

Respondent Information Form and Consultation Questionnaire

CONSULTATION ON THE PROPOSED APPROACH TO THE REGULATION OF SOCIAL HOUSING IN SCOTLAND

FEEDBACK FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

1. Name/Organisation

Organisation Name

Society of Local Authority Chief Executives (SoLACE) - Scotland

Title **Mr** **Ms** **Mrs** **Miss** **Dr** *Please tick as appropriate*

Surname

Whitefield

Forename

Gavin

2. Postal Address

North Lanarkshire Council

Civic Centre

Motherwell

Postcode ML1 1AB

Phone 01698 302364

Email

Chief.Executive@northlan.gov.uk

3. Permissions - I am responding as...

Individual

Please tick as appropriate

Group/Organisation

- (a) Do you agree to your response being made available to the public (on Scottish Housing Regulator website)?

Please tick as appropriate Yes No

- (b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick ONE of the following boxes

Yes, make my response, name and address all available

or

Yes, make my response available, but not my name and address

or

Yes, make my response and name available, but not my address

- (c) The name and address of your organisation **will be** made available to the public.

Are you content for your **response** to be made available?

Please tick as appropriate Yes No

Consultation Questionnaire

Question 1.

Do you agree with our proposed principles and approach to building a strategy for consulting and involving tenants?

We agree with the proposed principles and approach.

While we acknowledge the SHR's commitment to the ongoing development of the role of tenant assessors, we would urge the SHR to take account of the different stages that all social landlords currently operate to in relation to tenant consultation and involvement. The role of tenant assessors is not embedded across all social landlords and if this is considered the way forward, there should be an acknowledgement of the resources required to develop and support tenants to reach a consistent standard to fulfil these commitments.

Yes No

How can we make sure tenants and others can contribute to our work?

Councils and RSLs have wide ranging experience in tenant participation and consultation and we would encourage the SHR to work with them in the development of its consultation strategy.

It is also imperative that the SHR takes account of the wider tenant participation movement, rather than engage solely with the regional networks. These networks may not be the most effective vehicle to engage with tenants on strategically important issues, for example, it may be that the regional networks do not always communicate the views of local tenants' organisations in an area.

It is also important the SHR finds new ways to engage with tenants and service users who do not wish to participate in formal tenants groups. There will be opportunities to use social media and emerging new technologies to make consultation easier to reach groups such as the young, disabled and others who do not traditionally participate.

Question 2.

Do you agree with our proposed approach to co-operating with other regulators and scrutiny bodies

We agree with the proposed approach to co-operating with other regulators and scrutiny bodies. This approach is in keeping with the current practices established through Best Value 2.

Yes No

Are there any alternative approaches we should consider?

No.

Question 3.

Do you agree with our proposed approach to involving landlords and other sector interests?

Yes. We agree with the SHR commitment to mainstreaming equality and diversity and the use of Equality Impact Assessments to demonstrate that equality is at the core of the SHR functions.

Yes No

Are there alternative approaches we should consider?

No.

Question 4.

Do you agree with our proposals on how we will identify risk in RSLs?

N/A. Specific to Registered Social Landlords.

Yes No

Do you have any additional comments to make on this topic?

N/A

Question 5.

Do you agree with our proposals on how we will identify risk in councils?

We agree with the proposals on how risks in councils will be identified in keeping with the practices of the joint scrutiny framework, shared risk assessment process and assurance and improvement plans.

Yes No

Do you have any additional comments to make on this topic?

None.

Question 6.

Do you agree with our proposed approach on regulatory engagement?

We agree with the proposed approach on regulatory engagement, however we feel it could lead to potential confusion for tenants and service users in relation to who should handle complaints and the complaint resolution roles of landlords, the SPSO and the SHR.

We note that the SHR is clear that they will only investigate reports of significant performance failure and will not deal with tenants individual service related complaints. However, to make sure that tenants and service users are also clear, we would ask the SHR in all their publicity and advice to detail the criteria in identifying significant performance failure, to identify the circumstances in which tenants/service users should contact them, and the process they will use having received this information.

This will avoid confusion for tenants and service users who already have access to their landlords' complaints process and the services of the SPSO in relation to individual complaints.

Yes No

Are there any other factors we need to consider?

No.

Question 7.

Do you agree with our proposed approach on how we will enable tenants to raise significant performance failures with us?

P11 Section 2.22 “ We will enable and assist tenants to tell us about significant performance failures by their landlord”

There needs to be clarity around how the SHR will achieve this. As previously suggested, there may be a danger of confusion among tenants and service users in relation to the different roles of the SHR and the SPSO and their responsibilities in handling what constitutes complaints or significant service failures.

