

Higher National Unit Specification

General information for centres

Unit title: Housing Law for Advisors: Housing Issues

Unit code: F1DW 34

Unit purpose: This Unit is designed for those who provide advice on housing, and in particular on housing law, to service users in a housing and/or advice setting. Candidates may be working, either as volunteers or in paid employment. 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 explain:

- 1 Current legislation relating to Housing in Scotland.
- 2 Types of housing in Scotland and identify the associated issues for service users.
- 3 Common types of housing problems across different tenure types.
- 4 How to take action on a client's behalf.

Credit points and level: 2 HN credits at SCQF level 7: (16 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. However, it would be beneficial if the candidate had completed the Unit *Housing Law Advisors: Introduction to Housing Issues*. Candidates undertaking this Unit would normally be working for, or planning to work for, an organisation or agency which offers housing advice.

Core Skills: : There may be opportunities to develop aspects of the Core Skills in Communication and Problem Solving 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.

This Unit may be delivered as part of the Group Award PDA Housing Law for Advice at level 7. It is, however, a free-standing Unit and may be delivered as such for purposes of continuing professional development.

Assessment: This Unit is assessed by two assessments. Outcomes 1–3 are assessed by one assessment comprising a series of restricted response questions, which could be multiple choice questions and/or based on a case study. Outcome 4 is assessed by an assignment based on a case study.

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

Explain current legislation relating to housing in Scotland

Knowledge and/or Skills

- ◆ Sources of law — Statute, Common law, Contract Law
- ◆ Legislation related to house rental
- ◆ Legislation related to house purchase
- ◆ Legislation related to housing rights in marriage and civil partnership
- ◆ Legislation surrounding homelessness
- ◆ Legislation surrounding anti social behaviour
- ◆ Legislation relating to unlawful discrimination

Evidence Requirements

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

- ◆ explain three sources of law
- ◆ outline the main provisions of one Act relating to house rental
- ◆ outline the main provisions of one Act relating to house purchase
- ◆ outline the main provisions of one Act relating to housing rights in marriage or civil partnership
- ◆ outline the main provisions of one Act relating to homelessness
- ◆ outline the main provisions of one Act relating to anti social behaviour
- ◆ outline the main provisions of one Act relating to unlawful discrimination

Assessment Guidelines

Evidence may be presented as responses to specific questions, which could be multiple choice and/or 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 housing in Scotland. All knowledge points must be covered.

Higher National Unit specification: statement of standards (cont)

Unit title: Housing Law for Advisors: Housing Issues

Outcome 2

Explain types of housing in Scotland and identify the associated issues for service users

Knowledge and/or Skills

- ◆ Types of Housing:
 - Tied accommodation
 - Private rented sector
 - Public rented sector
 - Housing Association/registered Social Landlord
 - Council Housing or Local Authority Housing
 - Sheltered Housing
 - Supported Accommodation
 - Owner occupancy

- ◆ Issues for Service Users:
 - Mortgage arrears
 - Eviction
 - Neighbour disputes
 - Anti social behaviour
 - Dampness and disrepair
 - Going into residential care
 - Relationship breakdown
 - Domestic abuse
 - Homelessness/threatened homelessness
 - Illegal eviction and harassment
 - Problems with deposits
 - Rent arrears

Evidence Requirements

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

- ◆ describe the main features of three types of housing provision
- ◆ examine a minimum of one housing issue and provide the correct advice

Assessment Guidelines

Evidence may be presented as responses to specific questions, which could be multiple choice questions and/or based on a case study. Each candidate will be required to evidence that they can provide an accurate and clear understanding of the types of housing and associated issues. All knowledge points must be covered.

Higher National Unit specification: statement of standards (cont)

Unit title: Housing Law for Advisors: Housing Issues

Outcome 3

Explain common types of housing problems across different tenure types

Knowledge and/or Skills

- ◆ Identification of owner occupiers
- ◆ Common problems for owner occupiers
- ◆ Identifying a tenancy
- ◆ Types of tenancy
- ◆ Common problems (with tenancy)
- ◆ Questions to clarify status of client
- ◆ Homeless clients
- ◆ Clients with limited or no security of tenure

Evidence Requirements

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

- ◆ three common types of housing problems
- ◆ different tenure types

Assessment Guidelines

Evidence may be presented as responses to specific questions, which may be multiple choice questions and/or could be based on a case study. Each candidate will be required to evidence that they can provide identify the key problems and outline the correct course of action for the housing advisor. All knowledge points must be covered.

