

Higher National Unit Specification

General information for centres

Unit title: Housing Law for Advisors: Repair and Disrepair

Unit code: F1DY 34

Unit purpose: This Unit is designed for those who provide advice on 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 different types of disrepair.
- 2 Explain the obligations of the Landlord in relation to repair and disrepair.
- 3 Describe the role of the Environmental Health Department in relation to repair, disrepair and improvement.

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 repair, disrepair and improvement. Completion of the Unit *Housing Law for Advisors: Introduction to Repair and Disrepair* would provide evidence of this.

Core Skills: There are opportunities to develop aspect of the Core Skills of Communication and Problem Solving at level 6 in this Unit, 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 restricted response questions, which can include multiple choice questions. Assessment could be holistic with one question paper covering all three Outcomes. Alternatively, each Outcome could be assessed separately.

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 different types of disrepair

Knowledge and/or Skills

- ◆ Tolerable standard
- ◆ Standard amenities
- ◆ Forms of disrepair
- ◆ Dampness and condensation
- ◆ Public sector housing
- ◆ Private sector and Housing Associations
- ◆ Housing Action Areas
- ◆ The legislative framework

Evidence Requirements

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

- ◆ explain what is meant by the tolerable standard
- ◆ describe standard amenities
- ◆ identify forms of disrepair
- ◆ describe the types of disrepair applicable to the public and private housing sectors
- ◆ explain the purpose of housing action areas
- ◆ demonstrate knowledge of the legislation that affects housing repair and disrepair

Assessment Guidelines

Evidence may be presented as a report or in response to specific questions, which may include multiple choice. Each candidate will be required to evidence that they can provide an accurate and clear understanding of the legislation affecting housing repair and disrepair in the public and private sectors. All knowledge points must be covered.

Higher National Unit specification: statement of standards (cont)

Unit title: Housing Law for Advisors: Repair and Disrepair

Outcome 2

Explain the obligations of the Landlord in relation to repair and disrepair

Knowledge and/or Skills

- ◆ Obligations of the landlord in common law
- ◆ Obligations of the landlord in contractual law
- ◆ Obligations of the landlord in statute
- ◆ Obligations of the tenant
- ◆ Common (shared) repairs
- ◆ Houses of Multiple Occupation
- ◆ When and how to refer for legal advice

Evidence Requirements

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

- ◆ list the obligations of the Landlord
- ◆ list the obligations of the Tenant
- ◆ distinguish between Statute Common Law and Contractual law
- ◆ explain the obligations of tenants in relation to shared repairs
- ◆ explain the obligations of the landlord in relation to Houses of Multiple Occupation
- ◆ identify the circumstances when Legal Advice is required

Assessment Guidelines

Evidence may be presented as a report or in response to specific questions, which may include multiple choice. Each candidate will be required to evidence that they can provide an accurate and clear understanding of the legislation affecting housing repair and disrepair in the public and private sectors. All knowledge points must be covered.

Outcome 3

Describe the role of the Environmental Health Department in relation to repair, disrepair and improvement

Knowledge and/or Skills

- ◆ Statutory obligations
- ◆ Improvement Notices
- ◆ Repair and Improvement Grants
- ◆ Mandatory and Discretionary Grants
- ◆ Conditions for Grant Aid

Higher National Unit specification: statement of standards (cont)

Unit title: Housing Law for Advisors: Repair and Disrepair

Evidence Requirements

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

- ◆ describe the role of the Environmental Health Department in relation to Housing repair disrepair and improvement
- ◆ explain which grants are mandatory and which are discretionary
- ◆ describe the conditions for Grant Aid

Assessment Guidelines

Evidence may be presented as a report or in response to specific questions, which may include multiple choice. Each candidate will be required to evidence that they can provide an accurate and clear understanding of the role of the Environmental Health Department and the legislation surrounding Repair and Improvement Grants. All knowledge points must be covered.

Administrative Information

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Unit title: Housing Law for Advisors: Repair and Disrepair
Superclass category: HE
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History of Changes:

Version	Description of change	Date

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Higher National Unit specification: support notes

Unit title: Housing Law for Advisors: Repair and Disrepair

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 Standards for Housing Information and Advice Services developed by Homepoint and communities Scotland for workers 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 these standards.

This Unit forms part of the PDA Housing Law Advice at level 7. It provides progression from the Unit *Housing Law for Advisors: Introduction to Repair and Disrepair*. It is designed for candidates providing advice to a range of clients on repair and improvement.

Outcome 1

Candidates have to evidence their ability to understand the common types of repair and disrepair and the legislative framework surrounding this in order that they can provide advice and guidance on this issue and know when professional legal advice is required. Candidates should be familiar with the provisions of the Housing (Scotland) Act 2001 which sets out the Tolerable Standard all houses are required to meet. A house meets the Tolerable Standard if it has the Standard Amenities (abc).

