



Chartered
Institute of
Housing
Scotland

The Whole Rented Sector



Introduction

The rented sector houses almost [40 percent of the population of Scotland](#) and the standards set by the Scottish Government with regards to building homes and providing services are some of the most critical components to ensure the housing system can improve the life chances of Scotland's people and communities.

The move towards a whole rented sector and greater alignment of standards between homes in the social and private rented sectors creates an opportunity to enhance these life chances. Not just to address the inconsistencies in our housing system, but to improve housing outcomes for all tenants irrespective of the tenure of housing they live in.

The Scottish Government is at the beginning of this process, developing a Whole Rented Sector Strategy, and enacting any changes will take a matter of years, not months. As such, this paper sets out some of the key differences between the social and private rented sectors and considers how and where the housing sector can move towards the realisation of alignment over time. It considers the whole rented sector across four broad areas and makes recommendations both within and between these elements:

- Housing and home standards
- Tenancy rights
- Customer services and practitioner professionalisation
- Affordability

The paper has been informed by a survey of CIH Scotland members, interviews with a sample of members across the rented sector and desktop research. Although the conclusions of the paper are those of CIH Scotland alone.

1. Differences in standards across the rented sectors

1.1 Housing and home standards

Since the outset of devolution, we have had an ongoing improvement in the standards of the homes in the social and private rented sectors with, for example, the introduction of Scottish Housing Quality Standard (SHQS), Energy Efficiency in Social Housing Standard (EESH), and the Repairing Standard.

However, this legislation has not applied to the housing stock as a whole and broadly speaking, homes in the social rented sector have had more demanding standards placed on them. As such, the tenure of a home is a major driver of the quality and standards of the home. For example:

- The **Tolerable Standard** is the minimum standard for all living accommodation in buildings in Scotland. This means the home must be structurally stable, have adequate insulation, light and heating, indoor toilet, water, cooking facilities and electricity that meets safety concerns. The Tolerable Standard is a condemnatory standard and a local authority can intervene where a home is below Tolerable Standard (BTS) and order an individual to carry out work to improve it. The Tolerable Standard also applies to short-term lets.
- The **Repairing Standard**, contained in the [Housing \(Scotland\) Act 2006](#), applies the obligations of private landlords to ensure that a property meets a minimum physical standard. This goes above the Tolerable Standard and sets out the need for landlords to carry out a pre-tenancy check of their property to identify work required and there is a duty to repair and maintain their property. This includes ensuring it is wind and watertight, the structure and exterior is in proper working order as is water, gas and heating. All fixtures, fittings, furnishings and appliances provided must be in a reasonable state of repair and in proper working order. The property must also have a satisfactory way of detecting fires and giving warning of carbon monoxide. The First Tier Tribunal Housing and Property Chamber (the Tribunal) determines if a landlord has complied with the duty to repair and maintain the property to the repairing standard and it can issue a repairing standard enforcement order (RSEO) where it concludes they have not.
- The **Scottish Housing Quality Standard (SHQS)** is the minimum standard for social housing and sets out requirements that all social homes are energy efficient, safe and secure, not seriously damaged and have kitchens and bathrooms that are in good condition. The energy efficiency aspect of social homes has been updated to the Energy Efficiency Standard for Social Housing (EESH) that was to be met by December 2020. In a practical sense this means no social housing below EPC Band D should be re-let from December 2025. SHQS is not a statutory standard but it is included in the [Scottish Social Housing Charter](#) and the Scottish Housing Regulator has [powers to intervene](#) if landlords fail to meet the standards and outcomes set out in the Charter.
- The **Unsuitable Accommodation Order** specifies that homeless households cannot stay in temporary accommodation for more than seven days if it has any of the following characteristics (among others): a lack of adequate toilet and personal washing facilities for the exclusive use of the household; a lack of adequate bedrooms for the exclusive use of the household; no use of adequate cooking facilities and the use of a living room; and is not usable by the household for 24 hours a day. In practical terms this means, with some limited exceptions, hotels, B&B's etc. cannot be used for more than seven days to provide accommodation to those who are homeless.

