

# 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

Clackmannanshire Council

Title Mr  Ms  Mrs  Miss  Dr  Please tick as appropriate

Surname

Hutton

Forename

Kenny

#### 2. Postal Address

Services to Communities		
Lime Tree House		
Alloa		
Postcode	FK10 1EX	Phone 01259 452 472
Email		

#### 3. Permissions - I am responding as...

<b>Individual</b>	/	<b>Group/Organisation</b>
<input type="checkbox"/>		<input type="checkbox"/>
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  No

# Consultation Questionnaire

## Question 1.

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

Yes  No

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

Clacks wish to ensure that existing networks and consultation are recognised in order to avoid what is already an over reliance on those dedicated tenant representatives. Like most Councils we already support a detailed comprehensive tenant consultation every 2/3 years as well as tenant newsletters, online advice, news and consultation- and finally support for local Tenant and Resident Federation, RTO's and homeless fora.

## Question 2.

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

Yes  No

**Are there any alternative approaches we should consider?**

The principle of coordination is welcome. There is however an inherent inconsistency of approach where Care Inspectorate retain a more formalised grading system linked to self assessment. This form of inspection is timed in a manner contrary to the welcome principles in this consultation. This may result in some housing based services such as housing support being regulated in different manner to the remainder of housing.

**Question 3.**

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

Yes  No

**Are there alternative approaches we should consider?**

**Question 4.**

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

Yes  No

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

**Question 5.**

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

Yes  No

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

The proposed information list must be clearly set alongside a process for fully evaluating response by the local authority. The majority of Council services will have a range of self assessment tools in place; Customer Service Excellence, Public Sector Improvement framework and local Improvement models (EFQM) as well as Investors in People.

In addition the timing and combination of existing returns alongside Annual Returns on the Charter and Annual Performance Reports for tenants. This Council has already begun a detailed discussion with tenants on priorities and would be keen to retain the specific focussed approach and avoid a requirement to provide large amounts of data of little interest to the majority of tenants.

**Question 6.**

**Do you agree with our proposed approach on regulatory engagement?**

Yes  No

**Are there any other factors we need to consider?**

The main concern is that there appears to be a proposed continued reliance on a range of unannounced, short notice and thematic style inspections which creates its own uncertainty. We would seek clarity about the manner and proportionate nature of these inspections.

There is a particular concern among landlords that the manner of thematic inspection could, as expressed by the CIH, result in this evolving as a graded tool of censure.

**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?**

We wish to raise concern about opening up a further avenue of possible complaint in what could be a great deal of abortive or duplicative work for regulator and landlord. This may also be a means of premature complaint little understood by the complainant. The Council fully support however the principles of the Charter, the central role of tenants and will continue to strive to ensure its Complaints process and Policy is accessible, understood and transparent.

**Question 8.**

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

Yes  No

**Are there other factors we should consider?**

Comments similar to question 7 requiring assurance that under section 72 notifiable events this does not become an avenue for excessive time consuming duplicative work.

**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 fully embrace the integration of self assessment with existing performance management frameworks, benchmarking and self assessment. We have reservations about likely timing of reporting and request that the process allow for year end finalisation, reporting to Tenants bodies and Council- prior to submitting a formal report. We would add that our own tenants have emphasised that the financial year end in March is an artificial construct whose meaning beyond balance sheets may be lost to many tenants and homeless customers, that calendar year is more conventional.

Furthermore, we would expect that tenants need to be satisfied with the content and process for self assessment as well as being part of that process, not outside of it.

**Question 10.**

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

Yes  No

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

We believe that the process for establishing communication and accountability is perhaps well advanced for mainstream tenants and that their role in this process will build on this. It is with harder to reach groups however that communication has required intensive support. For homeless people and travelling people in particular we have over many years had much success in various formats. The first groups through periodic conferences and quarterly forum. The second group, travellers, through issue based approaches. Our concern is that it may not be feasible to replicate the same level of input from harder to reach groups to that of mainstream tenants. Some measure of allowance must therefore be made.

**Question 11.**

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

Yes  No



**Are there any other approaches we should consider?**

Concerns by landlords echoes by Clackmannanshire Council reflect the potential burden of existing local consultation and information, coupled with the Return of the Charter and Annual Performance Report may be unwelcome, including by tenants. It could be interpreted as neither proportionate not entirely risk based, being as it seems overly prescriptive in content. We would seek guidance for Council's that clearly allows for timescales and content firmly in line with outcomes agreed locally and not standardised.

**Question 12.**

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

Yes  No

**Are there any other issues or factors we should consider?**

As stated above the timings appear to be predicated on the basis of an April starting point. We feel it would be appropriate to shift the ARC response from May to July and the rest of the timings shifting in line with that and the framework proposed. Our recent discussions with tenants have confirmed that they do not recognise this April date as most in business do.

