

# Housing, Homelessness and Fair Work Committee

10am, Thursday, 19 March 2020

## Domestic Abuse Housing Policy

Executive/routine Wards Council Commitments	Executive All
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### 1. Recommendations

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- 1.1. It is recommended that Housing, Homelessness and Fair Work Committee adopts the Domestic Abuse Housing Policy to ensure a sensitive and equitable approach to finding suitable housing solutions for victims of domestic abuse.

**Alistair Gaw**

Executive Director for Families and Communities

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# Report

## Domestic Abuse Housing Policy

### 2. Executive Summary

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- 2.1 This report outlines the rationale for a Domestic Abuse Housing Policy, describes the process used to agree on the draft policy and provides recommendations for its implementation.

### 3. Background

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- 3.1 Edinburgh's Domestic Abuse Strategy and Improvement Plan was agreed by the Edinburgh Partnership in June 2017.
- 3.2 At that time, those responding to the consultation highlighted "the importance of flexible housing options that are person-centred, rather than procedure-driven; and that safe spaces should be defined by the victim, not the service".
- 3.3 A "Housing and Homelessness" work stream was put in place to explore the issues faced by victims of domestic abuse with regard to housing and to establish a range of flexible housing options that are person centred, putting the victim's safety and well-being at the heart of the approach.

### 4. Main report

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#### Context

- 4.1 During consultation prior to the agreement of Edinburgh's Domestic Abuse Strategy and Improvement Plan, it was identified that there were issues around the way in which victims were treated with regard to housing. At that time, it was established that housing options needed to be more flexible and person centred.
- 4.2 Until recently, it has been fairly standard practice that if someone was fleeing domestic abuse, they were encouraged to present as homeless. Presenting as homeless can be traumatic, which meant that many victims chose to stay in an abusive relationship or put themselves in a position of uncertainty and potential separation from their existing support networks in order to leave the perpetrator.
- 4.3 Over the last five years, an average of 300 people per year have presented as homeless, stating that they were fleeing violence from a partner. This is out of a

total of an average of 3,480 homeless presentations. This means that on average, 8.6% of homeless presentations are as a result of people fleeing violence from a partner. It is acknowledged that many people do not cite domestic abuse as a reason for presenting as homeless (sometimes citing relationship breakdown or other issues), and it is thought that the number of people effectively homeless due to domestic abuse is higher.

- 4.4 The City of Edinburgh Council (Planning and Partnership) commissions domestic abuse accommodation and housing support services. At present there are 51 refuge spaces across Edinburgh Women's Aid (EWA), Shakti and Key Moves. These refuge spaces are for women and children who have left domestic abuse situations.
- 4.5 Due to issues around housing options and potentially a lack of suitable move-on accommodation, many of the women within the refuge remain there for longer than they need to. Some women have been in the refuge for upwards of 18 months, when they may have been ready to leave (usually with outreach support) after around three months. Many women did need the refuge and support for longer, however, the majority of women are assessed as being ready for mainstream housing before they are able to access it.

#### **Domestic abuse and housing**

- 4.6 In March 2017, a lead officer was appointed to take forward the Housing and Homelessness work stream identified in Edinburgh's Domestic Abuse Strategy and Improvement Plan. At that time, an initial multi-agency working group was established. This group comprised of members from the City of Edinburgh Council (Homelessness Services, Housing (Localities), Family and Household Support, Criminal Justice Social Work), Police Scotland and Edinburgh Women's Aid (EWA).
- 4.7 The remit of the multi-agency group was to:
  - 4.7.1 identify barriers for victims of domestic abuse with regard to homelessness and housing
  - 4.7.2 develop a work plan to address these issues
  - 4.7.3 agree on a multi-agency approach (and pathway) with regard to homelessness and housing for victims of domestic abuse
- 4.8 Following the initial meeting of the multi-agency group, the following were identified as initial priorities for research and development:
  - 4.8.1 development of a domestic abuse housing policy
  - 4.8.2 implementation of a Domestic Abuse Home Safety Initiative
  - 4.8.3 development of specialist domestic abuse housing officers
  - 4.8.4 investigation of options available to increase priority for those who are homeless due to domestic abuse
  - 4.8.5 consideration being given to procuring specific housing stock for victims of domestic abuse

