

Tenants' Regulation Advisory Group

26 June 2009

Minute of meeting

Highlander House, Glasgow

Present:

James Bennett
Jeanette Boyd
Rose Bowie
Charles French
Robert Lewis
Kevin Paterson
Moseka Mambi
Therese Mullen
John Banks
Nigel Slater
Rena Smith

Jamie Ballantine TPAS
Pamela Kellock - Shetty Scottish Housing Regulator
Andy Robinson Scottish Housing Regulator
Lesley Kerr (agenda item 8) Scottish Housing Regulator

1. Welcome

Jamie Ballantine welcomed everyone to the meeting and asked everyone present to introduce themselves to the meeting.

2. Apologies;

Apologies were received from:

David Tares

3. Minute of the previous meeting (30 January 2009)

Charles proposed that the minute of the previous meeting be adopted as an accurate record Rena supported the motion.

4. Matters arising

James said he had not received a copy of the organisational chart showing who's who in the SHR and asked if this could be made available. Andy said this should have been distributed to members. Some had received this.

Action: Andy to re-send.

Rose expressed concern that previous meetings had been changed at short notice and the inconvenience that this can cause. Jamie advised that this had been raised at the previous meeting and that the meeting dates had now been set for the year. Andy said he hoped that the pre arranged dates would now help people to plan ahead.

John requested dates for the next meeting.

James also clarified a point he had raised on 30 January 2009. James said his understanding was that tenant complaints would not trigger an inspection, even if they have been to the ombudsman. James was also concerned that the communication between the ombudsman and the regulator was not apparent. Andy confirmed that any landlord receiving a significant number of complaints would be a trigger for the regulator to investigate. Andy also confirmed that the regulator does communicate with the ombudsman.

5. Update from previous meeting – SHR intervention guide

Andy provided an update on the Scottish Housing Regulator's intervention guide. The guide is currently in draft form and has been amended to include feedback from the Tenant Regulation Advisory Group. The group provided Christine with feedback earlier in the year. The guide should be finalised shortly following discussion with the Regulation Board.

Action: Copies of Christine Macleod's letter to TRAG members will be re-issued for information.

6. Update from SHR Regulation Board

Andy explained the role of the regulation board and provided an update. The board have been overseeing the development of a corporate plan. This will be finalised soon. Therese asked for copies. The board have also approved the risk register used for monitoring landlord overall performance. Also the board have been looking at the running costs of the Scottish Housing Regulator and the budget for the current financial year.

Action: Kevin asked for copies of regulation board minutes to be shared with Tenant Regulation Advisory Group. Details of corporate plan to be shared with TRAG once available.

7. Draft Housing Bill

Pamela delivered a presentation on the draft Housing (Scotland) Bill 2009. Pamela concentrated on the parts of the bill that were relevant for the Scottish Housing Regulator. Pamela explained that the bill will legislate to give statutory independence to the Regulator. The SHR will become a non ministerial department, essentially doing the work of Government but with independence from Ministers, similar to other regulators across the country.

Once established Ministers will not be able to give direction to the ongoing work of the Scottish Housing Regulator. The Regulator will have its own board (Regulation Board) with decision making powers. Ministers, however will have the final say on appointing board members and the Chief Executive. The central objective of the Scottish Housing Regulator will be to: “safeguard & promote the interests of those who are, or who may become tenants of social landlords or recipients of housing services.

The Scottish Housing Regulator will maintain a public register of social landlords. Also Pamela explained that the draft bill proposes flexible powers for the regulator. Rose said that the Scottish Housing Regulator should have the power to remove governing body members where required. There was broad agreement for this amongst the meeting. Therese asked if Audit Scotland would be triggering an inspection, rather than the Scottish Housing Regulator. All present supported SHR intervention in a local authority if Audit Scotland findings highlighted areas of concern.

