

Scottish COVID-19 Inquiry

Witness Statement

Witness statement of Aoife Catherine Deery

Witness Number: BWS0031

INTRODUCTION

1. My name is Aoife Catherine Deery. I am 32 years of age. I work in Edinburgh. My personal details are known to the Inquiry.
2. I am currently the Senior Social Justice Policy Officer (Housing) for Citizens Advice Scotland. I have held that role since December 2020. I started working for Citizens Advice Scotland in August 2019 as a Senior Energy Policy Officer. Prior to that I held positions at Shelter Scotland and Aberdeen City Council.
3. I am giving this statement on behalf of Citizens Advice Scotland. This is the operating name of the Scottish Association of Citizens Advice Bureau, which is a company limited by guarantee and a registered charity (SC016637).

OPERATION OF ORGANISATION PRE-PANDEMIC

Pre-pandemic Overview

Description of Organisation

4. Citizens Advice Scotland is a registered charity which supports the Scottish Citizens Advice Bureaux across Scotland to provide high quality advice on a wide range of issues including through training, online advice and quality assurance. We use our evidence base to challenge policy and practice that works against people.

5. Citizens Advice Scotland is partially funded by the Scottish Government.
6. As an organisation we have two aims. Firstly, to offer free confidential independent advice through the Bureaux and, secondly, to work on policy, campaign, and influence to tackle the root cause of problems and to advance people's rights.
7. We campaign on the issues that matter to the public, based on our evidence.
8. We are a membership organisation. There are 59 individual Citizens Advice Bureaux across Scotland, all operating as independent charities and focusing on providing support directly to citizens. Each of these organisations is a member of Citizens Advice Scotland.
9. We collaborate closely with our sister organisation in England and Wales, Citizens Advice.
10. Each Bureau reports information and data to Citizens Advice Scotland. This allows us to analyse information at a national level and provides us with a picture of where problems are across the country. This then allows us as an organisation to concentrate and campaign on specific matters.

Staff

11. Citizens Advice Scotland has about 250 members of staff. We are divided into two sections. Firstly, there is the Impact team, which contains the Policy and Communication teams. Secondly, there is Advice Services, which contains the Digital Advice and Content team and Network Services. Our current staffing levels are broadly the same as what they were pre-pandemic.
12. The 59 Bureaux across the country are made up of volunteers and paid staff. Volunteers within the Bureaux are highly trained. I do not know the exact number of staff and volunteers at the different Bureaux, which are each made up differently.

13. Our Bureaux advisors provide a holistic service to the public. We find that around 40% of the people who come to us for advice also need advice on another topic (although this figure can range from 25% to 70%, depending on the type of advice initially sought). For example, people seeking information on housing often also seek advice on utility bills, debt, and social security. It is quite rare that people receive just one type of specific advice.
14. Citizens Advice Scotland has a Board of Trustees. There are 12 trustees, and the board meets four to five times a year.

IMPACTS OF THE COVID-19 PANDEMIC

Impacts on Organisation

15. When the pandemic began in early 2020, I was in my energy job within Citizens Advice Scotland. In terms of preparedness, I do not think that Citizens Advice Scotland realised the magnitude of what was about to hit us. We were unprepared for working from home for such a long period, because, prior to the pandemic, staff were office based and it was unusual for staff to work from home.

Impacts on Staff

16. Citizens Advice Scotland staffing levels remained broadly the same during the pandemic. We commenced working from home in March 2020 and re-opened our offices in June 2022.
17. During the pandemic period, we moved from more of a paper-based organisation to digital. This was challenging for everyone, but we managed the transition with training in online platforms and storage of electronic files.
18. All staff and volunteers received regular updates from our Chief Executive Officer and Deputy Chief Executive Officer that would either explain or

link us to the latest Scottish Government guidance and what that meant for us. We were kept up to date.

19. Citizens Advice Scotland staff, Bureaux staff and volunteers were not classed as keyworkers.

Impacts on Private Rented Sector Tenants

20. In December 2020, when I commenced my role within the Social Justice team, I was tasked with understanding the impact of the pandemic in the rented sector, and whether people were being made homeless and losing their homes due to financial impacts caused by the pandemic.
21. From December 2020, I supported and deputised for my Policy Manager, PD on the Private Rented Sector Resilience Group. PD was the co-chair of the group. She later left Citizens Advice Scotland, in October 2021, but I remained on the group.
22. The Private Rented Sector Resilience Group was moving at pace when I joined the Social Justice team. The group was trying to keep tenants from losing their homes and protect tenants from adverse consequences. The group also tried to find out what financial assistance private rented sector tenants could receive, such as Universal Credit and Discretionary Housing Payments.
23. As an organisation, Citizens Advice Scotland used our data, which allowed us to show that tenants were approaching us for advice on rent and debt. Our data indicated that tenants were in difficulty, so there was the need to take steps to protect them and try to keep them in their homes. In addition, there was the public health aspect, so that people were safe in their homes so as not to spread the COVID-19 virus.