For submission data to be approved by Councils and RSL board there is generally a lead in period which in terms of the current May deadline on the ARC might require Councils/RSL to input either data which is a year out of date or only based on three quarters of the financial year.

The current date is also at potential odds with current benchmarking activities of Councils and RSLs i.e. SHBVN. Therefore a movement of the performance report date from the present suggested September would enable these activities to complete along with the finalisation of accounts. This would be of added value to the production of the performance report in terms of benchmarking information and ensure that associated improvement plans took full cognisance of competitor performance and how landlords were working to challenge demonstrated by the best in class whilst ensuring landlords in agreement with tenants/customers strike the appropriate balance between quality, performance and cost.

We would also support the view that there is an inexplicable lag of some months between Regulator and tenant bodies having access to information and in reality we would wish this to be more consistent in who is informed when.

**Question 13.**

**Do you agree with our proposed regulatory registration criteria?**

Yes  No

**Are there any alternative or additional criteria we should consider?**

Requirement to ensure that the Charter captures the Quality aspect of services to people with support needs and the interface with the Care Inspection process which requires Quality of support, staff and leadership.

**Question 14.**

**Do you agree with our proposed de-registration criteria?**

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?**

Yes  No

**Do you have any additional comments on these Standards?**

**Question 16.**

**Do you agree with our proposed guidance on Regulatory Standards?**

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 Annexe B?**

Yes  No

**Do you have any additional comments on these standards?**

We feel that the prescribed maximum duration of membership for non-executive members at section 12 of 6 years is not in the best interests of all RSL's. There is a balance required in any effective team of maturity. It is reasonable for RSL's to set their own maximum duration if it is feel that there is an issue, or that there is not space for new blood. It should be for the RSL to decide not the Regulator

**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  No

**Do you have any additional comments on this area?**

**Question 19.**

**Do you agree with our proposals on governing body members?**

Yes  No

**Are there any issues we need to consider here?**

We would agree that practice requires definition and the principle of ensuring experience alongside access for new members is acceptable. The prescribed one size fits all nature of the term proposed we regard as overly aggressive and as stated above it is reasonable for RSL's to vary the maximum term according to individual circumstances.

**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?**

**Question 21.**

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

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?**

Yes  No

**Are there other approaches we should consider?**

Whereas we would agree with the occasional need for wider themed investigations across functions of landlords we would expect this to be proportionate and aligned to specific risk. We would expect landlords to be consulted on the wider local contextual actions already in place first rather than have themed inspections based upon narrow performance data in isolation.



**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 would expect timescales to reflect the relative size of a landlord or local authority and therefore their capacity to respond to any major request for further information or analysis beyond that published. We would also expect cognisance to be taken of for example SHBVN data.

**Question 24.**

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

Yes  No

**What other approaches should we consider?**

**Question 25.**

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

Yes  No

**What alternative or additional approaches should we consider?**

The principle is not an issue as long as sound evidence and clear criteria are adhered to and not reaction to anecdote, rumour nor media driven issues. We would support the requirement to take account of self awareness, that cognisance be taken of what local actions are already in place.

**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?**

The ever broadening range of inspection types to not taken to this extreme concord with the principles of risk based proportionality nor promoting a culture of self awareness. We would seek further discussion on the nature and role of sudden short notice inspections which we would expect to be very exceptional and based on extreme risk.

**Question 27.**

**Do you agree with our proposed approach to grading outcomes?**

Yes  No

**Are there alternative approaches we should consider?**

**Question 28.**

**Do you agree with our criteria for statutory intervention?**

Yes  No

**Are there other criteria we should consider?**

It is essential that an explicit commitment is made prior to agreeing necessary intervention, that tenant representatives are consulted. It would not be acceptable for representative bodies to hear after the event.

**Question 29.**

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

Yes  No

**Are there alternative approaches we should consider?**

**Question 30.**

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

Yes  No

**Are there additional factors we should consider?**

Again we would expect RTO's to be very much part of the construction of an Improvement Plan.

**Question 31.**

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

Yes  No

**Do you have any comments on our proposed approach?**

**Question 32.**

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

Yes  No

**Do you have any comments on our proposed approach?**

**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**

**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?**



**Question 35.**

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

Yes  No

**Do you have any comments on this approach**

**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  No

**Do you have any additional comments on this proposal?**

**Question 37.**

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

Yes  No

**Are there any other factors we should consider?**

**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?**

**There is a difficulty in placing an over reliance on local minority representative bodies and it is essential simply that local landlords work together and with the Scottish Government to share understanding and coordinate approaches to those representing, or those researching minority groups.**

**Question 39 (EQIA).**

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

Yes  No

**What else do we need to do to achieve this?**