Other standards also apply to gypsy/traveller sites, agricultural accommodation and housing provided to asylum seekers in Scotland (this remains reserved to the UK Parliament).

1.2 Tenancy rights

The rights a household has regarding their tenancy are predicated by the tenure of the property. Legislation passed over recent years has strengthened tenancy protection in the private rented sector (PRS) with the adoption of the [Private Residential Tenancy \(PRT\)](#) in 2017. However, while there are some similarities and consistencies for tenants across the social and private sector, for the most part there are significant differences in the rights tenants have.

The Scottish Secure Tenancy (SST) for social tenants gives a householder the right to a lifelong tenancy, unless a landlord can convince a court that the tenant has broken the terms of their tenancy agreement i.e. rent arrears or anti-social behaviour and that it would be 'reasonable' to grant an eviction on those grounds.

Tenants in the social rented sector also have other rights such as assigning the tenancy to someone else and taking in lodgers (with permission and if certain criteria is met). The [Housing \(Scotland\) Act 2001](#) requires social landlords to consult tenants and take account of their views when making decisions about proposed rent increases. There are also recent legislative changes with the [Domestic Abuse \(Protection\) \(Scotland\) Act 2021](#) which, when provisions come into force, will give social landlords the power to initiate eviction proceeding against a perpetrator of domestic abuse, while giving the victim the right to stay in their own home if they wish to do so.

By contrast, while the [Private Housing \(Tenancies\) \(Scotland\) Act 2016](#) introduced the new PRT, which offers greater tenancy security compared to the previous assured tenancy regime, tenants do not have the right to a lifelong tenancy like their social housing counterparts. Landlords can evict tenants if one of the [18 grounds for eviction](#) is met, although they no longer have the power to set fixed term tenancies nor evict without a reason. Rent increases are now limited to once every 12 months, although there is no requirement to consult with the tenants on any rent increase.

Mid-market rent tenancies also fall under the remit of a PRS tenancy and not an SST. These tenancy agreements are issued by the social landlord subsidiary company and not a social landlord. As such people with these tenancies are subject to the same oversight and rules as tenants in the PRS.

1.3 Customer service and practitioner professionalism

Social landlords

The [Scottish Social Housing Charter](#) (SSHC) sets the standards and outcomes that all social landlords should aim to achieve when performing their housing activities, this includes tenant engagement and communication and participation. The SSHC sets out the outcomes landlords are expected to deliver, which includes making it easy to make complaints and provide feedback on services, using that information to improve services and performance, and letting people know what they have done in response to complaints and feedback. However, the approach that landlords take to meet these outcomes is for them to determine.

Alongside the SSHC tenants have a statutory right to repair which covers urgent repairs carried out by their landlord within a given timescale which is set out in the [Housing \(Scotland\) Act 2001](#). This is intended to improve landlord service and performance in this area.

However, there is no existing mandatory training framework or statutory guidance that supports and improves practitioner professionalism, their housing education nor their continuous professional development (CPD) in the social housing sector. Some landlords have organisational requirements for senior staff to be members of their professional body or have a relevant qualification, but this is not common across the housing sector. Professional development is a voluntary matter for housing professionals and their employer to address.

Private landlords

Landlord registration was introduced in 2006 by the [Antisocial Behaviour etc. \(Scotland\) Act 2004](#) and requires councils to check those letting out their homes are suitable to do so. After receiving an application, the council checks if an applicant is a fit and proper person to let a property and if not, the individual is not permitted to become a landlord. If an individual has been successfully registered as a landlord then other conditions apply including meeting the Repairing Standard and placing the tenant's deposit with a third-party tenancy deposit company.

There are other requirements on landlords from the 2016 Private Residential Tenancies Act such as:

- Providing your tenant with written tenancy terms and the relevant set of notes which help explain your tenancy terms and your rights and responsibilities.
- Ensuring tenants receive details from the tenancy deposits scheme of where their deposit is held.

Landlords and tenants can also choose to agree that email is the most effective means to communicate. But this must be agreed, it is not a requirement.

