

# 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

Shire Housing Association Ltd

Title Mr  Ms  Mrs  Miss  Dr  Please tick as appropriate

Surname

Sullivan

Forename

Madeleine

#### 2. Postal Address

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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  No

# Consultation Questionnaire

## Question 1.

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

Broadly we welcome the Regulatory principles. We suggest there may be merit in making explicit commitments about reflecting on actual experience and reporting, given the commitment to development of a strategy by April 2012.

We would note some concern about the apparent burden placed on the two tenant Scottish Housing Regulator Board Members in any “representational” role.

We wonder if you could make more use of the status of RSL’s as membership bodies and in particular the role and contribution of community based and community controlled RSL’s.

We welcome the commitment to development, review and evaluation and suggest it would be helpful to frame this in terms of timescale.

Yes  No

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

- Maximise opportunities – communications strategy
- Use a range of techniques
- Regular review and report on experience.

## 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?**

We note the duty of co-operation with a broad range of “relevant regulators”. – The depth and frequency of such co-operation might well vary and it would perhaps be helpful to be clear about actual mechanisms and to publish the relevant memoranda of understanding.

**Question 3.**

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

We would welcome a commitment to direct engagement with RSL's – Board Members and Housing Practitioners, not just representative bodies.

Yes  No

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

- Focus groups
- Publication of draft materials on website for comment.

**Question 4.**

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

Broadly we do agree with the proposals. We suggest there is potential for confusion between “regulatory risk” ie the risk to your objective and the RSL's operational assessment of risk. It might be worthwhile as a matter of routine to refer to risk to the regulatory objective.

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?**

**Question 6.**

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

Yes  No

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

It's possible that more needs to be done to address a general perception that higher levels of engagement with the Regulator somehow equates to poor performance. You could perhaps be more explicit about the engagement you have with all RSL's before setting out the priorities.

**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 know that much of this section is reliant on the terms of the Scottish Social Housing Charter, which have yet to become clear. We therefore welcome the commitment to review the arrangements for tenant concerns after the first year. We do see a potential for confusion between "complaints" and "significant performance failures".

**Question 8.**

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

Broadly we do agree but suggest there might be benefit from a wide debate and agreement on the reputational interests of the sector.

Yes  No

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

**Question 9.**

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

At this stage we are really hesitant about endorsing any proposed approach, since the terms of the Scottish Housing Charter in its current draft form, are so difficult to define and measure. We welcome the commitment to consultation and would welcome a similar commitment to working with practitioners, rather than just representative bodies, in the development and implementation of self-assessment. We support tenant involvement but recognise that the key incentives are very possibly negative rather than positive. So, we are aware of real practical difficulties in demonstrating effective agreement with and verification by tenants. We would also want to guard against a possible over reliance on satisfaction surveys – perhaps particularly standard ones. They can readily become very routine and meaningless. We wonder also if you might want to endorse some external accreditations, for example; Customer Service Excellence or Investors In People as indicators of service quality.

Yes  No

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

**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've noted some of the difficulties in the answer to question 9. Whilst we welcome the commitment to review experience after the first round, there might be real practical difficulties in trying to do all the necessary work in just one year. RSL's would need to agree the approach with tenants, but presumably let it run for a while to ensure it is effective, meaningful and verifiable. We believe specific stages would be necessary to meet all those tests.

**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?**

Overall the reporting arrangements including the ACPR and the ARC are we believe too onerous. We suggest it would be simpler and more cost effective to focus on one.

**Question 12.**

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

Whilst we welcome the commitment to keep to a minimum the level of data required from RSL's, we would point to the experience of the APSR. The length of guidance in relation to the form itself, illustrates the practical problems around definitions and common understandings. We would also suggest you make a formal commitment to monitor and report on the useage of the information planned for the Regulator's website.

Yes  No

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

**Question 13.**

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

We welcome the requirements about local “fit” and sustainability. We would suggest however that internet access is not common amongst our own tenants.

Yes  No

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

You may want to ensure accessibility of the register – not just that its easily accessible to anyone with internet access.

