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## An introduction from the NUS Scotland President

Over the past three years the pandemic and subsequent cost-of-living crisis have demonstrated that our student housing system isn't fit-for-purpose.

Students were forced back into halls too early and without adequate support. We had to have emergency legislation so students could leave their accommodation contracts for halls they couldn't use. And we found that a shocking 12 percent of students had experienced homelessness.

#### Enough is enough.

NUS Scotland's call for change has been heard: a review of purpose-built student accommodation is underway, and a student accommodation strategy is promised. But now we need to see long-term change *delivered*.

This paper sets out just some of the change that is required – drawing on years of NUS policy, discussion, and research. At its heart are three important calls:

- 1. A Student Housing Guarantee a guarantee that all students have a safe and secure home, regardless of our personal circumstances
- 2. Rent controls the cost of rent is rising and often exceeds the amount of financial support students get through student support and bursaries. We need controls to make and keep housing affordable
- 3. Rights as tenants we shouldn't have fewer rights than other members of society. We need the right to leave contracts and protection from evictions

All of this should be delivered in a strategy co-designed with students – we cannot leave it to those who profit from our housing system to write the strategy for themselves.

We recognise that this change will not happen overnight, but it must happen with urgency. Nor should immediate action on uncontrollable rents and housing shortages be delayed while we develop a national strategy.

As the cost-of-living crisis deepens and as we enter a third year of in-action on student housing shortages, the case for change has never been stronger. We look forward to being a constructive partner in delivering a better student housing system.



Ellie Gomersall, NUS Scotland President 2022-24



### The Current Situation

### **Availability**

Purpose built student accommodation (PBSA) is one of the most common types of housing for UK students, with about one-quarter of UK full-time and sandwich students living in PBSA during term-time; 27% renting privately (including HMOs); 22% staying in the family home; and 19% living in their own home (Scottish Government, 2022). This means that of 307,000 university students in Scotland, about 77,000 live in PBSA.

PBSA is a highly-specialised form of rented housing, provided by both institutions and private companies. More and more, however, it is increasingly becoming the domain of private companies. Research conducted by NUS UK and Unipol found that, as of 2021, private companies are now the main providers of PBSA, and they are consistently building more. In contrast, institution owned PBSA is static at best (NUS UK & Unipol, 2021). According to a briefing produced by the legal firm Brodies, 23,000 PBSA rooms were due to be completed across the UK by the start of the 2018-19 academic year. 84% were being built by those in the private sector, while just 16% were constructed by institutions. The same briefing states that PBSA is a "popular product with investors" because it "attracts a rental premium in comparison to older or mainstream residential rented accommodation" (Brodies LLP, 2019). In short, PBSA has become a big business for private investors because landlords can charge students more than they could non-students. Many universities are now engaged in complex and varying partnerships with private sector PBSA providers. Private providers can generally either enter agreements with educational institutions to let rooms to their students, or they can let directly to students without any formal agreement.1

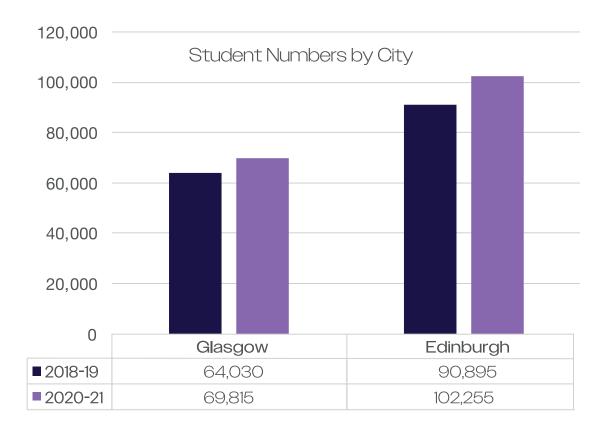
Since the COVID-19 pandemic, students have been finding it increasingly hard to find housing. This is due to 3 main factors: higher intakes of students to universities, a shrinking

