



Higher National Unit specification

General information

Unit title: Housing Law for Advisors: Repair and Disrepair
(SCQF level 7)

Unit code: HC4J 34

Superclass: HE

Publication date: March 2016

Source: Scottish Qualifications Authority

Version: 01

Unit purpose

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

Outcomes

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

- 1 Explain different types of disrepair.
- 2 Explain the obligations of the landlord and tenant in relation to repair and disrepair.
- 3 Explain the role of the local authority in relation to repair, disrepair and improvement.

Credit points and level

1 Higher National 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 however, it would be beneficial for the learner to have completed the Unit *Housing Law for Advisors: Introduction to Repair and Disrepair*. Learners undertaking this Unit would normally be working for, or planning to work for, an organisation or agency which offers housing advice.

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.

This Unit may be delivered as part of the Group Award, PDA in Housing Law Advice at SCQF level 7. 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

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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 the 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 different types of disrepair.

Knowledge and/or Skills

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

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 common law
- ◆ Obligations of the landlord in contractual law
- ◆ Obligations of the landlord in statute
- ◆ Obligations of the tenant
- ◆ Landlord Registration
- ◆ Houses of Multiple Occupation

Higher National Unit specification: Statement of standards (cont)

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Outcome 3

Explain the role of the local authority in relation to repair, disrepair and improvement.

Knowledge and/or Skills

- ◆ Statutory obligations
- ◆ Information and Advice obligations
- ◆ Landlord Registration
- ◆ Environmental Protection Act 1990
- ◆ Improvement Notices
- ◆ Scheme of Assistance
- ◆ Mandatory and Discretionary Grants
- ◆ Financial Assistance

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 what is meant by the tolerable standard.
- ◆ explain what is meant by the repairing standard.
- ◆ describe types of disrepair applicable to the public and private housing sectors.
- ◆ describe key aspects of the legislation that governs housing repair and disrepair.
- ◆ describe the obligations of the landlord.
- ◆ describe the obligations of the tenant.
- ◆ define 'Statute', 'Common Law' and 'Contractual Law'.
- ◆ identify who should register with the Landlord Registration department.
- ◆ outline the circumstances when legal advice is required.
- ◆ explain the role of the local authority in relation to disrepair, repair and improvement in housing.
- ◆ explain what financial assistance is available and eligibility criteria for gaining assistance.



Higher National Unit Support Notes

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

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

Guidance on approaches to delivery of this Unit

Much of the Unit could be delivered 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
- ◆ www.scotland.shelter.org.uk
- ◆ www.leavinghome.info
- ◆ www.ageconcernscotland.org.uk
- ◆ www.gov.scot
- ◆ www.prhpscotland.gov.uk

The following information provides further details of what should be covered within delivery for each Outcome.

Higher National Unit Support Notes (cont)

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Outcome 1

Learners 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. Learners 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 wash hand 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.

Outcome 2

Learners 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.

Higher National Unit Support Notes (cont)

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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

Learners 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. Learners should understand the role of the Landlord Registration department and local authority powers in respect of the Environmental Protection Act 1990 which 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.

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 structured questions which could responses to multiple choice questions in addition to case studies. Where possible, these case studies should relate to a typical problem for the specific agency/organisation that the learner will have to deal with.

Higher National Unit Support Notes (cont)

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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 may be opportunities to develop aspects of the Core Skills of *Communication*, *Information and Communication Technology (ICT)*, *Numeracy* and *Problem Solving* although there is no automatic certification.

History of changes to Unit

Version	Description of change	Date

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General information for learners

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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, and what you will need to do during the Unit and opportunities for further learning and employment (where relevant).

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. It may also be undertaken by learners with experience of working in a housing and/or advice environment.

This Unit may be taken as a standalone Unit perhaps for the purposes of CPD, or as part of the PDA Housing Law Advice level 7.

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 Local Authority in relation to enforcement and issuing of grants for improvement. It would be beneficial if you had already completed the Unit *Housing Law for Advisors: Introduction to Repair and Disrepair*.

When you have completed the Unit, you will be able to

- 1 Explain different types of disrepair.
- 2 Explain the obligations of the landlord and tenant in relation to repair and disrepair.
- 3 Explain the role of the local authority in relation to repair, disrepair and improvement.

Assessment is likely to be a series of questions which may include multiple choice questions and be based on case studies.

This Unit has been aligned with the Scottish National Standards for Housing Information and Advice Services developed by the Scottish Government.

There may be opportunities to develop aspects of the Core Skills of *Communication, Information and Communication Technology (ICT), Numeracy* and *Problem Solving* although there is no automatic certification.