



Proposals for Fair Rent (Scotland) Bill

Private Member's Bill

Consultation Response

July 2019

QUESTIONS

ABOUT YOU

(Note: Information entered in this "About You" section may be published with your response (unless it is "not for publication"), except where indicated in **bold**.)

1. Are you responding as:

X on behalf of an organisation? – in which case go to Q2B

2B. Please select the category which best describes your organisation:

X Third sector (charitable, campaigning, social enterprise, voluntary, non-profit)

Optional: You may wish to explain briefly what the organisation does, its experience and expertise in the subject-matter of the consultation, and how the view expressed in the response was arrived at (e.g. whether it is the view of particular office-holders or has been approved by the membership as a whole).

3. Please choose one of the following:

X I am content for this response to be published and attributed to me or my organisation

If you have requested anonymity or asked for your response not to be published, please give a reason. (**Note: your reason will not be published.**)

4. Please provide your name or the name of your organisation.

Children in Scotland

(Note: The name will not be published if you have asked for the response to be anonymous or "not for publication".)

Please provide a way in which we can contact you if there are queries regarding your response. Email is preferred but you can also provide a postal address or phone number.

(Note: We will not publish these contact details.)

5. Data protection declaration

X I confirm that I have read and understood the privacy notice attached to this consultation which explains how my personal data will be used.

Introduction

Giving all children in Scotland an equal chance to flourish is at the heart of everything we do. By bringing together a network of people working with and for children, alongside children and young people themselves, we offer a broad, balanced and independent voice. We create solutions, provide support and develop positive change across all areas affecting children in Scotland. We do this by listening, gathering evidence, and applying and sharing our learning, while always working to uphold children's rights. Our range of knowledge and expertise means we can provide trusted support on issues as diverse as the people we work with and the varied lives of children and families in Scotland.

Children in Scotland is pleased to respond to the consultation on the proposed Fair Rent Bill. All of Children in Scotland's work is underpinned by a rights-based approach, as outlined in the United Nations Convention on the Rights of the Child (UNCRC). We believe that moves to provide a fairer more equitable private rental system uphold the rights of children and families as articulated in the UNCRC, and in particular Article 27, which states that children and young people have the right to living conditions that support them to develop and grow¹. The proposals would help fulfill the Scottish Government's obligations to support families to access housing that supports a good standard of living.

Children in Scotland was a key delivery partner in the award-winning Beyond4Walls project². The project, undertaken in partnership with the Poverty Alliance and funded by the Wheatley Group, supported a group of young researchers to explore their requirements when moving into an independent tenancy for the first time. Our response to this consultation has been informed by the findings and recommendations from that project.

Our response will focus in the main on the impact of the proposals on children, young people and families. There is evidence from a range of academic reviews to suggest that poor housing can impact on the health and wellbeing of children and young people both in childhood and later in life³. Housing costs increasing faster

¹ https://www.unicef.org.uk/wp-content/uploads/2010/05/UNCRC_united_nations_convention_on_the_rights_of_the_child.pdf

² https://childreninScotland.org.uk/wp-content/uploads/2018/01/Beyond4Walls_Report.pdf

³ https://books.google.co.uk/books?hl=en&lr=&id=zQVpDwAAQBAJ&oi=fnd&pg=PR1&dq=Housing+impact+children+development+health+wellbeing&ots=7QSEwJzh_H&sig=c0xQ6FJ-JnweE_tNmZ9ecwNGuM#v=onepage&q=Housing%20impact%20children%20development%20health%20wellbeing&f=false

than inflation will also clearly impact on the ability of families to afford other essential items like food.

Home is often now considered as a more holistic concept than housing alone, and is placed within a wider context of safety, community and belonging. While this Bill is clearly focused on housing itself, it is difficult to view this in isolation, particularly when the cost of housing affects where families are able to live, how safe these areas are in terms of crime and air quality, how accessible they are to schools, leisure facilities, public transport and green space, all of which affect children's lives.

As such it is vital that we ensure high quality, affordable and accessible housing is available for all families, whether they live in the private rental or social rented sector. We believe that the proposals for a Fair Rent Bill provide some basis for supporting this.

