

Higher National Unit Specification

General information for centres

Unit title: Housing Law for Advisors: Finance

Unit code: F1DP 34

Unit purpose: This Unit is designed for those who provide advice housing, and in particular on housing law, to service users. Candidates may be working, either as volunteers or in paid employment in a housing and/or advice setting. This Unit will normally be delivered as part of the Professional Development Award: Housing Law Advice level 7.

On completion of the Unit the candidate should be able to:

- 1 Describe rights responsibilities and options in the context of arrears and repossession.
- 2 Describe causes and effects of debt and outline strategies to avoid eviction and repossession.
- 3 Demonstrate an understanding of Housing Benefit, Council Tax Benefit and associated Eligibility Criteria.

Credit points and level: 1 HN credit at SCQF level 7: (8 SCQF credit points at SCQF level 7*)

**SCQF credit points are used to allocate credit to qualifications in the Scottish Credit and Qualifications Framework (SCQF). Each qualification in the Framework is allocated a number of SCQF credit points at an SCQF level. There are 12 SCQF levels, ranging from Access 1 to Doctorates.*

Recommended prior knowledge and skills: Entry is at the discretion of the centre. It would be beneficial if candidates had some previous experience/knowledge of financial issues related to housing. Completion of the Unit *Housing Law for Advisors: Introduction to Arrears, Repossession and Housing Benefit* would provide evidence of this.

Core Skills: There may be opportunities to develop aspects of the Core Skills in Problem Solving at level 6 although there is no automatic certification of Core Skills or Core Skills components.

Context for delivery: If this Unit is delivered as part of a Group Award, it is recommended that it should be taught and assessed within the subject area of the Group Award to which it contributes.

Assessment: Assessment will take the form of a series of questions. Outcome 1 could be based on a case study. Outcomes 2 and 3 could be assessed by a sense of structured questions, which could include multiple choice format, and which should be carried out under closed-book conditions.

Higher National Unit specification: statement of standards

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The sections of the Unit stating the Outcomes, knowledge and/or skills, and Evidence Requirements are mandatory.

Where evidence for Outcomes is assessed on a sample basis, the whole of the content listed in the knowledge and/or skills section must be taught and available for assessment. Candidates should not know in advance the items on which they will be assessed and different items should be sampled on each assessment occasion.

Outcome 1

Describe causes and effects of debt and outline strategies to avoid eviction and repossession

Knowledge and/or Skills

- ◆ Causes of debt
- ◆ Effects of debt
- ◆ Repayment strategies — maximising income and reducing expenditure
- ◆ Relevant Legislation
- ◆ Landlord/tenants rights/protection
- ◆ Correct procedure for eviction, including court hearing
- ◆ Options for alternative accommodation
- ◆ Referral procedures

Evidence Requirements

Candidates will need to provide evidence to demonstrate their Knowledge and/or Skills by showing that they can:

- ◆ explain potential triggers for debt
- ◆ describe strategies to avoid eviction/repossession
- ◆ explain the housing options following eviction or repossession
- ◆ outline relevant legislation and the rights of landlord and tenants

Assessment Guidelines

Evidence may be presented as responses to specific questions, which could be based on a case study. Each candidate will be required to evidence that they can provide an accurate and clear understanding of the legislation affecting eviction and repossession. All knowledge points must be covered.

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Outcome 2

Describe rights, responsibilities and options in the context of arrears and repossession

Knowledge and/or Skills

- ◆ Rental options — local authority, private landlords, housing associations, social landlords, special needs housing
- ◆ Responsibilities of lenders in the context of house purchase, arrears and repossession
- ◆ Relevant legislation
- ◆ Responsibilities of buyers/lessees in house purchase and rental
- ◆ Rights of tenants, owner occupiers, lenders and landlords

Evidence Requirements

Candidates will need to provide evidence to demonstrate their Knowledge and/or Skills by showing that they can:

- ◆ describe the rights and responsibilities of lenders and buyers in the context of house purchase and arrears
- ◆ describe the rights and responsibilities of landlords and tenants in the context of arrears and eviction for one rental option
- ◆ outline the legislative framework surrounding eviction and repossession

Assessment guidelines

Evidence may be presented as responses to specific questions, which may include multiple choice and should be done as a closed-book exercise. Each candidate will be required to evidence that they can provide an accurate and clear understanding of the legislation affecting house purchase in Scotland and rental in the public and private sectors. All knowledge points must be covered.

