

Scottish Housing Regulator
Buchanan House
58 Port Dundas Road
Glasgow
G4 0HF

Date: 23rd September 2021

Dear Sir/Madam,

East Lothian Council – Annual Assurance Statement

Subject to the areas detailed below, we can confirm that the Council complies with the regulatory requirements set out in Chapter 3 of the Regulatory Framework. This includes that we:

- ❖ Achieve all of the standards and outcomes in the Scottish Social Housing Charter for tenants, people who are homeless and others who use our services.
- ❖ Comply with our legal obligations relating to housing and homelessness, equality and human rights, and tenant and resident safety.

The following areas are highlighted:

Annual Gas Safety Inspections

Properties where tenants were shielding for Covid-19 purposes from 21 January 2021 led to access being denied for the annual gas safety check. All properties unable to be accessed were re-booked in accordance with HSE & Gas Safe advice. These properties were all accessed by 27 April 2021 and at this date we again became fully compliant. This was due in full to Covid-19.

Reporting against all the protected characteristic groupings

We do not currently collect and hold data for all of the protected characteristics specified by the Equality Act 2010. In dealing with the pandemic, both operationally and in developing new ways of working, the Council has been unable to advance work around the data capture and reporting against all of the protected characteristic groups under the new regulatory framework. This is due in part to Covid-19. We plan to review the guidance on “Collecting equality information: National guidance for Scottish social landlords” produced in August 2021 and consider what changes need to be made to our processes.

Interlinked Fire Alarms and Electrical Safety Inspections

New legislation requires all homes in Scotland to have interlinked fire alarms by February 2022 and full electrical safety checks by March 2022. The Council is undertaking work to meet these target dates but is experiencing high inaccessibility rates for the installation of interlinked fire detection systems and cyclical electrical safety checks. A global letter to all tenants is in production highlighting the importance of allowing access and staff are continuing to engage with tenants to gain access to such properties, with a particular focus on those properties deemed to be at higher risk.

The Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2020

The Order comes into effect on 1 October 2021 and from this date the Council will not be able to meet its statutory obligations in respect of temporary accommodation provision and will be in breach of the Order. The Scottish Government are fully aware of the challenges faced by East Lothian Council and there is ongoing and proactive engagement in this regard. The Council has committed to preparing an action plan for submission to the Scottish Government and COSLA by 20 September 2021 with monthly reviews thereafter, alongside submitting RAG status data as part of the Early Warning System. The plan and subsequent updates will contribute to establishing an evidence base around key challenges, steps taken towards compliance and demonstrate positive progress. The action plan will be shared with the Scottish Housing Regulator and will be helpful in responding to any potential challenges regarding reported breaches. The Council will also take cognisance of the Homeless Persons (Unsuitable Accommodation) (Scotland) Amendment Order (No. 3) Order 2021, which provides further clarity on the extended Order and comes into effect on 1 December 2021.

General

Although other services were restricted because of the Scottish Government's response to the Covid-19 pandemic, we do not view these restrictions to be in breach of the regulatory framework.

We confirm that we have seen and considered appropriate evidence to support the level of assurance.

We approved our Annual Assurance Statement at our Audit and Governance Committee on 21 September 2021.

I sign this statement on behalf of East Lothian Council's Audit and Governance Committee.

Yours sincerely

Duncan Stainbank
Service Manager – Internal Audit