And while there is no statutory code of practice for private landlords, the Scottish Association of Landlords (SAL), the trade body for private landlords, has developed a voluntary code for its members. Among the provisions of the code are:

- The landlord will acknowledge promptly all communications received from the tenant.
- All disrepair in the property for which the landlord is responsible will be attended to promptly, with minimum disturbance to the tenant.
- The landlord will supply the tenant with a telephone number or other means of contacting the landlord or their agent in an emergency; in particular when the landlord is absent.

Letting agents

The [Housing \(Scotland\) Act 2014](#) made provisions for the regulation of letting agents in Scotland. This was established to improve the standards of services for private tenants letting properties through letting agents.

From 2018 the statutory [Letting Agent Code of Practice](#) came into effect. This sets out the standards expected of letting agents operating in Scotland in how they manage their business and provide their services, including the standards of practice and handling of tenants' and landlords' money (such as use of a tenancy deposit scheme).

The Letting Agent Code of Practice is also part of wider regulatory reforms for letting agents, which include:

- A mandatory register for letting agents with an associated 'fit and proper' person test.
- A requirement for certain members of letting agency staff to hold a minimum qualification and maintain CPD as a condition of registration.
- A means of redress for breaches of the Code for landlords and tenants through the Tribunal.

As such, any business seeking to operate as a letting agency requires appropriate people to hold a relevant qualification and, where necessary, additional training on letting agency work. Letting agents are required to re-apply for registration every three years and demonstrate that CPD has been undertaken by relevant staff.

Short-term lets

Individuals or agencies offering short-term holiday lets do not need to register with their local authority, secure HMO licensing, or put their tenants' deposits into third-party protection schemes. The Scottish Government is currently consulting on a new licensing scheme for short-term lets which would allow local authorities to ensure they are safe and to limit the number of homes being converted to short-term lets where this is having a negative impact on the community. Determinations are yet to be made about the resourcing of local authorities to enforce any new licensing system.

1.4 Affordability

Social sector

There is no formal process or framework for managing rent levels in the social sector. The [Housing \(Scotland\) Act 2001](#) allows social landlords to increase rent, with at least four weeks' notice, but requires them to consult with tenants on proposed increases. Social landlords must also take 'affordability' into account when making proposals for rent increases, although there is no official guidance or definition on affordability.

The SSHC refers to standards of service, rents and value for money as follows:

- Social landlords manage all aspects of their businesses so that: tenants, owners and other customers receive services that provide continually improving value for the rent and other charges they pay. (Standard 13)
- Social landlords set rents and service charges in consultation with their tenants and other customers so that: a balance is struck between the level of services provided, the cost of the services, and how far current and prospective tenants and service users can afford them. (Outcome 14)
- Tenants get clear information on how rent and other money is spent, including details of any individual items of expenditure above thresholds agreed between landlords and tenants. (Outcome 15).

The Scottish Federation of Housing Associations (SFHA) and Housemark Scotland have developed an interactive tool to help their members assess the affordability of their rents and proposed increases. It allows members to input data on rent, council tax band, household type and size and see how this relates to income in the local authority area and compare with other social landlords in the area. However, use of this tool is voluntary.

Private sector

In the PRS rents are set by the market where high demand areas will see tenants paying more to rent as they compete for a limited supply of homes. [The Private Housing \(tenancies\) \(Scotland\) Act 2016](#) did attempt to improve affordability for private tenants by:

- limiting rent increases to one in a 12-month period;
- allowing tenants to appeal to the Tribunal if they think that the rent increase proposed by their landlord is unfair; and
- allowing local authorities to apply to have a Rent Pressure Zone (RPZ) designated in areas where rents are increasing unreasonably and causing hardship for tenants. An RPZ would not only limit the number of rent increases to one every 12 months but also limit the amount that rent could be increased by in that area to CPI+X percent with the percentage to be agreed by Ministers.

