



THE SCOTTISH
HOUSING
REGULATOR

GUIDANCE NOTE

To: All Registered Social Landlords (RSLs)

Subject: Requesting a review of inspection judgements

Issued by: The Scottish Housing Regulator

Ref no: SHR 18

Date: July 2008 (First issued July 2007)

Summary

This guidance sets out when and how an organisation we have inspected can ask us to review our inspection judgements. It tells you how we will deal with this sort of review.

This guidance replaces our earlier guidance note CSGN 2002/10, called "Making an appeal or complaint to Regulation & Inspection". It comes into effect from 16 July 2007 and will apply to all organisations from that date, irrespective of when their inspection started.

For any references to Communities Scotland (or Scottish Homes) please read the Scottish Housing Regulator.

If you have any questions about this guidance, you should direct them to:

The Scottish Housing Regulator

Highlander House

58 Waterloo Street

GLASGOW

G2 7DA

Tel: 0141 271 3810

Email: shr@scottishhousingregulator.gsi.gov.uk

1. Introduction and purpose

- 1.1 When we inspect organisations we aim to be a catalyst for improvement in housing and homelessness services. We publish reports following our inspections that should provide fair and accurate judgements about an organisation's performance. We have our own internal quality assurance processes to make sure this happens. And the way we inspect means there are ample opportunities for inspected organisations to discuss and challenge our findings and assessments during an inspection.
- 1.2 But we know that no matter how clear and open our process may be, inspectors and the inspected organisation may disagree about the judgements we have made and the grades we have awarded. We will always expect an inspected organisation to raise any areas of disagreement at the earliest possible opportunity, so that they can be dealt with in the normal course of an inspection. But where an inspected organisation is still unhappy about our judgements or gradings following an inspection, and before the publication of an inspection report, it may ask for a formal review. The review is an internal administrative review. It is not intended to be judicial in nature. The review allows us to reconsider our judgements in a structured way and acts as the final stage in trying to resolve any disagreements before we publish an inspection report.
- 1.3 Scottish Ministers published a revised regulatory code of practice for Communities Scotland on 1 November 2006. It says: "*Ministers expect Communities Scotland to publish procedures whereby inspected bodies can request a review of the outcome of an inspection process*". This guidance addresses that expectation.

2. Before using the review process

- 2.1 We want our relationship with inspected organisations to be based on open and honest exchanges and discussion. We will make sure there are opportunities for an inspected organisation to discuss and challenge our assessments. So, you should not wait until the end of an inspection to tell us about issues of concern. We want to work these out during the inspection. You must make reasonable efforts to tell us about any concerns at the earliest opportunity.

2.2 We will provide structured feedback at relevant points throughout an inspection and will give you a draft inspection report for comment. You should take these opportunities to tell us whether the feedback or report is factually correct and provides an accurate assessment of the organisation's performance. It is your responsibility to respond effectively to us. In doing this, we expect you to draw all relevant information to the attention of inspectors and to make clear the basis of any disagreement to the Head of Inspection during the final drafting of the report. This should happen before you ask for a formal review. It is our responsibility to take careful account of the points you make, to review the evidence, to explain our position, and to come to a fair, clear and balanced judgement. We will issue a final pre-publication report to the inspected organisation. If there are still disagreements at this stage, then you may want to consider asking for a formal review.

3. Using the review process

3.1 If you receive the final pre-publication inspection report and are still unhappy with any of the assessments or judgements made in the report, you may request a formal review. You must make the request for a review to the Chief Executive of the Scottish Housing Regulator in writing, within ten working days of receipt of the final pre-publication report.

3.2 In establishing the case for a review, you should:

- a) be explicit that you are requesting a review under the terms of this guidance note;
- b) identify clearly the assessments you are asking to be reviewed;
- c) say why you disagree with the assessments and provide relevant supporting documentation to justify your case; and
- d) outline what you believe the assessment should be.

3.3 The organisation's senior officer (or a recognised deputy if the senior officer is unavailable) must make the request for a review. We expect the request by the senior officer to be authorised by whatever governance arrangements are relevant within the organisation – for example, by the governing body of the registered social landlord or the elected members of the local authority.

- 3.4 We will usually accept the case for review. However, the Chief Executive may decide that the inspection review procedure is not relevant to the matters raised. For example, an organisation may wish to complain about the way an inspector has behaved. This may fall within our complaints procedure rather than this review procedure. We will speak to you first if we intend to use a different procedure to deal with the matters raised.
- 3.5 In accepting the case for review the Chief Executive will:
- a) let you know we have received the request for review;
 - b) ensure that the publication process is postponed until the review is finished;
and
 - c) let you know how the review will be conducted and the likely timescales involved.
- 3.6 The Chief Executive will review the case. In some cases the material you have submitted will be sufficient to complete the review. In some cases the Chief Executive may ask for further work to be undertaken to review the evidence that supports a particular judgement. This work may be conducted by people who have not been part of the original inspection team. Further work might include:
- a) discussions with relevant people from your organisation and service users;
 - b) a review of the original evidence used by the inspection team and any additional evidence provided by you;
 - c) a request for additional information from you;
 - d) further on-site work to verify the information provided or to collect further information;
 - e) discussions with relevant third parties and stakeholders; and
 - f) any other work that will help to review the case in a fair and proportionate way.
- 3.7 The review will focus on the areas of assessment you have asked us to look at again. But in conducting the review, the Chief Executive may want to consider and change other parts of the report and other judgements. This may be necessary if the areas under review have an impact on other areas in the report. We will do this where we need to make sure the final published report is fair and consistent throughout. So, we may review and change other areas not included in your original review request.

- 3.8 The review may result in assessments becoming more positive, more negative or staying the same throughout the report.
- 3.9 The review will only take account of evidence that relates to the time of the original inspection and the original assessments. It will not consider evidence of later developments or improvements. But your improvement plan can include this information and we will take account of this in any subsequent audits of improvement.

4. Concluding the review

- 4.1 When the review is completed the Chief Executive of the Scottish Housing Regulator will:
- a) determine the outcome, based on all relevant information;
 - b) write to you about the outcome;
 - c) sign-off the final inspection report for publication; and
 - d) arrange for the report to be published.
- 4.2 The decision by the Chief Executive is final and there are no further stages in the review process within Communities Scotland. The inspection report will be published once the review has concluded.

5. Feedback and improvement

- 5.1 We will always ask inspected organisations for feedback about our approach, their experience of inspection and how well it has helped them focus on improvement. We will also involve representative organisations and our advisory groups in developing our inspection service. This feedback and liaison will help us to keep our inspection work under review and make any necessary improvements.

6. Complaints

- 6.1 This guidance note deals with how we will review our inspection judgements, following a request by an inspected organisation. If anyone is unhappy about how we have conducted our business they should use the Scottish Housing Regulator's complaints procedure. If anyone is still not satisfied with the response we have given them at the end of our complaints procedure, they can raise the complaint with the

Scottish Public Services Ombudsman. Full details are available in the Scottish Housing Regulator's complaints procedure.