

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

Date: 5th October 2022

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

Due to tenants and engineers testing positive for COVID-19, 129 properties (1.5% of the total) did not get inspected within the annual period between 1 April 2021 and the 31 March 2022. COVID-19 issues are reducing and at the 9 August 2022 there were currently 19 properties with inspections not completed in the appropriate time. All properties are having appointments rescheduled and inspections will be undertaken as soon as possible.

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 Covid-19 pandemic, both operationally and in developing new ways of working, the Council had been unable to advance work around the data capture and reporting against all of the protected characteristic groups under the new regulatory framework. Final guidance on “Collecting equality information: National guidance for Scottish social landlords” was produced in March 2022, which the service area is currently reviewing, and the Council is currently implementing a new Housing System, which will have the ability to collect and hold all required data.

Interlinked Fire Alarms and Electrical Safety Inspections

New legislation required all homes in Scotland to have interlinked fire/heat alarms by February 2022 and full electrical safety checks by March 2022. The Council has been undertaking significant work to meet these target dates, however due to the impact of Covid-19 on contractor resourcing, material supply chain issues and high inaccessibility rates, the Council is not yet fully compliant. A letter has been sent to all tenants 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 moratorium on forced entry has been lifted and work is ongoing to develop a management arrangement and accompanying procedures to allow forced access to be restarted. At 12 August 2022 a total of 531 properties (6%) had not yet had interlinked fire/heat

alarms fitted and 1,794 properties (20%) had not yet had full electrical safety checks completed, from a total housing stock of 9,048.

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 there is ongoing and proactive engagement in this regard. The Council has prepared an action plan for submission to the Scottish Government and COSLA, alongside submitting quarterly / monthly RAG status data as part of the Early Warning System as required. The plan and subsequent updates have contributed to establishing an evidence base around key challenges, steps taken towards compliance and demonstrate positive progress where appropriate. The action plan has been shared with the Scottish Housing Regulator. The Council has also taken cognisance of the Homeless Persons (Unsuitable Accommodation) (Scotland) Amendment Order (No. 3) Order 2021, which provides further clarity on the extended Order and came into effect on 1 December 2021. For the period between 1 October 2021 and 31 July 2022 540 new homeless cases had been opened and 134 breaches of the Unsuitable Accommodation Order had been reported.

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 20 September 2022.

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

Yours sincerely

Duncan Stainbank
Service Manager – Internal Audit