Personal finances

24. During the pandemic, private rented tenants were under pressure, because many had lost their jobs, were at risk of losing their jobs, were

not receiving furlough payments, and were falling behind with rent payments. This caused people to contact Citizens Advice Bureaux in Scotland and seek advice.

25. Our findings were that, during the pandemic, tenants in the private rented sector were more at risk of losing their homes and being evicted if they fell into arrears in comparison with the social rented sector.
26. In addition, tenants in the private rented sector were more likely to be laid off from work, not receive furlough payments or have income changes. We were aware of this because we saw a significant increase in calls for assistance from private rented sector tenants in relation to rent and debt advice (an increase of around 10% to the pre-pandemic levels of calls). These people were calling us and explaining that they were struggling to pay their rent due to these factors. The Bureaux generally only hear about issues at the point of crisis. Not all private rented sector tenants in Scotland went into rent arrears. The type of advice that was provided to the public was logged and reported to us at Citizens Advice Scotland.
27. In terms of housing advice, the largest proportion of our calls for assistance are about the social rented sector, then the private rented sector. Within both categories, repairs and rent are our top advice areas.
28. In addition to our telephone service, we had our online advice pages. In my role, I was able to see what website pages were most viewed. I could see that a lot of people were searching for advice about struggling to pay rent and money issues. These searches increased during the pandemic, before falling again.
29. I have no doubt fuel poverty and similar impacts were experienced by private sector rented tenants as well. The crux of it was that people were having difficulties paying their rent more so than in other times, and that was because of the pandemic.

30. At the time, the Scottish Government advice was to “stay at home” and it was not safe for people to leave their homes or access temporary accommodation. If people were evicted from their homes, it is quite likely they would have to apply as homeless and be placed in temporary accommodation. Moving home was advised against during the pandemic, and some temporary accommodation is communal style, which heightened the risk of COVID-19 spreading.
31. Local authorities were still operating during the pandemic but were working from home. This really impacted on the level of service that they could offer. Our Bureaux staff and volunteers advised callers from the private rented sector and tried to find ways to sustain the tenancy. Our staff and volunteers would seek to maximise the caller’s income and understand if the caller could first try to pay off arrears and come to a repayment arrangement with the landlord.

Evictions

32. In respect of evictions during the pandemic, our view is that most landlords acted in the correct way and wanted to protect and support their tenants. We do recognise that landlords would have been under financial pressure during the pandemic.
33. During the pandemic, there was an eviction moratorium in place from 11 December 2020 to 30 September 2021. Exemptions were in place if there were any cases of conduct such as extreme anti-social behaviour.
34. Where a landlord is wishing to evict a private sector tenant, they have to provide the correct paperwork to the tenant, and if the tenant does not leave on the notice date, the landlord must go through the First-tier Tribunal and have an eviction order granted, with an effective date. If this process is not followed, it would be an illegal eviction. We found that, during the pandemic, this did not happen for a lot of private rented sector

tenants, meaning that they were illegally evicted and removed from their homes.

35. At Citizens Advice Scotland, we were concerned that people were not able to stay safely at home if they were being evicted. If we were aware that illegal evictions were taking place during the pandemic, then this would be the tip of the iceberg, as there would no doubt be a lot more not brought to our attention.
36. We also found that a small number of private rented sector tenants were being threatened with eviction or being evicted even if there were no issues with rent being paid.
37. I cannot say whether there was a particular group of private rented sector tenants being disproportionately impacted during the pandemic. Our biggest client group is generally single people who were not pensioners. We feel that these people are not seen as a priority group and can be left behind.
38. We also found that there were lots of people claiming benefits, such as Universal Credit, for the first time, from which it can be inferred that people who were not pensioners were being disproportionately impacted, because Universal Credit is the main working age benefit and was the main benefit that people claimed during the pandemic when they lost work. We learned that a lot of people who had never claimed any benefits before were completely unaware of how the benefits system worked or completely unaware of how complicated it could be.
39. We also found that there was a level of digital exclusion for individuals, and we know that people missed out on things that they were entitled to because of this. To claim Universal Credit, the application is, by default, online. It is difficult to make a Universal Credit application without being online. An applicant must maintain a journal online and some people just did not have the ability to maintain such a journal. A surprising number

of people did not have access to the internet or consistent access to the internet. A lot of people were trying to perform tasks on their mobile phone, but the websites they were using were not optimised for mobile use, or people might have been on a meter tariff and so they would run out of data.