Outcome 3

Demonstrate an understanding of housing benefit, council tax benefit and associated eligibility criteria

Knowledge and/or Skills

- ◆ Housing Benefit and Council tax benefit — entitlement and non-entitlement
- ◆ Eligibility — Council tenants and private tenants
- ◆ Local authority duties, policies and appeal procedures for Housing Benefit

Evidence Requirements

Candidates will need to provide evidence to demonstrate their Knowledge and/or Skills by showing that they can explain:

- ◆ criteria for entitlement to housing benefit/council tax benefit (CTB)
- ◆ criteria for non-entitlement to housing benefit/CTB
- ◆ the duties of local authorities in relation to housing benefit/CTB
- ◆ the appeals procedure

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Assessment Guidelines

Evidence may be presented as responses to specific questions, which may include multiple choice and should be done as a closed-book exercise. Each candidate will be required to evidence that they can provide an accurate and clear understanding of the eligibility criteria for housing benefit. All knowledge points must be covered.

Administrative Information

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Higher National Unit specification: support notes

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This part of the Unit specification is offered as guidance. The support notes are not mandatory.

While the exact time allocated to this Unit is at the discretion of the centre, the notional design length is 40 hours.

Guidance on the content and context for this Unit

This Unit has been designed to reflect the requirements of the Scottish National Standard for Housing Information and Advice Services developed by Homepoint and Communities Scotland for workers engaged in providing advice on a range of housing issues and, in particular, housing law advice in the specific areas of homelessness, security of tenure, repair and disrepair and housing-related financial issues. This Unit will form part of a suite of Units and is a mandatory Unit in the Professional Development Award Housing Law Advice at level 7.

Outcome 1

Housing debt is one of the most serious of personal debts because it may cause homelessness. For any kind of tenancy, rent arrears will allow a landlord to begin eviction proceedings.

Candidates should be encouraged to explore the potential ‘triggers’ of debt and the potential consequences. These could include sudden change in circumstances, financial over-commitment, poor money management; change in legislation; living long term on a low income, domestic abuse, chronic ill-health, substance abuse (NB this list is not definitive).

For assured tenants and Scottish secure tenants, non-payment of rent is a ground for eviction. To evict a Scottish secure tenant for rent arrears the council or RSL will need to prove in court that the relevant grounds for recovery are met and that it is reasonable to evict for this reason. A private landlord would have to meet the same requirements unless the level of rent arrears is more than three months. If the arrears are more than three months then the private landlord may not have to prove that eviction is a reasonable course of action. It is better for everyone involved if a negotiated agreement for repayment at a reasonable rate is reached with the council before the case goes to court.

Relevant personal circumstances can cover a broad range of factors, which could explain why the tenant came to be in arrears. A tenant/owner who has difficulties paying the rent or mortgage should consider ways of maximising her/his income by:

- ◆ arranging a benefit check
- ◆ checking tax code
- ◆ ensuring that all allowances being claimed;
- ◆ other ways of generating cash, eg part-time work
- ◆ letting out a room

Outcome 2

The two providers of Scottish Secure Tenancies are Local authorities and Registered Social Landlords (mostly housing associations registered with Communities Scotland) There are over 200 housing associations in Scotland, which vary greatly in their structure, size and objectives. All will be registered with the Registrar of Friendly Societies as Industrial and Provident Societies and must be

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registered with Communities Scotland if they wish to benefit from public funds. Virtually all associations are members of the Scottish Federation of Housing Associations (SFHA).

The Housing Associations Act 1985 defined housing associations as ‘a society, body of trustees or company which does not trade for profit’. Its objects and powers must include construction, improvement or management of houses, or facilitating the construction or improvement of housing accommodation. Both these providers receive public money for building and managing a wide range of housing stock. They are both regulated by the Housing (Scotland) Act 2001. This Act sets out rules about how houses are allocated. Anyone over 16 can apply, and rules govern who should be prioritised. Local authorities have duties to house homeless people, and can use RSL. Special needs housing is a general term covering housing built with particular tenant groups in mind. Usually it involves either specially built or adapted housing, for example housing for older people or people with a disability, or houses linked to some support facility for adults with learning difficulties. It can also refer to houses allocated to particular groups, for example older people. Special needs housing is most often provided by registered social landlords but some provision is also made by Councils.

There are two main types of mortgage:

- ◆ Endowment Mortgages where the borrower makes payments to an endowment policy designed to pay off the loan
- ◆ Capital Repayment Mortgages where the borrower makes payments to the loan capital and interest

Different interest rates are available (fixed or variable) and other terms may vary.