Pamela explained that the draft bill would allow greater flexibility around how and when inspections and the regulator’s powers could be used. For example the proposals would see the regulator having greater power to gather information and carry out analysis to provide detailed scrutiny of landlord performance. In particular the Scottish Housing Regulator would assess and monitor targets set by Ministers.

Intervention powers from the Housing (Scotland) Act 2001 would be enhanced. Robert stated that there should be powers to remove and suspend RSL officers. Pamela clarified that all references to ‘officers’ in the draft bill applied to governing body and local authority members.

Pamela explained the concept of the Social Housing Charter as proposed in the draft bill. Charles suggested that the Charter should require high standards of landlords, but should also allow tenants to communicate with the regulator when appropriate. James asked about the likely status of the Charter. Andy confirmed that it would be a legal document and any commitments made within it would be legally binding upon the landlord. Andy also explained that he would expect the Charter to link in with performance standards.

Pamela advised that the Bill was currently out for consultation which closes in August. The draft Bill included in the consultation document is likely to change before the Parliamentary process, in response to the consultation exercise.

8. Changes to how SHR inspect local authorities

Lesley Kerr (SHR) delivered a presentation on the inspection of local authorities. Lesley explained that local authorities were subject to a number of ongoing inspections of the services they provide. Specifically education, health care and social care provision are all inspected in addition to housing services. Lesley outlined a number of changes designed to avoid duplication during inspections.

A new concept known as ‘Shared Risk Assessments’ has been piloted to streamline the process of inspection. Therese asked how the SRAs would affect housing

services. Lesley explained that whilst this was not yet fully developed, housing services would have a set of specific questions to answer as part of the assessment process. Crucially, Lesley explained, more thought needs to be given to obtaining qualitative information and clearly part of this process would involve tenants. Nigel asked how tenants would be involved where there is no RTO coverage. Lesley explained that the SHR will speak to RTOs, other tenants groups and individual tenants during any inspection. Kevin suggested that the regulator advertise to ensure that tenant opinion was obtained, however Lesley explained that the regulator had not needed to advertise as tenant opinion is obtained during an inspection as SHR asks all RTOs and other tenant groups to fill out a questionnaire, however the regulator is always reviewing how it gathers information.

James emphasised the need to obtain reliable data and feedback. James said some RTOs may be excessively friendly and perhaps have become too close to their landlords to offer genuine scrutiny. To balance this, James suggested that opinions of 'the average tenant' should be actively pursued. Telephone surveys for example may be one way of widening the tenant response rate.

John also suggested that strong RTOs would also need to be properly resourced. John suggested that the level of support and resources should also be taken into account when making an assessment about a landlord's commitment to supporting tenant participation.

Kevin provided an example where no RTOs were contacted during the inspection of the Hebridean Housing Partnership.

TRAG agreed that the inspection of local authorities by the Scottish Housing Regulator was absolutely essential if the Scottish Housing Regulator is to achieve its' aim of safeguarding tenants interests. Further TRAG would like to see all baseline inspections complete before moving completely to a risk based model.

9. TRAG Support Brief / Evaluation

The representative from TPAS was asked to leave the room in the interests of commercial sensitivity.

A discussion took place regarding the need for ongoing support for the tenant regulation advisory group. TRAG members agreed that independent support was helpful and desirable. The draft tender brief and evaluation criteria was discussed and it was agreed that the Scottish Housing Regulator would go out to tender for continued support shortly. TRAG members explained that they are keen to select members from the group to work with SHR staff to evaluate the submissions received in response to the tender exercise. Pamela explained that previously TRAG members were not involved in this process as some members had affiliations to potential contractors but agreed to discuss with senior managers and check Scottish Government procurement guidelines before the next meeting and report back to the group.

10. AOCB

A discussion on the Scottish Housing Quality Standard (SHQS) was on the agenda for this meeting, however it was agreed that as time short that this would be discussed at the next meeting.

11. Date of next meeting

Friday 14 August Highlander House, Glasgow at 11am.