The Act has been criticised for having little or no impact on affordability and in some cases creating rent increases by allowing the Tribunal to return a verdict that rent should actually be increased in line with similar rents in the area. In addition, because of strict criteria required to apply for an RPZ and lack of robust data on the PRS, no local authority has been able to make use of RPZ powers which would in theory allow for rent capping to be applied to a distinct geographical community.

The Scottish Government has subsequently included a commitment in its [cooperation agreement](#) with the Scottish Green Party to legislate to "implement an effective national system of rent controls, with an appropriate mechanism to allow local authorities to introduce local measures" in the PRS. While the detail is still to be worked out this has the potential to limiting rent rises for some PRS properties - especially in Scotland's cities.

2. The case for change

2.1 Housing and home standards

The recent [Heat in Buildings Strategy](#) (HiBS) published by the Scottish Government has set a precedent of alignment of standards across the rented sector by proposing a new all-tenure zero emissions heat standard, as well as minimum energy efficiency standards for private-rented, owner-occupied and social housing. The dates by which these outcomes and standards are to be achieved are different but the standard and quality is to be equalised.

This all-tenure approach now asks the question of where further alignment of standards across the rented sector could apply? This need not be limited to building issues but also the internal condition of properties including availability of core white goods and window dressing. The availability of which is known to [support tenancy sustainment](#) (although a lack of choice could limit its effectiveness). Feedback from the CIH survey identified that both social and private landlords consider that regulation has helped improve the condition of housing stock in Scotland, therefore the issue is to consider what standards to align across the rented sector, at what pace and at what level.

In the earlier chapter we noted the difference in standards across the rented sector, but we also know these are changing. Not only with regards to minimum EPC ratings, but there will be changes to the Repairing Standard as of March 2024. This means all private rented property will need to meet the following conditions:

- Safely accessible food storage and food preparation space.
- Space heating must be by means of a fixed heating system.
- Where the house is a flat in a tenement, the tenant is able to safely access and use any common parts of the tenement, such as the common close.
- Common doors must be secure and fitted with a satisfactory emergency exit lock.
- Electrical installations must include a residual current device (a device to reduce the risk of electrocution and fire by breaking the circuit in the event of a fault).

In addition, [Housing to 2040](#) set out that the affordable housing sector will be expected to introduce better indoor and outdoor space standards, zero carbon technology and digital connectivity for new build homes. This new higher baseline for housing standards will ensure that the stock across the entire social rented sector is even more healthy, safe and secure and energy efficient.

The CIH member survey and interviews with housing professionals showed there was great support for higher standards for all rented properties to ensure tenants' housing experiences and housing condition were aligned and exact.

Respondents unanimously agreed that there is no compelling case for divergence on what is an acceptable standard of housing across tenures, with regards to the physical condition of the property. There was also significant support for greater equalisation of the content of homes across the rented sector e.g. white goods and core pieces of furniture.

Higher housing standards, if present in the social sector, should typically be available in the PRS. However, it was noted that placing extensive repair and improvement requirements on older properties would run the risk of condemning much of our historic housing stock, which would be expensive to replace.

In addition, there was support from practitioners in providing greater transparency about what standards apply to all tenants, the housing outcomes they should expect and how to access complaints processes to address inadequacies. It is considered this could be encapsulated in a new Private Rented Sector Charter that is transparent about tenants' and landlords' rights and responsibilities. This idea is explored in more detail in the following chapter.

However, despite agreement on aligning physical standards and transparency about these standards across the rented sector, there was concern about the financing of new standards and the pace of change. For example it was noted that HiBS sets out an ambitious timetable for the retrofit of our current housing stock with private landlords expected to meet EPC C standards by 2028 and social landlords to be EPC B or be as energy efficient as is practically possible by December 2032. But HiBS also suggests the costs will, for the most part, be borne by landlords and homeowners. With the State only contributing (so far) £1.8bn in this Parliament out of £33bn required until 2045 to decarbonise all of Scotland's buildings, it highlights the challenge of financing this transformation of existing housing stock across all tenures.

