



Briefing 20/27

April 2020

COVID-19: Guidance for social landlords

To: Scotland

For info: Contacts from England, Wales and Northern Ireland.

This briefing will be of particular interest to officers with responsibility for housing and building maintenance.

Key Issues

In response to the COVID-19 pandemic Scottish government have issued guidance on 18 March 2020 for social landlords.

1. Introduction

In response to the COVID-19 pandemic the Scottish government have issued guidance for social landlords.

This short briefing outlines a summary of the key points which include how to look after staff and what steps to take if unable to carry out a service, such as a gas service or safety check. The full guidance can be found via the following link:-

[COVID-19 - Guidance for social landlords](#)

2. What advice should you give to your staff?

The guidance highlights that immediate action should include circulating Government Guidance to staff. The guidance also notes that NHS Scotland have developed a communication toolkit containing a poster, video and social media posts for organisations to print and share, [Download the coronavirus \(COVID-19\) communication toolkit](#).

The guidance also asks all to consider how you might be able to support staff with their health and well-being, particularly in a period where a prolonged shutdown of the office may be necessary and confirms this might include testing options for virtual 1:1s and team meetings.

3. What practical steps can you take now to support your business continuity efforts?

In order to support this, the guidance advises all to make sure that they keep up to date with the advice from government and health authorities. The guidance also highlights that:-

- It is important to ensure your business continuity / resilience plan is up to date and accessible to all who may need it.
- You may want to test your plans, simulating your continuity plan in advance of having to action it to ensure all staff fully understand what is required of them.
- You may want to audit the ability of your staff to be able to adopt agile or remote working.
- Establish the contingency arrangements for your contractors and suppliers.
- Consider how you will communicate any changes to services to your tenants and service users, and how you will respond to any enquiries they may make.

The guidance notes that the SFHA is working to provide a closed digital space for the sector to share learning, activities, documents and good practice; and develop sample templates and materials as appropriate and necessary. It confirms that further information will follow separately regarding this.

4. What should you do if you are unable to deliver a particular service, such as a gas service and safety check or undertake an emergency repair, because a tenant is self-isolating; has the virus and refuses to give entry or because your contractor does not have people available due to sickness levels amongst staff?

The guidance advises that you should use your best efforts to deliver the service, undertake the safety check or make the repair and in the case of the contractor being unable to attend, you should use your best efforts to source an alternative provider. Noting that your own or your contractor's business continuity plan may have provision for this.

However, if you are unable to do so in either case :-

- You should record this fact and that this is related to the Coronavirus Covid-19 outbreak.
- You should consider retrying as soon as is possible and appropriate, having full regard for advice on self isolation, hygiene and distancing and make sure that you reflect the level of such instances in your performance reporting.

The guidance confirms that in all cases you will want to maintain good communication with tenants affected so they are clear on what action you are taking and the timescales for this.

5. If you need to move to doing only essential repairs, can you suspend Right to Repair?

The guidance states that you can suspend Right to Repair in circumstances which you or your contractors have no control over and which make it impossible to do the repair within the maximum time set out. It highlights that you must advise your tenants if you are suspending Right to Repair.

6. Should you pause all evictions during the outbreak?

The guidance states that you will have clear processes for managing tenancy issues which, if unresolved, could lead to eviction action as a last resort. You should manage each case individually, providing advice and support, including financial advice, to help tenants to sustain their tenancy.

It highlights that Scottish Government has called on all landlords not to evict a tenant because they have suffered financial hardship due to coronavirus and is actively considering how best this can be addressed, and on what wider measures can be put in place to support people against the economic impacts of coronavirus. It notes that Scottish Government will aim to make further announcements on this as soon as is possible.

The guidance also provides advice regarding people affected by coronavirus who are concerned about paying their rent. It confirms that individuals can claim Universal Credit from the Department for Work and Pensions which includes support for housing costs, if eligible. Noting that the [UK Government has introduced some temporary changes to make this easier](#).

7. What should you do if you start to see significant disruption to service levels?

The guidance advises that you will want to ensure that as far as reasonably possible they manage any impact on services and ensure that outcomes for tenant and other service users are maintained where possible.

It highlights the importance of maintaining a record of which tenants, service users or residents are affected by such a disruption. This is so that you know to retry at the earliest opportunity, and so you can monitor, assess and report on the impact of the outbreak on your operations.