#### 4.8.6 increased use of measures to remove the perpetrator from the family home

- 4.9 The lead officer identified that Scottish Women's Aid (SWA) had recently undertaken a research project in conjunction with Fife Council, with regard to domestic abuse and housing. The report "Change, Justice, Fairness" identified many of the same issues that victims of domestic abuse in Edinburgh were facing. Meetings took place with Scottish Women's Aid, and Fife Council to explore this further, and to build on best practice already underway.
- 4.10 One of the main issues identified for victims of domestic abuse was that the default position to escape the abusive situation appeared to be going down the homeless route. The Change, Justice, Fairness report outlined that often, victims of domestic abuse wanted support to remain where they were.
- 4.11 The lead officer engaged with a range of partner agencies, including SWA, the Scottish Federation of Housing Associations (SFHA), the Chartered Institute of Housing (CIH) as well as local partners (Council colleagues (including Locality Housing, Homelessness Services, Planning and Partnership, Criminal Justice Social Work, Family and Household Support), Police Scotland, EWA, EdIndex partner landlords).
- 4.12 As Edinburgh operates a Common Housing Register (comprised of the Council and 19 partner Registered Social Landlords (RSLs), it was vital to develop the domestic abuse housing policy (the policy) collaboratively. The lead officer attended the EdIndex Management Board on 18 October 2017. It was agreed that the partner landlords could be contacted with regard to the development of the policy, practice and procedures with regard to domestic abuse.
- 4.13 An event was arranged on 19 January 2018 for the EdIndex partner landlords. Presentations were given by SWA, SFHA and Prospect Community Housing, to set the context regarding the issues faced by victims of domestic abuse, with a specific focus on housing. This session was well received, and following on from that, an EdIndex RSL working group was established to contribute to the development of Edinburgh's housing response to domestic abuse.
- 4.14 The multi-agency and RSL working groups met regularly to develop a draft domestic abuse policy, as well as procedures and guidance that underpin the policy. The draft policy was open for final consultation across partner agencies in January 2020 and was also discussed with service users through focus groups, individual sessions and questionnaires (undertaken in collaboration with EWA and Key Moves refuge).

The main aim of the policy is to offer victims of domestic abuse choice in how their own situation is progressed. This includes:

- 4.14.1 Housing options (assisting victims to make informed choices regarding their housing situation; consideration of alternative tenures e.g. mid-market rent, private rented sector, or in case of emergency, access to refuge or temporary accommodation)

- 4.14.2 Prevention (enabling victims to put safety measures in place to enable them to stay where they are)
- 4.14.3 Moving home (moving to alternative accommodation through a management transfer (available to Council or social rented tenants only), accessing suitable emergency accommodation (through a housing pathway), and being supported to access move-on/permanent accommodation once assessed as ready)
- 4.15 One issue identified for further consideration is that due to current legislation, it is not possible to evict a perpetrator of domestic abuse, when the tenancy is joint, and held in both names. While certain measures can be applied for to prevent the perpetrator remaining in the family home (e.g. bail conditions, Non Harassment Orders etc), it should be noted that the Housing (Scotland) Act 1987 as amended would need to be updated in order to allow Councils and RSLs to evict the perpetrator. This issue has been raised with Scottish Government by Scottish Women's Aid, however, to date, there has not been any proposed update to the Scottish Secure tenancy Agreement.
- 4.16 The policy also outlines the need for a consistent systematic approach, commitment to domestic abuse training for all housing staff, regular oversight of the policy (with monitoring and evaluation) by a Domestic Abuse Housing Management Group.
- 4.17 In implementing the policy, the following outcomes are anticipated:
  - 4.17.1 Increased use of a range of housing options to ensure choice, and the best outcomes for victims of domestic abuse
  - 4.17.2 A more sensitive and consistent approach to victims of domestic abuse, with regard to housing
  - 4.17.3 Improved management of refuge spaces to ensure they are available for those in greatest need.

## **5. Next Steps**

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- 5.1 An implementation plan will be developed to ensure that the policy is embedded across Council housing and the EdIndex Partnership.
- 5.2 Further analysis will be undertaken with regard to scoping the demand for bespoke emergency accommodation options for victims of domestic abuse.
- 5.3 The policy will be reviewed on a six monthly basis with regular reports being presented to the Violence Against Women Partnership

## **6. Financial impact**

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- 6.1 There are no direct costs arising from this report.

