



Higher National Unit specification

General information

Unit title: Housing Law Advice: Introduction to Housing Repair and Disrepair (SCQF level 6)

Unit code: HA09 33

Superclass: HE

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Source: Scottish Qualifications Authority

Version: 01

Unit purpose

This is an introductory Unit which has been designed for learners who work or wish to work (in a paid or voluntary capacity) in a setting which provides housing advice. Learners will develop their knowledge of the different types of housing disrepair, the relevant obligations of the landlord and the tenant and the role of the local authority (LA).

The Unit forms part of the Professional Development Award in Housing Law Advice at SCQF level 6 and can also be taken as a standalone Unit, perhaps for the purposes of continued professional development (CPD).

Outcomes

On successful completion of the Unit the learner will be able to:

- 1 Identify different types of disrepair in terms of the Tolerable Standard.
- 2 Explain the obligations of the landlord and tenant in relation to repair and disrepair.
- 3 Identify the role of the Local Authority in relation to repair, disrepair and improvement.

Credit points and level

1 Higher National Unit credit at SCQF level 6: (8 SCQF credit points at SCQF level 6)

Higher National Unit specification: General information (cont)

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Recommended entry to the Unit

Entry is at the discretion of the centre; however learners should have good communication skills. Although no prior knowledge of housing advice is required for this Unit, it would be beneficial for learners to have some experience of working or volunteering in an agency or organisation which offers housing advice.

Core Skills

Opportunities to develop aspects of Core Skills are highlighted in the Support Notes for this Unit specification.

There is no automatic certification of Core Skills or Core Skill components in this Unit.

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 has been designed with the training needs of first contact housing advisors or 'Type 1' staff in mind, to enable them to effectively meet the needs of service users.

This Unit is mandatory within the Group Award, PDA in Housing Law for Advice at SCQF level 6. It is however, a free-standing Unit and may be delivered as such for purposes of continuing professional development.

Equality and inclusion

This Unit specification has been designed to ensure that there are no unnecessary barriers to learning or assessment. The individual needs of learners should be taken into account when planning learning experiences, selecting assessment methods or considering alternative evidence.

Further advice can be found on our website www.sqa.org.uk/assessmentarrangements.

Higher National Unit specification: Statement of standards

Unit title: Housing Law Advice: Introduction to Housing Repair and Disrepair (SCQF level 6)

Acceptable performance in this Unit will be the satisfactory achievement of the standards set out in this part of the Unit specification. All sections of the statement of standards are mandatory and cannot be altered without reference to SQA.

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. Learners 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

Identify different types of disrepair in terms of the Tolerable Standard.

Knowledge and/or Skills

- ◆ Tolerable standard in housing in Scotland
- ◆ Repairing standard in housing in Scotland
- ◆ Forms of disrepair
- ◆ The legislative framework surrounding repair and disrepair in public and private sector housing

Outcome 2

Explain the obligations of the landlord and tenant in relation to repair and disrepair.

Knowledge and/or Skills

- ◆ Obligations of the landlord in relation to repair, disrepair and improvement
- ◆ Obligations of the tenant in relation to repair and disrepair

Outcome 3

Identify the role of the Local Authority in relation to repair, disrepair and improvement.

Knowledge and/or Skills

- ◆ Statutory obligations including the Environmental Protection Act
- ◆ Landlord Registration
- ◆ Improvement Notices
- ◆ Scheme of Assistance

Higher National Unit specification: Statement of standards (cont)

Unit title: Housing Law Advice: Introduction to Housing Repair and Disrepair (SCQF level 6)

Evidence Requirements for this Unit

Learners will need to provide evidence to demonstrate their Knowledge and/or Skills across all Outcomes by showing that they can:

- ◆ describe what is meant by the tolerable standard.
- ◆ describe what is meant by the repairing standard.
- ◆ identify two types of disrepair applicable to the public and private housing sectors in Scotland.
- ◆ outline two obligations of the landlord.
- ◆ outline two obligations of the tenant.
- ◆ outline the role of the Local Authority in relation to housing repair, disrepair and improvement.