market of HMO flats available to students, and students being "priced out" of cities. Student populations have increased dramatically between 2018-19 and 2020-21, particularly in Edinburgh, Glasgow, and St. Andrews, which have accepted 9%, 12%, and 8.7% more students respectively. Simultaneously, there has been a small contraction in the private rented sector: between 2016 and 2020 the number of privately owned dwellings rented privately dropped by just 1.37% and the number of HMO licenses in force fell by 0.22%. This makes students more reliant on PBSA for somewhere to live, with some saying that they believe that this gives PBSA the power to "take advantage" of students by charging them extortionate prices because they cannot live anywhere else. Finally, the average PBSA rent has increased by 34% since 2018, considerably outstripping inflation and leaving many students unable to afford rent: homeless, sleeping in hostels, or living hours away from their institutions (NUS Scotland, 2022).

NUS Scotland's Broke Report found that a shocking 12% of students had experienced homelessness since starting their studies. This is higher than the rate of homelessness among the general Scottish population.<sup>2</sup>

Our students tell us that international and exchange students are disproportionately affected by homelessness. At a student poverty roundtable we hosted with Universities Scotland, we heard of one international student who arrived with their children and had to stay in a woman's refuge for the night because there were no other options available, others had to stay in expensive hotels for their first few weeks, and some who ended up living in hostels for entire semesters.





A comparative graph showing increases in student numbers in Glasgow and Edinburgh between 2018-19 and 2020-21. Glasgow student numbers have increased by 12% and Edinburgh's by 9%. Source: HESA, 2022.

Once again, this is likely due to a steep incline in numbers of international students accepted universities, with international student populations growing by 54.7% at the University of Edinburgh and 80.6% at the University Glasgow between 2014-15 and 2020-21 (HESA, 2022). It is also harder for international students to access housing as they often do not have UK based guarantors. There are cases of students being asked for up to 6 months' rent up front to secure PBSA, which many just do not have.

Furthermore, 26% of students reported being unable to pay their rent in full on one or more occasion. Once again, these statistics are much higher within widening access groups, particularly estranged students, of which a third have experienced homelessness and 46% have been unable to pay their rent in full on one or more occasion. Without intervention, our education system will become inaccessible to widening access groups.

l. Details of EDU lease, nominations agreements, direct lets, and "Design, Build, Finance, and Operate (DBFO)/Partnership schemes are set out in in Brodies' LLP briefing "Student Accommodation: what you need to know about student accommodation in Scotland".

There were 42,149 people in homeless households in 2020-21 (see Homelessness in Scotland: 2020 to 2021 - www.gov.scot) out of a population projected to be 5,466,000 (see Population of Scotland | National Records of Scotland (nrscotland.gov.uk)).



"Student accommodation costs are inflating yearly to swallow up more and more of our student loan - if it were not for my rent reduction of volunteering at student halls I would have absolutely no hope of being able to pay my rent and wash my clothes in the obscenely expensive Circuit Laundry machines, let alone being able to eat a hot meal every day."

Student respondent to NUS Scotland Broke Survey, 2021

### Affordability

Across the UK, PBSA rents have consistently outstripped inflation. According to the student accommodation survey conducted by NUS UK and Unipol, private providers are far less likely than institutions to rely on inflationary uplifts in rent. Private providers are far more likely to rely on benchmarking against a set of comparators/competitors. Average annual rents for institution-owned PBSA was £156 per week in 2021/22. For private providers it was £169. This is a problem given the above statistics that private PBSA providers are taking over the PBSA market.

Overall, the average annual rent of PBSA in Scotland (both institutions and privately-owned) is £6,853 (NUS UK & Unipol, 2021), a 34% increase from £5,111 in 2018 (NUS UK & Unipol, 2018). That amounts to 84% of the maximum amount of cost-of-living support that a higher education student in Scotland could claim in bursary and loans at that time. This left students with even the highest government financial support with only £31 per week for all other essentials (assuming term time is 40 weeks). For students receiving the minimum financial package, the average rent accounts for 134% of this; leaving students with a debt of £1,753 before even accounting for food or other essentials.