## **7. Stakeholder/Community Impact**

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- 7.1 The policy was created collaboratively with a variety of internal and external stakeholders, all of whom are in agreement with the planned implementation.
- 7.2 Service users were consulted and given the opportunity to comment on the content of the policy.
- 7.3 Implementation of the policy should lead to improved outcomes in terms of safety and well-being for victims of domestic abuse.

## **8. Background reading/external references**

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- 8.1 [Edinburgh's Domestic Abuse Strategy and Improvement Plan](#)
- 8.2 [Change, Justice, Fairness \(Scottish Women's Aid Report\)](#)

## **9. Appendices**

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- 9.2 Appendix 1 - Edinburgh's Domestic Abuse Housing Policy

## Domestic Abuse Housing Policy

### City of Edinburgh

#### 1. Purpose

This policy sets out details of Edinburgh's pro-active housing response to preventing and addressing domestic abuse. This policy is in line with Edinburgh's Domestic Abuse Strategy and Improvement Plan (February 2017)<sup>1</sup>.

It is evidenced that domestic abuse primarily affects women and children, however, this policy applies equally to all victims of domestic abuse.

The aim of this policy is to outline housing's contribution within the multi-agency domestic abuse arrangements, by:

- Providing a sensitive and supportive response to victims of domestic abuse
- Implementing an early intervention approach to domestic abuse, with a view to enabling victims to safely stay where they are
- Working collaboratively to enable victims to access a range of housing options, advice, information and support
- Working with perpetrators (in terms of accountability, ensuring the safety and well-being of victims and referring perpetrators for support as appropriate)

The Edinburgh Partnership<sup>2</sup> has adopted a broad definition of domestic abuse, which is gender based (i.e. that the violence is perpetrated against women and girls). It should be noted, however, that this policy equally applies to men, lesbian, gay, bisexual, transgender people and gender non-binary people (LGBT+).

#### 2. Definition

This policy adopts the Scottish Government's definition of domestic abuse (also agreed by the Edinburgh Partnership) and takes in to account existing legislation, namely Domestic Abuse (Scotland) Act 2018:

*“Domestic abuse (as gender-based abuse), can be perpetrated by partners or ex-partners and can include physical abuse (assault and physical attack involving a range of behaviour), sexual abuse (acts which degrade and humiliate women and are perpetrated against their will, including rape) and mental and emotional abuse (such as threats, verbal abuse, racial abuse withholding money and other types of controlling behaviour such as isolation from family or friends).<sup>3</sup>*

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<sup>1</sup>

[http://www.edinburgh.gov.uk/info/20110/domestic\\_abuse/1432/edinburgh\\_s\\_domestic\\_abuse\\_strategy\\_and\\_improvement\\_plan](http://www.edinburgh.gov.uk/info/20110/domestic_abuse/1432/edinburgh_s_domestic_abuse_strategy_and_improvement_plan)

<sup>2</sup> [http://www.edinburgh.gov.uk/info/20133/community\\_planning/391/edinburgh\\_partnership](http://www.edinburgh.gov.uk/info/20133/community_planning/391/edinburgh_partnership)

<sup>3</sup> <http://www.gov.scot/Publications/2003/09/18185/26440>

Domestic abuse is a pattern of controlling, coercive, threatening, degrading and/or violent behaviour, including sexual violence, by a partner or an ex-partner. It is common, but often concealed. In most cases, it is experienced by women and children and is perpetrated by men.<sup>4</sup> Violence against women is a violation of human rights.<sup>5</sup>

This policy also applies to men, lesbian, gay, bisexual, transgender people and gender non-binary people (LGBT+) affected by domestic abuse.

It is also important to note that children who live with domestic abuse are, themselves, experiencing abuse<sup>6</sup>.

For the purposes of this policy, it is assumed that the domestic abuse is being perpetrated by a partner or ex-partner (i.e. intimate partners).

It is, however, acknowledged that in some communities wider family members become involved in the abuse. Any such abuse would be managed through the wider Antisocial Behaviour Policy<sup>7</sup>.

### **3. Scope**

This policy statement has been agreed by the following partner agencies, who are committed to delivering a collaborative approach to finding housing solutions for people affected by domestic abuse (including victims, survivors and perpetrators).

