

Scottish Housing Regulator
2nd Floor
George House
36 North Hanover Street
Glasgow
G1 2AD

Date: 25 October 2023

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

During 2022/23, 12 properties failed to have a gas safety check completed within 12 months of a gas appliance being fitted or its last check. The worst case was missed by only 26 days. Each of these cases represent Covid-19 positive cases and a decision was made to manage and monitor these individually and only enter properties once the entire household were symptom free. All properties became fully compliant with Gas Safety Regulations by 23 January 2023.

Interlinked Fire Alarms and Electrical Safety Inspections

New legislation required all homes in Scotland to have interlinked fire alarms by February 2022 and full electrical safety checks by March 2022. The Council has continued to dedicate increased resource and spend to the respective fire and electrical safety programmes, however the Council is not yet fully compliant. At 31 March 2023, there were 84 (0.9% of total stock) non-compliant properties in respect of fire safety (Smoke, Heat & CO detection) and 155 (1.7% of total stock) non-compliant properties for electrical installation inspections (EICRs). These non-compliant properties represent the Council's most challenging stock both in terms of tenancy management and/or technical issues. For those properties subject to at least two planned failed access attempts, a compulsory access project was introduced in October 2022; access has now been gained to these properties and the wider housing division are working alongside social workers, Police Scotland and SPEN to complete the necessary works. As at the end of quarter 1 of 2023/24, there were only 12 alarm (0.13%) and 33 EICR (0.36%) non-compliant properties remaining, which the Council is continuing to pursue in conjunction with internal and external partners.

Reporting against all the protected characteristic groupings

The Council currently collects and holds data for some, but not all, of the protected characteristics detailed in the Equality Act 2010. Final guidance on "Collecting equality information: National guidance for Scottish social landlords" was produced in March 2022, and the Council has significantly

progressed work around reporting against all the protected characteristic groupings. The Housing IT systems have been modified to capture this information and the new Housing application form that will gather the information is currently in the final stages of production. Staff training around this requirement is also being organised over the coming months. Full compliance is anticipated by the end of the 2023 calendar year.

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

The Order came into effect on 1 October 2021 and from this date the Council was not able to meet its statutory obligations in respect of temporary accommodation provision and was in breach of the Order. The Scottish Government are fully aware of the challenges faced by East Lothian Council and the SHR's Engagement Plan in place for East Lothian Council is focused on the Council's provision of temporary accommodation to people who are homeless. There is ongoing and proactive engagement in this regard. The Council continues to work hard to mitigate these breaches through new supply (new build and open market acquisitions), high numbers of allocations to homeless households, use of the private rented sector where available, the use of shared tenancies etc. amongst a range of other initiatives. However, demand continues to outstrip supply and this pressure necessitates the need to source additional accommodation outwith the framework, which will often breach the order. For the period between 1 August 2022 and 31 July 2023, 743 new homeless cases had been opened and 133 breaches of the Unsuitable Accommodation Order had been reported.

General

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 26 September 2023.

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

Yours sincerely,

Duncan Stainbank
Service Manager – Internal Audit