We would suggest that this requires the SHR to be explicitly clear in its publicity about what constitutes a significant service failure. We would also suggest that it may be beneficial to tenants and service users if, in the first instance, the SHR and the SPSO had a procedure for referring complaints between each other. This would remove the onus from the tenant on having to make the distinction between what is a service complaint and what is a significant service failure.

Yes No

Are there other approaches we should consider?

No

Question 8.

Do you agree with our proposed approach on whistleblowing, notifiable events and the disclosure of information to us by Auditors?

We agree with the proposed approach.

Yes No

Are there other factors we should consider?

None

Question 9.

Do you agree with our proposals on self-assessment by landlords and tenants?

We agree in principle with the proposals for self assessment by landlords and tenants. We welcome SHR's commitment to working with other organisations to help social landlords to develop and implement effective self assessments.

In relation to self assessment by tenants, we would reiterate the concerns stated by the Chartered Institute of Housing in their response to the consultation on the Scottish Social Housing Charter in October 2011. In relation to measuring achievements against the SSHC they advised that "Looking at the detail of the Charter and bearing in mind that the Regulator will be measuring a landlord's performance against it, a number of aspects of the draft are the cause of some concern. Whilst the principles underlying many of the outcomes seem reasonable, the specific emphasis of the wording is not. As a prime example, the 19 outcomes that are centred entirely on the phrase 'tenants are satisfied that' would leave the regulator with no choice but to measure *only* tenants and others satisfaction, as opposed to the activity the landlord is carrying out."

We would also reinforce the notion that tenant self assessment must be an inclusive and representative process. This means that self assessment activities must try and include tenants that form the majority and not just those tenants who regularly participate.

Yes No

What other issues or factors should we consider in this area?

We are keen to learn more about the proposed standard questions which the SHR suggest local authorities include in their routine satisfaction surveys and whether they will be adopting any particular survey format. Our opinion is that a standard approach should be adopted by social landlords to encourage consistency in benchmarking.

Question 10.

Do you agree with our proposals on how landlords should involve tenants and others in self-assessment?

We would generally agree with the proposals. Whilst we note the SHR will not be prescriptive about the form of the annual report, and whilst the nature of self assessment allows local authorities to decide what is appropriate in terms of tenant involvement, the it may be beneficial if the SHR provided guidance on the extent to which social landlords must involve tenants in the preparation of information to be returned as part of the annual report.

Yes No

Are there any other factors we should consider in this area?

No.

Question 11.

Do you agree with our proposals on landlords submitting Annual Charter Performance Reports?

We agree with the proposals, however as stated in P.20 para 3.36 “ Taken together, this means that every year we will publish a range of information so that tenants and others can understand and compare landlords achievements of the Charter outcomes...” . We would ask that for proper comparison to be made, some basic information from all social landlords should be included and reported on.

Yes No

Are there any other approaches we should consider?

No.

Question 12.

Do you agree with our proposed approach to assessing and reporting on landlords progress against the Charter?

We agree with the proposed approach.

Yes No

Are there any other issues or factors we should consider?

No.

Question 13.

Do you agree with our proposed regulatory registration criteria?

N/A. Specific to Registered Social Landlords.

Yes No

Are there any alternative or additional criteria we should consider?

Question 14.

Do you agree with our proposed de-registration criteria?

N/A. Specific to Registered Social Landlords.

Yes No

Are there any additional or alternative criteria we should consider?

Question 15.

Do you agree with our proposed regulatory Standards as set out in Annex A?

N/A. Specific to Registered Social Landlords.

Yes No

Do you have any additional comments on these Standards?

Question 16.

Do you agree with our proposed guidance on Regulatory Standards?

N/A. Specific to Registered Social Landlords.

Yes No

Do you have any additional comments on the guidance?

Question 17.

Do you agree with our proposed constitutional standards as set out in Annex B?

N/A. Specific to Registered Social Landlords.

Yes No

Do you have any additional comments on these standards?

Question 18.

Do you agree with the requirements set out in our guidance on RSL payment and benefits to governing body members and employees?

N/A. Specific to Registered Social Landlords.

Yes No

Do you have any additional comments on this area?

Question 19.

Do you agree with our proposals on governing body members?

N/A. Specific to Registered Social Landlords.

Yes No

Are there any issues we need to consider here?

Question 20.

Do you agree with our proposal to work with the sector to develop a model code of conduct for governing body members?