YOUR VIEWS ON THE PROPOSAL

Note: All answers to the questions in this section may be published (unless your response is "not for publication").

Aim and approach

Rent cap

1. Which of the following best expresses your view of capping private sector rent increases annually across Scotland at one percentage point above inflation (measured according to the Consumer Price Index (CPI))?

- Partially supportive

Please explain the reasons for your response.

Children in Scotland is partially supportive of the proposals to cap private sector rent increases, as we believe it will have a positive impact on the costs of housing experienced by families. However we do not believe that this proposal in itself goes far enough to address the high costs of housing experienced by families, particularly those living in poverty.

Scotland has a deep-rooted issue with poverty and deprivation. The consultation paper highlights the increasing number of children experiencing severe poverty who live in private rented accommodation, from 20,000 in 2003/04 to 50,000 in 2017/18⁴. This means that roughly 30% of all children living in severe poverty are now living in the private rental sector. Recent figures produced separately by the Resolution Foundation and the Scottish Government have shown child poverty in Scotland to be on the rise, with this increase set to continue⁵⁶.

It is well understood that families experiencing disadvantage are disproportionately affected by housing costs. Families in the lowest income decile spend more than

⁴ https://www.parliament.scot/S5MembersBills/20190513_Final_Version.pdf

⁵ <https://www.resolutionfoundation.org/app/uploads/2019/03/Wrong-direction-briefing-note.pdf>

⁶ <https://www2.gov.scot/Resource/0054/00546979.pdf>

50% of income on housing, compared with 15% in the highest income decile⁷. We have concerns about the knock-on effect these costs have on other essential costs. A report from Shelter in 2010 showed that 28% of families in the UK had cut back on food due to high housing costs and 26% had cut back on home fuel consumption⁸.

Children in Scotland has concerns about the knock-on effect on the wider health and wellbeing experienced by children and young people. Evidence has shown that families experiencing food insecurity are more likely to consume a lower quantity of fruit and vegetables, and have an inconsistent diet that includes more unhealthy food products⁹¹⁰¹¹. Research with parents has also shown that parents experiencing food insecurity feel less able to provide a nutritionally balanced diet¹². We are concerned about how high housing costs may contribute to this and have an impact on child health, including obesity.

A more recent Shelter Scotland report highlighted the impact that housing costs can have on those experiencing issues in this area. Interviewees in the study identified that their housing costs were contributing to social isolation, how safe they felt and their mental health¹³. We know these can all have a knock-on effect on the wellbeing of children and young people. Data from Growing Up In Scotland (GUS) has shown the impact of parental mental health on child development¹⁴.

If we are to reduce the number of children and families experiencing poverty, then clear action must be taken to reduce their most significant financial outlay – housing. A cap on private rental increases, given the number of children living in poverty in the private rental sector, would, we believe play a part.

A cap on private rent increases would also support young people who are entering private tenancies for the first time. The young people in our Beyond4Walls project identified that for young people entering tenancies, cost is a clear issue that underpins their choices and decisions.

*“Obviously housing is affected by employment.” [focus group 18-21]*¹⁵

*“A barrier would be money; if you don't work you don't get money so there's a barrier if you don't have a job.” [focus group 18-21]*¹⁶

A private sector rent cap would be of some value here as it would support young people to enter tenancies with confidence that the costs would not increase far beyond what they are able to afford.

⁷ https://www.parliament.scot/S5MembersBills/20190513_Final_Version.pdf

⁸ https://england.shelter.org.uk/_data/assets/pdf_file/0003/268752/The_Human_Cost.pdf

⁹ Gorton, D., Bullen, C., & Mhurchu, C.N. (2010) Environmental influences on food security in high income countries, Nutrition Reviews, 68, 1-29

¹⁰ <http://dro.dur.ac.uk/14914/1/14914.pdf>

¹¹ Drewnowski, A., Eichelsdoerfer, P. (2009) The Mediterranean Diet: does it have to cost more? Public Health Nutrition, 12,

¹² <https://www.sciencedirect.com/science/article/pii/S0195666316300046>

¹³ https://scotland.shelter.org.uk/_data/assets/pdf_file/0004/1792732/Housing_choice_and_control_how_poverty_and_housing_interact.pdf/nocache