Impacts on Service Users

40. Due to the pandemic restrictions, our network of 59 Bureaux closed their offices to the public. This had an impact on service users as our network of offices were well known and are always busy, and people often preferred to visit the Bureaux to receive in-person advice. However, we continued to provide online and telephone advice.
41. We were an essential service during the pandemic. The public were visiting our website regularly to seek advice on COVID-19 guidance, in addition to other matters like employment, housing and rent arrears advice. We were one of the first ports of call for the public. We would on occasions signpost callers to other organisations (such as Shelter Scotland and Crisis), especially if there was a crisis, to provide emergency advice and assistance regarding housing and homelessness.
42. During the pandemic, the main method of contacting Citizens Advice was by telephone. The public would phone their local Bureau and speak with our staff and volunteers. We later set up a national advice line, in 2022. This was a more efficient way of helping people more quickly, especially as some of our Bureaux were busier than others. Calls would be diverted to the next available advisor.
43. Citizens Advice Scotland conducted a comparison of housing advice trends between the periods April to December 2019 and April to December 2020. We found that advice on housing as a proportion of all advice increased slightly from 4% in 2019, to 5% in the same period in 2020. While this seems a slight change, this represented a 24% increase

between these periods, which in practice is an increase of thousands of pieces of advice. The five most common types of housing advice as a proportion of all housing advice from April to December 2019 compared with April to December 2020 were as follows:

- Private sector rented property up from 17% in 2019 to 23% in 2020;
 - Local authority housing down from 16% in 2019 to 14% in 2020;
 - Owner occupier property up from 11% in 2019 to 13% in 2020;
 - Environmental and neighbour issues up from 7% in 2019 to 11% in 2020; and
 - Access to, and provision of, accommodation down from 10% in 2019 to 9% in 2020.
44. Advice for other registered social landlord housing stayed stable at 7% of all housing advice between these periods in 2019 and 2020 and was therefore not in the top five.
45. There was an interesting shift in the most common types of housing advice provided in the space of a year, which indicates that a need for a different type of housing advice had arisen during the pandemic. The number of requests for advice on private renting and local authority housing were similar in the first three quarters of 2019 but diverged quite significantly thereafter, with many more pieces of advice being given on private renting than local authority housing in 2020. Advice given on environmental and neighbour issues had also increased, which may be linked to households being asked to stay at home during the day.
46. Data from the Bureaux regarding landlord harassment and illegal evictions also made for concerning reading as it almost entirely related to the private rented sector. Any illegal eviction in the social rented sector

was down to administrative errors in paperwork and rectified. There was a significant increase in illegal evictions in the private rented sector in 2019-2020 and in 2020-2021, despite the measures which were put in place at the beginning of the pandemic to protect tenants from unnecessary eviction. Reported "harassment / illegal evictions" increased from 166 between April and December 2019 to 286 for the same period in 2020, an increase of 72%. This refers to both illegal evictions and harassment. However, we changed this in 2021-2022 to only cover illegal evictions, to make this more specific, and the numbers were broadly the same. Reported "complaints / harassment by landlord" rose from 314 between April and December 2019 to 457 for the same period in 2020, an increase of 46%. The "complaints / harassment" by landlord field is a wide advice code. It could take in a variety of circumstances, but mainly it referred to when a tenant was complaining about a landlord's conduct. There is likely some crossover between this and the metrics for "harassment / illegal eviction".

47. We found that all of these trends gradually decreased and returned to pre-pandemic levels in 2022-2023, during the cost-of-living crisis.

COMMUNICATIONS WITH PUBLIC AGENCIES

Governance Groups

48. The Private Rented Sector Resilience Group was set up to tackle a wide variety of private rented sector housing issues arising from the COVID-19 pandemic. It was initially co-chaired by Citizens Advice Scotland and the Scottish Association of Landlords (SAL). SAL later left the group. The administrative support for the group was provided by the Scottish Government.