#### Partner Agencies in delivering Edinburgh's multi-agency approach to housing and domestic abuse

- City of Edinburgh Council
  - Homelessness and Housing Support (Safer and Stronger Communities)
  - Housing Management (Housing and Regulatory Services, Place)
  - Family and Household Support (Safer and Stronger Communities)
  - Criminal Justice Social Work (Safer and Stronger Communities)
  - Children and Families
  - Health and Social Care
- Police Scotland
- EdIndex Partner Landlords (Appendix 1)
- Third sector partner agencies
- NHS Lothian
- Scottish Fire and Rescue Service

This policy supports the Collaborative Partnership developed through Edinburgh's Domestic Abuse and Violence Against Women Partnership.

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<sup>4</sup> [http://womensaid.scot/wp-content/uploads/2017/09/Good-Practice-in-Commissioning-Specialist-Domestic-Abuse-Services\\_SWA\\_COSLA.pdf](http://womensaid.scot/wp-content/uploads/2017/09/Good-Practice-in-Commissioning-Specialist-Domestic-Abuse-Services_SWA_COSLA.pdf)

<sup>5</sup> <https://www.ohchr.org/en/issues/women/wrgs/pages/vaw.aspx>

<sup>6</sup> <https://www.womensaid.org.uk/information-support/what-is-domestic-abuse/impact-on-children-and-young-people/>

<sup>7</sup> [http://www.edinburgh.gov.uk/directory\\_record/1011804/antisocial\\_behaviour\\_policy](http://www.edinburgh.gov.uk/directory_record/1011804/antisocial_behaviour_policy)



## 4. Equalities and Human Rights

The policy has been subject of an Integrated Impact Assessment (this includes both equalities and human rights). This is to ensure that appropriate responses are in place to support the differing and intersecting needs of people with protected characteristics (e.g. physical disability, black and minority ethnic groups, LGBT+ etc) and that individuals' human rights are recognised and respected.

This policy is underpinned by the City of Edinburgh Council's Equality, Diversity and Rights Framework 2017-21, especially section 2.1 *"Interventions are early and effective, preventing domestic abuse, and maximising the safety and wellbeing of citizens, children, and young people affected by domestic abuse"*.<sup>8</sup>

## 5. Policy statement

### Guiding principles for domestic abuse and housing

Edinburgh supports a zero tolerance approach to domestic abuse.

The main aim of this policy is to ensure that victims of domestic abuse are supported and given advice to make informed choices about their accommodation options. This includes sustaining their current accommodation, where possible and preventing the need to present as homeless. It is hoped that this early intervention approach will enable victims to avoid the potential trauma of emergency accommodation, living in an unfamiliar area (away from existing support networks), and reducing the likelihood of financial hardship associated with homelessness.

The research (Change, Justice Fairness<sup>9</sup>) conducted by Scottish Women's Aid in partnership with Fife Domestic and Sexual Abuse Partnership demonstrated that many improvements could be made to the ways in which victims of domestic abuse are treated, in terms of housing. The report concluded with a range of recommendations, which partner agencies in Edinburgh will implement as appropriate.

A Domestic Abuse Housing Management Group will oversee the implementation of this policy on an ongoing basis. The main principles of the policy are outlined below:

#### i. Housing options

Victims of domestic abuse will be offered a range of housing options and advice, based on their individual circumstances and assessed needs. These options will include:

- Supporting victims to remain in their own home
- Removing the perpetrator (where possible)
- Referring for management transfers where assessed as appropriate

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<sup>8</sup> <https://www.edinburgh.gov.uk/equalities>

<sup>9</sup> <http://womensaid.scot/wp-content/uploads/2017/07/Change-Justice-Fairness.pdf>

- Assisting through a housing pathway (including access to homelessness services where required), specifically developed for victims of domestic abuse
- Supporting victims with regard to permanent re-housing
- Supporting victims to access legal advice
- Enabling victims to access specialist domestic abuse support

## **ii. Prevention**

Wherever possible, if a victim of domestic abuse wants to remain in their own home, they should be supported to do so. This may involve the following measures:

- An assessment of their home, in terms of safety (Police Scotland); this will include a home safety plan and recommendations on how to improve safety
- Recommendations to be shared with the landlord (if applicable) for safety measures to be put in place
- Arranging adaptations, equipment and/or advice (which can be prioritised through the Council/Registered Social Landlord (RSL), Police Scotland and/or the Scottish Fire and Rescue Service)

