

EQUALITY IMPACT ASSESSMENT - RESULTS

Title of Policy	Implementation of provisions to enable landlord applications to the Private Rented Housing Panel (PRHP)
Summary of aims and desired outcomes of Policy	<p>Section 35 of the Private Rented Housing (Scotland) Act 2011 introduced provisions giving landlords the right to apply to the PRHP for assistance in exercising their right of entry in respect of the repairing standard.</p> <p>The aim of the policy is to support landlord's in gaining access to their properties for purposes of meeting their legal duties under the repairing standard.</p>
Directorate: Division: team	Housing, Regeneration and Welfare: Better Homes Division: Private Rented Sector Policy Team

Executive summary

The results of this EQIA demonstrate that there are no potentially negative impacts of the proposals on equality groups within the PRS. This assessment did indicate that some vulnerable tenants may have difficulty in asserting their rights, with some equality groups being more likely to experience problems than others.

The findings of this EQIA did highlight potential benefits for vulnerable groups within the PRS, in terms of benefitting from improved property condition.

Background

The Repairing Standard, contained in Part 1 Chapter 4 of the Housing (Scotland) Act 2006, covers the legal and contractual obligations of private landlords to ensure that a property meets a minimum physical standard. The Private Rented Housing Panel (PRHP) can help tenants to enforce the repairing standard, where the landlord has failed to make necessary repairs .

A landlord has a legal right of entry to inspect a property for the purpose of checking that it meets the repairing standard, and also for the purpose of making repairs so that the property is compliant with the repairing standard. Landlords often express concern about difficulties in obtaining entry to their properties for the purposes of carrying out repairs or inspections, despite having a statutory right of entry in relation to the repairing standard.

The aim of the policy is to enable a landlord to apply to the PRHP for a panel member to assist a landlord exercise their legal right of entry to a property where attempts to access the house have been unsuccessful. This will normally be due to the tenant having refused access.

The expectation is that in most cases the intervention of an independent third party (who will liaise between tenant and landlord) will result in access being granted to the landlord, without the need for the landlord to take legal action.

The Scope of the EQIA

The likely effects of the policy were informed by a range of evidence, including full public consultation and stakeholder engagement on the content of the Private Rented Housing (Scotland) Bill. Furthermore, Scottish Government Housing Policy officials and Analytical Services colleagues also examined evidence from a range of studies, reports and surveys, including:

- The Scottish Government's 2009 Review of the Private Rented Sector. This provided a detailed primary evidence base on the sector in Scotland, including information relating to the protected characteristics (vulnerable groups).
- The Trans Mental Health Study 2012. This provides information on tenant representation and housing experiences in the PRS

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- The Scottish Government's 2013 Evidence Review of the Private Rented Sector Tenancy Framework in Scotland. This provided an overview of some of the key issues relating to the private rented sector in Scotland.
- Homeless Action 2013 and Youth Homelessness in Scotland 2013 Surveys. These surveys provide information on housing experiences of tenants in the PRS.
- Results from the 2014 Scottish Household Survey. Scottish Government Analytical Services provided further analysis of these with regard to protected characteristics.
- Results from the 2012 Scottish House Conditions Survey. This provides further detail of the physical condition of housing stock.
- Analysis of Equality Results from the 2011 Census – Part 2. This data provided further information regarding the profile of tenants across equality groups within the PRS.

Key Findings

Examination of available evidence during the EQIA process highlighted a number of key findings.

The 2009 review found that there were a higher proportion of young people in the PRS. Almost 80% of licenced Houses in Multiple Occupation were occupied by students, who were more willing to live in poor conditions, to save money and live in a their location of choice.

Older tenants were less likely to want to move, and were more likely to have stayed in their homes for a longer period. Research undertaken in 2014 as part of the tenancy review showed that longer term tenants tended to experience more major problems around property condition and getting repairs done.

Tenants with a disability or long term illness, relative to other groups in the private rented sector, are more likely to be dissatisfied with their home. Although a tenant has a right to proportionate modifications to their home, consultation analysis highlighted a common view that the potential for a tenancy to be ended made some tenants reluctant to press landlords for property repairs or adaptations.

Ethnic minorities are more likely to be living in private rented accommodation. Migrant workers are more likely to be living in overcrowded, unsafe and sub-standard private rented housing. About 5%

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of private rented properties are owned by landlords from non-white ethnic groups.

As one indicator of property condition, people who recorded as certain ethnic groups were the most likely to have no central heating; White Scottish Households were the least likely to have no central heating.

A small proportion of individuals who identified as Church of Scotland and Roman Catholic rented privately or lived rent free (7% and 13% respectively). This compared to 54% of Hindus, 30% Buddhist, 28% Muslim, 20% Jewish and 17% Sikh. Almost 90% of Hindus who rented their home did so through a private landlord.

The Scottish Household Survey 2014 found that only 55% of households recorded their ethnicity as white Scottish.

While there are sources of data on the composition and characteristics of tenants within the PRS in Scotland, similar information on landlords is not routinely collected. Despite a lack of statistical information, we have used the EQIA to consider the how the proposals impact on landlords with protected characteristics within the PRS and do not consider there to be any negative consequences.

The Scottish Government has found that none of the PRS proposals are discriminatory and has found no significant issues that will impact negatively on any of the various equality groups.

The policy is intended to lead to improvements in property condition for people in all the equality groups in the PRS in Scotland. However, there may be more positive impacts for people in some equality groups or for vulnerable tenants who may have previously been reluctant to allow a landlord to enter their property. Reasons for refusing access could be varied, for example, due to fear of harassment or discrimination, lack of awareness of the landlord rights, or where language may be a barrier to effective communication.

The policy will provide assurances to tenants and landlords that landlord applications will be processed in a consistent and fair way by the PRHP. For example, a landlord application to the panel must not be accepted by the panel member if:

- it is vexatious or frivolous;

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- if the landlord is not registered (thereby not shown to be a fit and proper person);
- if the application has been made by the landlords for purposes other than the repairing standard.

In addition, the tenant will have the opportunity to make representation to the panel member as to why it would be inappropriate or unnecessary for the landlord to be given access to the property, at the proposed time.

To alleviate any concerns about accessing the property, the tenant and landlord may request a panel member to attend at the house at the time agreed or fixed for the landlord to have access. The panel member may also decide to stop assisting the landlord at any time if it thinks it appropriate to do so.

Recommendations and Conclusion

The EQIA process did not highlight the need for any major changes to the policy. However, to make the process generally more accessible to tenants and landlords the policy has been broadened to enable communications to be made electronically with the use of electronic signatures . Information and advice on the new policy will also be developed and promoted to stakeholders, and will be made available in a range of languages and formats.

As no equality issues were identified, there will be no formal monitoring of the policy on equality grounds at Scottish Government level. However, we would expect any equality issues arising to be notified to the Scottish Government by the PRHP and as part of the PRHP annual reporting process.