Therefore, as we look to more exacting standards with regards to space, green space, accessibility among others, the challenge is who pays? The Scottish Government is understandably reticent to provide full financial backing for improvements in housing standards but if improvements are not funded by the State then the burden is likely to fall on tenants in the form of increased rents. A position that will undermine Scottish Government efforts to develop a [shared understanding of affordability](#) and address tenant poverty where it exists.

Additionally, if private landlords are not supported to improve standards of their properties, they may leave the sector. We recognise the number of homes in the PRS has [reduced by 30,000](#) homes after the introduction of the PRT legislation in 2017 - although the increasing popularity of short-term let is likely to be a contributory factor in the shrinkage of the sector. Of course, this may be an intended outcome for the Scottish Government as it considers the relative size and balance of the housing sector and tenures in some areas and it considers a fuller role for strategic acquisition by social landlords in order to meet the 110,000 affordable homes target. But regardless of which landlord owns the home, there is a requirement from the State to financially support new higher standards, across the rented sector.

2.2 Tenancy rights

Lifelong tenure is the heart of the offer of stable, secure housing from the social sector and more than any other element is what differentiates it from the PRS. When we consider alignment of policies, the right to an adequate home does come into conflict with a right of landlords to own and dispose of private property in the PRS. However, unless the Scottish Government wishes to create only one rental tenure (and we do not believe it does) alignment of standards must fall short of providing lifelong tenancies to private tenants. Instead, such a policy outcome is best achieved by increasing the supply of social housing as per the Scottish Government's target of delivering [110,000 affordable homes by 2032](#) and keeping social rents affordable. Any discussion on extending tenancy rights in the PRS has the risk of creating an exodus of private landlords from the rental market and in the short-term destabilising the housing experience of PRS tenants.

Instead, most feedback from the CIH survey and interviews suggest that PRS tenants are less concerned with an expansion of lifelong tenancy tenure and more about affordability, quick response time, adequate services and landlords getting it right first time. Other respondents noted that the PRT legislation has only been in effect for a relatively short time. With recent tax changes and existing Tribunal rulings incentivising landlords to leave the sector, it was suggested that more time is required before any further reforms are considered.

Nonetheless, we believe there are other measures that would support alignment of standards and rights for all tenants - but without undermining landlord confidence. This includes measure such as extending the tenancy protection available for victims of domestic abuse in the social sector to the PRS. Beyond this we want all tenants to have clarity over certain standards e.g. maintenance, decarbonisation, repair and response time, pet ownership, communication and commitment to fix first-time as part of a Private Rented Sector Charter - some of which was recommended in a recent report by the University of Stirling on how to [make a house a home in the PRS](#).

We consider that such a Private Rented Sector Charter could extend and build on the principles of the SSHC and extend these to the PRS/whole rented sector. This Charter could:

- State clearly what tenants and other customers can expect from landlords.
- Set out how tenants can hold landlords to account.
- Allow transparent assessment of how private landlords are meeting the Charter outcomes.

The challenge of such a system will be the regulation of Scotland's 242,000 private landlords. The current system of landlord registration, overseen by local authorities is relatively light touch, with landlords expected to address core building standards and relatively modest customer service standards such as using a third-party deposit scheme, annual PAT testing and addressing issues raised by tenants. A more dynamic approach to regulation that set out higher standards of service will require an appropriate cross sector regulatory body to be provided with sufficient funding to identify and address shortcomings and support enforcement.

However, these issues can be overcome and need not be onerous, this Charter could be established nationally as part of a new approach to regulation of the PRS and the establishment of the PRS regulator as set out in the Scottish Government and Scottish Green Party [cooperation agreement](#). The creation of such a body might also presume a more aligned approach to regulation in the rented sector, instead of having local authorities, the Tribunal, and Scottish Housing Regulator having distinct roles as they currently do across the private and social sector.

This governance landscape can be confusing to tenants who are uncertain where to turn to have issue addressed, in particular for mid-market rent tenants who may be unaware they have PRS tenancies, and the associated rights and responsibilities. We also believe that building on the SAL code of practice (below) would help support landlords achieve the Private Rented Sector Charter outcomes.

