planned and accounts were issued once a year. Owners were also invited to become members of the association and received a copy of the association’s newsletter.

ASSOCIATION B

Allocations

A2.45 A new policy was agreed in 1998 - but had only recently been implemented. The delay was due to computerisation. The policy was a points system. There was provision for ‘special cases’ points - but in practice these were little used. Transfers received a 10 per cent quota of lets. There was a special (separate) policy for transfers for secure tenants or those with a preserved right to buy to new developments.

A2.46 There were no eligibility constraints and any one could apply. Although the policy provided for cut-off thresholds - in practice these had not been used. The objective of the policy was to house those in greatest need - with little regard for balanced communities.
Where there were arrears the association would want to be assured that satisfactory arrangements were in place to pay. Tenants with unsatisfactory references (i.e. ASB) would be considered on their merits.

A2.47 There was 50 per cent of net let nomination agreement with the councils in whose areas the association operated. The nomination schemes were said to work well - with good relationships with council staff.

A2.48 There were 2 types of low demand stock - some were due to stigma or anti-social behaviour problems - others were remote location/unsuitable property types. The association also reported low demand for shared ownership and said that many properties initially designated for shared ownership had been converted into rented stock.

A2.49 There was a local letting initiative in operation in one area where the stock was mainly flats provided to ‘vulnerable’ people. This took the form of sensitive lets to avoid high child density and too many of the same type of vulnerable people living in the same area. In other low demand areas the association publicised availability of vacancies and sought additional nominations from the council.

Anti-social behaviour

A2.50 The association had an ASB policy and a racial harassment policy (the latter based on the Positive Action model). The problems were generally thought to be small in most areas. There were some drug/drink problems in a few areas. Most problems were run-of-the mill disputes. There had been a number of problems of neighbours falling out in the shared ownership properties where the association had become embroiled.

A2.51 The association had supported tenancies and was supporting the development of an independent mediation service for the region.

A2.52 Notices had been served a few times but few cases had proceeded to court action. The association had also used interdict. ASBOs had not been used. A few properties were let on short assured tenancies but these were not used for anti-social cases.

A2.53 Relationships with other agencies were thought good. However, the manager felt that the association sometimes needed to get the support of the council to get other agencies to listen. The association was also involved in a multi-agency group in the regeneration of an estate where both the council and the association owned property.

Mixed tenure/factoring

A2.54 The association factored over 400 shared ownership properties. Services offered were governed by the deed of conditions. Owners were responsible for all repairs but the association provided grounds maintenance, estate lighting and lighting in common parts as obligatory services. Apart from repairs, shared owners were treated as tenants. They received newsletters and were included in consultation exercises. They were encouraged to join residents groups where these existed and a number were members of the association.
The association had a policy on the allocation of shared ownership, but no policies on management of this stock.

A2.55 Some services were also offered to ex-RTB owners in former Scottish Homes stock, which had been taken over by the association. As these properties were mainly houses, services were largely restricted to grounds maintenance (grass cutting). The association had not considered offering more services to shared or ex RTB owners.

ASSOCIATION C

Allocations

A2.56 The allocation policy was a point system but there were quotas for different types of applicant. A quarter of lets were to transfers, a quarter to the waiting and 50 per cent to nominations. The policy was under review and minor changes were being made. No one was excluded from the waiting list but those in arrears were expected to demonstrate a willingness to pay. References were taken from current landlords.

A2.57 There were no real void problems - in contrast to local authority stock in the area. Although the nomination agreement was for 50 of lets, in practice the council was unable often unable to nominate due to lack of demand. There was no common housing register but the idea was under discussion among landlords in the local area.

Anti-social behaviour

A2.58 Although the area had a problematic reputation, anti-social behaviour was not seen to be a large problem in the association stock. However, the association did have problems of drug-dealing and estate management from the wider area. There was a written Anti-social Behaviour policy, which included a statement on racism.

A2.59 The association had contributed to a CCTV system operated by the police and housing officers were due to have mediation training. Legal remedies were rarely used and there was no use of interdict or ASBOs. Short assured tenancies had been used for tenants with support needs and where owners were housed (until their house was sold).

A2.59 The association was involved in an anti-social behaviour initiative with other agencies in the area. There was a written agreement with the police on joint work, which included joint visits, sharing information and co-operating on Anti-Social Behaviour Orders. There were also good informal relationships with the local police but relationships with the social work department were poor.

