



Housing and Technical Resources

# **HomeImprove**

**The Scheme of Assistance**

**For home owners and private tenants**

**Section 72 statement**

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## **1. Introduction**

The Housing (Scotland) Act 2006 was introduced to tackle issues relating to the quality and condition of housing in the private sector. Under part 2 of the act, local authorities must prepare and publish a 'section 72' statement describing the circumstances in which they will help owner-occupiers and private tenants carrying out work on their homes, and how they will provide that help. Our initial statement was published in April 2010, revised in 2015 and updated 2021.

We provide help under our 'Scheme of Assistance'. The scheme is based on the principle that owners should take responsibility for maintaining their home, but that help should be available where appropriate.

Council and housing association tenants are not included in the scheme of assistance. If you rent your home from the Council or a housing association, you should ask them about the help available to you.

### **Consultation**

When developing this Scheme of Assistance we consulted a wide range of people through a series of events and by publishing a formal consultation document.

We have written our publications in plain English. During the development of the scheme 'Seniors Together in South Lanarkshire' readers' panel and the South Lanarkshire Disability Partnership have reviewed the revisions made to the scheme.

### **Equalities**

As part of the consultation process we carried out a full impact assessment on the Scheme of Assistance and published our findings on our website.

### **Strategic Environmental Assessment**

In accordance with the Environmental Assessment (Scotland) Act 2005, the Council prepared and submitted a pre-screening letter and statement to the statutory consultation authorities, setting out the view that the Scheme of Assistance will have no effect in relation to the environment. The Council reached this view because the scheme sits under the hierarchy of the Council Plan and the Local Housing Strategy, both of which have undergone full SEA.

### **How to comment on the Scheme of Assistance**

We welcome comments on our Scheme of Assistance. You can email your comments to [informationandadvice@southlanarkshire.gov.uk](mailto:informationandadvice@southlanarkshire.gov.uk).

If you need this information in another format or language, please contact us to discuss how we can best meet your needs. Phone: 0303 123 1015 or email: [equalities@southlanarkshire.gov.uk](mailto:equalities@southlanarkshire.gov.uk)

## 2. Setting the scene, nationally and locally

### Scotland's National Performance Framework

Our purpose is

'To focus Government and public services on creating a more successful country with opportunities for all of Scotland to flourish, through increased wellbeing, and sustainable and inclusive economic growth'.

Our values:

'We are a society which treats all our people with kindness, dignity and compassion, respects the rule of law, and acts in an open and transparent way'.

Eleven national outcomes:

- We live in communities that are inclusive, empowered, resilient and safe
- We tackle poverty by sharing opportunities, wealth and power more equally
- We grow up loved, safe and respected so that we realise our full potential
- We are well educated, skilled and able to contribute to society
- We have thriving and innovative businesses with quality jobs and fair work for everyone
- We are health and active
- We value, enjoy, protect and enhance our environment
- We are creative and our vibrant and diverse culture are expressed and enjoyed widely
- We respect, protect and fulfil human rights and live free from discrimination
- We have a globally competitive, entrepreneurial, inclusive and sustainable economy.

### The Legal framework

Part 2 of the Housing (Scotland) Act, 2006 replaced the system of improvement and repair grants set out in the 1987 and 2001 Housing (Scotland) Acts. The 2006 act gives councils powers to help owners repair, maintain, improve and adapt their homes by providing information, advice and practical help. These are the main ways we can help owners under the Scheme. There are still mandatory grants (those we must provide by law), but these are only for providing 'standard amenities', like a toilet and personal washing facilities in your home, and internal alterations to meet the needs of a person with disabilities. All other grants are discretionary (that is, we do not have to provide them).

In November 2008, The Housing (Scotland) Act 2006 (Scheme of Assistance) Regulations 2008 were approved by the Scottish Parliament. These regulations introduced new duties and powers from 1 April 2009.

The First-tier Tribunal for Scotland (Housing and Property Chamber) deals with determinations of rent or repair issues in private sector housing; assistance in exercising a landlord's right of entry; and relatively informal and flexible proceedings to help resolve issues that arise between homeowners and property factors. Matters arising from the Private Housing (Tenancies) (Scotland) Act 2016, are also dealt with by the Tribunal as well as issues from the letting agents legislation as per the Housing (Scotland) Act 2014.

## The South Lanarkshire Council Plan

The Council Plan Connect sets out our vision, values and ambitions and it publicly states what we hope to achieve in order to improve outcomes for local people.