## **iii. Moving home**

Where a victim of domestic abuse no longer feels safe in their existing home, three options exist, depending on whether they are at immediate risk of harm:

### **1. Accessing emergency accommodation (available to all victims of domestic abuse, regardless of tenure)**

This involves:

- Presenting at a City of Edinburgh Council locality office to access the most suitable/available emergency accommodation based on assessed need and risk (during office hours only)
- Contacting the Out of Hours Service (after office hours or weekends)
- Accessing support
- Continuous review of the placement with a view to moving to more/less supported accommodation as appropriate
- Consideration of converting suitable temporary accommodation to a secure tenancy, with an alternative property being offered back to the Temporary Accommodation Service

### **2. Management transfer**

This involves:

- Assessing the victim's existing tenancy to establish if criteria are met to put forward for a management transfer
- A request to EdIndex partner landlords for a management transfer (based on need and risk assessment)

### **3. Permanent re-housing**

Victims of domestic abuse should be registered on EdIndex to maximise opportunities for re-housing.

Where a victim needs to be permanently re-housed this may be achieved by:

- Being nominated through the Refuge Exit Assistance Matching (REAM) process to EdIndex Partner landlords (including the Council) for direct allocation (according to housing need and personal circumstances)
- Bidding for suitable properties through Key to Choice
- Accessing alternative tenures e.g. private rented accommodation, mid-market rent etc (although there is less security of tenure with this option)

## **6. Confidentiality**

It is essential that the Domestic Abuse Housing Policy is underpinned by robust information sharing.

All information sharing will be done in compliance with the General Data Protection Regulation and the Data Protection Act 2018.

## **7. Support**

It is vital that victims of domestic abuse are able to access appropriate levels of suitable support, aimed at ensuring the best possible outcomes.

Support may be provided directly through Council services (i.e. Family and Household Support), or through commissioned services.

Intensive support may be provided at the initial point of presentation (especially when the victim is living in refuge accommodation), however, ongoing outreach support should be made available at times of transition, and when move-on accommodation is identified. This will be prioritised and made available through commissioned domestic abuse services.

## **8. Consistent Systematic Approach**

This policy will be delivered in accordance with agreed pathways and protocols.

This will be achieved by:

- Provision of Plain English information that outlines agreed processes, roles and responsibilities
- Offering domestic abuse training to all housing staff (Council and EdIndex partners) to ensure a consistent approach to domestic abuse across social housing providers
- Management and monitoring of the domestic abuse housing policy through the Domestic Abuse Housing Management Group

## **9. Training**

In order to ensure delivery of a consistent systematic approach to domestic abuse and housing, a multi-agency training programme is available to all staff across the EdIndex Partnership. The training is called “Rethinking Domestic Abuse”. This training informs staff about domestic abuse, violence against women and issues relating to perpetrators.

The training enables staff to understand and provide appropriate responses to:

- Domestic abuse and violence against women (including different forms of abuse, how to identify women at risk and how to respond appropriately and confidently)
- Diversity, including disability, ethnicity, age and sexual orientation
- Accessing services and resources to meet assessed need

This training will be mandatory for Council housing officers and staff within homelessness services and offered to all RSL staff. This will ensure that all housing staff have a consistent understanding of domestic abuse and how to support victims with regard to housing.

## **10. Collaborative/partnership working**

In order to provide a robust response to victims of domestic abuse, Edinburgh has agreed to implement a co-ordinated community response. This was agreed by Corporate Policy and Strategy Committee on 19 January 2016.

The co-ordinated community response is based on the principle that no single agency or professional has a complete picture of the life of a domestic abuse victim, but many will have insights that are crucial to their safety. It is paramount that agencies in Edinburgh work together effectively and systematically to increase safety for victims of domestic abuse and hold perpetrators to account.

In working collaboratively, partners agree to:

- Share information as appropriate and in compliance with GDPR to ensure that victims' information is shared appropriately, and proportionately, in order to access suitable housing and support
- Participate in multi-agency training, to ensure a consistent approach when working with victims of domestic abuse
- Implement the housing pathway to ensure that victims are able to access housing options and/or the accommodation and support most suited to their needs (whether that be emergency accommodation or permanent re-housing)

## **11. Information and advice**

It is vitally important that victims of domestic abuse are able to access information and advice in a variety of formats.

