

# 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

Scottish Public Services Ombudsman

Title Mr  Ms  Mrs  Miss  Dr  Please tick as appropriate

Surname

Forename

#### 2. Postal Address

4 Melville Street

Edinburgh

Postcode EH3 7NS

Phone 0800 377 7330

Email

#### 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?**

No comment

Yes  No

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

None

## Question 2.

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

The proposals set out in the consultation document are entirely appropriate, and in line with current practices. The SPSO have existing arrangements in place, through a Memorandum of Understanding with the Scottish Housing Regulator. This provides appropriate mechanisms for ongoing co-operation, collaboration and information sharing.

It specifies that where the functions and actions of either the SPSO or the SHR affect those of the other, they will consult and co-operate together to fulfil their respective functions as fully, effectively and efficiently as possible. This co-operation includes information sharing and effective communication where this will inform and improve the work of each party.

When resources allow, the SPSO and the SHR have agreed, through the MoU, to call on each other for representation on project teams, working groups etc, where joint working is identified as advantageous. This sits alongside formal and informal contact, and an expectation of shared understanding of structures and working practices.

In line with this approach, the Scottish Housing Regulator has been an active partner in our work to develop a model complaints handling procedure for the housing sector. We are pleased to see there will be the opportunity to carry on with this approach and co-operation, and will value their input in the future.

Yes  No

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

None

**Question 3.**

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

No comment

Yes  No

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

None

**Question 4.**

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

The proposals for identifying risk in councils are appropriate and in line with the SPSO's own working practices. Sharing information in this way is entirely consistent with the existing working arrangements between the SPSO and the SHR. We have agreed to provide statistical and qualitative information about complaints relating to RSLs on a regular basis. The SPSO will provide information relevant to any regulatory activity if it has particular concerns. Sharing any other information on cases is limited by confidentiality and disclosure of information restrictions.

Yes  No

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

It should be noted that the development of model complaints handling procedures (CHPs) for the local authority and RSL sectors will more closely align the way the two sectors handle complaints. The SPSO also has an ongoing role in developing and sharing best practice in complaints handling, and where this is relevant to housing services, the SPSO will share this information with the SHR.

**Question 5.**

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

The SPSO have the same arrangements in place with the SHR in relation to both RSLs and the landlord and homelessness functions of local authorities. We therefore also consider the proposals for identifying risk in councils to be appropriate. As with RSLs, we provide statistical and qualitative information about complaints relating to landlord and homelessness functions of local authorities on a regular basis, and along the same parameters as for RSLs.

Yes  No

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

See response to Question 4 above.

**Question 6.**

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

No comment

Yes  No

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

None

**Question 7.**

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

The SPSO agrees with this approach to tenants raising significant performance failures. As noted above, we have an open dialogue with the SHR in relation to systemic complaints, which will highlight issues across the sector. We also pass on information from complaints, when these reveal significant issues that would relate to performance failures.

The development of the model CHPs for the housing and local authority sectors will assist landlords in delivering effective systems for dealing with complaints from their tenants, and in identifying systemic failures before they become apparent to the SPSO. It will also focus on improved recording of complaints, which will be helpful for both landlords and tenants in bringing forward information and evidence about significant performance failures and the landlord's responses to these concerns.

Yes  No

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

None

**Question 8.**

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

The SPSO agree with the proposed approach, specifically to notifiable events. This is of significance as the current guidance identifies that a single, serious complaint against senior staff or a board member constitutes a notifiable event, about which the SHR must be informed at the earliest opportunity. It also details ways in which RSLs should deal with complaints against their CEO.

Yes  No

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

In developing the model CHP for the housing sector we have incorporated the requirements of the current guidance on serious complaints against senior staff and board members into the model CHP. This will ensure that staff at all levels are aware of the significance of such complaints.

While this requirement does not impact on the overall complaints handling procedures, we would be keen to ensure that the model CHP for the housing sector is in line with requirements set out by the SHR. We would therefore seek assurances that the SPSO is kept informed of any changes that might be proposed to the current guidance following this consultation process.

**Question 9.**

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

The SPSO welcomes the proposals on self-assessment by landlords and tenants. In particular, we are pleased that benchmarking between RSLs is advocated. The implementation of a model CHP for housing and for local authorities will enable housing service providers of all types to compare performance in relation to complaints in a way that is currently not possible.

Below we set out our ideas on what might be suitable information to gather in relation to complaints, though there is scope for benchmarking to go beyond these minimum reporting requirements.

Yes  No

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

The SPSO are currently working with HouseMark and the Scottish Housing Best Value Network to develop a range of indicators for benchmarking and reporting on complaints, based on the implementation of the model CHPs in RSLs and local authorities. This will be piloted through their members, and we would be happy to share the findings from these pilots with the SHR.

**Question 10.**

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

No Comment

Yes  No

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

None



**Question 11.**

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

The SPSO welcomes the proposals for landlords submitting Annual Charter Performance Reports, as this will provide them with the opportunity to report back in a more qualitative manner on the implementation of the model CHP, and any issues they have experienced through the year in relation to complaints. This could include flagging up any significant changes in performance statistics and any changes in the targets they have set or plan to set in the future.

Yes  No

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

None

**Question 12.**

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

The SPSO welcomes this approach to assessing and reporting on progress against the Charter. In particular, it provides a structure for effective performance reporting in relation to complaints handling, which the SPSO particularly welcome. In addition, the move to a single reporting framework for RSLs and local authorities will assist in benchmarking and sharing of good practice.

Yes  No

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

We are keen to provide input to the SHR's work in developing appropriate measures against which to report on the Charter through the ARC. At this early stage, we would like to share some preliminary indicators which we consider to be suitable measures for initial ARC returns:

- Proportion of complaints dealt with at Frontline Stage 1
- Proportion of complaints dealt with at Investigation Stage 2
- Proportion of Frontline complaints resolved within 5 days
- Proportion of Investigation complaints resolved within 20 days
- Number of complaints per 1,000 units per year

We would also be keen to develop suitable indicators around the reporting and learning from complaints, including the regularity of reports on complaints information to senior management and evidence of effective action being taken to improve services on the basis of this information.

We would be happy to discuss these and other ideas for monitoring against the Charter outcomes on complaints, when the SHR are looking in more detail at their intended measures.

**Question 13.**

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

No comment

Yes  No

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

**Question 14.**

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

No comment

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?**

No comment

Yes  No

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

**Question 16.**

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

No comment

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?**

No comment

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?**

No comment

Yes  No

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

**Question 19.**

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

No comment

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?**

No comment

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?**

No comment

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?**

No comment

Yes  No

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



**Question 23.**

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

No comment

Yes  No

**What other approaches should we consider?**

**Question 24.**

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

No comment

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?**

No comment

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?**

No comment

Yes  No

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

**Question 27.**

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

No comment

Yes  No

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

**Question 28.**

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

No comment

Yes  No

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

**Question 29.**

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

No comment

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?**

No comment

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?**

No comment

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?**

No comment

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?**

No comment

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?**

No comment

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?**

