

Housing, Environment and Economic Development

**Consultation on the Proposed Approach to the
Regulation of Social Housing in Scotland**

West Dunbartonshire's Council's response

November 2011



**West
Dunbartonshire
Council**

Introduction

West Dunbartonshire extends from Clydebank towards Loch Lomond and its boundary with Argyll and Bute. The local authority area has a population of over 91,000 and approximately 43,000 households. Most of the population live in three main settlement areas Alexandria, Clydebank and Dumbarton.

We are grateful for the opportunity to comment on the consultation document ‘the regulation of social housing in Scotland a consultation’

West Dunbartonshire Council is a strong advocate of proportionate regulation which helps organisations enhance service delivery to our customers and future customers and also promotes continuous improvement and value for money. We have and will continue to work closely with the Scottish Housing Regulator and believe that regulation is a vital strand in our commitment to continuous improvement.

This consultation comes shortly after responses were invited by the Scottish Government’s consultation on the Scottish Social Housing Charter; given the obvious connection between the two documents, some of the question posed by the Regulator cannot be answered as fully as we would have liked.

However, we were pleased to note that the Regulator shared some of our concerns and in general the concerns of the housing sector with regards the draft Charter document. We await with interest the Scottish Governments response to the Charter consultation.

While we support the proposals and approach as detailed in the consultation document we do have some concerns on how the proposed new data collection and performance reporting requirements fit with existing arrangements and within our response we propose that the Regulator enters into dialogue which will ensure streamlined performance information and data returns designed to reduce duplication and burden on landlords.

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

West Dunbartonshire Council

Title Mr Ms Mrs Miss Dr Please tick as appropriate

Surname

John

Forename

Kerr

2. Postal Address

Council Offices

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3. Permissions - I am responding as...

Individual

/

Group/Organisation

Please tick as appropriate

(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

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.

Yes X

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

We strongly agree and support the view that tenants should play a key role in both shaping our services and with that respect the key role should be extended to regulation. We are keen to stress that these opportunities should not be limited to members of RTOs through the regional networks alone and recognise that this may present a challenge to regulator to engage with all tenants.

We and other local authorities/housing providers have a long history of working effectively with tenants through effective tenant participation mechanisms and would suggest that the regulator works with the sector in the development of the consulting and involving tenants strategy mentioned.

Our view is that the regulator will require to be innovative and imaginative in terms of engaging with tenants including embracing new technologies and social media similar to approached being used at present by landlords.

While we appreciate that a common theme through the consultation has been an objective from the regulator not to be overly prescriptive we feel that some guidance/common understanding will be required to provide an equality of opportunity for all tenants to comment on services through customer satisfaction arrangements.

Question 2.

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

We agree with the proposed approach.

Yes X

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?

We agree with the proposed approach.

Yes X No

Are there alternative approaches we should consider?

We agree with the approach outlined within the consultation document.

Question 4.

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

See below.

Yes X No

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

We agree with the methodology for the risk based approach to regulating RSLs, However we believe that this could be enhanced and further validated by seeking the view of the local authority on strategic and operational aspects of RSLs operating within there area, in their role as the strategic housing authority.

Question 5.

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

We agree with the proposals.

Yes X No

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

We agree with the proposed risk based methodology for Local Authorities, shaped around compliance with the forthcoming Scottish Social Housing Charter.

We welcome the outline approach and believe it presents an opportunity which is not explicit within the consultation to streamline performance information and data returns and would suggest that the SHR enters dialogue with the SHBVN on how this can be achieved to reduce duplication in advance of the charter outcomes/indicators being defined.

Question 6.

Do you agree with our proposed approach on regulatory engagement?

We agree with the proposed approach.

Yes X 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?

Yes No

Are there other approaches we should consider?

While we support the broad principles we have some concerns with the proposed approach.

These concerns are basically two fold, initially with regards the terminology used and would welcome some clarity with regards the reference to 'significant performance failures'.

Secondly, we believe the proposed approach will be confusing for tenants and service users with regards the distinct roles for the regulator and the SPSO in terms of complaints.

Our view that this should constitute organisational failure and not be substituted for a service complaint. Therefore we would suggest that further work is done around this area to aid clarity specifically for tenants and service users but also for landlords.

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?

No.

Question 9.

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

Yes No

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

We agree with the principle that self assessment by landlords and tenants should be at the heart of the regulatory framework.

However it is difficult to comment on an informed basis on the approach proposed without considering the actual standards and outcomes which will form the basis of the assessment. We raised significant concerns about this based on the Draft Scottish Social Housing Charter in our response to that consultation.

We hope that the Scottish Government takes on board the consistent messages from the sector in terms of the Charter during the consultation and await with interest to see the final charter document. This would present a great opportunity for housing provides to integrate our own self assessment/performance management frameworks with the Charter's standards and outcomes.

Question 10.

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

We agree with the proposed approach.

Yes X 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?

Yes X No

Are there any other approaches we should consider?