Vision:

'To improve the quality of life of everyone in South Lanarkshire'

Our values are:

- 'focussed on people and their needs'
- 'working with and respecting others'
- 'accountable, effective, efficient and transparent'
- 'ambitious, self-aware and improving'
- 'fair, open and sustainable'
- 'excellent employer'.

Two of the five ambitions set out in 'Connect' are particularly relevant to the Scheme of Assistance. They are:

- 'improve health, care and wellbeing;
- 'make communities safe, stronger and sustainable

These lead on to the following objectives

- Improve the availability, quality and access of housing
- Improve later life
- Working with communities and partners to promote high quality, thriving and sustainable communities.

## Local Housing Strategy

The Local Housing Strategy is a Council-wide strategy (plan) which sets out how we and the organisations we work with (our partners) will make sure that South Lanarkshire has the right type and size of good-quality housing, for sale or for rent, and in the right locations, so current and future residents get access to the housing they need and want.

The strategy has the following five chapters:

- Housing supply, affordability and choice
- Housing quality, energy and efficiency
- Supporting independent living and specialist provision
- Addressing homelessness
- Sustainable places

To support the delivery of the LHS vision, there are nine priority outcomes which we aim to achieve over the next five years.

LHS Outcome 3 states that 'private home owners' and 'private landlords' are encouraged and supported to plan for and invest in the maintenance of their property, including areas held in common ownership, to meet all required standards'. There are three measures aligned to this outcome:

- Number of Scheme of Assistance contacts for advice and information
- Housing with Urgent Disrepair
- The number of properties provided with a council factoring service

The actions aligned with the measures are as follows:

- Continue to provide advice, information and support for private sector households through the Scheme of Assistance
- Review and develop information provided online via South Lanarkshire Council for private sector households regarding housing maintenance and improvement
- Promote online resources for private housing owners and tenants (to plan for and invest in maintaining and improving housing conditions)
- Complete and implement review of council factoring services

### **3. The Scheme of Assistance**

The council's Community Repairs Advice Service delivers the help available through the Scheme of Assistance. The scheme has been developed to reflect national outcomes and legal requirements, as well as to take account of local needs and demands. It will aim to:-

- Provide information, advice and practical help to encourage all owners to take responsibility for their homes. The information, advice and help are available to all owners and private tenants in South Lanarkshire.
- Continue to help disabled and elderly people live in their own home.
- Aim to provide basic levels of financial help to encourage owners to deal with major problems when their homes do not meet the tolerable standard (a legal standard housing must meet).
- Encourage flat owners who have responsibility for shared areas to take part in 'common works' carried out as part of investment programmes in Council housing, and help us and other social landlords, such as housing associations, achieve the Scottish Housing Quality Standard (SHQS) and Energy Efficiency Standard for Social Housing (ESSH).
- Help to prevent privately owned homes falling into serious disrepair by highlighting the benefits of early action towards repairing and maintaining homes.

#### **The HomeImprove Service**

The HomeImprove Service plays a leading role in the Scheme of Assistance. Their role is supported by a wide range of council services and other partnering agencies details of which are available in the 'useful contacts' section of this document.

#### **Adaptations for people with disabilities**

By law we must provide grants (mandatory grants) for specific types of work needed to meet the assessed needs of disabled people. We also have a duty to provide help to make a home suitable for a disabled person, if the home is, or will be, that person's only or main home. And if a rented property has been adapted to meet the needs of a disabled tenant, we also have a duty to help the landlord put the home back to the condition it was in before the adaptation was made. This help can be in the form of information or advice. In limited circumstances, the help we provide will be practical or financial.

If your home no longer meets your family's needs because of a disability or an illness, we can offer you a range of services to help make your home more suitable. You should contact your local social work office (see section 6) to arrange for an occupational therapist (someone who helps you to carry out everyday tasks so you can live independently) to visit your home to discuss your needs with you.

If you are coming out of hospital and need your home to be adapted, the hospital occupational therapist will assess your needs.

If you (or someone who lives with you) are disabled, you can ask for an occupational therapist to visit you at home by:

- phoning your local Social Work office on 0303 123 1008.
- completing online [self-referral form](#) or
- emailing [informationandadvice@southlanarkshire.gov.uk](mailto:informationandadvice@southlanarkshire.gov.uk)

The occupational therapist will visit you at home and discuss your needs with you. They will carry out a full 'community care needs assessment' and provide tailored advice and support to help you live more independently. For example, the occupational therapist can teach you new ways to do things you find difficult, and may provide equipment and temporary adaptations such as stair lifts. If we can, we will arrange for these to be fitted and loaned to you free of charge.