Higher National Unit Support Notes

Unit title: Housing Law Advice: Introduction to Housing Repair and Disrepair (SCQF level 6)

Unit Support Notes are offered as guidance and 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 the Scottish Government 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.

The Scottish National Standards for Housing Information and Advice Services were first published by ScotGov in 1985, 2000, 2003 principally for housing advice service. The final version was published in 2009.

The Unit has been designed with the training needs of first contact advisors or 'Type 1' staff in mind to enable them to effectively meet the needs of service users.

The definition of the role a staff member (paid or voluntary) fulfils at this level is as follows:

Active Information, Sign-posting and Explanation

This work refers to activities such as signposting for example, referring the service user to other available resources or services, appropriate to their needs, and helping service users by explaining technical terms or clarifying official documents, for example a tenancy agreement or possession order.

Such assistance and information may be provided in an appropriate format to meet the needs of the service user. The distinction is made between the 'passive' provision of information through the availability of leaflets etc. in public places, libraries and 'active' provision of information through providing assistance to the individual seeking assistance. The role of housing advisor at this level is a facilitative role.

'Service users' may also be referred to as 'clients' or 'customers'. This refers to the person or people who have requested advice and/or support to deal with a range of housing issues.

Learners will be introduced to different types of disrepair, the relevant obligations of the landlord and the role of the local authority (LA). Learners will also develop their knowledge of the key legislation relating to housing in Scotland.

Higher National Unit Support Notes (cont)

Unit title: Housing Law Advice: Introduction to Housing Repair and Disrepair (SCQF level 6)

This Unit forms part of the PDA in Housing Law for Advisors: an Introduction at SCQF level 6 and can also be delivered as a standalone Unit perhaps for the purpose of CPD.

Guidance on approaches to delivery of this Unit

This Unit deals with all aspects of Repair and Disrepair. Delivery should be learner-centered and learners should be encouraged to explore the most prevalent causes and potential effects of allowing a property to fall into disrepair or cause a 'statutory nuisance' and the legal recourse that may be available. Case studies and scenario-based situations could be used to illustrate the range of circumstances in which this may occur.

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.gov.scot
www.prhpscotland.gov.uk

It should be noted that references to legislation and guidance documentation given in this Unit are current at the time of publication; however teachers/lecturers should ensure that learners are given access to the most up to date versions.

Outcome 1

Learners will develop their understanding of the common types of repair and disrepair and the legislative framework surrounding this. This will enable them to provide advice and guidance on this issue and recognise when referral for professional legal advice is required. Learners should be made 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 wash hand basin
- (h) Drainage system
- (i) Cooking facilities
- (j) Access to external doors

Higher National Unit Support Notes (cont)

Unit title: Housing Law Advice: Introduction to Housing Repair and Disrepair (SCQF level 6)

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.

Outcome 2

Learners are required to 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 referral to 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).
- ◆ keep in repair and proper working order installations used to supply water, gas and electricity and also those used for sanitation (baths and toilets).
- ◆ the landlord 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 obligations 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.

Higher National Unit Support Notes (cont)

Unit title: Housing Law Advice: Introduction to Housing Repair and Disrepair (SCQF level 6)

Outcome 3

Learners are required to understand the duties and responsibilities of the local authority in terms of repair and disrepair and improvement, including 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.

Where a 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. Advice and assistance are available from the local authority to improve or repair property. Local authorities may provide mandatory grant funding for certain types of repairs for example:

- ◆ The house is in a renewal area.

A Local Authority can declare a housing renewal area (HRA) if it concludes that a significant number of houses in the area are substandard. It must then draw up an HRA action plan to improve the area and can send out notices to homeowners ordering them to bring their properties up to a reasonable standard or in some cases demolish them. HRAs were introduced by the Housing Standards (Scotland) Act 2006 to replace the previous system of housing action.