It states that you should notify the Regulator of any significant disruption to service levels. The Regulator will monitor the impact of Coronavirus-Covid-19 on social landlords and will report any significant impact to the Scottish Government. This will also apply if this will impact on your capacity to meet the timescales for the submission of data returns to the Regulator.

8. What services should you prioritise if the impact of the outbreak is such that you do not have the capacity to deliver all services?

The guidance states that it will be important for each landlord to make these decisions having regard to their own situation, the characteristics of their tenants and service users and local circumstances. You should take a risk-based approach as the situation develops, and should keep the position under constant review. Clearly, actions and services which relate to the health and safety of their tenants will be of primary importance. You should consider how you will advise tenants and service users about any changes in services.

It goes on to state that you should notify the Regulator if you have to suspend the delivery of services. The Regulator will monitor the impact of Coronavirus-Covid-19 on social landlords and will report any significant impact to the Scottish Government.

9. What should you do if your governing body cannot meet because of advice to avoid such gatherings or because you cannot achieve a quorum because members are unwell with Coronavirus Covid-19?

The guidance advises that:-

- You may want to consider holding meetings remotely using teleconferencing or videoconferencing.

- You may want to consider temporarily amending your standing orders and delegated authorities to provide appropriate arrangements to make essential decisions in the situation where your governing body cannot meet or cannot achieve a quorum.
- You should get appropriate legal advice to help you achieve this.
- You should ensure that you maintain a clear record of the use of such delegated powers to allow your governing body to monitor and evaluate the use of such powers and the decisions that are being made.

10. What should you do if you have a planned engagement with the Regulator, but think you are having to divert resources to manage the impact of Coronavirus Covid-19 outbreak?

The guidance advises that the Regulator notified landlords on 18th of March that it is postponing all but the most critical regulatory engagements to allow landlords and the Regulator to focus on the most serious existing risks or those that emerge from the current pandemic.

In addition, it states that the Regulator recognises the importance of social landlords responding effectively to manage and mitigate the impact of the outbreak on their operations and to safeguard the interests of their tenants, people who are homeless and other service users. It appreciates that this may mean that landlords may have to prioritise that work over other more routine activity.

11. How will the Regulator react if our performance shows a deterioration as a consequence of the impact of the Coronavirus Covid-19 outbreak?

The guidance confirms that the Regulator notified landlords on 18th March that they are moving their focus to monitoring the impact of Coronavirus on social landlords. It is postponing all but the most critical regulatory engagements to allow landlords and the Regulator to focus on the most serious existing risks or those that emerge from the current pandemic.

It continues to confirm that the Regulator has said that it will take account of the impact of Coronavirus Covid-19 reported by a landlord when it assesses the landlord's performance in the annual risk assessment. This is why it is important that you maintain a record of the impact of the outbreak on your delivery of services, and that you notify the Regulator of any significant service disruption or financial impact as a consequence of Coronavirus Covid-19.

12. Given the vulnerable nature of some HAs providing care homes, homecare and related support services, what is the guidance regarding contingency plans that would support services if faced with a situation where the necessary staffing requirements cannot be fulfilled in order to provide safe and sufficient care. e.g. nursing care, personal care and feeding / fluid intake assistance?

The guidance advises that public health guidance for social care settings was published regarding this. This information may have been updated or superseded therefore please [click here](#) for the latest information.

Locally, local business continuity plans and service prioritisation arrangements to establish how to move your resources accordingly are being reviewed. Further practical guidance for use in different social care settings,

including guidance for the social care workforce will be issued in the coming days to support local arrangements.

13. Are there contingency arrangements should local authorities or other providers not be in a position to provide Support and Domiciliary Care services?

The guidance confirms the same information as section 12 above, in that local business continuity plans and service prioritisation arrangements to establish how to move your resources accordingly are being reviewed. Further practical guidance for use in different social care settings, including guidance for the social care workforce will be issued in the coming days to support local arrangements.

APSE COMMENT

APSE has set up a COVID-19 Information Hub to deal with frontline service issues as they arise; ensuring greater resilience and learning between each other during this difficult time.

Details can be accessed via the following link:-

[COVID-19- APSE information hub](#)

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