We view these proposals very positively and welcome the SHR reference during the consultation that they have no wish to be prescriptive with regards.

And as indicated in question 5 we believe it presents an opportunity which is not explicit within the consultation to streamline performance information and data returns and would suggest that the SHR enters dialogue with the SHBVN on how this can be achieved to reduce duplication in advance of the charter outcomes/indicators being defined.

Question 12.

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

In principle

Are there any other issues or factors we should consider?

As indicated elsewhere, it is not possible to fully comment on this aspect until the Charter has been finalised and note that there has been a missed opportunity to consult on the Charter and the future of regulation jointly rather than independently.

We also have some concerns around the publication of two performance reports in a relatively short space of time, and would wish more dialogue with regards this proposal to avoid confusion for tenants and service users.

Question 13.

Do you agree with our proposed regulatory registration criteria?

Yes X No

Are there any alternative or additional criteria we should consider?

We have no specific comments on this proposal which relates to RSLs.

Question 14.

Do you agree with our proposed de-registration criteria?

Yes X No

Are there any additional or alternative criteria we should consider?

We have no specific comments on this proposal which relates to RSLs.

Question 15.

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

Yes No

Do you have any additional comments on these Standards?

We have no specific comments on this proposal which relates to RSLs.

Question 16.

Do you agree with our proposed guidance on Regulatory Standards?

Yes No

Do you have any additional comments on the guidance?

We have no specific comments on this proposal which relates to RSLs.

Question 17.

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

Yes No

Do you have any additional comments on these standards?

We have no specific comments on this proposal which relates to RSLs.

Question 18.

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

Yes X No

Do you have any additional comments on this area?

We have no specific comments on this proposal which relates to RSLs.

Question 19.

Do you agree with our proposals on governing body members?

Yes X No

Are there any issues we need to consider here?

We have no specific comments on this proposal which relates to RSLs.

Question 20.

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

Yes No

Are there any alternative approaches we should consider?

We have no specific comments on this proposal which relates to RSLs.

Question 21.

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

Yes X No

Are there alternative approaches we should consider?

We have no specific comments on this proposal which relates to RSLs.

Question 22.

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

Yes X No

Are there other approaches we should consider?

We agree that reviewing the performance of a random selection of landlords has merit, However we would hope that this be monitored over a period to avoid unnecessary repetition and ensure fairness.

Question 23.

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

Yes No

What other approaches should we consider?

We believe that inquiry powers should be used in a risk based and proportionate manner and would welcome more defined clarification of what would represent the types of circumstances in which these powers would be used, and specifically what “events” might trigger the use of enquiry powers.

Question 24.

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

Yes X No

What other approaches should we consider?

We agree and welcome the proposed approach.

Question 25.

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

Yes X No

What alternative or additional approaches should we consider?

We agree that short notice and unannounced inspections should have a place in the regulatory regime in cases where performance reporting is continuously suspect, or where extraordinary circumstances warrant it. However we believe further clarification is needed on both what notice period would the landlord receive and on what the inspection would constitute.

Question 26.

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

Yes No

Are there any other factors we should consider?

See response to Q25.

Question 27.

Do you agree with our proposed approach to grading outcomes?

Yes X No

Are there alternative approaches we should consider?

We welcome the proposed approach to grading outcomes.

Question 28.

Do you agree with our criteria for statutory intervention?

Yes X No

Are there other criteria we should consider?

The criteria seems reasonable

Question 29.

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

Yes X No

Are there alternative approaches we should consider?

We welcome the approach and are particularly happy to see the approach to be transparent and note that proportionality will characterise the new approach.

Question 30.

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

Yes X No

Are there additional factors we should consider?

We agree with these proposals

Question 31.

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

Yes X No

Do you have any comments on our proposed approach?

We have no specific comments on this proposal which relates to RSLs.

Question 32.

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

Yes X No

Do you have any comments on our proposed approach?

We have no specific comments on this proposal which relates to RSLs.

Question 33.

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

Yes No

Do you have any comments on this proposal

We have no specific comments on this proposal which relates to RSLs.

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?

Yes No

Do you have any comments on this proposal?

We have no specific comments on this proposal which relates to RSLs.

Question 35.

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

Yes X No

Do you have any comments on this approach

We have no specific comments on this proposal which relates to RSLs.

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?

Yes X No

Do you have any additional comments on this proposal?

We have no specific comments on this proposal which relates to RSLs.

Question 37.

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

Yes X No

Are there any other factors we should consider?

We have no specific comments on this proposal which relates to RSLs.

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?

The SHR should take account of other social and economic factors that effect tenants and prospective tenants. This may be particularly useful when considering local issues, given the differences in wealth/health and educational attainment throughout the country and how landlords in localities provide services. This may assist the SHR to arrive at more appropriate conclusions as part of any regulatory approach.

Question 39 (EQIA).

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

Yes X No

What else do we need to do to achieve this?

We agree that the proposals give an opportunity to promote equality of opportunity.