NUS Scotland's Broke Survey (2022) found that 26% of students had been unable to pay their rent in full on one or more occasions. Additionally, many of those that had not missed a rental payment still quoted rent as their biggest challenge whilst at university. Moreover, many chose to pay their rent at the expense of their studies. According to one student "the biggest challenge is the studying. I always work and pay my rent and bills, but I do not have enough time to study." Others said that once rent was paid they could not afford to have even one hot meal per day, whilst others were missing sleep to travel hours in order to attend their classes because they could not afford to pay rent local to their institutions.



### Tenants' Rights

PBSA are exempt from the PRS tenancy regime, so students living in PBSA are likely to be common law tenants. Common law tenancies are not regulated by specific laws and, instead, are covered by the contract agreed between the tenant and their landlord (Shelter Scotland, n.d.). In Scotland, letting agents must comply with the new Letting Agents Code of Practice, which requires registration with the Register of Letting Agents, which includes training requirements, and redress for breaches of the Codes of First-Tier Tribunal for landlords and tenants (Scottish Government, 2018). Whether the Code applies to PBSA providers depends on how their business is structured (Brodies LLP, 2019).

The Covid-19 outbreak highlighted that those living in student accommodation were unable leave their student accommodation contracts early. NUS Scotland welcomed provisions included in the Coronavirus (Scotland) (No.2) Act 2020 which enabled students to leave student accommodation contracts for reasons related to Covid-19. Prior to this legislation coming into force many students have had to pay rent for rooms they were unable to use. This has now been repealed.

#### Mental Health and Wellbeing

NUS Scotland believes that all providers of student accommodation - both institutions and private providers - should recognise the profound effect they can have on their residents' wellbeing. 60% of students worry or stress about their finances "frequently" or "all the time", a third of students have considered dropping out of their course due to financial difficulties, and an alarming 69% said worrying about their finances impacts negatively on their mental health. 68% of students have to work 10 or more hours per week because their student support does not or only just covers their rent (NUS Scotland, 2022). This gives them less time to focus on studies, in turn further increasing stress.

These figures are particularly concerning when considered in combination with the student mental health crisis we are currently witnessing: more than one third of university students (36%) reported moderately severe or severe symptoms of depression. Nearly half of respondents (45%) reported that they had experienced a serious psychological issue that they felt needed professional help. Furthermore, widening access groups found money worries impacted their mental health even more significantly than others, particularly disabled and care experienced students, and students with caring responsibilities (Mental Health Foundation, 2021).

"Rent is the biggest challenge and without support from my family and my part time job I wouldn't be able to afford it. My part time job is also detrimental to my mental health and studies but I have no choice due to finances."

Student respondent to NUS Scotland Broke Survey, 2021



The Scottish Government PBSA scoping report highlights the impact that poor living conditions can have on mental health, especially mould and disrepair (Scottish Government, 2022). NUS Scotland student case studies confirmed reports of mould and disrepair and also cite students being moved into unfinished properties that are not fit to live in due to poor air quality, plumbing that does not work, and exposed wires; as well as causing safeguarding dangers with workers entering students' rooms without notice. We have also had reports of students being unable to access fresh water for up to 96 hours and faulty fire alarms that would go off every night, preventing them from sleeping.

We heard from student advisors on the front lines of the student housing crisis that private PBSA staff are often given little training and therefore have limited knowledge about students' contractual rights or other duties.

### Accessibility & Adaptability

NUS UK and Unipol UK-wide research found private providers perform comparatively poorly in meeting the requirements of students with particular needs. Of private provider, 13% report that they do not offer any specialist or alternative accommodation types, including adapted or adaptable rooms, single-sex halls, accommodation for families, alcohol-free halls, quiet blocks and safeguarding accommodation. This contrasts with institution provided PBSA, of which 100% have some type of specialist or alternative accommodation (NUS UK & Unipol 2021).