Mixed tenure/factoring

A2.60 The association provided a factoring service for 4 flats sold under an improvement for sale scheme and had 10 shared owners. The day to day work with owners was carried out by one of the housing officers. The association had turned down the opportunity to factor a private rehab for sale scheme.
ASSOCIATION D

Allocations

A2.61 The association operated a needs-based allocations policy. There was a quota system of 15 per cent of annual lets for transfer applicants, 30-40 per cent lets to waiting list, 30-40 per cent to other agencies and 5 per cent to HOMES. Applicants in arrears were deferred until they cleared the debt or demonstrated regular payments. Applicants who had exhibited anti-social behaviour were also deferred.

A2.62 There were only a few pockets of low demand housing but there were some problems with letting family size houses with a waiting list that was dominated by single person applicants. In one area a multi-agency initiative was being developed to regenerate the area. The council and the association were working together to improve the area and market accommodation with a common application form. However, this was in the early stages of development.

A2.63 Nomination arrangements operated with 2 local authorities. Initial problems with conflicting points systems and one out-of-date local authority applicant list had been addressed and arrangements were considered to be working better. A common housing register was being investigated.

Anti-social behaviour

A2.64 The association had a policy on anti-social behaviour. This policy included the procedures to be followed in cases of racial harassment. There was no statement on crime or community safety.

A2.65 Most complaints concerned life-style conflicts and tenancy issues such as stair cleaning, pets and noise. There were also problems with vandalism and drugs were a problem in one street in one estate.

A2.66 The association had a number of initiatives to tackle anti-social behaviour. In appropriate cases tenants were offered a support package aimed at assisting them to sustain a tenancy in a reasonable way. Almost all the flatted properties had a close cleaning service.

A2.67 There had been 2 recent cases where the association had sought possession. Interdict had not been used. The association had not formulated a policy on the use of ASBOs. Short assured tenancies had been used in for anti-social behaviour in 1 or 2 cases.

A2.68 The association was a member of the district wide forum on Anti-social behaviour and of the region-wide forum on racial harassment. There was a formal protocol with the police on exchange of information. There were informal links with the council to exchange information with housing and social work. Relationships with the police were good but there were some tensions in the relationships with social work.
Mixed tenure/factoring

A2.69 There was no policy on factoring. Activities were based on factoring agreements. There were no specific service standards for owners as the association applied the same standards to owners and tenants.

A2.70 A factoring service was provided to shared owners and outright owners in a recent new build scheme. The title deeds provided for this and the owners were obliged to sign a factoring agreement. The service covered buildings insurance, communal repairs, regular property inspections and planned maintenance. Owners had to be consulted on planned maintenance spending above a certain limit. Shared owners were provided with information about the association, services, their house and complaints procedures at the outset. Owners could also join the association and residents associations. No legal action had been necessary.

A2.71 Around 150 ex-RTB in the Scottish Homes transferred stock was ‘factoring by default’, as there was no agreement between Scottish Homes and the owners. As the association had no agreement with the owners and it could only introduce a factoring service by mutual agreement. There had been any problems with improvements to the stock with embedded owners as the owners could obtain grants from the council.

ASSOCIATION E

Allocations

A2.72 The allocations policy was reviewed every 2 years, and was under review at the time of the fieldwork. No major changes were planned, however. The scale of the association and the subjugation of the allocations function to development needs means that the scale of lettings activity was very small, less than 20 houses per annum.

A2.73 The policy was designed to assist, first, tenants in unimproved stock; second internal moves for applicants who were in a degree of housing need (e.g. overcrowding or medical need); and third, other applicants, of whom half were council nominees and half waiting list applicants. Both transfer and waiting list prioritisation was based on a points system based on housing and social need factors; all applicants were held on one (non computerised) list.

A2.74 The active waiting list had a cut-off level of points so that people in little need were not kept on the list. There were no restrictions on eligibility for registration, but arrears and anti-social cases faced letting restrictions. There had been moves to establish a common housing register among the various locally-based housing associations operating in the area. However, this had not been progressed.

Anti-social behaviour

A2.75 Anti-social behaviour was said to be a very small problem for the association. There was a set of policies and procedures for staff to use, which involved complaints procedures, investigations, interviews, liaison with police and social work. There was the possibility of
legal action in the policy, but this has never been used. There was also a policy on racial harassment which had never had to be used.

**Mixed Tenure/Factoring**

A2.76 Association E had quite highly developed policies in this area of work and saw it as an important part of its role, and a likely source of future business for the association. The association acted as a factor for the shared ownership and owner occupied properties it has developed. The deeds established the association as the factor, for which owners pay a fee.

