



# EDINBURGH TENANTS FEDERATION

*Edinburgh's Federation of Tenants' and Residents' Associations*

## Response to Scottish Government Consultation on the RSL Adaptations Budget and Funding Criteria for 2012-2013

September 2011

### **1.0 Background**

Edinburgh Tenants Federation is the umbrella organisation for 60 tenants and residents groups in the city of Edinburgh and a Registered Tenant Organisation (RTO).

The Scottish Government recently consulted on the *Registered Social Landlord (RSL) Adaptations Budget and Funding Criteria for 2012-2013*.

A focus group representing tenants with three different landlords from the ETF Executive Committee considered the consultation paper on Tuesday 6<sup>th</sup> September 2011.

Jackie Walder, from the Housing Options and Support - Independent Living Section of the Scottish Government was in attendance to present proposals and answer questions about the consultation paper.

This paper highlights ETF members' views.

### **2.0 ETF comments on the consultation process**

ETF would like to make the following comments in regard to the consultation paper and the process:

2.1 The consultation paper focuses on gaining responses from 'professionals' and RSLs. In light of the significant budget implications for RSL tenants (on whom the burden of paying for adaptations work through rents will fall), ETF feels the approach used in the consultation is a missed opportunity for the Scottish Government to hear directly from tenants. This also does not appear to be in line with best practice in tenant participation, including the regulatory framework where tenants should be involved at the earliest possible stage in influencing issues affecting their housing and related services (including rents, and including at a national level). This best practice should apply to the Scottish Government and its working groups.

2.2 The consultation paper is light on detail and does not adequately explain past and current adaptations funding processes or criteria. The lack of explanation in the context of adaptations funding made it difficult for the focus group (of well experienced tenants' representatives) to understand some of the concepts in the paper. This meant that tenants had insufficient information to be able to make comment. For example, the issue relating to adaptations in Glasgow and Edinburgh being administered through a separate funding stream was not even alluded to in the background information. Future

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**Edinburgh Tenants Federation Norton Park 57 Albion Road Edinburgh EH7 5QY**

0131 475 2509 [info@edinburghtenants.org.uk](mailto:info@edinburghtenants.org.uk)

[www.edinburghtenants.org.uk](http://www.edinburghtenants.org.uk)

consultation work by the Scottish Government / Adaptations Working Group later in the year should take cognisance of this, and ensure that enough information is presented to enable a response from tenants.

- 2.3 The language used in the consultation paper was not easily understandable; ETF would prefer that all consultations from the Scottish Government are in Plain English.
- 2.4 ETF members questioned whether 'service users' – people who have used adaptation services in RSLs have a place on the Adaptations Working Group? ETF feels it is important that older, disabled people and tenants (who will likely be affected by changes to the funding system either in practice or in paying for adaptations) be fully able to influence the Adaptations Working Group; these groups should have a seat at the table (with independent development support if required), and would welcome clarification on this point on how their participation will take place from the Scottish Government.

### **3.0 Key themes of the consultation**

ETF is unable to respond to all of the questions outlined in the consultation paper; many are not relevant, since the consultation was directed towards RSLs. However, where comment is made, ETF's position is outlined in *italics*.

#### **3.1 General comments from ETF**

*The main issue that ETF has regarding the changing adaptations funding system (particularly if grant funding is reduced and RSLs are expected to fund adaptations) is the impact that adaptations will have on tenants' rents. It seems inevitable that RSL tenants (and almost inevitably Council tenants eventually) will have to bear the brunt of adaptations costs and maintenance in the future.*

*This is increasingly likely, particularly with an ageing population and with limited funding from Government. ETF is concerned about rent affordability, given the already high RSL rent levels across Scotland.*

*How landlords may pass this additional cost on to tenants could be potentially difficult for tenants to bear. For ETF, the concern is about whether landlords will charge tenants by:*

- i) Equally spreading the costs of adaptations and maintenance across all tenancies – a rent pooled system*
- ii) Charging those who need adaptations (perhaps as a means tested option)*

*And, whether landlords will even consult with their tenants before making such a decision.*

*Some may feel it is appropriate to charge tenants for the adaptations service, raising the question should tenants be means tested? However, ETF strongly believes that everyone who requires an adaptation should have equal access to it, irrespective of their tenure.*