If the assessment identifies a need for a permanent adaptation to your home (for example, to widen doorways for a wheelchair, install a shower or re-arrange the layout of the ground floor to provide toilet and washing facilities) you will be able to get a mandatory grant.

If your home needs to be permanently adapted and is assessed as a priority, the occupational therapist will tell the HomeImprove Service. We will then send you an application form for a grant. If you ask us to, we will help you to fill in the form.

If you have assessed community care needs which would be met by providing standard amenities, like a toilet and personal washing facilities in your home, or if your home needs to be adapted inside, or structurally altered, to make it more suitable for your needs, you will qualify for a mandatory grant of 80% of the cost of the approved work minus administration fees. You will get this grant, regardless of your financial circumstances, if the occupational therapist decides that you need it to help you continue to live at home. We will give you a grant for the whole cost of the work minus administration fees if you, your partner or any person who resides or intends to reside with you receives any of the following benefits.

- Universal Credit
- Income Support
- Income-based Jobseeker's Allowance
- Pension Credit (Guarantee Credit)
- Income-related Employment and Support Allowance

When considering how best to meet your needs, we take account of your changing needs over the medium to long term. This is to avoid the need for future applications and disruption to your family. We also take account of how adaptable the property is. We don't provide funding for maintenance costs.

### **Eligible adaptations**

We will not give you a grant for extra work you want carried out at the same time as your adaptation. You will need to pay for any extra work that you have not been assessed as needing (for example, if you want to tile more of your bathroom than you need to). Any extra work must not change the suitability of the adaptation.

We do not provide grants for extensions to provide extra living accommodation, such as bedrooms. If an extension for extra living accommodation is an option that could be considered, the occupational therapist will visit you with a building surveyor from the HomeImprove Service to assess your home and the options available to meet your needs. The options which you or your family can look into are as follows.

- Altering the layout of your home (and integral garage) to make it more suitable.
- The [LIFT Open Market Shared Equity Scheme](#), if you cannot afford the full cost of buying a more suitable home. (If you qualify for this scheme, you can buy a home on the open market with a housing association or other registered social landlord.)

We can refer you to other organisations that can give you support and specialist help, for example, [Planning and Housing Options Scotland](#).

If it is agreed that the best way to meet your assessed needs is to provide extra living accommodation, and the work is not eligible for a mandatory grant, we can give you information, advice and practical support to help you carry out the work. This may include information about options to get funding for the work and practical help to oversee the work.

We will provide information and advice to help you return any adapted property to its original condition.

### **Help for private tenants**

If you rent your home privately, your landlord cannot refuse to give you permission for an adaptation to meet your assessed needs unless there are good reasons for refusing. We may give private landlords practical or financial help to encourage them to give permission for the adaptation. When you receive your landlord's permission you should contact us. We will consider your application in the same way as we consider applications from homeowners.

We will provide information and advice to help your landlord return the property to its original condition if your tenancy ends or you no longer need the adaptation.

Impartial advice on repairs and maintenance for flat owners in Scotland can be found at <http://www.underoneroof.scot/>

Council and housing association tenants are not included within the Scheme of Assistance. **If you rent your home from the council or a housing association, you should ask them about the help available to you.**

### **Advice and assistance**

You can make general enquiries or requests by filling in the [HomeImprove assistance enquiry form](#) and/or [apply for equipment and adaptations assistance](#) on our website.

Further advice and assistance can be found on our [HomeImprove and Scheme of Assistance page](#).

We regularly review and update information about the HomeImprove Service and the Scheme of Assistance on our website to make sure it is up to date and relevant.

There are times when information alone is not enough to meet your needs and you will need more tailored advice. We will give advice to any owner who needs it. If you need more detailed or personalised advice contact the HomeImprove Service. Our HomeImprove team are trained to meet the Scottish National Standards for Information and Advice Providers, produced by the Scottish Government.

There will be times when we will need to refer you to organisations or agencies that provide more specialist advice. Details of these can be found in the 'useful contacts' section.

## Practical help

Information and advice can help you to manage the process of arranging necessary work yourself. However, you may need more practical help with carrying out repairs and improvements to your home.

The HomeImprove Team can help you fill in application forms and can also provide practical help if necessary.

We also have technical officers who you can arrange to visit your property free of charge to supply you with any information or advice ranging from minor repairs to the more urgent issues you may have about your home.