Scottish Association of Landlords: Code of Practice

This Code of Practice is intended to apply to member landlords managing residential properties for let. Whilst this Code intends to promote good management standards in the PRS, members are reminded that landlords renting residential property are also obliged to abide by statutory duties as outlined in relevant Housing, Fire Safety, Health & Safety and Data Protection legislation. This code should not be construed as intent to replace any statutory obligations on landlords. This code does not apply to any short term lets operated by members.

1. All tenants will be provided with a written tenancy agreement or a written statement of the terms of their occupancy at the commencement of the tenancy. This will include a contact name, address and telephone number of the landlord for the provision of serving notices and ease of communication.
2. The landlord will acknowledge promptly all communications received from the tenant and make clear their procedure for dealing with tenant complaints.
3. All disrepair in the property for which the landlord is responsible will be attended to promptly, with minimum disturbance to the tenant.
4. The landlord will respect the tenant's right to peaceful and quiet enjoyment of the property free from harassment and threat of illegal eviction.
5. The landlord will, in except of cases of emergency, give the tenant reasonable notice of not less than 24 hours in writing or 48 hours for Private Residential Tenancies (unless otherwise agreed with the tenant) when access to the property is required by the landlord or their agents.
6. The landlord will give such reasonable assistance as is required by a local authority to enable a tenant to claim housing benefit.
7. The landlord will supply the tenant with a telephone number or other means of contacting the landlord or their agent in an emergency; in particular when the landlord is absent.
8. Before proceedings are commenced, the tenant will be notified of any breach of the tenancy agreement that is to be used as a basis for legal proceedings against the tenant.
9. The landlord undertakes to explore appropriate routes to resolve disputes with the tenant by informal means before turning to formal legal proceedings.
10. The landlord will provide the tenant with accommodation (including fixtures, fittings and furnishings) that complies with all legal requirements relating to the fitness of accommodation.
11. The landlord will, when so requested, provide the tenant with a written statement of their tenancy account.
12. Where tenants pay rent weekly a rent book will be provided by the landlord. Otherwise a proper receipt will be issued whenever rent is paid direct to the landlord by cheque or cash.
13. All tenants will be treated with appropriate courtesy and respect. The landlord will always act in a fair, honest and reasonable way in all their dealings with the tenant.
14. The landlord will not refuse a tenant a reference for the purpose of securing a new tenancy, without good cause.
15. At all times the landlord will keep information about tenants confidential and only disclose such information if full consent of disclosure is obtained from the tenant.
16. Where appropriate, the landlord will obtain relevant registration under the Data Protection Act.
17. The landlord will apply for, and obtain, relevant licences and be registered with the appropriate local authority to operate as a private residential landlord in Scotland.
18. All members who operate under contract from a statutory body to provide accommodation and intend to remove tenants/occupants from properties in the event that they fail to leave are required to obtain vacant possession of properties by an order of court.

2.3 Professional standards and customer service

Landlords need to have the right skills, values, behaviours and training for engaging with customers and delivering services. When tenants interact with landlords they should expect and receive a professional service from competent and empathetic staff with the right values.

The rented sector is somewhat unique across the housing sector in that, letting agents aside, there is no requirement for staff to undertake any training or qualification. Whereas other professions associated with the housing sector such as planners, social workers, surveyors or architects, all have dedicated career pathways and are expected to achieve and maintain certain levels of education and training in order to practice as professionals.

As noted above, the [Housing \(Scotland\) Act 2014](#) made the provision for the regulation of letting agents in Scotland. This was established to improve the standards of service for those letting properties through letting agents and requires appropriate people in each letting agency to hold a relevant qualification and where necessary, additional training on letting agency work.

Letting agents are required to re-apply for registration every three years and keep their relevant training and qualifications up to date. Feedback from some landlords and letting agents suggests the current system does not necessarily work effectively as there is no meaningful enforcement and monitoring of new letting agencies that are neither registered, nor have proportionately qualified staff. There is concern that this may undermine the drive to professionalise the sector and the investment made by those letting agencies that do encourage staff to study qualifications and undertake CPD. As such, we consider there is a strong case for reviewing the impact of letting agent regulation, and what difference application of CPD requirements could make to improving the performance of private and social landlords.

