



Higher National Unit specification

General information

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

Unit code: HC4E 34

Superclass: HE

Publication date: March 2016

Source: Scottish Qualifications Authority

Version: 01

Unit purpose

This Unit 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 legislation relating to housing in Scotland, the common housing problems across different tenure types and explore the role and responsibilities of the advisor in the provision of advice and taking appropriate action on behalf of the service user.

This Unit forms part of the Professional Development Award (PDA) in Housing Law for Advisors at SCQF level 7 and can also be taken as a stand-alone Unit, perhaps for the purpose of continued professional development (CPD).

Outcomes

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

- 1 Explain key aspects of current legislation and professional standards relating to housing and the provision of housing advice in Scotland.
- 2 Provide appropriate advice to service users in regard to their personal housing issues.
- 3 Provide appropriate advice to service users in regard to their occupancy issues.
- 4 Explain the role and responsibilities of the advisor when taking action on a client's behalf.

Credit points and level

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

Higher National Unit specification: General information (cont)

Unit title: Housing Law for Advisors: Housing Issues (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: Housing Issues: an Introduction*.

Learners undertaking this Unit will typically be working for, or planning to work for, an organisation or agency 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 may be delivered as part of the Group Award, PDA in Housing Law for Advisors 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

Unit title: Housing Law for Advisors: Housing Issues (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 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 key aspects of current legislation and professional standards relating to housing and the provision of housing advice in Scotland.

Knowledge and/or Skills

- ◆ Sources of law
- ◆ Current legislation relating to housing in Scotland
- ◆ Current guidance on best practice relating to the provision of housing advice in Scotland

Outcome 2

Provide appropriate advice to service users in regard to their personal housing issues.

Knowledge and/or Skills

- ◆ Types of Housing in Scotland
- ◆ Range of personal issues experienced by service users impacting on their housing situation
- ◆ Appropriate advice in relation to personal housing issues

Outcome 3

Provide appropriate advice to service users in regard to their occupancy issues.

Knowledge and/or Skills

- ◆ Range of tenure types
- ◆ Common problems experienced by service users associated with different tenure types
- ◆ Appropriate advice in relation to occupancy problems

Higher National Unit specification: Statement of standards

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Outcome 4

Explain the role and responsibilities of the advisor when taking action on a client's behalf.

Knowledge and/or Skills

- ◆ Role and responsibilities of the housing advisor when taking action on behalf of clients
- ◆ Range of skills and knowledge required of the housing advisor
- ◆ Principal categories of intervention
- ◆ Stages of case planning

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:

- ◆ identify three sources of law.
- ◆ outline the main provisions of key Acts relating to all housing tenures in Scotland.
- ◆ outline the main provisions of the Act relating to antisocial behaviour.
- ◆ outline the main provisions of one Act relating to homelessness.
- ◆ outline the main provisions of one Act relating to unlawful discrimination.
- ◆ outline the main provisions of one Act relating to housing rights in marriage and/or civil partnership.
- ◆ identify one source of professional guidance on best practice for housing advisors.
- ◆ explain the main features of five types of housing in Scotland:
 - describe the personal issues that may affect service users relevant to the five types of housing above
 - provide the correct advice in response to one issue.
- ◆ explain the main features of three types of tenure:
 - describe the housing problems that may affect service users, relevant to the three types of tenure above
 - provide the correct advice in response to one problem.
- ◆ describe the role and professional boundaries of housing advisors working at this level.
- ◆ describe the courses of action and categories of intervention for housing advisors.
- ◆ explain the stages of a case plan.



Higher National Unit Support Notes

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

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.

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

Outcome 1 covers the current, relevant legislation relating to Housing Law in Scotland and the sources of law.

Outcome 2 examines personal issues for service users — deals with the range of personal issues that can adversely affect their housing situation.

Outcome 3 examines problems with the occupancy.

Outcome 4 covers the role of the advisor, their skillset and professional boundaries.

It should be noted that references to legislation and guidance documentation given in the support notes of 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.

Learners should be given opportunities to learn from practitioners in the sector. Talks from experienced housing advisors, field workers/specialists and other guest speakers would help to broaden the learner's knowledge.

Higher National Unit specification: support notes (cont)

Unit title: Housing Law for Advisors: Housing Issues (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.

For all Outcomes, it is important that examples and case studies (where used) are presented in a context that is familiar to the learner. They should deal with areas of advice that are most common for their organisation/agency and at a level that the learner can relate to. By using familiar situations, learners can be encouraged to relate theory to examples of their own 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/

Outcome 1 — To ensure learners are aware of the underpinning legislation associated with housing in Scotland, the following should be covered within teaching.

- ◆ Sources of law — Statute, common law, contract law

Current Legislation

- ◆ Housing (Scotland) Act 1987
- ◆ Housing (Scotland) Act 1988
- ◆ Housing (Scotland) Act 2001
- ◆ Antisocial Behaviour (Scotland) Act 2003
- ◆ Matrimonial Homes (Family Protection) (Scotland) Act 1981
- ◆ Marriage and Civil Partnership (Scotland) Act 2014
- ◆ Civil Partnership Act 2004
- ◆ Homelessness, etc (Scotland) Act 2003
- ◆ Mortgage Rights (Scotland) Act 2001
- ◆ Rent (Scotland) Act 1984
- ◆ Equality Act 2010

Guidance on best practice may include:

- ◆ The Scottish National Standards for Housing Information and Advice Services
- ◆ Relevant Local Authority policies
- ◆ Employer/Organisational procedures

Higher National Unit specification: support notes (cont)

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

Outcome 2 and Outcome 3 lend themselves to holistic delivery and assessment. These Outcomes examine the range of personal issues that service users may experience which can adversely impact on their housing situation and the types of housing problems associated with different types of tenure.