**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 Annexe A?**

The six regulatory standards are clear and helpful.

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?**

The guidance is sometimes we believe too prescriptive. In particular the proposed time limitations on governing body service have caused consternation.

**Question 17.**

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

Yes  No

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

The proposals are too detailed, too standardised and too categorical. If pursued they will undoubtedly distract from service development and provision. There doesn't appear to be a clear policy advantage or benefit and a number of the proposals undoubtedly diminish regard for the voluntary contribution, which has been at the heart of the Scottish Housing Association sector. It seems counter intuitive to state that the perspective of tenants will be central to your regime and at the same time give notice that the contributions of potentially hundreds of tenant activists are no longer required at Board level.

**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?**

We note it will be a matter for individual RSL's to decide if and how they want to manage payments and benefits to Board, Staff and close relatives. You may be interested to know that our Board is unanimous in the belief that this is a retrograde step.

**Question 19.**

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

Yes  No

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

Current evidence (see Shaping Up for Improvement SHR 2009) suggests that we have a largely efficient and well regulated sector. The potential destabilising effect of this requirement can only be exacerbated by the challenging financial climate in which we are all operating. Whilst broadly we can see the need for and benefits of a mix in Board membership, succession planning is a comparatively new concept for the sector. Here there may be a need for guidance as there could be scope for conflict of interest.

The policy case for the proposed time limit on Board service is unclear and we should suggest you reflect on actual experience to date.

There may also be a need to reflect on organisational purpose. Whilst noting that we can't see a case for wholesale constitutional change, we accept there may be some need – dependant on purpose. We for example, were set up on the basis of a tightly defined business plan based around commitments to tenants and to lenders. Having withdrawn from development, due to changing Housing Association Grant assumptions, we maintain an absolute focus on business sustainability – meeting our commitments to tenants and service users and to lenders. – The benefits of constitutional change for these stakeholders are not at all clear.

**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 agree that this can be readily undertaken by updating either of the current commonly used codes of conduct.

**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?**

It might also be helpful to publish some case study material in the future.

**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?**

You may want to emphasis the routine engagement you have with all RSL's and the potential for use of the checks to verify common understanding of definitions. We suggest you review the experience of the APSR and its associated guidance. It's probably also helpful to note the outcome of such checks – whether it's a letter to the RSL or publication of a report etc.

**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?**

It would also be helpful if some indication of timescale could be included.

**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?**

It would be helpful if you could be clearer about the use and funding of survey powers.

**Question 25.**

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

Broadly yes – the one week turnaround timescale might be tight and the “appeal” arrangements are very limited. – It probably would be helpful to at least include some reference to reporting arrangements for SHR Board.

Yes  No

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

**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?**

**Question 27.**

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

Yes  No

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

We have concerns that outcomes can typically only be assessed over comparatively lengthy periods of time. We therefore remain concerned that the Scottish Social Housing Charter outcomes are poorly specified – this may well cause difficulties.

If we are understanding the consultation correctly, you will in future use consistent language in describing the outcomes you have assessed. This will we believe be helpful in reading the full reports. You may however still need some sort of “short-hand” for the summary announcements which typically accompany the publication of reports.

**Question 28.**

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

Yes  No

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

The only difficulty here is around reliance on the Charter – the terms of which are unclear.

**Question 29.**

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

Broadly yes though there are still issues around reliance on the Charter.

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?**

**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?**

We have earlier queried the requirement for whole scale constitutional change.

**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?**

We note you intend to develop guidance and hope this will be subject to consultation.

**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**

Overall helpful.

**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?**

**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?**

We suggest there is a need for another impact assessment. The data noted appears as a series of random statements. We fully appreciate that there are issues with data availability particularly at local level but it would be helpful if you provided some indication of action for you and expected action of us. You may also want to expand your target audience to include lenders, funders and local authorities as strategic housing authorities.

- Consider availability of information – not just easy access for those with internet.
- Make explicit commitment to promote good practice.
- Encourage Scottish Government to act to ensure data availability.
- Exploit the use of SCORE data.