Outcome 4

Explain how to take action on a client's behalf

Knowledge and/or Skills

- ◆ Communication Skills
- ◆ Interviewing techniques
- ◆ Awareness of boundaries/limitations
- ◆ Organisational skills
- ◆ Housing knowledge
- ◆ Principal categories of Intervention:
- ◆ Casework, Advocacy, Representation and Mediation
- ◆ Importance of diagnosing tenure type
- ◆ Importance of identifying key problem/s
- ◆ Course of action for housing advisers
- ◆ Legal Background: Sources of Law: Statute: Contract: Common Law
- ◆ Identifying housing related problems
- ◆ Identifying unlawful discrimination
- ◆ Identifying the tenure type and common problems
- ◆ Suggested structure of dealing with a housing problem

Higher National Unit specification: statement of standards (cont)

Unit title: Housing Law for Advisors: Housing Issues

Evidence Requirements

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

- ◆ describe the qualities required by housing advisers
- ◆ describe the courses of action and categories of intervention for housing advisers
- ◆ outline the stages of a case plan relating to one/own area

Assessment Guidelines

Evidence should be presented in the form of an assignment which should be based on a case study. Each candidate will be required to evidence that they can explain the qualities of a housing adviser, the issues associate with intervention, and how to take action for the client.

Administrative Information

Unit code: F1DW 34
Unit title: Housing Law Advisors: Housing Issues
Superclass category: HE
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History of Changes:

Version	Description of change	Date

Source: SQA

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Higher National Unit specification: support notes

Unit title: Housing Law for Advisors: Housing Issues

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 80 hours.

Guidance on the content and context for this Unit

This Unit has been designed to reflect the requirements of the Scottish National Standards 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 qualifications based on the standards.

This Unit forms part of the PDA Housing Law Advice level 7.

Outcome 1

The following should be covered:

Current Legislation

- ◆ Housing (Scotland) Act 1987
- ◆ Housing (Scotland) Act 1988
- ◆ Housing (Scotland) Act 2001
- ◆ Anti Social Behaviour (Scotland) Act 2003
- ◆ Civil Partnership Act 2004
- ◆ Homelessness etc (Scotland) Act 2003
- ◆ Mortgage Rights (Scotland) Act 2001
- ◆ Rent (Scotland) Act 1984
- ◆ Anti Discrimination legislation, eg Disability Discrimination Act 2005, Sex Discrimination Act 1975 (as amended 2003), Human Rights Act 1998. The potential for discrimination in housing on the grounds of eg, gender, marital status, race, disability, age should be explored.

Outcome 2

Types of housing and housing providers:

- ◆ Private rented sector.
- ◆ Housing from a private landlord. This could be a private individual or a lettings agency. The term 'private rented sector' implies that the properties are let primarily for a profit. The most common tenancy type is the Assured (or Short Assured) tenancy.
- ◆ Tied Accommodation.
- ◆ Accommodation occupied by a person/persons in connection with his/her job — eg Police/Janitors/Farm workers.
- ◆ Housing Association/ Registered Social Landlord (RSL).
- ◆ Independent organisations which build, renovate and manage property which is mainly for rent. Housing associations often provide housing for people with special needs. Housing Associations registered with Communities Scotland as Registered Social Landlords will have duties to house homeless people if required to do so by the local authority.

Higher National Unit specification: support notes

Unit title: Housing Law for Advisors: Housing Issues

- ◆ Council Housing or local Authority Housing.
- ◆ Housing owned by the local authority. Tenants will generally be Scottish secure tenants or short Scottish secure tenants. The local authority holds waiting lists for applicants and has a duty to house homeless people. Both these functions are regulated by the Housing (Scotland) Act 1987, as amended by the Housing (Scotland) Act 2001 and the Homelessness (etc) Scotland Act 2003.
- ◆ Sheltered Housing.
- ◆ Housing with some kind of warden support, which is specially designed for older people or people with a disability.
- ◆ Supported accommodation.
- ◆ Housing where the residents need some kind of support for example, people with substance abuse problems.
- ◆ Owner occupiers (Owner occupiers are usually paying a mortgage. Problems and issues arise if they cannot keep up the mortgage repayments, and/or if their personal circumstances change).
- ◆ Unlawful discrimination: on grounds of, for example, sex, race, age, disability.

