



Call for views on the Housing (Scotland) Bill

February 2014

The Scottish Independent Advocacy Alliance is the national membership body for Scottish advocacy organisations. The SIAA promotes, supports and defends independent advocacy in Scotland.

The right to independent advocacy for those with mental disorders or who are potentially at risk is enshrined in Scottish legislation. However, independent advocacy can also have a key role in supporting anyone who is vulnerable due to their situation or circumstances. The SIAA aims to ensure that independent advocacy is available to any vulnerable person in Scotland.

Q7: Do you have any comments on the proposals for transferring certain PRS cases from the Sheriff Courts to the new First-Tier Tribunal?

The SIAA welcomes the movement of (private rented sector) housing cases from the Sheriff Court to the new First-Tier Tribunal. Tribunals are on the whole more accessible for users, particularly those who may be vulnerable, than court proceedings. The less formal nature of Tribunal proceedings are less likely to be intimidating to individuals who may already be fearful and anxious about their situation and about facing a hearing.

However we believe that in only transferring private rented sector business to a specialist housing tribunal, there is a risk of a disparity of approach in how tenants are dealt with. This is likely to put Social Rented Sector tenants at a disadvantage and misses the opportunity to improve access to justice for many vulnerable tenants in Scotland.

Even allowing for the fact that Tribunals are generally held to be more user-friendly, accessible and understandable for some it is likely that they will experience difficulty understanding and following process and procedure, which is made worse by a lack of representation. Access to independent advocacy, particularly for vulnerable tenants can help individuals to understand their rights and responsibilities, consider options and possible outcomes from situations and ensure that their views and opinions are heard and taken into account. This will go a long way towards supporting meaningful dialogue in any dispute.

The importance of independent advocacy support in other tribunal settings, in particular in a Mental Health Tribunal, has been recognised. The inclusion of access to advocacy in this situation would be important to support any vulnerable tenants in understanding and participating in a housing tribunal.

Access to independent advocacy should be a right for tenants in a dispute situation. There should be a duty on statutory agencies to ensure that staff are aware of the role of independent advocacy and, when becoming involved in a dispute, inform individuals about advocacy and local advocacy provision.

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