From our survey and interviews we note a reticence from parts of the social sector and the private sector for any further training and education requirements to be placed on landlords and housing staff. There is a view from some social landlords that their part of the sector is adequately regulated through the Scottish Housing Regulator and through their returns on the SSHC and that if there is to be any extension of educational requirements or professional standards then it should focus on private landlords. Equally, private landlords would stress the [high satisfaction rates](#) of PRS tenants and suggest that any requirements be extended to corporate landlords such as RSLs and local authorities that manage a large portfolio of stock rather than individual landlords in the PRS.

However, with ongoing changes to the policy and regulatory environment it is crucial that all landlords and housing professionals keep themselves informed of their duties and responsibilities. It is disingenuous to consider that requirements expected of letting agents to improve their practice would not also benefit those in the rest of the PRS and social rented sector. This is especially true given the regularity of updates in guidance, codes of practice, policy and legislation.

Of course, reforms and requirements must also be proportionate and tenants should be protected against unreasonable rents associated with unnecessary landlord regulation. However, CPD costs associated with improving practice need not be expensive and they are already borne by letting agents who still manage to provide a service for tenants. Crucially, education and training is an investment in housing professionalism and better services for tenants which improves housing outcomes and provides better value for money.

The report [Change, Justice, Fairness](#) considered the performance of housing professionals in Fife with regards to services and support for victims of domestic abuse. Housing professionals admitted a lack of skills and confidence when supporting tenants experiencing domestic abuse and victim-survivors reported feeling let down by the very people who were supposed to help them.

Following the report findings, staff in Fife are now given training, e-learning and webinars on gender equality, domestic abuse, multi-agency risk assessment conferences and housing options. This has improved their skills and knowledge so they can intervene at an earlier stage to help victims of abuse and help them to make decisions about their own housing - improving tenants' housing outcomes.

A focus on CPD can help improve practice across the sector, as has been evidenced in Fife with regards to domestic abuse. It can ensure that landlords act professionally and engage with tenants in an empathic and positive way. Making a commitment to staff development and training will give landlords greater assurance about their skills and competencies and give tenants greater assurance that they are engaging with skilled professionals. This is relevant irrespective of the tenure of housing landlords work in.

At its heart, housing is a profession and those that let out homes are housing professionals, whether they work for social or private landlords. As a nation we recognise the value and importance that training and education plays in other professions such as social work, surveyors and planners as well as letting agents. But we stop short of expecting the same standards of those working in the social or private landlord sector.

As we move towards a whole rented sector we must expect higher standards of delivery from all housing professionals. Indeed we note that as part of the Social Housing White Paper the UK government has committed to a [review of qualification requirements](#) for social housing professionals south of the border. This, therefore, means ensuring there is an ongoing CPD requirement, training and qualifications so that every housing professional in Scotland has the required skills, behaviours and knowledge to do their job.

2.4 Affordability

Coming to a shared understanding of affordability has been a vexed issue for decades. [Housing to 2040](#) commits to developing a shared understanding of 'affordability' as part of the right to adequate housing. The issue of affordability is complex, not least because the housing system and housing costs vary significantly across the country. Individual circumstances are also diverse and fluid and households can move in and out of poverty as employment, income and family dynamics change over time.

There have been many previous discussions and attempts to define 'affordability' in the context of housing, and policy solutions put forward to address housing-related poverty. With many recently favouring a residual income approach which seeks common reference to the income which a household should have left over after housing costs are met to cover other costs such as food, fuel, travel, social interaction and so on.



A shared understanding enables people to be held accountable/hold each other accountable and it helps to empower tenants to ask questions of landlords and support comparison between landlords. However, there is still no fully accepted understanding of affordability across tenures or agreement on the extent to which it would require financial support from the State. Nonetheless feedback from CIH members and stakeholders has highlighted several principles that could inform the Scottish Government's approach to developing a shared understanding of affordability.