¹⁴ <https://lx.iriss.org.uk/sites/default/files/resources/0097971.pdf>

¹⁵ https://childreninscotland.org.uk/wp-content/uploads/2018/01/Beyond4Walls_Report.pdf

¹⁶ https://childreninscotland.org.uk/wp-content/uploads/2018/01/Beyond4Walls_Report.pdf

Children in Scotland believes that a cap in line with inflation would provide a more equitable solution for children, young people and families than inflation plus 1%, as proposed as an option in the consultation paper. It would provide an opportunity to limit/control some of the costs associated with housing that are experienced by families in poverty.

However, it is worth noting that this only provides support in relation to increases in rent and does nothing to tackle high initial rental costs. Children in Scotland would advocate for further work, either within this legislation or within further proposals to tackle the overall high private rental costs experienced by many across Scotland.

It is also clear that, as well as addressing housing costs, families living in poverty must be provided with sustained financial support to ensure they have sufficient income to meet their needs, including through the social security powers in Scotland and at Westminster. The Scottish Government's recent commitment to bring forward the Family Income Supplement in the form of the Scottish Child Payment is a positive step in this regard, however continued work is required to ensure that the negative ongoing impact of measures such as the universal credit two child limit and freezes on child benefit are reversed.

It is also essential that more work is undertaken to improve the quantity and quality of the social housing supply in Scotland. The Scottish Government must explore how it can provide truly affordable social housing including through building new homes and bringing houses back into the social rented market.

Rent level appeals

*2. Which of the following best expresses your view of providing that, when tenants appeal their rent, rent officers and the First-tier Tribunal would be able to either lower or maintain the rent but **not** increase the rent?*

- Fully supportive

Please explain the reasons for your response.

Children in Scotland is fully supportive of the proposals contained within the consultation paper to change the rent appeals process. Children in Scotland believes the current appeal system may disincentivise many young people or families from accessing it due to the fear of facing increased rents. Access to appeals is an essential part of supporting people to access their rights. The current system infringes upon that.

Children in Scotland would prefer to see an appeals system similar to that proposed in the private members consultation where rents cannot be increased following an appeal. This will allow families experiencing issues with rent increases to challenge without fear of further increased payments.

We also believe that any Fair Rent Bill should include support for families and young adults to understand and navigate the rent appeals system. For many families or young people who have just moved into independent tenancies, an appeals system may be a daunting process. Adequate support for families and young people to ensure their entitlements under the legislation are met, through advice or advocacy services, will be essential.

Landlord registration scheme

3. Which of the following best expresses your view of expanding the landlord registration scheme so that landlords must input the rent that they charge when they register, and update the system when the rent changes?

- Fully supportive

Please explain the reasons for your response.

Children in Scotland is fully supportive of the proposals for expanding the landlord registration scheme. We believe the proposals would support a more open and transparent private rental system where tenants feel more aware of increases in rent and confident that these are within fair limits.

Children in Scotland is also supportive of the registration scheme being used to gather and collate data on the rental market. This should support further evidence-informed policymaking and a clearer picture of the private rental market in Scotland, including variations across the country.

We also believe that more action is required to regulate the behaviour of landlords and letting agents more widely. We will explore this in more detail in our response to question 10.

Equalities

7. What overall impact is the proposed Bill likely to have on equality, taking account of the following protected characteristics (under the Equality Act 2010): age, disability, gender re-assignment, maternity and pregnancy, marriage and civil partnership, race, religion or belief, sex, sexual orientation?

- Positive

Please explain the reasons for your response.

Children in Scotland agrees with the discussion on equalities presented in the consultation paper. Proposals for a Fair Rent (Scotland) Bill appear likely to have a positive impact on children, young people and families, particularly those experiencing disadvantage.

We would also support a proactive pre-legislative Child Rights and Wellbeing Impact Assessment (CRWIA) being undertaken on the proposed Fair Rent (Scotland) Bill to provide a greater understanding of how the potential legislation could be most effectively targeted to promote the rights and wellbeing of children and young people.