Written information on domestic abuse is available in a variety of formats and written in Plain English. This includes both leaflets and on-line information.

## **12. Risk management**

Staff across housing should be proficient in identifying, assessing and managing risk.

Risk assessment forms part of the Rethinking Domestic Abuse training, and staff can also access the Domestic Abuse Stalking and Harassment Risk Identification Checklist (Rethinking Domestic Abuse – Level 2) training as appropriate.

Housing staff will be trained to identify the signs of domestic abuse, and encouraged to explore this with individuals in a sensitive manner. This includes potential, perceived or real risks. As well as identifying risk, housing staff are expected to make timely referrals where appropriate for assistance with housing and/or support.

Council housing staff are proactive members of locality based Multi-Agency Risk Assessment Conferences and the city-wide Multi-Agency Tasking and Co-ordinating Group. This involves sharing information to allow robust risk management and safety plans to be put in place, identifying solutions for victims of domestic abuse, and sharing information that holds perpetrators to account.

EdIndex partner landlords are also supported to identify and assess risk relating to domestic abuse and should share any concerns they have with the Domestic Abuse Housing Management Group, for advice on how to proceed with each individual case.

The domestic abuse housing pathway also provides a clear process for housing staff to follow, when risk is identified, and the most appropriate way to deal with the risk, depending on the immediacy of the situation.

## **13. Responsibilities**

The Domestic Abuse Housing Management Group is responsible for oversight of the delivery of the policy. Membership includes:

- Access to Housing and Support Services Lead Officer (Chair)
- Homelessness Services Manager
- Temporary Accommodation Manager
- 1 x Housing Operations Manager (locality)
- 1 x Family and Household Support Manager/Team Leader
- 1 x Partnership and Planning Officer
- 1 x Third Sector Representative
- 1 x RSL representative (EdIndex Management Board member)
- Police Scotland Representative
- Criminal Justice Social Work Representative

## **14. Monitoring and evaluation**

This policy will be subject to regular review, in terms of its implementation, recording outcomes and supporting best practice.

Monitoring information and statistics will be provided by the Domestic Abuse Housing Management Group. This will be collated in a regular six monthly report and provided to the Violence Against Women Partnership.

Victims of domestic abuse will be invited to participate in evaluating their experience and the response of services involved, through anonymous surveys and focus groups. This is to ensure that their voices are heard in order to continuously improve service delivery and responses to domestic abuse.

## **15. Legislative context and associated documents**

[Domestic Abuse \(Scotland\) Act 2011](#)

[Adult Support and Protection \(Scotland\) Act 2007](#)

[Children \(Scotland\) Act 1995](#)

[Children's Hearing \(Scotland\) Act 2011](#)

[Protection from Abuse \(Scotland\) Act 2001](#)

[Housing \(Scotland\) Act 1987](#)

[Housing \(Scotland\) Act 2001](#)

[Housing \(Scotland\) Act 2006](#)

[Housing \(Scotland\) Act 2014](#)

[Homelessness etc. \(Scotland\) Act 2003](#)

## APPENDIX 1

### EdIndex Partner Landlords

Ark Housing Association Ltd	0131 447 9027
Barony Housing Association	0845 140 7777
Cairn Housing Association	0800 990 3405
City of Edinburgh Council	0131 529 5080
Blackwood Homes	0131 317 7227
Castle Rock Edinvar Housing Association	0131 657 0679
Dunedin Canmore Housing	0131 478 8888
Hanover (Scotland) Housing Association Ltd	0131 557 7404
Hillcrest Homes	0300 123 2640
Home Group	0131 335 6810
Hunters Hall Housing Co-operative Ltd	0131 657 3379
Link Housing Association Ltd	03451 400 100
Lister Housing Co-operative	0131 229 6176
Manor Estates Housing Association	0131 337 3222
Muirhouse Housing Association	0131 336 5282
Port of Leith Housing Association Ltd	0131 554 0403
Prospect Community Housing	0131 458 5480
Trust Housing Association Ltd	0131 444 1200
Viewpoint Housing Association Ltd	0131 668 4247
West Granton Housing Co-operative Ltd	0131 551 5035

