The Tenant Assessor panel has worked on a voluntary basis with the Scottish Housing Regulator, and its predecessor Communities Scotland, since March 2005. Our panel of 24 members is made up of tenants of both Local Authority and RSL landlords from all over Scotland, and our overarching role as Tenant Assessors is to bring a tenants' and service-users' perspective to the process of regulation and inspection of social landlords. We work with the SHR's inspection teams in a number of ways to review and comment on the quality of service provided by landlords, for example, by reviewing literature produced by landlords and by holding focus group discussions with tenants and service-users. Since the inception of the Scottish Housing Regulator, we have been involved on the inspection and publication of reports on the housing services of 15 RSLs and the housing and/or homelessness services of 14 Local Authorities.

The TA panel have strong views on the modernisation of the regulatory regime proposed by the Housing (Scotland) Bill. Consequently, we felt it was important to contribute our views to the Local Government and Communities Committee by submitting a response paper. We have chosen to express views only on the sections of the Bill which relate directly to the modernisation of regulation, and to our work as Tenant Assessors.

From personal experience as tenants and service-users, and as Tenant Assessors, the panel are aware that a significant proportion of landlords offer a mediocre or poor quality of service to their tenants and service-users. From our involvement on inspections and re-inspections of RSL and Local Authority landlords, and as tenants of inspected organisations, we have witnessed at first hand the improvements which have been brought about by inspection, and the value of robust regulation. As a result, the panel has a strong conviction that effective regulation results in genuine, lasting improvement for tenants and service-users. Our response outlines our views on the proposals for a modernised regulatory regime, and highlights our belief that, if implemented correctly, a new regime has the potential to benefit a great many tenants, homeless people and other service-users from a diverse range of backgrounds.

On behalf of the Tenant Assessor panel, I would like to thank you for the opportunity to comment on the Bill, and hope you will take our comments and suggestions into account during the next stage of the Bill’s progress.

Bill Chapman
Tenant Assessor
Part 1
1. The Tenant Assessor panel welcomes the Bill’s proposal to establish a modernised Scottish Housing Regulator with the statutory objective of safeguarding and promoting the interests of current and future tenants, homeless people and other service-users, and the core purpose of placing these groups at the heart of regulation. The panel firmly believes that the key role of the SHR should be to champion the interests of tenants, homeless people and other service-users, and that the SHR should have maximum resources and powers to ensure landlords deliver high quality services.

2. The Tenant Assessor panel feels strongly that a modernised Scottish Housing Regulator should have statutory independence from Scottish Ministers, and favours the proposal to establish a Board which will remain free from political influence. The panel agrees that appointments to the Board should be made in compliance with guidance on public appointments. In light of the proposed statutory objective for the SHR to safeguard and promote the interests of tenants, homeless people and other service-users, and to place these groups at the heart of regulation, the panel strongly believes that at least one place on the Board should be reserved for a tenant member in order to deliver regulation which is fully tenant-focused. In addition, the panel would like to suggest that appointments to the Board be made on a fixed-term basis, and that the Board should have scope to appoint its own Chair.

3. In terms of general functions and powers of the SHR, the Tenant Assessor panel welcomes the proposal that the content of the Bill should apply equally to both Registered Social Landlords and Local Authorities, in order to provide a level playing field to safeguard the rights of all tenants of social housing.

4. The panel agrees that the SHR should be required to consult, and work with, representatives of tenants, homeless people and other service-users in determining how it will carry out its functions. It also agrees that the SHR should act proportionately, accountably and transparently, and that it should encourage equal opportunities in its work. Whilst the Tenant Assessor panel wholeheartedly agrees that the SHR should target the majority of its regulatory work and resources towards poor quality landlords who are at risk of failing their tenants, the panel also has concerns that landlords who are delivering only an average or adequate service for their tenants will have no impetus for improving their services.