- While a shared understanding should prioritise those in the social and private rented sector, no part of housing has a monopoly on the issues of unaffordability.
- Any standard of affordability should not aim simply to stop people living in poverty but should be set at a level to enable people to live a fulfilling life with dignity.
- The social rented sector operates its rent setting policy independent of the Scottish Government. As such, any understanding must be led by the housing sector, although Government policy and resourcing should support its delivery.
- There is an important distinction between what's affordable and what's cheaper. Retaining standards is important and affordable homes need to be good quality. We must consider affordability and standards at the same time.
- Any understanding should focus on those at lower end of income distribution. A residual income measure enables a focus on the lower end of the income distribution. We should consider the use of the Minimum Income Standard, which the Scottish Government has already referenced in the latest fuel poverty definition.
- While it must be practical for landlords, a shared understanding has to have the householder at the heart. The impact on individuals of unaffordable housing should be remembered.
- Better data can inform the case for policy action/resources and strengthen understanding. Having a definition or shared understanding will better enable us to know what data we need to collect.



3. Recommendations

The Whole Rented Sector Strategy is an opportunity to improve standards and tenant experiences across both the private and social sector. Our feedback shows that tenants are mostly concerned about that the standards of home and property management is of a sufficiently high level and that rents are affordable. As such this strategy must be about more than adding regulation to the PRS but instead recognising the opportunity to combine the best standards and services from both the social and private sector to create a fairer housing system and better outcomes for all tenants.

The move towards alignment of standards across the rented sector can improve housing outcomes for tenants. But achieving lasting change across the rented sector will require tax, regulatory and other policy reforms. The exact nature of these will depend on the Scottish Government's ambition, how the scope for alignment across the whole rented sector is defined and developing a collective understanding on the case for alignment of standards and services.

Our system is complex with a multitude of factors informing wellbeing and tenant outcomes and that is why we need alignment of the rented sector to consider a wide range of issues. We must start with the alignment of standards of our homes, there is no compelling case as to why we have differentiation of home and housing standards across the rented sector.

However, tenant experience is about more than just bricks and mortar. Therefore, to capitalise on this opportunity for system change we also need to consider the opportunities for alignment on tenants' rights and transparency, regulation, professionalism, and customer service and on affordability. Some of these issues are already under consideration by the Scottish Government, but others including professionalism and customer services are notably not. Nonetheless, we see these as the key pillars to inform progressive alignment of standards across the rented sector.



On housing and home standards

- In line with the approach in HiBS, the Government should set out the ambition and timelines for the alignment of all housing standards across the rented sector. This should include indoor and outdoor space and the provision of core white goods, window dressing, floor covering etc, while also supporting tenant choice. This should be developed in consultation with the housing sector and any omission to the alignment must be by exception rather than default.
- The Scottish Government must work with the housing sector to develop new models of financing to help all landlords meet the cost of new higher standard homes for the rented sector.

On tenant rights

- The development of a Private Rented Sector Charter, setting out what tenants and other customers can expect from landlords, how tenants can hold landlords to account, as well as the behaviours tenants can expect from housing professionals. This would include standards and timescales for core repairs and maintenance, communication and other outcomes as well as extension of tenancy protection for victims of domestic abuse into the PRS.
- This new Charter should be supported by a code of practice for landlords to help them deliver on the outcomes expected, as part of the overall approach to regulation and enforcement. This would be informed by the existing voluntary Code developed by SAL.

On professionalism and customer service

- Review of professional training and development to consider the appropriate qualifications and standards for housing staff across different tenures and ongoing CPD Requirements. This should be informed by a review of what impact mandatory qualifications for letting agents have had on improving outcomes for tenants.

On affordability

- Commitment from the Scottish Government that the development of a shared understanding of affordability will be matched with resources so that landlords are supported to deliver affordable rents.
- Commitment from the Government that a move towards a shared understanding of affordability will not compromise social landlord rent setting independence.
- There is a need for better data on rent levels to inform the development of the understanding and measurement of affordability





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