## Buy with Confidence

Buy with Confidence is an approved trader scheme; all contractors on the list have been vetted and approved by Trading Standards to ensure that they operate in a legal, honest and fair way. [www.buywithconfidence.gov.uk](http://www.buywithconfidence.gov.uk)

## Grant funding available

There are three categories of work which will receive financial help in the form of a grant.

### 1. Adaptations

We provide a mandatory grant of 80% of the cost of adaptations needed to meet the assessed needs of disabled people. In some cases, we will be able to offer a grant for the full cost.

The work must be for 'standard amenities' (which include a usable sink within the house, with running hot and cold water, an inside toilet for just the household, and a fixed bath or shower and hand basin with hot and cold running water) or alterations inside your home. You can get more information about this in the section 'Adaptations for people with disabilities' at the beginning of this chapter.

### 2. The tolerable standard

Following an assessment carried out by an environmental health officer, we will give you a discretionary grant towards the approved cost of work needed to correct certain major problems which prevent your home from meeting the tolerable standard. We will provide a 25% grant for work costing less than £5,000, and 35% grant for work costing £5,000 or more. It is up to you to pay for the remaining cost of the work. We will provide information and advice to help you do this.

Circumstances in which you will be eligible for this grant include:

- If the structure of your home is unstable, as confirmed in an independent structural report, and there is a risk of all or part of it collapsing. This includes fresh cracking, movement of structural parts and damage, deterioration, rot and timber infestations.
- If there is not, and never has been, a toilet inside your home for just your household
- If there is an inadequate supply of wholesome water.
- If you need to upgrade from cesspool to a septic tank.
- If there is significant rising damp, with visible signs of damp inside the home, and the environmental health officer decides that this causes the property to fall below the tolerable standard.

We have set extra qualifying criteria for getting a grant in these circumstances. We will not provide financial help if:

- the property is not your only or main home;
- you have lived in the home for less than two years;
- you bought the property in that condition with a view to developing it; or
- you removed standard amenities yourself.

### **3. Owners taking part in programmes of work to Council housing (common works)**

If you own your home, you are responsible for looking after it and keeping it in a good condition. This includes paying for maintenance, repairs or improvements by:

- Paying money into a maintenance fund;
- Using your own saving or investments;
- Getting a loan from a credit union, bank or building society;
- Getting help from your family;
- Using the value of your home to raise money – this is called equity release; or
- Getting help from a charity.

For work costing £5,000 or more per property, such as roofing, we provide a discretionary grant of 35% towards your share of the cost of the common works. We provide a discretionary grant of 25% if the cost to an individual property is less than £5,000 (for example, towards the cost of installing a replacement water tank). For work installing or replacing a controlled door-entry system we will provide a discretionary grant of 50%.

We may provide grants at these levels for common works relating to the Scottish Housing Quality Standard that is not being carried out within our normal investment programme, if this is approved by the Head of Property Services. We also provide these discretionary grants to private landlords if the property is registered on the Private Landlord Register and the landlord meets our conditions. This financial help ensures we meet our legal requirement to meet the Scottish Housing Quality Standard.

As a further incentive, if you are taking part in common works, you can get attractive repayment terms to pay the costs you are responsible for. If you need longer to pay your share of the costs, we can extend the repayment term, depending on a financial assessment of your household's income and necessary spending. This is effectively an interest free loan which is administered by our Debtors section. If you are taking part in common works as part of the Investment Programme, we will give you more information about this at specially arranged public meetings and in individual correspondence with you.

### **Further requirements**

To receive a grant to provide an adaptation for someone with a disability, or to rectify major problems so that your home meets the tolerable standard, you need to provide three estimates of the cost of the work, each from a contractor of your own choice. The contract for any work is between you and the contractor who carries out the work. We will review the estimates to make sure the work needs to be done and that the property will meet the necessary standard when the work is finished. When assessing the cost of the work, we may compare the cost against that set out by the Royal Institution of Chartered Surveyors (RICS) to confirm value for money and may ask you to provide more estimates if the ones you have provided are not considered reasonable. You are responsible for making sure that the work is carried out to an acceptable standard and for getting any necessary permission, such as planning or building warrant consents, before the work starts. The work must be finished within 12 months of the date we approve your application for funding unless we agree, in writing, to extend this period.

If the work is needed to tackle damp, rot, woodworm or other infestation, the contractor must give us a copy of the certificate showing that the work has been carried out and finished to a satisfactory standard. A guarantee, valid for at least ten years, should also be provided for the work. It should be possible for this guarantee to be transferred to any new owner of the home.

If structural work is involved, and a building warrant is needed for the work, the contractor must send us a copy of the certificate to confirm that all the structural work has been finished to a satisfactory standard. If electrical work is involved, we need a copy of the electrical installation certificate.

