



## Higher National Unit specification

### General information

**Unit title:** Housing Law for Advisors: Finance (SCQF level 7)

**Unit code:** HC4H 34

**Superclass:** HE

**Publication date:** March 2016

**Source:** Scottish Qualifications Authority

**Version:** 01

### Unit purpose

This Unit is designed for those who provide housing advice, and in particular on housing law, to service users. Learners 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 in Housing Law Advice level 7.

### Outcomes

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

- 1 Explain causes and effects of debt and outline strategies to avoid eviction and repossession.
- 2 Explain rights, responsibilities and options in the context of arrears and repossession
- 3 Explain housing benefit, council tax reduction and associated eligibility criteria.

### Credit points and level

1 Higher National Unit credit at SCQF level 7: (8 SCQF credit points at SCQF level 7)

### Recommended entry to the Unit

Entry is at the discretion of the centre. It would be beneficial if learners 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 be appropriate.

## **Higher National Unit Specification: General information (cont)**

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### **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 the 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.

### **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](http://www.sqa.org.uk/assessmentarrangements).

## **Higher National Unit specification: Statement of standards**

### **Unit title: Housing Law for Advisors: Finance (SCQF level 7)**

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**

Explain 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 and tenants' rights/protection
- ◆ Correct procedure for eviction, including court hearing
- ◆ Options for alternative accommodation
- ◆ Referral procedures

#### **Outcome 2**

Explain rights, responsibilities and options in the context of arrears and repossession.

##### **Knowledge and/or Skills**

- ◆ Responsibilities of lenders in the context of house purchase, arrears and repossession
- ◆ Responsibilities of buyers/leases in house purchase and rental
- ◆ Rights of tenants, owner occupiers, lenders and landlords
- ◆ Rental options
- ◆ Relevant legislation

#### **Outcome 3**

Explain housing benefit, council tax reduction and associated eligibility criteria.

##### **Knowledge and/or Skills**

- ◆ Housing Benefit and Council tax reduction
- ◆ Eligibility criteria
- ◆ Local authority duties, policies and appeal procedures for housing benefit

## Higher National Unit specification: Statement of standards (cont)

**Unit title:** Housing Law for Advisors: Finance (SCQF level 7)

### 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:

- ◆ 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.
- ◆ 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.
- ◆ explain criteria for entitlement to housing benefit/council tax reduction (CTR).
- ◆ describe the duties of local authorities in relation to housing benefit/CTR.
- ◆ explain the appeals procedure.



## Higher National Unit Support Notes

**Unit title:** Housing Law for Advisors: Finance (SCQF level 7)

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 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. This Unit will form part of a suite of Units and qualifications aligned to the standards.

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

### Guidance on approaches to delivery 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 learners 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 learner works and learners 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](http://www.cab.org.uk)
- ◆ [www.scotland.shelter.org.uk](http://www.scotland.shelter.org.uk)
- ◆ [www.leavinghome.info](http://www.leavinghome.info)
- ◆ [www.ageconcernscotland.org.uk](http://www.ageconcernscotland.org.uk)
- ◆ [www.scotland.gov.uk](http://www.scotland.gov.uk)
- ◆ [www.gov.uk](http://www.gov.uk)

## Higher National Unit Support Notes (cont)

**Unit title:** Housing Law for Advisors: Finance (SCQF 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.

Learners 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. Before social landlords can start possession proceedings for rent arrears they must first comply with certain pre-action requirements (PARs). 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 or private landlord 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). 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 registered with Scottish Housing Regulator 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.

## Higher National Unit Support Notes (cont)

### Unit title: Housing Law for Advisors: Finance (SCQF level 7)

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:

- ◆ Interest only Mortgages where the borrower makes payments to a repayment vehicle, eg endowment policy, pension, stocks and shares 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. The Home Owner and Debtor Protection (Scotland) Act 2010 amended the 1970 Act to further regulate the procedure that lenders have to follow in order to repossess a property. It set down pre-action requirements that lenders must follow before they can apply to court to enforce their rights when a borrower has defaulted on their mortgage agreement.

### Outcome 3

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

## Higher National Unit Support Notes (cont)

### Unit title: Housing Law for Advisors: Finance (SCQF level 7)

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 local authorities to help private sector 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.

From 1 April 2013 the eligible rent for housing benefit of a local authority or registered social landlord (RSL) tenant can be restricted if they are under-occupying their home. This is called the under occupancy charge. Whether a claimant is considered to be under-occupying their property depends on the composition of the household, the size of the property and the number of bedrooms deemed appropriate for the household. Some tenants can be exempt from this charge. Housing Benefit is administered by local councils in accordance with national legislation. Housing Benefit is generally available to:

- ◆ Local authority 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 35 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 (called Local housing allowance) 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.

## Higher National Unit Support Notes (cont)

### Unit title: Housing Law for Advisors: Finance (SCQF level 7)

Under the Welfare Reform Act 2013, the Government has implemented a number of changes to the benefits system. A cap on the maximum amount of benefits a claimant and/or their household can receive has been introduced. The cap applies to most benefits, including housing benefit. The cap will only apply to claimants of working age. A claimant's housing benefit will be reduced to ensure that the total amount of benefits s/he receives is not more than the benefit cap level. Universal credit is being rolled out to new working age benefit claimants. Housing benefit claimants will receive a subsidy for their eligible rent through Universal Credit, rather than Housing Benefit. From 2016/2017 existing claimants will move from Housing Benefit to universal credit.

### 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.

#### Outcome 1

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

#### Outcome 2

Evidence may be presented as responses to specific questions, which may include multiple-choice and should be done as a closed-book exercise. Each learner 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.

#### Outcome 3

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

### 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](http://www.sqa.org.uk/e-assessment).

## **Higher National Unit Support Notes (cont)**

**Unit title:** Housing Law for Advisors: Finance (SCQF level 7)

### **Opportunities for developing Core and other essential 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 *Communication, Information and Communication Technology (ICT), Numeracy and Problem Solving*.

## History of changes to Unit

Version	Description of change	Date

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## General information for learners

### Unit title: Housing Law for Advisors: Finance (SCQF level 7)

This section will help you decide if 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, where applicable, opportunities for further learning and employment.

This Unit is suitable for you if you work or wish to work in a role that provides housing advice in Scotland.

This Unit has been designed to develop your knowledge of the main issues relating to Housing Finance in Scotland.

The content is drawn from 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 7 and can also be taken as a standalone Unit, perhaps for the purposes of continued professional development (CPD).

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 and/or introductory qualifications relevant to the housing advice sector.

There are three Outcomes to complete in the Unit:

- 1 Explain causes and effects of debt and outline strategies to avoid eviction and repossession.
- 2 Explain rights, responsibilities and options in the context of arrears and repossession
- 3 Explain housing benefit, council tax reduction and associated eligibility criteria.

Assessment will typically be short answer or multiple-choice questions based on case studies 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 evaluation, time management, customer service and personal presentation will also develop throughout this Unit.