5. Since the inception of the SHR, Tenant Assessors have been involved with 25 inspections of RSL and Local Authority landlords. In many cases, the panel have witnessed examples of average or mediocre performance, and as a result, feel strongly that tenants and service-users of such landlords deserve better services and improved value-for-money. The panel feels strongly that there is a risk of a sense of complacency developing amongst such landlords, and would like reassurance that the SHR will have scope to drive continuous improvement in the sector as a whole, rather than confining this simply to landlords who are deemed to be performing poorly.
6. Overall, the Tenant Assessor panel strongly agrees that it is of vital importance that the SHR have robust powers to carry out inquiries on landlords and to continue to regulate Local Authority homelessness services. As we move closer to the 2012 target to abolish priority need status for homeless applicants, it is essential that the SHR and Scottish Government can confidently ensure that Local Authorities are meeting their statutory duties, and that RSLs are playing their part in alleviating homelessness.

Part 3
7. The Tenant Assessor panel agrees in principle with the proposal to introduce a Scottish Social Housing Charter as a statutory framework, and firmly believes the SHR should have functions and powers to monitor, assess and report on landlords’ performance against the Charter. The panel also very much welcomes the proposal for a period of meaningful dialogue and consultation with tenants and service-users on the content of the Charter.

8. The panel agrees that the Charter should contain a number of high-level outcomes, both local and national, however, wish to stress that these outcomes must be specific and measurable in order to be meaningful, and to allow the SHR to effectively monitor and regulate landlords’ performance. The Housing Bill’s associated Policy Memorandum identifies a number of very broad national outcomes, for example ‘preventing and alleviating homelessness’, which the panel consider may be difficult to measure, assess and compare in a meaningful way. In order to allow the Charter to work effectively to improve landlord performance and value for tenants, homeless people and other service-users, outcomes must be targeted, but realistic.

9. The panel agrees that the Charter represents an opportunity to give tenants a clear understanding of what they can expect from their landlord, and to give those in housing need an understanding of what they can expect from a prospective landlord. However, the panel would like to stress that the process of promotion and publicity for the Charter will also require a corresponding promotional campaign to increase awareness of the role of the SHR, and its duties around the Charter. At present, the panel feels there is limited awareness of the SHR’s role and responsibilities amongst tenants, homeless people and service-users. If the Charter is to prove meaningful and useful for each of these groups, promotion and publicity for the Charter and the SHR will have to be well-developed.

Part 4
10. The Tenant Assessor panel broadly agrees with the Bill’s proposal to repeal Ministers’ powers under the 2001 Act to inspect RSLs, and Local Authority housing and homelessness services and to replace these with the power to carry out ‘inquiries’ on these services. The panel agrees that these powers offer a greater degree of flexibility for the regulator, and believe this will allow the SHR greater scope to carry out its duties in a more targeted, proportionate way. In addition, the panel agrees that the SHR should consult on, and issue, guidance on how it will use its powers of inquiry.

11. The panel agrees in principle with the idea of a risk-based and proportionate approach to regulating social landlords, but has a number of reservations around
this approach. The panel has concerns that the current risk-assessment parameters are narrow, and that the information submitted annually by social landlords has the potential to be inaccurate. As outlined at Part 1 above, the panel believe that organisations identified as ‘low engagement’ following risk assessment may become complacent. As a result, the panel would like to propose that the SHR carry out an annual sample of inquiries with the specific purpose of verifying the information submitted by landlords, in the interests of driving improvement to service-delivery. The panel also believe some element of feedback from tenants, homeless people and service-users should be included as part of the information-gathering process.

12. The Bill’s associated Policy Memorandum sets out the fact that the Scottish Government considered retaining inspection as the regulatory tool for driving performance improvement within the sector, but rejected this on the basis that inspection is inconsistent with the principles of streamlining scrutiny and reducing the burden of inspection for public services. The panel has concerns that, in real terms, the effect of the Scottish Social Housing Charter will be to effectively add to the burden of regulation, by requiring landlords to submit additional information in relation to the Charter, and to carry out additional work to achieve the Charter outcomes. The panel would also like reassurance that the SHR will have adequate resources to carry out its additional work in relation to the Bill, and to the Charter in particular.

13. Whilst the TA panel broadly agrees in principle with the idea of inquiries carried out on the basis of risk-assessment, we would like reassurance around the gaps in the risk-assessment process identified above before fully endorsing this element of the Bill. In order to fully protect the interests of tenants, homeless people and other service-users, the panel believes that the inquiry process must be robust, and must be carried out by a strong regulator in order to result in genuine, lasting improvement.

Bill Chapman
Tenant Assessor
Tenant Assessor Panel

2 March 2010