You must tell us when the work is finished and provide the original invoice showing the full cost of the work. When we receive this we will inspect the work to ensure it meets the grant requirements at which point we will release the grant. We aim to send you a cheque for the agreed amount within a month of this confirmation.

As the contract for the works to your home is between you and the contractor carrying out the works, the council is not in a position to guarantee the quality of any work carried out. By releasing the payment, we are confirming that the adaptations, detailed within the grant offer, have been carried out. You, or your representative, are responsible for ensuring you are happy with the quality of the work prior to making final payment to your contractor.

### **Conditions of the grant**

To receive financial help, you must agree to keep to the following conditions for **10 years** from the date the work is finished to a satisfactory standard.

- The house must be used as a dwelling house.
- The house must be used as a principal residence.
- The house must be kept in good repair.
- If required by us, the owner must certify that these conditions are being observed.
- The building must not be a commercial property.

If you break any of these conditions you may have to repay the grant, with interest. We may require to make a note of our interest in the home on the title deeds.

**It is an offence to knowingly make any false statements in an application for financial help. It is also an offence not to tell us, as soon as possible, if your circumstances change before we give you our decision on your application.**

If we approve your application we charge an administration fee (currently £50 or 10% of the grant, whichever is lower). We take this charge off the grant we pay.

### **Non-priority work**

Because we have limited funding available, we cannot provide a grant for general repair and improvement works.

**There may be situations that have not been covered in the Scheme of Assistance or special circumstances which we may consider.**

### **Enforcement action**

Our Scheme of Assistance aims to encourage and help owners carry out necessary maintenance, repairs and improvements. However, there may be times when we need to issue a 'work notice' for your home because it is in a poor state of repair or it does not meet the tolerable standard. If we issue a work notice for your home, we will provide financial help if the work meets the conditions of

the Scheme of Assistance and funding is available. If this is not the case, we will provide information and advice to help you carry out the necessary work.

We may use our enforcement powers if:

- you do not maintain your home to a reasonable standard; or
- we have provided funding for work on your home and we believe that any benefits resulting from work carried out may be at risk because you have not made suitable arrangements for maintaining it properly.

We can serve a 'Maintenance Order' on you. This means that you must prepare and keep to a 'Maintenance Plan' for five years. We can approve, alter or reject the maintenance plan you provide. If we reject your maintenance plan we can replace it with a plan of our own.

## **4. Reviewing the scheme**

We will review and monitor the scheme regularly and make sure any changes are reflected in our section 72 statement.

## **5. Appeals**

You can ask us to review the share of the costs you have to pay. You must do this within 21 days of receiving our decision on the help we can provide. An appropriate officer who has not been involved in assessing your application will review the decision. They will give you their decision within 28 working days.

To appeal a decision we have made you can contact us:

- by phoning 0303 123 1015 and asking for the HomeImprove Service or
- by sending an email to [informationandadvice@southlanarkshire.gov.uk](mailto:informationandadvice@southlanarkshire.gov.uk)

## **6. Comments, compliments and complaints**

We are committed to providing quality services and to achieving high standards of customer care.

We have a formal procedure which you can follow to provide suggestions or comments about the service, or if you feel your application has not been dealt with properly or fairly. Your comments, compliments and complaints can:

- help us to improve the quality of our services;
- increase customer satisfaction;
- prevent problems from getting worse; and
- bring us closer to our customers by taking their views on board.

You can comment, compliment or make a complaint about a service you have received through the council's website at <https://www.southlanarkshire.gov.uk>.

## 7. Useful contacts

If you have questions about specific aspects of the Scheme of Assistance you can contact the following:

- HomeImprove Service – 0303 123 1015 or email [informationandadvice@southlanarkshire.gov.uk](mailto:informationandadvice@southlanarkshire.gov.uk)
- Social work – 0303 123 1008
- Environmental Health – 0303 123 1015
- Building Standards – 0303 123 1015

Further advice and assistance may be available through:

- [Under one roof](#)
- [Citizens Advice Bureau](#)
- [Energy Saving Trust](#)
- [Financial Conduct Authority](#)
- [Money Matters Advice Service](#)
- [Consumer and Trading Standards](#)
- [Planning and Housing Options Scotland](#)
- [Shelter \(Scotland\)](#)

If you need this information in a different language or format, phone 0303 123 1015 or email [equalities@southlanarkshire.gov.uk](mailto:equalities@southlanarkshire.gov.uk)