- (a) Structurally stable
- (b) Sink with hot and cold water supply
- (c) WC inside the house for the sole use of the occupants

Plus

- (d) Free from damp
- (e) Satisfactory lighting
- (f) Clean water supply
- (g) Fixed bath or shower with washhand basin
- (h) Drainage system
- (i) Cooking facilities
- (j) Access to external doors

Disrepair can take many forms. In Scottish housing it is often the result of dampness, the main types being rising damp, penetrating damp and condensation. It can also take the form of damage to the fabric of the building, faulty installations, broken fittings. These might include broken sash cords in a window, a broken toilet bowl, a water heating system that does not work. A landlord generally has a duty towards tenants to ensure that the house let is fit to be lived in. Some forms of disrepair will constitute a danger to the public as well as to the residents.

Higher National Unit specification: support notes (cont)

Unit title: Housing Law for Advisors: Repair and Disrepair

Outcome 2

Candidates are required to show that they understand the legal obligations of landlords and tenants in regard to repair and disrepair in order that they can provide appropriate advice and assistance to clients. They must also be able to identify when professional legal advice is required. Action can be taken against a landlord to ensure repairs are completed if it can be shown that the landlord has a duty to do so. The landlord's duty to repair is based on law derived from three sources: Statute, Tenancy Agreement and Common Law. The landlord:

- ◆ has a duty to keep in repair the structure and exterior of the house (including drains, gutters and external pipes)
- ◆ has a duty keep in repair and proper working order installations used to supply water, gas and electricity and also those used for sanitation (baths and toilets)
- ◆ is also responsible for keeping in repair and working order installations used to heat the house and to heat water

A tenancy agreement may give the tenant additional rights by virtue of a contract drawn up with the landlord. It cannot take away rights granted by statute. If the landlord fails to abide by the terms of the agreement s/he may be in breach of contract. Common law is the name given to the body of law that has built up over the years through court decisions, which have set important precedents, custom and practice, and the writings of legal authors. A tenant has duties at common law too and is expected to behave 'in a tenant-like fashion'. This is generally taken to mean doing nothing to deliberately damage the house and its fittings, carrying out small acts of maintenance (changing fuses, light bulbs), draining water tanks if absent for a period, and keeping the house adequately clean and warm.

Outcome 3

Candidates are required to evidence that they know and understand the duties and responsibilities of the local authority in terms of repair and disrepair and eligibility for grant assistance.

The Environmental Protection Act 1990 imposes a duty on a local authority to:

- ◆ inspect its area for statutory nuisances
- ◆ take reasonable practicable steps to investigate any complaints of a statutory nuisance it receives
- ◆ serve an abatement notice on the person responsible if it is satisfied that a statutory nuisance exists

A statutory nuisance is:

- ◆ any premises in such a state as to be prejudicial to health or a nuisance
- ◆ smoke, fumes, gases, smell, effluvia or noise emitted from premises so as to be prejudicial to health or a nuisance
- ◆ any animal kept in such a place or manner as to be prejudicial to health or a nuisance
- ◆ any accumulation or deposit which is prejudicial to health or a nuisance

Higher National Unit specification: support notes (cont)

Unit title: Housing Law for Advisors: Repair and Disrepair

Where statutory nuisance exists or is likely to arise or recur, it is legally bound to take action against the owner of the building in order that repairs can be carried out. Grants are available to improve or repair property. Local authorities impose restrictions or set priorities though some grants are mandatory if it is to comply with conditions imposed under the Housing (Scotland) Act 2001

Examples may include:

- ◆ the house is in a housing action area
- ◆ the house is subject to an 'improvement order' from the local authority
- ◆ the improvements are for a disabled person or
- ◆ the application is for a repair grant to replace lead plumbing

Guidance on the delivery and assessment of this Unit

This Unit is part of the Group Award PDA Housing Law for Advisors at level 7. Candidates should be encouraged to relate theory to examples of their own practice. Delivery of this Unit should build on the knowledge and skills developed in the Unit *Housing Law for Advisors: Introduction to Repair and Disrepair*.

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

Opportunities for developing Core Skills

Communication: oral and written will be evidenced through the preparation of written assessments.

Problem solving: involving critical thinking, planning and organising, reviewing and evaluating will be evidenced by the preparation of written assessments for this Unit.

Open learning

This Unit could be delivered by open learning or in 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

Unit title: Housing Law for Advisors: Repair and Disrepair

This Unit provides you with the knowledge on Repair and Disrepair which you require if your work involves giving advice on a range of Housing issues. This Unit will provide candidates with an opportunity for progression from the Unit *Housing Law for Advisors: Introduction to Repair and Disrepair*.

It may also be undertaken by candidates with experience of working in a housing and/or advice environment. It is designed to provide knowledge and skills in the field of repair, disrepair and improvement and covers the main features of each of these areas. It also covers the obligations of landlords towards tenants and duty to maintain property to a suitable standard.

The Unit also looks at the responsibilities of the Environmental Health Department in relation to enforcement and issuing of grants for improvement.

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

For assessment you will have to answer a series of questions which may be multiple choice.

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