All mortgages, irrespective of the way in which the loan is to be repaid, share the same basic characteristics:

- ◆ the lender has security over the borrower’s home and/or any other property which offers the lender sufficient security for the loan
- ◆ interest is charged on the loan
- ◆ the borrower agrees to repay the loan either by instalments or in a lump sum within a fixed number of months or years, as well as covering the interest

The Mortgage Rights (Scotland) Act 2001 covers the rights of owner occupiers in cases of repossession. Borrowers, who apply to the local authority as homeless after repossession, run the risk of being seen as intentionally homeless. When a borrower falls into arrears the lender must follow specific procedures to recover possession. The Conveyancing and Feudal Reform (Scotland) Act 1970 covers the process of repossession. Certain loans will also be covered by the Consumer Credit Act 1974.

Outcome 3

This Outcome covers the major sources of benefit available, particularly Housing Benefit and Council Tax Benefit. Procedures for claiming benefit should be explored as should eligibility criteria, the duties of Local Authorities and Appeals procedures.

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The current Housing Benefit scheme was introduced in April 1988. It was part of a set of structural reforms of income-related benefits introduced following a wide-ranging review of social security. The secondary legislation is the Housing Benefit (General) Regulations 1987. The new rent officer's determinations are set out in the Rent Officers (Additional Functions) Order 1995. The Social Security Administration Act 1992 provides for two types of assistance with rent. Rent rebates are provided by local authorities to help their tenants with rents. Rent allowances are provided by housing authorities to help tenants other than housing authority tenants with rents. These two types of assistance are collectively known as Housing Benefit. Housing Benefit is paid to those who are on a low income, have under £16,000 capital and who are liable for rent. The only excluded persons are 'persons from abroad'. It is administered by local authorities who receive a subsidy from the Benefits Agency for the majority of the expenditure. A new procedure for disputing claims, including an independent tribunal for appeals, began in July 2001, bringing the Housing Benefit Scheme more closely in line with other benefits.

Housing Benefit is a means-tested (also known as income related) benefit payable to both council and private sector tenants on low incomes to help meet the costs of renting accommodation. 'Means tested' means that a claimant's income and capital must be disclosed when claiming, and these details, along with information about their personal circumstances (age, family size, etc), are used together in a set formula to determine how much benefit a claimant is entitled to. It is administered by local councils in accordance with national legislation. Housing Benefit is generally available to:

- ◆ Local authority tenants
- ◆ Communities Scotland (previously Scottish Homes) tenants
- ◆ People placed in temporary accommodation by the local authority
- ◆ Private sector tenants
- ◆ Housing Association, Registered Social Landlords (RSLs) and Co-operative tenants
- ◆ People living in hostels

Young people face particular difficulties accessing accommodation, as their income is often restricted. Also, housing benefit payments to under 25 year olds are restricted in the private rented sector. Young people leaving care may have their housing needs met by the local authority rather than by the housing benefits scheme. Certain groups of people have their access to the Housing Benefit system limited by legislation. The most common of these are owner occupiers, full time students, people from abroad and asylum seekers. Housing Benefit comes in two forms: rent rebates for council tenants and rent allowances for private tenants. Since July 2001 arrangements for challenging Housing Benefit decisions changed to bring them more closely in line with procedures for other benefits. A decision may be disputed (challenged) by requesting a revision (asking the local authority to look at it again) or by making an appeal against it. The decision may be disputed by the claimant, or a person affected by the decision in terms of their rights, duties or obligations.

Guidance on the delivery and assessment of this Unit

The following websites will be useful:

- ◆ www.cab.org.uk
- ◆ www.scotland.shelter.org.uk
- ◆ www.leavinghome.info
- ◆ www.ageconcernscotland.org.uk
- ◆ www.communitiesscotland.gov.uk

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Opportunities for developing Core Skills

There is no automatic certification of Core Skills, or Core Skills components in this Unit. However, there may be opportunities to develop aspect of the Core Skills of Problem Solving at level 6 as candidates focus on issues of housing debt and how they may provide advice to clients.

Open learning

This Unit could be delivered in an Open Learning or electronic format.

Candidates with disabilities and/or additional support needs

The additional support needs of individual candidates should be taken into account when planning learning experiences, selecting assessment instruments, or considering alternative Outcomes for Units. Further advice can be found in the SQA document *Guidance on Assessment Arrangements for Candidates with Disabilities and/or Additional Support Needs* (www.sqa.org.uk).

General information for candidates

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This Unit aims to provide you with information on financial issues which will be of value if you require to give advice on a range of Housing issues as part of your job.

This Unit may be taken alone or as part of the PDA Housing Law Advice level 7.

For assessment you will require to answer a number of questions, which may be multiple choice and could be based on case studies.

This Unit has been developed from the Scottish National Standards for Housing Information and Advice Services developed by Communities Scotland.