*The difficulty is that the whole adaptations system is currently reactive – and until building standards for new build properties take into*

*account the needs of disabled people as standard (and until capital planning and allocations policies are better aligned to ensure the best use of stock) it is difficult to see a proactive system operating.*

*If RSLs are placed in a situation where their Business Plans will have to fund adaptations and maintenance, ETF is concerned this lead to unaffordable rents or some tenants being told they cannot have an adaptation because of budget constraints.*

*This is not joined up thinking ~ for example it may mean an individual spending a longer time in hospital than is necessary because adaptations cannot be funded, therefore ETF believe it is more cost effective to think preventatively about adaptations than reactively, and to look at budgets in a holistic way.*

### 3.2 Funding criteria and administration

**Question 1: With a funding threshold of £300, how would you maintain your current level of provision of adaptations to your tenants? What would be the implications for planned efficiencies, rent levels and your financial reserves?**

**(A funding threshold of £300 would mean that RSLs would be asked to fund adaptations costing less than £300, and would pay the first £300 of adaptations costing more than the threshold.)**

*ETF has no comment to make on this question.*

**Question 2: With a funding threshold of £500, how would you maintain your current level of provision of adaptations to your tenants? What would be the implications for planned efficiencies, rent levels and your financial reserves?**

**(A funding threshold of £500 would mean that RSLs would be asked to fund adaptations costing less than £500, and would pay the first £500 of adaptations costing more than the threshold.)**

*ETF has no comment to make on this question.*

**Question 3: With a funding threshold of £1,000, how would you maintain your current level of provision of adaptations to your tenants? What would be the implications for planned efficiencies, rent levels and your financial reserves?**

**(A funding threshold of £1,000 would mean that RSLs would be asked to fund adaptations costing less than £1,000, and would pay the first £1,000 of adaptations costing more than the threshold.)**

*ETF has no comment to make on this question.*

**Question 4: How does your organisation spend the 10% administration allowance, and what would be the impact of its removal to you, in terms of the number of adaptations provided to your tenants and the effect on planned efficiencies, rent levels and your financial reserves?**

*ETF has no comment to make on this question.*

**Question 5: Do you have any alternative proposals to changes to funding thresholds, or the 10% administration allowance, that would make the RSL adaptations budget stretch further? If yes, please provide details.**

*Regarding the 10% administration budget, it seems to ETF that if RSLs and Local Authorities had more efficient adaptation assessment and approval systems, this would assist in reducing the wastage incurred in the current system.*

*For a RSL with national housing stock; their administration processes would include dealing with different Occupational Therapy (OT) services and processes in different Local Authority areas. This seems disjointed and inefficient.*

*Perhaps administration costs could include provision for RSLs to fund their own (or share a pooled) Housing Occupational Therapist service, specifically for landlords.*

*Already, waiting times for an OT assessment are a concern for tenants – one tenant in the focus group told of his 6 month wait for an OT assessment and a further 6 months before the adaptation was complete; another tenant asked "how many people die before they see the benefit of the adaptation they require?"*

*A Housing OT Service could potentially cut waiting time for assessment, improve the quality of service and simplify the system. ETF would be interested to find out more about this model which we understand is currently in operation by East Lothian Council.*

*The Scottish Government along with RSLs should make an assessment about how model this might work, and include an assessment of resources and its social and financial impact, including whether this would free up savings in the administration budget. ETF would be interested to find out if is this in the scope of the National Working Group agenda?*

*Another possibility of reducing administration budget is the suggestion that Housing Occupational Therapists be given an adaptations budget.*

*Administration costs could also be cut by providing clear and accessible information to tenants regarding the assessment and adaptations process – by getting it right first time. And in adopting robust checks to ensure that applicant claims are truthful – there may be wastage in the system with adaptations that are not required or unsuitable.*

*The ETF focus group highlighted that for some tenants (particularly those with learning difficulties), the assessment and adaptations process is inaccessible and cumbersome. A simple process outlined in Plain English including timescales, would help tenants understand the system and potentially reduce time spent in landlord/tenant liaison (especially reducing time in repeat contacts).*

*ETF would be keen to see how 10% administration costs are currently spent by landlords.*

**Question 6: Do you have any comments on how funding is allocated between RSLs and, within that, between local authority areas? Does the way that funding is allocated create any barriers to effective use of the overall resources? If yes, please provide details.**