Issues for Service Users

Some common types of housing problems:

- ◆ mortgage arrears
- ◆ eviction
- ◆ neighbour disputes
- ◆ dampness and disrepair
- ◆ going into residential care
- ◆ relationship breakdown
- ◆ homelessness/threatened homelessness
- ◆ illegal eviction and harassment
- ◆ problems with deposits
- ◆ rent arrears

Some problems can be found in all sectors, and some are specific to one or two. A problem such as dampness and disrepair, which occurs across all sectors, will require a different solution according to whether the client/ service user is an owner occupier

Outcome 3

Outcome 2 is under issues for service users — deals with the range of personal issues that can create problems. Outcome 3 deals with the problems with the occupancy.

Identifying owner occupiers and their most common problems

It is usually possible to determine whether someone is an owner-occupier by asking the following questions:

- ◆ does the client have a mortgage?
- ◆ what type of mortgage is it?
- ◆ if the client does not have a mortgage, has he/she paid off a mortgagee or inherited a property?

Knowing what type of mortgage the client has will help the adviser if payment problems have arisen.

Higher National Unit specification: support notes (cont)

Unit title: Housing Law for Advisors: Housing Issues

There are various types of mortgages but the two main types are:

- ◆ Interest Only mortgage
- ◆ Capital Repayment mortgage

Types of problems for owner occupiers

Repairs — emergency or planned maintenance. The main problem usually relates to who pays. In some circumstances grants or loans may be available.

Common repairs between neighbouring properties — which can lead to disputes.

Statutory Notices by the Council on owners if repairs are required and the owner refuses to deal with them.

Payment Problems and Repossession

Clients with payment problems need the following advice:

- ◆ Money advice
- ◆ Advice on the legal situation
- ◆ Advice on how to negotiate with lenders

Identifying a Tenancy

The adviser can usually establish this by asking the following questions:

- ◆ do you rent your home?
- ◆ who is your landlord?
- ◆ do you have a lease/tenancy agreement?
- ◆ do you share your home with any people other than family members?
- ◆ when did you move in?

The essential elements of a tenancy in Scottish Law are:

- ◆ Parties
- ◆ Subjects
- ◆ Rent
- ◆ Duration

Legal advice is often needed to clarify whether an arrangement is, or is not, a tenancy.

Types of Tenancy

Common Problems with tenancy

- ◆ Eviction
- ◆ Rent
- ◆ Repairs

Higher National Unit specification: support notes (cont)

Unit title: Housing Law for Advisors: Housing Issues

Questions to clarify status of client

- ◆ do you have somewhere to live?
- ◆ do you have a right to occupy your accommodation?
- ◆ are you in temporary accommodation?
- ◆ does your accommodation lack amenities?
- ◆ is it overcrowded?

Homeless Clients

Homelessness is usually when someone is roofless, sleeping rough or on a friend's floor, or where there is an unacceptable situation — eg fear of violence.

Advice should be given on how to apply as a homeless person.

Clients with limited or no security of tenure

No security of tenure:

- ◆ Tenants with resident landlords
- ◆ Clients living in hostels
- ◆ Clients living in lodgings or Bed and Breakfast
- ◆ Clients living in temporary accommodation
- ◆ Clients living in student accommodation provided by an educational institution

Outcome 4

Knowledge and Skills

Housing advisers need a broad range of knowledge and skills in order to act on behalf of a client. In addition to Core Housing Knowledge, candidates need to possess or acquire skills in communication and in interviewing techniques. They also need to be aware of the limitations and boundaries of their function. They should understand when to refer clients to practitioners with the relevant expertise, and should understand that their role is a facilitating role.

Communication skills

These should be both written and oral and should include good listening skills. Advisers need to be confident and present themselves as articulate people who can help their clients.