Furthermore, institutions are significantly better at providing rooms that can be adapted for ambulatory disability. 68% of universities reported that they had stock which could be adapted for these purposes, compared to just 30% of private providers. Institutions also outperform private providers on having some rooms that are actually adapted for ambulatory disability: 86%, compared to 35%. However, 30% of institutions do not provide adaptable rooms at the rent equivalent to the lowest-priced room in the same development, compared to only 19% of PBSA (NUS UK & Unipol 2021). As privatelyprovided PBSA tends to be more expensive than institution-provided PBSA, it is greatly disappointing that 30% of institutions cannot guarantee that disabled students can access rooms at the equivalent to the lowest-priced rooms in a given development, as this excludes disabled people from some of the cheapest accommodation available, thereby pushing up their living costs.



## Case Study | The University of Strathclyde, Glasgow

We interviewed a Student Advisor from Strath Union, and their Vice President Welfare, Lewis McDermott, about the housing issues faced by their students.

- The number of student enrolments at the University of Strathclyde has increased by 15.28% between 2014-15 and 2020-21. The number of EU and international students has also increased over this period by 20.87% (HESA, 2022).
- The number of students staying in university-maintained halls has fallen 15.14%, while the number staying in private-sector halls has increased by 157.14% (HESA, 2022).
- Strath Union's student advice service had received 845 housing cases in the 12 months to December 2022 and by September they had already dealt with more housing cases than they had received across the 2017-18 and 2018-19 full academic years combined.

The most common reason for students seeking help from the union's advice team has been to find accommodation. The Student Advisor told us:

"I feel like students are a bit like
I'll take what I can get'. I know of
students that are still living in hostels
with their families since September.
We still have students who turn up
at our door with literally nowhere to
live. In terms of the issues with PBSA,
I think we're more limited in terms
of data on that because we're just
inundated with students who can't
find houses at all – it's PBSA or living
on the street, that's the reality."

We were also told that with little movement in PBSA over the year, this also isn't an accommodation option for students who don't start their course in September because they receive late offers, their course starts in January, or they are only studying at the university for one semester. The Student Advisor cited exchange students that have had to go back home, and groups that have had to share one bedroom hotel rooms or AirBnBs.

We were told that universities in Glasgow weren't planning student recruitment based on the accommodation or support services available in the community but "how many students you can fit in a classroom", nor were the universities talking to each other or the local council to plan ahead.



In terms of quality, Lewis told us:

"When it comes to PBSA generally, students aren't happy. It's PBSAs or being homeless. The only reason some stays in PBSA is because they've got enough money to stay in one that's good but overpriced, or they don't have enough money and go to one that's cheaper and they hate it – it's awful."

We were told that quality issues are not only an issue in cheaper student accommodation, citing the issues faced by students in the Novel property in Glasgow in 2021 (BBC News, 2021). This luxury accommodation was opened to students in 2021 despite being unfinished, causing safeguarding, health and safety, and wellbeing concerns. We were told that the tenancy contract prevented students taking further action if they accepted compensation in the form of discounted rent.

Both agreed that there needed to be "greater flexibility for students to leave" – not just for those wanting to move out but to open up rooms later in the year for those looking to move in. Of the issues they had received relating to PBSA, it was felt that these could have been resolved by better training of PBSA staff but also a standardisation of contracts as exists in the private sector.



# Recommendations for a Student Housing Strategy

### **Availability**

When 12% of students have been homeless, it's clear that the current structure of the student housing market is not fit-for-purpose.

We therefore propose the introduction of a Student Housing Guarantee to ensure all students have a safe, quality and affordable home that is accessible and adaptable if needed.

This will place new duties on universities to ensure that when student numbers increase, the provision of student housing does too. For international students, this must mean a guarantee that safe and affordable accommodation that meets their needs is available from the moment they arrive in Scotland. It will also require clear, honest communication about the housing situation and the support available to find accommodation before they arrive.

A new duty will be placed on universities to publish and submit to the PBSA Regulator a multi-year housing strategy and data on how their students are housed. The strategy should also set out how they will ensure adequate provision, or demonstrate availability in the wider community, of student accommodation for students with disabilities and students with children. Strategies should also consider how institutions ensure accommodation is available for students beginning their studies in January, including exchange students. We believe it would be desirable for these housing strategies to be coordinated at a local government or regional level between institutions. To facilitate this. the Scottish Government and local authorities must collate and publish data annually on the availability of accommodation for students, and levels of homelessness. Institutions must also collaborate with local authorities and health boards to ensure there is adequate availability of local services, such as access to GPs or mental health services when student numbers increase.