A2.77 Owners were able to benefit from environmental maintenance, and get access to buildings insurance and low cost gas maintenance contracts. Because all the houses were new, there had been no major repairs or rehabilitation projects affecting owners.

**ASSOCIATION F**

**Allocations**

A2.78 The association had carried out a major review of its allocation policy in 1997, but this had only recently been implemented due to computerisation changes. The main objective of the policy was to ensure a balance between housing need and the need for stable sustainable community. The policy was a points based needs system. There were quotas which were general waiting list (33%), transfer list (45%), nominations (15%), HOMES (4%) and referrals from other agencies (3%). Allocation decisions were made collectively at team meetings with information provided by the administrative assistant.

A2.79 There were no restrictions on eligibility to apply but applications which did not meet the points threshold were rejected. Different threshold were applied in different areas and property types. Applicants would also be disqualified for 2 years for giving up a property without good reason.

A2.80 The association had a local arrangement with the council neighbourhood housing office to administer nominations. The proportion of nominations was the source of some conflict with the council who would not formally approve an agreement for less than 50 per cent of net lets.

A2.81 One area, which comprised around 400 mainly 2 apartment pre and inter-war tenements was considered to be low demand. The associations were planning to introduce a local letting initiative, where housing need would not be key criteria for applications. It was also planned to market and publicise this widely. Common housing registers had been considered with other associations but had got no further than general discussions about the issue.

**Anti-social behaviour**

A2.82 The association had a policy on estate management which was largely concerned with neighbour problems. There was a separate policy on breach of tenancy for drug-dealing and
drug-misuse. This emphasised that the individual circumstances of each case would be examined prior to consideration of legal proceedings. The Housing Management Sub-committee made decisions on court action.

A2.83 Around 90 per cent of complaints were about noise nuisance. Drug dealing and drug abuse was considered to be a major blight in the community.

A2.84 The association operated a close cleaning service and contributed to a CCTV system run by the police. Housing staff had been involved in an attempt to provided mediation service via a pool of trained mediators organised by the SFHA but this had not progressed further. The association had also used private investigators. The association also had an agreement with a specialist agency to provide supported accommodation to young people and follow-on flats. They were planning to extend this into a more general scheme to provide support where required.

A2.85 The association had carried out 2 eviction for on anti-social behaviour. Interdicts had also been used. Anti social behaviour order had not been used. Short assured tenancies were sometimes offered where people were referred by agencies.

A2.86 The association had a formal agreement with the police for disclosure of criminal conviction information. Informal relationships with local community police were good. There were more difficulties with liaison with social work and the association tended to rely on contact with the council housing neighbourhood office to get involved in discussions with social work.

Mixed tenure/factoring

A2.87 The association had around 670 factored properties - a mix of tenemental property (always owners), ex RTB and shared owners. They also factored some commercial property (shops under flats). Services were based on the Deeds of Conditions. There was a Factoring policy but this was requiring to be updated. The association had also co-ordinated improvement work for many of the owners and shopkeepers in the area as part of tenemental improvements.

A2.88 The factoring officer was a new post and was mainly involved in sending out accounts. There was a separate officer who dealt with Right to Buy sales. Repairs were reported to the maintenance section and neighbour complaints were dealt with by housing officers.

A2.89 Some owners paid a management fee, others did not. The main services provided were common repairs, landscaping, back-court maintenance and cyclical maintenance work. The association offered building and contents insurance on an optional basis. Owners could also opt to use the repairs service for repairs which were the owners responsibility. The stair cleaning service was also available, if all the owners in the close agreed. Common repairs above £500 required the owners consent and all improvements required the owners consent.

A2.90 There was a high non-payment rate. In some cases, the association asked for payment in advance. The association would also raise a charge on the property, which would be paid when the property was sold.
REFERENCES


Boyle, T. (Unpublished) ‘Do we really have to listen to our neighbours: It sounds like we may have to’, Dissertation for the Diploma in Housing Studies, University of Glasgow


Scott, S., Currie, H., Fitzpatrick, S., Keoghan, M., Kintrea, K., Pawson, H. and Tate, J. (2000a) *Good Practice in Housing Management: A Review of the Literature*, Edinburgh: Scottish Executive Central Research Unit


Scottish Parliamentary Corporate Body (2000a) *Housing (Scotland) Bill (as introduced)*, Edinburgh: The Stationary Office


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