Interviewing techniques

The interviewing techniques of the advisers should be well developed in order to allow the client to disclose as much relevant information as possible. In addition to demonstrating good communication skills, advisers should be aware of body language and maintain a professional and objective relationship with the client.

Advisers should also pay attention to equal opportunities issues and should know how to prevent discrimination against clients.

Higher National Unit specification: support notes (cont)

Unit title: Housing Law for Advisors: Housing Issues

Principal Categories of Intervention

The level of activities of advisers can be broken into three categories or types of intervention:

- ◆ active information
- ◆ sign-posting
- ◆ explanation

This work refers to activities such as providing information either orally or in writing: and to signposting, which is referring the service user to other resources or services, and to providing explanations or clarifying terms.

Casework

Distinction should be made between the ‘passive’ provision of information through the availability of leaflets, and ‘active’ provision of information by providing assistance to individual.

Initially Casework will include:

- ◆ a diagnostic interview where the problem and all relevant issues are identified
- ◆ making a judgement as to whether the individual has a case that can be pursued

Once it has been established that the individual has a case that can be pursued, activities may include:

- ◆ setting out an individual’s options or course of action
- ◆ encouraging users to take action on their own behalf
- ◆ providing practical aid with letters or forms
- ◆ negotiating with third parties on the user’s behalf
- ◆ introducing the enquirer to referral or other sources of help
- ◆ support to users in making their own case

Candidates should be able to undertake all the administrative duties relating to casework — finding information (possibly electronically): writing on behalf of the client: recording and filing.

Advocacy, representation and mediation:

This work includes a range of further actions arising from the casework undertaken above.

The principal activities may include:

- ◆ Advocacy and representation — where the adviser may prepare a case for the user and represent or speak on their behalf at a tribunal or court.
- ◆ Mediation — where the adviser may act on behalf of the user by seeking to mediate between the user and a third party.

In the explanation of casework candidates will require to explain the importance of diagnosing the tenure type, of identifying key problems and of setting out a course of action.

Higher National Unit specification: support notes (cont)

Unit title: Housing Law for Advisors: Housing Issues

They need to understand the legal background:

- ◆ Sources of Law
- ◆ Statute
- ◆ Contract
- ◆ Common Law

Candidates will also require to:

- ◆ Identify housing related problems (covered in Outcome 2)
- ◆ Identify the tenure type and common problems
- ◆ Outline a suggested structure for dealing with a housing problem

Guidance on the delivery and assessment of this Unit

Much of the Unit could be delivered and assessed in a classroom/workshop-based situation. Where possible, videos and talks by experienced practitioners should be used to enrich the programme. It would be beneficial for candidates to develop knowledge through actual examples, using case studies and scenarios. It is important that any case study/scenario is relevant to the context in which the candidate works and candidates should be encouraged to relate theory to their practice.

There may also be opportunities to encourage self study through the use of publications and websites such as:

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

Outcomes 1–3 may be assessed by structured questions which could be multiple choice for Outcomes 1 and 2 and short answer based on a case study for Outcome 3. For Outcome 4, a Case Study should be provided. Where possible, this case study should relate to a typical problem for the specific agency/ organisation that the candidate will have to deal with. Thus Outcome 4 should, where possible be contextualised to suit the needs of the candidate and his/her specific working environment.

Opportunities for developing Core Skills

There may be opportunities to develop aspects of the Core Skills of communication and problem solving although there is no automatic certification.

Open learning

This Unit may be delivered in an Open Learning or electronic format where appropriate.

Higher National Unit specification: support notes (cont)

Unit title: Housing Law for Advisors: Housing Issues

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

Unit title: Housing Law for Advisors: Housing Issues

This Unit aims to provide you with the knowledge on housing issues which you will require if your job involves giving advice on a range of issues on housing and housing law. It is designed to provide a range of knowledge and skills required to provide advice on a range of housing issues eg types of housing, types of tenure, common problems, financial issues, taking action on behalf of clients and the main legislation underpinning the provision of housing in Scotland.

The Unit may be taken alone or as part of the PDA Housing Law Advice.

For assessment you will require to answer a series of questions which may include restricted response which could be based on a case study, multiple choice, and to complete one assignment based on a case study.

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