There has been a dramatic increase in the number of privately-owned rooms offered by universities in Scotland, with almost one-third (30%) of rooms offered by universities in 2021-22 in the private PBSA sector.



This impacts affordability and the obligations providers have to students (for example, the public sector equality duty will not apply as it does for university-owned accommodation). Universities should therefore be required to conduct 'housing affordability impact assessments' and consult students before contracting out PBSA.

The seriousness of the student housing shortages we have seen over the past two years, particularly in Glasgow and Edinburgh, mean it is no longer sustainable for the Scottish Government to continue to take no active role in the provision of student housing.

To meet the Student Housing Guarantee, the Scottish Government will need to provide the regulatory, planning and funding regime required to deliver it. Ministers should publish a strategy on how they can support and encourage the new development of affordable and quality purpose-built student accommodation, including through university owned accommodation but also using alternative ownership models such as social landlord ownership or student housing cooperatives. The government should also look at how it can be made easier for universities, social landlords and cooperatives to buy student housing in the private rented sector when landlords leave the market.

### Affordability

Housing is a human right - student rents must be brought under control so that our access to education is not limited because students cannot find somewhere quality and affordable to live. NUS Scotland welcome the Scottish Government's temporary rent freeze but we need long-term change. The government's draft New Deal for Tenants strategy proposed a timeframe that would not see rent controls introduced until the end of 2025. That will be too late for most of those studying today.

The freeze on student rents should have continued until a long-term and sustainable system of rent controls is created; and the Scottish Government has put in place a student housing strategy that ensures every student has access to a quality, safe and affordable home. The decision to remove students from the rent freeze (or rent cap from March 31st), singles out students whilst other private renters remain protected – we believe it should be reversed.

All student tenants should be protected by rent controls. That means the Scottish Government's proposed system for the private rented sector must not exclude students. We recognise that the purpose-built student accommodation sector is distinct, but all students must have equal protection from rent hikes.

We therefore propose a bespoke system of rent controls for the PBSA sector that ensures affordable rents for students.



## A PBSA Regulator should be established that will, in an open and transparent manner:

- Set a multi-year rent-setting formula that promotes an affordable and sustainable PBSA sector in Scotland. This would seek to achieve a 'Desired Rent Level' over the period, based on a definition of affordable PBSA rent, which is set according to student income levels.
- Set annual caps on rent, based on available data and stakeholder consultation.
- Set these levels informed by an Advisory Group, which would have equal representation of student representatives and providers.
- Commission external expert-led research to inform this process.
- Collect and publish data on rent levels in PBSA and administer the regime.

A duty should also be placed on institutions with student accommodation, requiring them to publish details of their rent-setting structure and how student representatives are involved. Given that the affordable PBSA rent definition will be set based on student income levels, it will be vitally important that the Scottish Government also follow through on their existing commitments on student support, this includes:

- Raise the total package of student support to the equivalent of the real Living Wage.
- The provision of an Estranged Students Bursary.
- Creating a Special Support Payment so that students who can receive benefits aren't worse off because they are eligible for student support.
- Reviewing the financial support available to postgraduate students.



### Tenants' Rights

All students should be able to enjoy basic housing rights, whether they live in the private rented sector or in purpose-built student accommodation.

We believe a dedicated fixed-term PBSA tenancy agreement should be created in legislation to enhance the rights of student tenants. This should include:

- The right to give notice at any time for a prescribed set of reasons.
- The introduction of a 'cooling off' period at the start of the tenancy where the accommodation isn't up to the standard promised.
- Strengthened eviction protections so that these are not solely down to the terms of common law contracts written by private PBSA providers.