*ETF has no comment to make on this question.*

**Question 7: Do you have any comments on the timescales and processes for being informed of your funding allocation and for submitting claims? If yes, please provide details.**

*ETF has no comment to make on this question.*

**Question 8: Do you have any comments on requirements for monitoring and reporting of expenditure? If yes, please provide details.**

*It is important that tenants have access to information about how the RSL (and wider) adaptations budget is spent at a national and local level.*

*Tenants should be able to access information from their landlord about how much is being spent on adaptations and the type of adaptations commissioned – this may flag up any adaptations that could be incorporated into planned capital works in appropriate properties (for example – level access showers in small ground floor properties) or in improvements to allocations systems, helping to make best use of stock.*

### **3.3 Use of the RSL adaptations budget**

**Question 9: Do you have any comments on use of the**

**Adaptations budget to fund adaptations in communal areas, particularly in supported housing? If yes, please provide details.**

*The adaptation budget should be able to fund adaptations in communal areas, particularly in supported accommodation –however guidance needs to be issued relating to this, especially defining ‘communal areas’.*

*For example, if this is not fully defined, questions could be raised about who should fund adaptations such as, “Why should the Council pay for adaptations on ‘communal land’ not owned by a landlord?”*

**Question 10: Do you have any comments on the assessment of need for adaptations, and whether current processes are consistent; enable you to prioritise; and work as well as they could in enabling timely provision of adaptations? If yes, please provide details.**

*See previous comments under question 5 relating to savings that could be made if the assessment process was more streamlined.*

**Question 11: Do RSLs with large numbers of older and disabled tenants, or with a lot of supported housing, face particular issues in providing adaptations? If yes, please provide details.**

*ETF members’ commented that landlords with a high proportion of specialist housing (older, disabled or supported accommodation) would have particular issues in providing adaptations including;*

- *Ensuring that tenants with support needs are assisted throughout the assessment and adaptations process*
- *A higher proportion of tenants who may have complex needs and require more intense assistance resulting in disproportionately high administrative costs.*
- *Disproportionately high capital adaptations costs (and maintenance costs) due to the number of tenants with particular adaptation needs.*

*ETF comments that specialist housing providers may feel a greater impact on any proposed national adaptation budget cut, due to the type of properties they provide and the specialist needs of their tenants.*

*The national adaptations budget should be allocated by need. ETF would be concerned if tenants in specialist housing (with proportionally higher adaptations costs) be unduly and disproportionately affected by rent increases because of their need for adaptations.*

**Question 12: Does the funding of adaptations in Edinburgh and Glasgow through a different funding stream present any issues for your organisation, in terms of efficiency or effectiveness? If yes, please provide details.**

*Insufficient information provided in the consultation paper. ETF has no comment to make on this question.*

**Question 13: Do you have any comments on procurement processes, and whether they could be undertaken differently to provide adaptations more efficiently? If yes, please provide details.**

*ETF is unclear whether national procurement systems (Scotland Excel) are available for RSLs to use, and whether adaptations and assistive technologies are available on its collaborative contract register.*

*If not – this would seem a way forward in reducing the costs for RSLs.*

*In addition, the suggestion that ETF made in question 5 about pooled Housing Occupational Therapist services, could be a new way of procuring OT assessments.*

**Question 14: How do you fund the maintenance of adaptations and, to what extent do you re-use adaptations?**

*ETF fully supports the better use of, re-use and recycling of adaptations.*

**Question 15: Do you use your own resources to provide adaptations for your tenants? If yes, in what circumstances?**

*ETF has no comment to make on this question.*

**Question 16: Are there any ways in which the current management of the RSL adaptations budget inadvertently acts against our policies of supporting independent living, or doesn't provide the best use of resources? If yes, please provide details.**

*ETF has no comment to make on this question.*

**Question 17: Do you have any comments on any other issues related to RSL adaptations budget, which aren't covered above? If yes, please provide details.**

*These additional comments made by ETF are more general in nature*

*related to the Adaptation Budget and processes. Some also contain points of clarification which could be included in any forthcoming consultation by the Adaptations Working Group.*

#### *Assessing budget need*

*Is bidding for the adaptations budget currently based on need or on speculative information? Projections may be under or over actual need – what is the process for forward planning this need and does the adaptations budget fully fund the need?*

