

## Coronavirus Covid-19 and Social landlords

**Q: Where can we get advice on responding to the Coronavirus Covid-19 outbreak?**

A: You should keep up to date with and have regard to the latest advice from Government, the NHS and the Chief Medical Officer. The position is changing on a daily basis and therefore it is important to check that advice regularly.

- [Scottish Government advice](#)
- [Public health advice](#)
- [Latest advice and information from the UK Government](#)
- Health Protection Scotland has published guidance to support those working in non-healthcare settings give advice to their staff and users of their services about COVID-19. In particular section 1.2 has [information on how to prevent spread of infection in the workplace](#).
- [Further public health information for your staff and tenants](#).

**Q: What advice should we give to our tenants on the outbreak?**

A: You should refer tenants to the advice as above.

**Q: How can I support my tenants if they are in financial difficulty or are worried about being able to pay their rent over the coming months?**

A: It is important you encourage your tenants to contact you as soon as possible if they are in, or think they will be, in financial difficulty and unable to pay their rent.

Tenants affected by coronavirus who are concerned about paying their rent can claim Universal Credit from the Department for Work and Pensions which includes support for housing costs, if eligible. The UK Government has [introduced some temporary changes](#) to make this easier. If a tenant is getting Housing Benefit or Universal Credit, but still can't afford their housing costs, they may be eligible for a Discretionary Housing Payment (DHP). [Further information on DHPs and how to apply](#). Further support is available for people on low incomes from the Scottish Welfare Fund if facing an emergency situation.

The Scottish Government has put together [information and advice for tenants](#) during coronavirus.

**Q: What advice should we give to our staff?**

A: Immediate action should include circulating Government Guidance to staff. 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 (<https://www.nhsinform.scot/media/2973/coronavirus-comms-assets-02032020.zip>)

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. This might include testing options for virtual 1:1s and team meetings.

**Q: What practical steps can I take now to support our business continuity efforts?**

A: Firstly, make sure that you keep up to date with the advice from government and health authorities. It is important that you 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. Finally, 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.

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. Further information will follow separately.

**Q. What if we cannot fulfil our legal obligations to provide regular gas safety inspections?**

A: You should refer to, and follow, the HSE advice setting out what it considers best endeavours. Read the [latest guidance for landlords and Gas Safe engineers and inspectors](#) from the HSE.

Due to the current health emergency, the Scottish Government would like to see the postponement of the annual gas safety check to ensure the spread of the Covid-19 virus is reduced. However, the Scottish Government recognises that the annual gas safety regulations are reserved to the UK Government and we cannot change them. The Minister for Local Government, Housing and Planning has written to the Secretary of State for Housing, Communities and Local Government and the Health and Safety Executive (HSE) urging them to take a pragmatic and proportionate approach by providing a temporary extension of the statutory obligations for gas safety in light of the public health emergency.

**Q: What should we do if we 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 or has the virus and refuses to give entry?**

A: You should use your best efforts to deliver the service, undertake the safety check or make the repair. However, if you are unable to do so 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.

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.

**Q: What should we do if we are unable to deliver a particular service, such as a gas service and safety check or undertake an emergency repair, because our contractor does not have people available due to sickness levels amongst its staff?**

A: You should use your best efforts to source an alternative provider – your, or your contractor's, business continuity plan may have provision for this. However, if you are unable to do so 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.

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.

**Q: If we need to move to doing only essential repairs, can we suspend Right to Repair?**

A: 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. You must advise your tenants if you are suspending Right to Repair.

**Q: Should we pause all evictions during the outbreak?**

A: 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.

In recognition of the severity of the situation we now find the country in, the Scottish Government has passed emergency legislation to protect renters in Scotland during the Covid-19 outbreak. The Coronavirus (Scotland) Act 2020 protects tenants in Scotland from any eviction action for up to 6 months. This applies to both the private and social rented housing sectors and ensures the position is absolutely clear for all landlords and tenants in Scotland.

This new legislation temporarily extends the amount of notice landlords must give when ending a tenancy. In most cases landlords will now need to give tenants 6 months' notice, unless they are ending the tenancy for particular reasons, including antisocial and criminal behaviour by the tenant where the notice period is 3 months.

Where a property has been abandoned by a tenant and, in a limited number of Short Scottish Secure Tenancies cases which are coming to an end, and where the landlord wishes to end the tenancy the notice period will remain.

The new law applies in cases where a landlord serves notice on their tenant on or after 07 April 2020. Where a landlord has served notice on their tenant before 07 April 2020, the changes in the new law do not apply.

The full [guidance on the Act](#) and specific [information for tenants](#) are available. We have also on launched a social media campaign to make tenants aware of these changes.

**Q: Should we be allocating properties at this time?**

**A:** There are significant challenges in bringing empty properties back into use at this time, such as social distancing requirements, reduced workforces, non-prioritisation of new connections by utility companies, and difficulties furnishing properties. Most landlords have suspended allocating properties and mutual exchanges at this time.

However, during the crisis, where practical barriers can be overcome, and safe working practices including social distancing can be implemented, continuing to allocate properties during the pandemic will make properties available for people in extreme need. Further information providing options and issues to consider in bringing void properties into use for extreme needs will be issued shortly.

**Q: What should we do if we start to see significant disruption to service levels?**

**A:** 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 is important that you maintain 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.

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.

**Q: What services should we prioritise if the impact of the outbreak is such that we do not have the capacity to deliver all services?**

**A:** 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.

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.

**Q: What should we do if our governing body cannot meet because of advice to avoid such gatherings or because we cannot achieve a quorum because members are unwell with Coronavirus Covid-19?**

**A:** 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.

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 decision that are being made.

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

A: The Regulator has recognised 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. So, the first thing you should do is contact the Regulator to highlight the situation and to discuss your landlord's position. The Regulator may agree to postpone the regulatory engagement if the circumstances require that.

This will also apply if this will impact on your capacity to meet the timescales for the submission of data returns to the Regulator.

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

A: The Regulator notified landlords on 18<sup>th</sup> 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.

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.

**Q: 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?**

A: Public health guidance for social care settings was published on 2<sup>nd</sup> April:  
<https://www.hps.scot.nhs.uk/web-resources-container/covid-19-information-and-guidance-for-social-or-community-care-residential-settings/> .

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.

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

A: 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.