Some issues and 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

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 Housing Regulator as Registered Social Landlords will have duties to house homeless people if required to do so by the local authority.
- ◆ 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.

Higher National Unit specification: support notes (cont)

Unit title: Housing Law for Advisors: Housing Issues

Issues which may affect Service Users

Some common types of personal issues:

- ◆ Financial; mortgage arrears, problems with deposits, rent arrears
- ◆ Eviction
- ◆ Neighbour disputes
- ◆ Going into residential care
- ◆ Relationship breakdown
- ◆ Homelessness/threatened homelessness
- ◆ Illegal eviction and harassment

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 mortgage or inherited a property?

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

Knowing what type of mortgage the client has will help the advisor if payment problems have arisen. There are various types of mortgages but the two main types are:

- ◆ Interest Only mortgage (plus payments to an endowment policy or other savings plan)
- ◆ 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.

Higher National Unit specification: support notes

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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 advisor 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

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.

Higher National Unit specification: support notes

Unit title: Housing Law for Advisors: Housing Issues

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

Housing advisors working at this level need a broad range of knowledge and skills in order to act on behalf of a client. In addition to core housing knowledge, learners need to develop excellent communication skills and effective interviewing techniques. They also need to be aware of the limitations and boundaries of their function and when to refer clients to practitioners with the relevant expertise. They should understand that their role is a facilitating role.

Learners should further develop their understanding of the role, responsibilities and professional boundaries of the housing advisor role at this level.

If learners are currently working or volunteering in a role which provides housing advice, they may find it beneficial to refer to their job description and/or role profile. The use of group discussion within a classroom setting is recommended during the delivery of this Outcome. This will allow the learners to share their experiences from practice (where applicable) and discuss the skills and competences required of advisors in different situations.

Personal presentation and excellent communication skills are important components of client-facing roles. Learners should explore the range of skills and knowledge specifically required of housing advisors. For example:

- ◆ Verbal and written communication (knowledgeable, polite, jargon-free)
- ◆ Non-verbal communication (listening skills, body-language, self-confidence)
- ◆ Interpersonal skills (reassurance, empathy)

Interviewing techniques

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

Higher National Unit specification: support notes (cont)

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

The following list is not exhaustive but provides a range of skills and knowledge that should be covered within teaching.

- ◆ Underpinning general knowledge of housing issues and their related legal implications — and the correct information/advice that can be provided in response to these
- ◆ Working definition of advice in this context, the standard sequence of advice and how to recognise that not all stages of this advice sequence are required for all clients (client-centred advice):
 - Listening to clients
 - Diagnosing the problem
 - Giving information
 - Advising on the options available
 - Taking action on behalf of clients
 - Negotiating on their behalf
 - Representing clients' cases at tribunals and courts
 - Referral where appropriate
 - Enabling or empowering individuals to take control of their own situation.
- ◆ Distinction between passive and active information
- ◆ Signposting (referring the service user to other resources or services)
- ◆ Explanation (providing explanations and clarifying terminology)

Principal categories of intervention

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

- ◆ Active information
- ◆ Signposting
- ◆ Explanation

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

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

Higher National Unit specification: support notes (cont)

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

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

Learners should be able to undertake all the administrative duties relating to casework — researching 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 advisor may prepare a case for the user and represent or speak on their behalf at a tribunal or court.
- ◆ Mediation — where the advisor may act on behalf of the user by seeking to mediate between the user and a third party.

Guidance on approaches to assessment for 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 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 may be provided. Where possible, this case study should relate to a typical problem for the specific agency/ organisation that the learner will have to deal with. Thus Outcome 4 should, where possible be contextualised to suit the needs of the learner and his/her specific working environment.

Higher National Unit specification: support notes (cont)

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

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 throughout this Unit to develop aspects of the Core Skills of *Communication, Numeracy, Information and Communication Technology (ICT), Working with Others* 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: Housing Issues (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 (paid or unpaid) in a role that provides housing advice and takes action on behalf of service users in Scotland.

This Unit has been designed to develop your knowledge of the key aspects of legislation in Scotland that underpins the provision of housing 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 for Advisors at SCQF level 7 and can also be taken as a stand-alone 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 of the housing advice sector and have completed the Unit Housing Issues: an Introduction at SCQF level 6.

There are four Outcomes to complete in the Unit:

- 1 Explain key aspects of current legislation and professional standards relating to housing and the provision of housing advice in Scotland.
- 2 Provide appropriate advice to service users in regard to their personal housing issues.
- 3 Provide appropriate advice to service users in regard to their occupancy issues.
- 4 Explain the role and responsibilities of the advisor when taking action on a client's behalf.

Assessment will be varied, typically including short answer or multiple-choice questions and 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 time management, organisational skills, customer service and personal presentation will also develop throughout this Unit.