- ◆ The house is subject to an 'improvement order' from the local authority.

This is an order from Environmental Health which sets out the work that is required to be carried out by the owner

- ◆ The improvements are for a disabled person.

If a house requires adaptation for a disabled person, the local authority must offer an 'assessment of needs'. The assessment should recommend whether or not these adaptations are essential (for the purposes of providing grant assistance)

- ◆ The application is for a repair grant to replace a standard amenity.

Higher National Unit Support Notes (cont)

Unit title: Housing Law Advice: Introduction to Housing Repair and Disrepair (SCQF level 6)

Guidance on approaches to assessment of this Unit

Evidence can be generated using different types of assessment. The following are suggestions only. There may be other methods that would be more suitable to learners.

Centres are reminded that prior verification of centre-devised assessments would help to ensure that the national standard is being met. Where learners experience a range of assessment methods, this helps them to develop different skills that should be transferable to work or further and higher education.

Outcomes 1–3 may be assessed by a series of structured/multiple-choice short answer questions.

Where possible, questions should be set in a context that is familiar to the learner and if applicable the agency/organisation they work for.

Opportunities for e-assessment

E-assessment may be appropriate for some assessments in this Unit. By e-assessment we mean assessment which is supported by Information and Communication Technology (ICT), such as e-testing or the use of e-portfolios or social software. Centres which wish to use e-assessment must ensure that the national standard is applied to all learner evidence and that conditions of assessment as specified in the Evidence Requirements are met, regardless of the mode of gathering evidence. The most up-to-date guidance on the use of e-assessment to support SQA's qualifications is available at www.sqa.org.uk/e-assessment.

Opportunities for developing Core and other essential skills

There are opportunities to develop aspects of the Core Skills in *Communication* at SCQF level 6, and *Numeracy*, *Information and Communication Technology (ICT)*, *Working with Others* and *Problem Solving* at SCQF level 5 throughout this Unit.

There is no automatic certification of Core Skills or Core Skills components in this Unit.

History of changes to Unit

Version	Description of change	Date

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General information for learners

Unit title: Housing Law Advice: Introduction to Housing Repair and Disrepair (SCQF level 6)

This section will help you decide whether this is the Unit for you by explaining what the Unit is about, what you should know or be able to do before you start, what you will need to do during the Unit and opportunities for further learning and employment.

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This Unit is suitable for you if you work or wish to work (paid or unpaid) as a first contact advisor (Type 1 advisor) in a role that provides housing advice in Scotland.

This Unit has been designed to introduce you to different types of housing disrepair, the relevant obligations of the landlord and the tenant and the role of the local authority (LA). The content is aligned with the Scottish National Standards for Housing Information and Advice Services, developed by the Scottish Government.

The Unit forms part of the Professional Development Award (PDA) in Housing Law Advice at SCQF level 6 and can also be taken as a standalone Unit, perhaps for the purposes of continued professional development (CPD). You may have the opportunity to progress to other qualifications at a higher level upon successful completion of this PDA, eg PDA in Housing Law Advice at SCQF level 7.

There are no pre-entry requirements as entry is at the discretion of the centre. However, you will be expected to have good communication skills and it would be beneficial if you have previous experience of the housing advice sector.

There are three Outcomes to complete in the Unit:

- 1 Identify different types of disrepair in terms of the Tolerable Standard.
- 2 Explain the obligations of the landlord and tenant in relation to repair and disrepair.
- 3 Identify the role of the Local Authority in relation to repair, disrepair and improvement.

Assessment will typically be short answer or multiple-choice questions under exam conditions however this may vary by centre.

You will have the opportunity to develop your Core Skills in *Communication, Problem Solving, Numeracy, Information and Communication Technology (ICT)* and *Working with Others*. Your transferable and employability skills, eg in time management, customer service and personal presentation will also develop throughout this Unit.