#### *Holistic budgets*

*It is positive that people are being encouraged to live independently, which should save costs in the long term – but services needs to take a more joined up approach – the Christie Commission will be crucial in taking this forward. The Scottish Government should take a holistic view to adaptations, housing and health benefits and invest in preventative measures.*

#### *Who should pay for adaptations?*

*ETF members had strong views that **if** RSLs in future have to fund adaptations above a certain level, that rents should be pooled to cover costs rather than added as an individual service charge to individual tenants. ETF is concerned that landlords may not specifically consult with tenants regarding the issue of rent pooling for adaptations.*

*Disabled and elderly tenants are likely to be the most adversely affected groups by the impact of the Welfare Reform Bill – there appears to be a cumulative and disproportionate impact on the most vulnerable and this will be exacerbated if rents increase because RSLs may have to pay for adaptations.*

*Questions remain about how adaptations would be funded, and how this funding may be administered by RSLs taking into account housing benefit levels and other changes in the Welfare Reform Bill.*

#### *Who should pay for maintenance of adaptations?*

*There was a feeling of inevitability that tenants' rents will in the future have to cover the costs of maintaining adaptations if RSLs have to pay the capital costs. However, the additional burden on top of capital costs of the adaptation – may be unaffordable for tenants.*

*ETF would prefer that maintenance is funded through the adaptations budget – however the danger of this is that the budget may run out meaning that adaptations that are required cannot be carried out.*

#### *Monitoring the Adaptations Budget*

*Will the RSL adaptations budget be ring fenced by RSLs for use in adaptations?*

*Is the Scottish Government monitoring how the money for adaptations has been spent by Glasgow and Edinburgh and by Local*

*Authorities?*

*This is especially important as services come under continued pressure. Local Authority Social Work departments who traditionally run OT services are being cut so the pressure on the system and waiting lists are increasing and the perceived quality of service is decreasing. Speaking of pressure on budgets, one tenant commented, "In Edinburgh, residents may well be asking is the money for adaptations going to be spent on paying for the trams?"*

*What happens if there is a surplus or deficit in RSL adaptations funding – strategically and locally?*

*Better use of housing stock*

*ETF welcomes the argument for a better use of housing stock, and to re-use or recycle adaptations once no longer required. We would also welcome landlords linking adapted properties to allocations policies in a more strategic way – so that the tenants who require adaptations receive them. We would also welcome strategic thinking about planned maintenance programmes and new build planning regulation standards taking into account the need for our ageing population.*

*Information for tenants and planning ahead*

*"We need a simpler adaptations system for the most vulnerable", a telling comment from one of the ETF focus group members.*

*The ETF focus group highlighted that tenants require information in relation to the OT assessment process. Simple details like how long the process will take, who to contact, what to do if the process goes wrong – would all help tenants to understand the process. ETF members felt strongly that if there was a joined up process, with clear national service standards, adaptations would be more efficient. As one tenant commented, "Tenants may be willing to take a hit on rents if the service is more streamlined, quicker and better quality."*

*In addition, ETF highlights that landlords should give tenants more support in planning for their future – with advice and information – "the system is too reactive and should be more proactive in supporting tenants for a long term plan." This could be included when RSLs are letting properties –by linking the Scottish Secure Tenancy to a review of tenants' circumstances assisting tenants to plan for the long term.*

*Linked to this, if an individual has good support networks in their local area they should be encouraged to stay in their local area in a property suitable to their needs (possibly using sensitive letting policies). Moving home may cost more money and social networks may be diminished – costing more for social care services. Again, in this respect, landlords and health agencies along with the Scottish Government should take a holistic view to adaptations, housing and health benefits and invest in preventative measures.*

Adaptations legislation

*ETF questions whether there are plans to make RSLs legally bound to pay for adaptations? Perhaps as an extension to the Scottish Housing Quality Standard – to ensure that tenants are not refused necessary adaptations because of funding issues?*

Practical issues: some questions

- ✓ *Can a tenant arrange their own adaptation? Should they be allowed to? And if they can – what happens when they move or die – would they (or their estate) be reimbursed for the adaptation?*
  
- ✓ *Can tenants who live in mid market rent, shared equity or Private Sector Leasing properties access adaptations and how is the process streamlined to ensure it works efficiently?*