Students renting in the wider private rented sector have the statutory right to end their tenancy by giving 28 days' notice - this should be maintained. During the Covid-19 pandemic, emergency legislation was passed in Scotland that broadly extended this statutory right for students living in PBSA to end their tenancy with 28 days' notice. This legislation has now expired. We recognise the unique nature of PBSA but we cannot go back to the situation that existed in 2020, where students were locked into accommodation contracts for flats they could not use. We, therefore, propose a right to leave at any time for a prescribed set of reasons. These should be set in consultation with students but could include:

Ground 1: Student ceases to be a student (although this would usually always allow students to end their tenancy now already). Ground 2: Student changes university or core place of study (e.g. moves to new campus or transfer online or abroad). Ground 3: Student safety, mental health or welfare concerns requires withdrawal from tenancy.

**Ground 4:** Force majeure - for example, for a public health emergency such as the pandemic.

We also believe students should be able to leave their accommodation, and receive any deposits paid back, through a statutory 'cooling-off' period at the start of their contract. The case for this right is well made by an example of new PBSA built in Glasgow in 2021. Students were unable to move into their rooms at the start date of their contract due to building works. Tenants were also unable to access core elements of their accommodation as advertised for several weeks after they moved in due to building works and there remained unacceptable levels of disruption to daily living from noise, dust and fire alarms. A cooling-off period could have helped students leave this accommodation, which clearly did not meet the high-end specifications advertised.



### Complaints, compensation and redress

We believe there must be a simplified process for students to complain about student accommodation and seek compensation and redress. While there currently are some redress options for students, it is a complex patchwork that students struggle to navigate. Most redress options rely on local authority action that, due to underfunding and often a lack of knowledge of the student sector, is not easy to secure.

Complaints about the condition of the property are amongst the most prominent. In their draft New Deal for Tenants strategy, the Scottish Government proposes a new housing standard that covers homes of all types and across all tenures, recognising that good quality housing is a human right. We welcome this commitment and would like to see the final strategy make clear that this covers all forms of student accommodation too and that they propose regulator for this standard, monitors and enforces it for PBSA too.

For non-condition related complaints, such as lack of action on noisy neighbours or inability to access services such as wi-fi, there must be a simplified process that all students can access; that covers all students in PBSA; and is capable of being enforced. We propose that there is an improved role for both the ombudsman and Codes of Standards in achieving this, in addition to the new PRS Regulator. We support a single unified Code of Conduct for PBSA tailored to the Scottish context, covering institution-owned and privately-owned PBSA. This should raise standards across the sector and be mandated by legislation. We also believe that the Scottish Public Services Ombudsman (SPSO) should be reformed to improve the complaint process.

While the SPSO is responsible for complaints relating to university or college owned student accommodation, our research has found that no judgements have been issued on the issue since 2016, and of the complaints published on their website, only three related to accommodation in 2020-21 and 13 in 2021-22. The SPSO should be tasked with reviewing their role in PBSAcomplaints in Scotland and to work with NUS Scotland and students' associations to improve their offer here and work with Unipol and others to create the unified Code of Conduct. Given the SPSO already covers council housing, housing associations, and colleges and universities, consideration should also be given to extending their role to the private PBSA sector. This would mean students would have one clear route for non-condition related complaints. Finally, the SPSO should be required to liaise closely with the new PRS Regulator and have the power to refer complaints in the latter's remit or parts of complaints to them.



### Mental Health and Wellbeing

NUS Scotland believes that all providers of student accommodation should recognise their unique role in their residents' lives, and accordingly seek to join up with institutions and students' associations to ensure that student wellbeing is promoted in a joined-up way, offering campus-wide solutions and quick access to mental health support services for those in need.

We believe that all student-facing staff, including staff in university owned and purpose-built student accommodation, should be enabled to proactively embed consideration of trauma-informed mental health and wellbeing in their work through the provision of training and professional development opportunities.

## Accessibility and Adaptability

Where universities or colleges sub-contract student housing, private providers are clearly 'exercising public functions' and we believe they should, therefore, be covered by the same public sector equality duty as education institutions. The Scottish Government should embed this in legislation.

Estranged students are one of the most vulnerable groups of students. Without family support or easy access to a guarantor, they are disproportionately vulnerable to poverty and homelessness. We are also calling for a compulsory guarantor scheme at every college and university, accessible to any student who needs it, so they can secure accommodation with ease.



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