N/A. Specific to Registered Social Landlords.

Yes No

Are there any alternative approaches we should consider?

Question 21.

Do you agree with our requirements set out in our guidance around additional audit for some RSLs?

N/A. Specific to Registered Social Landlords.

Yes No

Are there alternative approaches we should consider?

Question 22.

Do you agree with our proposals to conduct checks of a random selection of landlords to review information?

We agree with the proposals.

Yes No

Are there other approaches we should consider?

N/A

Question 23.

Do you agree with our proposed approach to using our inquiry powers to gain additional information?

We agree with the proposed approach.

Yes No

What other approaches should we consider?

N/A

Question 24.

Do you agree with our proposed approach to using our inquiry powers to get more assurance and investigate matters of concern?

We agree with the proposed approach, however we would ask the SHR to clarify the assertion in P46 para 6.16, that landlords will be liable to meet some or all of the expenses of the survey, We would ask that a mechanism be put in place agreeing the scale of these costs and advanced notification of them.

Yes No

What other approaches should we consider?

None

Question 25.

Do you agree with our proposed approach to using our inquiry powers to inspect to hold landlords to account?

We would seek clarification on the purpose of this section. We assume that should the SHR use additional powers to gain additional information (see the previous question) this would result in additional investigation and more assurance for the SHR.

Yes No

What alternative or additional approaches should we consider?

In relation to the proposed thematic inspections, SHR state that they will from time to time undertake these inspections and the focus of this work is likely to change from year to year. We would anticipate that these inspections will however be included into the National Scrutiny Plan. This will allow councils to manage the resources required to work with the SHR.

Question 26.

Do you agree with our proposals to do short notice or unannounced inspections?

We agree with the proposals but we expect that these will only be carried out in exceptional circumstances. We would ask SHR to clarify the circumstances that they would consider using short notice or unannounced visits.

Yes No

Are there any other factors we should consider?

None

Question 27.

Do you agree with our proposed approach to grading outcomes?

We agree with the proposed approach.

Yes No

Are there alternative approaches we should consider?

None.

Question 28.

Do you agree with our criteria for statutory intervention?

We agree with the criteria for statutory intervention. We would however ask the SHR to clarify what is meant by 'seriousness' and how it will be assessed in relation to the performance problem or failure.

Yes No

Are there other criteria we should consider?

None

Question 29.

Do you agree with our proposed approach to how we will intervene?

We agree with this approach.

Yes No

Are there alternative approaches we should consider?

None

Question 30.

Do you agree with our proposals on what we expect regulated bodies to do following our statutory intervention?

We agree with the proposals.

Yes No

Are there additional factors we should consider?

None

Question 31.

Do you agree with our proposed approach to consenting to changes to RSL constitutions?

N/A. Specific to Registered Social Landlords.

Yes No

Do you have any comments on our proposed approach?

N/A

Question 32.

Do you agree with our proposed approach to consenting to RSL organisation changes?

N/A. Specific to Registered Social Landlords.

Yes No

Do you have any comments on our proposed approach?

N/A

Question 33.

Do you agree with our proposal to increase the disposals covered by general consent?

N/A. Specific to Registered Social Landlords.

Yes No

Do you have any comments on this proposal

N/A

Question 34.

Do you agree with the proposal to increase the monetary limit to £100,000 for disposals through sale or excambion of social and non-social housing land, untenanted social housing dwellings or other assets?

N/A. Specific to Registered Social Landlords.

Yes No

Do you have any comments on this proposal?

None

Question 35.

Do you agree with our proposal to permit through general consent disposals covered by an agreed disposal strategy?

N/A. Specific to Registered Social Landlords.

Yes No

Do you have any comments on this approach

None

Question 36.

Do you agree with the proposal to permit through general consent disposals by granting of standard securities on the condition that we have sufficient assurance through our regulatory engagement?

N/A. Specific to Registered Social Landlords.

Yes No

Do you have any additional comments on this proposal?

None.

Question 37.

Do you agree with our proposal to continue the existing approach to giving consent to floating charges?

N/A. Specific to Registered Social Landlords.

Yes No

Are there any other factors we should consider?

None

Question 38 (EQIA).

Thinking about the groups mentioned above, what else do we need to know about to help us understand their diverse needs and/or experiences and where can we get this information?

N/A. Specific to Registered Social Landlords.

Question 39 (EQIA).

Do you agree with our conclusion that our proposed approach will promote equality of opportunity?

N/A. Specific to Registered Social Landlords.

Yes No

What else do we need to do to achieve this?

N/A