General

10. Do you have any other comments or suggestions on the proposal?

Children in Scotland is pleased to see proposals to bring forward a Fair Rent (Scotland) Bill. We hope this will be supported by the Scottish Government and seen

as an important measure that complements ongoing work by the Scottish Government to tackle child poverty through Every Child, Every Change: the child poverty delivery plan 2018-21. It also must be supported by other measures to ensure that the wider housing market from social renting, private rental and home ownership works for children, young people and families.

We believe it would be of value for the Fair Rent (Scotland) Bill to include a set of clear principles that underpin the legislation. These could include broad principles relating to what 'Fair' means within the context of private renting costs, for example, that rent must be reasonable, challengeable, proportionate and transparent.

We also recommend that the development of a Fair Rent (Scotland) Bill should be informed by meaningful ongoing engagement with children, young people and families to identify their needs and to ensure their views are heard and responded to as the legislation progresses. We know young people are often unclear around rights and entitlements in relation to housing. Proposals for a Fair Rent (Scotland) Bill present a key opportunity to start these discussions and improve the knowledge and understanding of housing for children, young people and their families.

Learning from our Beyond4Walls project highlighted that one area young people have clear concerns about is in relation to the practice of letting agencies and private landlords.

"I rented privately through an agency and there's a lot of little things that you didn't realise were going to cost you, like even if you wanted to renew your tenancy, it's cost you money because agencies like to charge you and it's annoying having to go through an agency to speak to your landlord. It seems too complicated." [focus group 18-21]¹⁷

"You get dodgy private landlords. I was 16, and you are not just going to give to a 16-year old are you? First off I had to give him a grand... I didn't see a lot of that back. Who was there to make sure I was alright? What was in place to make sure I was alright? It was £350 a month for a studio flat." [focus group 18-21]¹⁸

"He was like 'three girls, great, you can pay but you can pay in other ways.'" [focus group 18-21]¹⁹

It is clear that more needs to be done to regulate the practice of landlords and letting agencies to provide a positive rental environment for young people and families.

However, it is also clear that young people entering new tenancies need support to understand where they can go if they have issues of this nature. We would advocate proposals for such support being placed within the Fair Rent (Scotland) Bill or other new Scottish Government policy.

Beyond4Walls also highlighted that young people need more support to prepare them for new tenancies. The participants identified that they lack information about the associated costs of renting, including council tax or bills and also wider life skills

¹⁷ https://childreninscotland.org.uk/wp-content/uploads/2018/01/Beyond4Walls_Report.pdf

¹⁸ https://childreninscotland.org.uk/wp-content/uploads/2018/01/Beyond4Walls_Report.pdf

¹⁹ https://childreninscotland.org.uk/wp-content/uploads/2018/01/Beyond4Walls_Report.pdf

about budgeting. The PSE curriculum within schools and other education settings needs to ensure that it provides young people with support in these areas to prepare them for life after school. The Scottish Government should continually monitor how this can be included within the Personal and Social Education curriculum.

"You don't get it, yeah, but we only just found out, we were going into sixth year and we only found out about it last year. I don't understand like rent and all that, I don't understand that. I think it's unfair because if you leave in fourth year you won't have [understood that]." [focus group 14-17]²⁰

"We don't know what's available, no one tells ye. When you're in school they teach you stuff that you would never need to know outside of school but they don't tell us how to manage our money. I mean when am I ever going to use tangents." [focus group 14-17]²¹

"No one tells us. We need to know how to manage money and rent and stuff." [focus group 14-17]²²

"When I got my house I didn't think about bills at all. I was like 'whit?!' Like council tax... Listen I pay council tax, I'm an adult, just things like that you don't realise how much that does go out. Aye it's a bit overwhelming." [focus group 18-21]²³

²⁰ https://childreninscotland.org.uk/wp-content/uploads/2018/01/Beyond4Walls_Report.pdf

²¹ https://childreninscotland.org.uk/wp-content/uploads/2018/01/Beyond4Walls_Report.pdf

²² https://childreninscotland.org.uk/wp-content/uploads/2018/01/Beyond4Walls_Report.pdf

²³ https://childreninscotland.org.uk/wp-content/uploads/2018/01/Beyond4Walls_Report.pdf