49. Representatives from Citizens Advice Scotland, Shelter Scotland, Public Health Scotland, Living Rent, Scottish Government and local authorities attended the group throughout its existence.
50. My former manager, [redacted PD], co-chaired the group until she left Citizens Advice Scotland in October 2021. I do not believe another chair was elected thereafter, and the Scottish Government both led and did the administration for the group for the remainder of its existence. I provided support to my former manager and attended the group as a member.
51. Organisations on the group shared concerns, information and data on issues arising in the private rented sector during and/or because of the COVID-19 pandemic, and developed recommendations and solutions to address these issues.
52. The group had a focus on the following key issues:
- Sustaining tenancies and preventing evictions;
 - Raising awareness about rights and support for tenants and landlords;
 - Providing information and necessary financial support for landlords;
 - Ensuring COVID-19-specific and general safety in the private rented sector throughout the pandemic;
 - Bringing void properties back into use;
 - Improving links between private rented sector stakeholders, local authorities and relevant third sector stakeholders; and
 - Understanding and identifying opportunities to support tenant groups with experience of exclusion and marginalisation.

53. The Private Rented Sector Resilience Group met online.
54. The Chair of the group would meet with the Housing Minister every two weeks, together with the other resilience group chairs (including the chairs of the Social Housing Resilience Group and the Local Government Resilience Group), to inform the Minister about the concerns and recommendations of the various groups. The evidence that Citizens Advice Scotland had documented was brought to the attention of the Housing Minister and civil servants. We were trying to show that private rented sector tenants were need of intervention and support.
55. The Chair would then feed back to the group what had been discussed with the Minister.
56. When I attended the group, I brought evidence from Citizens Advice Scotland's statistics and information from our research team. I would discuss emerging issues such as illegal evictions and try to ascertain whether other organisations, such as Shelter Scotland, were also seeing similar issues. Shelter Scotland also saw illegal evictions, but I cannot remember if they witnessed a rise like we did. Their focus was on engaging with Police Scotland to recognise illegal eviction as a criminal matter, not civil.

Tenant Grant Fund

57. A key success of Citizens Advice Scotland's campaigning at the group was the decision by the Scottish Government to establish the Tenant Grant Fund. This grant was a non-repayable one-off payment. Citizens Advice Scotland was keen to see direct help for tenants and, in turn, landlords. The idea was to clear arrears that had built up because of the pandemic, as people were at risk of losing their tenancy if they did not clear their debts.
58. There had been a Landlord Loan Fund and a Tenant Loan Fund prior to the pandemic. These funds were resurrected during the pandemic as the

Private Rented Sector Landlord (non-business) COVID-19 Loan, and the Tenant Hardship Loan Fund. However, the take up of them was low because they were loans and not grants. This meant that people would have to pay the loan back, even though it was interest free. The Scottish Government indicated that they felt that the low take up meant that there was not a demand for this assistance. However, Citizens Advice Scotland reported that there was the demand, but people could not afford to pay back loans. We lobbied for a direct one-off payment for people, to help them out of a tough situation.

59. As a result, on 23 June 2021, the Deputy First Minister announced the Scottish Government's intention to launch a £10million Tenant Grant Fund later in 2021, to support private and social sector rented tenants who had incurred rent arrears as a direct result of the COVID-19 pandemic. The application process ran from September 2021 and closed on 31 March 2023.
60. The £10m fund enabled local authorities to respond in a flexible way to assist tenants struggling with rent arrears who were at risk of homelessness as quickly and efficiently as possible. Through this fund, the Scottish Government offered to provide a one-off grant to each local authority in Scotland, to be dispersed to individual tenants.
61. I ensured that the Citizens Advice Scotland website contained information about how people could apply for the grant, and let our Bureaux know about it as well.
62. Citizens Advice Scotland did not want the Tenant Grant Fund to have an online application only, because of the issues that we had seen in relation to digital exclusion (particularly in relation to Universal Credit applications). Local authorities had discretion on how to operate the fund in their local area and we understand that a mix of application routes were used.

63. The purpose of the Tenant Grant Fund was to mitigate the short to medium term financial challenges experienced by tenants who had been adversely impacted by the restrictions and regulations introduced since March 2020. The fund enabled local authorities to prevent homelessness and sustain tenancies by directly reducing, alleviating, or paying off rent arrears altogether. The funding also assisted the landlord and tenant in reaching a repayment agreement as part of the pre-action requirements prior to eviction. Local authorities had a large degree of discretion as to payment in individual cases and could consider whether the payment was a necessary or justified action to avoid a tenant becoming homeless.
64. It was my understanding that there were a few local authorities that did not take up this opportunity to set up a fund and therefore did not receive money to administer. However, the summary report produced by the Scottish Government in 2022 stated that all local authorities apart from Clackmannanshire Council distributed money. The local authorities which did not initially want to set up a fund might have changed their minds at some point during the pandemic. I do not know what happened to Clackmannanshire Council's allocation.
65. The grant was particularly supportive to tenants in the private rented sector, given that private landlords might have been less able to manage sustained rent arrears than those in the social rented sector, and there was therefore a greater risk of homelessness faced by private rented sector tenants.
66. Local authorities were responsible for distributing grants to tenants based on the allocation they received from the £10m discretionary funding pot. All local authorities distributed funds in their own unique way. There was no uniform approach, so some local authorities set up their funds and distributed the money faster than others, which had the benefit of getting money to tenants faster. Quick action is likely to have sustained more tenancies although we do not have hard evidence of this.

67. As of 31 March 2023, the total spend by the local authorities in Scotland was £8,814,588. There were 6,621 payments made. My understanding is that the value of the payments varied based on individual circumstances and the discretion of the local authority. The Scottish Government provided guidance on eligibility and administration, but ultimately it was the local authority's decision on what awards to make.
68. The total spend for the private rented sector was £1,547,007. Data was published within the Scottish Government Tenant Grant Fund report. The City of Edinburgh Council spent all of their allocation, but Glasgow City Council had the highest allocation. I do not know how allocations for each local authority were calculated by the Scottish Government, but I imagine it was linked to renter population.
69. While it was hard for us to assess the impact of the grant as people generally do not come back and provide us with feedback after they have received advice, I would have little doubt that the grant fund will have helped to sustain many tenancies and helped many tenants avoid becoming homeless. It was a very needed intervention.
70. Citizens Advice Scotland was frustrated that the grant was not rolled out sooner than it was. We were frustrated because we believed it was imperative to get money to tenants as soon as possible so that more tenancies could be sustained.
71. I was keen to monitor how the Tenant Grant Fund was being rolled out and liaised with advisers in Bureaux regularly to understand how things were going with the fund in their respective areas. I was aware that some local authorities were slow to set up the process for people to apply for the grant. The impact of this was that there would be delays in payments. I reported these matters to the group, and tried to understand if there were any barriers and if assistance could be provided. I believe that the Scottish Government engaged with the local authorities to try to understand the barriers, which were mainly related to a lack of local

authority capacity. I do not know what assistance, if any, was offered by the Scottish Government to resolve capacity issues.

Tenant Grant Fund Lessons

72. If there were to be future grants and funds established, I would recommend that there is a uniform approach for application to, and management of, the scheme. Ideally, the fund would go into an already established system, such as the Scottish Welfare Fund. This is managed by each local authority and there are teams dealing with the requests. The advantage of this approach would be that staff already managing and distributing funds would have a process to manage and distribute additional schemes. Another advantage of this approach would be to create a fair system and prevent challenges, such as local authorities not taking up the scheme. It was our experience that some local authorities acted more efficiently than others. Our Bureaux also reported that they had differing degrees of success when contacting different local authority teams dealing with grant requests. Some local authorities distributed their allocations very quickly, which, while welcome, showed that there was great demand for assistance from tenants and landlords.

Communication Lessons

73. The Private Rented Sector Resilience Group was beneficial and helpful. It is not in existence anymore. However, if it were to be re-established, I would recommend that it would be helpful to have appropriate representation from additional relevant organisations. The group was established very quickly and could have had additional representatives, from organisations such as Crisis, as well as individual tenants and landlords. A wider range of local authorities could also have been useful, but the Convention of Scottish Local Authorities (COSLA) was represented on the group, and they could speak to the experiences of most local authorities. Saying that, the group did represent much of the sector and had wide expertise.

74. Other organisations might have been invited to join at the inception of the group, but I am not aware of which, if any, and they might also have declined due to capacity.
75. Following the pandemic, in March 2023, another group named the Private Rented Sector Stakeholder Engagement Group was established. Members of this group include the Chartered Institute of Housing, Citizens Advice Scotland, Crisis Scotland, Living Rent, Propertymark, the Scottish Association of Landlords, Scottish Land and Estates, the Scottish Property Federation, and UK Finance. This is a wider group, which has the benefit of bringing wider perspectives and provides a forum to discuss matters such as the rent cap and other topics.

OTHER LESSONS TO BE LEARNED

Enforcement

76. There is insufficient enforcement in the private rented sector against bad practice, such as illegal evictions and failures to complete repairs, by landlords. The pandemic brought those matters into sharp focus, as some tenants were at risk of losing their homes even though they had to stay safely at home as part of the Scottish Government guidelines. For those tenants affected by illegal evictions, it was also nearly impossible to find alternative accommodation. This then created another issue for local authorities to meet the needs of people presenting as homeless due to having been evicted. This is why effective enforcement is paramount moving forward.

77. Local authorities and the police have a responsibility to enforce illegal evictions. However, due to limited resources these matters are not prioritised. We recommend that additional resources are provided to local authorities to enforce against poor practice.

Signed: Aoife Deery

Date: 2nd September 2024