



The Scottish Social Housing Charter

ALACHO/SHBVN Response to Consultation

Introduction – Some Positive Observations.

1. ALACHO (The Association of Local Authority Chief Housing Officers) and SHBVN (Scottish Housing Best Value Network) welcome this opportunity to respond to consultation on the Scottish Social Housing Charter (SSHC). Given our mutual interest and concerns, we have decided to respond on a joint basis.

2. In a similar joint response to the SSHC discussion paper earlier this year, ALACHO and SHBVN gave a broad welcome to the Charter's intentions, believing it could provide a valuable opportunity for tenants and other customers of social landlords to play a greater role in shaping the services they receive. ALACHO, together with COSLA, has also been represented on the Sounding Board set up to progress development of the Charter.

3. ALACHO and SHBVN strongly support the key purposes of the Charter in seeking to give tenants and other users of council housing services a clear understanding of what they should expect from their council, and in promoting clear understanding among landlords of the standards and outcomes they should be delivering through their housing activities. In our experience, local authorities care deeply about the quality and outcomes of housing and related services provided to their customers, and strive to demonstrate continuous improvement and value for money in service delivery. Similarly, they are no strangers to performance management and reporting, and happy to be held accountable for what they do. It is worth noting that our national benchmarking activities, as co-ordinated by SHBVN, demonstrate the sector's mature and proactive approach to performance management and self-assessment. We can evidence a track record of good progress in recent years.

ALACHO/SHBVN Concerns

4. Having welcomed the spirit and intent of the Charter, and in re-emphasising our commitment to work with tenants and other customers, Scottish

Government, and SHR, to make the Charter relevant and meaningful for all parties, ALACHO/SHBVN also believe that, as currently framed, several of the standards and outcomes specified in the Charter are likely to prove difficult to measure and validate.

5. We note that the number of outcomes has increased from a manageable 31 to a more onerous and potentially unwieldy 71. Perhaps more ominously, a lack of clarity caused by ambiguous or ill defined outcomes could well present difficulties, both for councils in demonstrating compliance with the Charter, and for the Regulator in assessing this compliance. It would be unhelpful if such imprecision resulted in disputes not only about how certain outcomes were measured but also, subsequently, the nature of judgements made about landlord performance.

6. For example, concerns arise from the fact that some of the outcomes in the Charter are not exclusively within the powers of councils to deliver, particularly, but not only, those dealing with anti-social behaviour and neighbourhood management. This could have the effect of raising tenant and other customers' expectations about what is actually possible under the Charter's provisions, resulting in potentially unhelpful disagreement about the intended outcomes of the Charter and what is actually achievable in practice. Many councils have also remarked on the fact that the need to comply with statutory timescales or processes may militate against the Charter expectation of speedy dispute resolution, e.g. in dealing with breaches of tenancy and/or pursuing cases of anti-social behaviour where the need is to gather robust evidence. Housing allocations is another area where several councils have pointed to the potential dissonance between tenant expectations of outcomes on the one hand, and the imperatives of housing legislation on the other.

7. ALACHO and SHBVN members are unanimously concerned about the number of outcomes which have "tenant satisfaction" as the sole measure of compliance. This seems to leave the Regulator with little choice but to measure **only** this component, with little or no reference to the substantive activities of landlords in the service areas relating to that outcome. Conceivably, as currently proposed, a council could, by any objective measure, be doing well in a particular service area, only to be deemed somehow to "fail" on the customer satisfaction criterion. Similarly, an organisation with objectively poorer performance could potentially do better against these Charter outcomes than another with better results, if the former's "satisfaction scores" were higher! All councils recognise that measures of customer satisfaction are an essential component of performance monitoring, and indeed regulatory compliance, and we often go to some lengths to gather evidence of this. It should not however

be the **only** consideration, as it is deemed to be in 19 of the Charter outcomes. Several councils have gone further and mentioned the fact that the Charter as it stands seems somewhat one-sided in favour of tenants' rights and expectations but rather less robust on tenant obligations.

8. ALACHO and SHBVN members fully support the importance, implied in the Charter, of local discussion between landlords, tenants and other customers, and the development of localised agreements on the standards and outcomes applicable and acceptable under different service areas. Many councils could already demonstrate effective partnership procedures such as these, for example in setting local standards of housing improvement under the SHQS. However, some degree of methodological consistency across Scotland may be necessary in this area to allow comparison and evaluation of national progress, particularly across sectors. It would be helpful to have the Regulator's views on how such consistency is to be achieved, and indeed whether the Charter as currently drafted would facilitate or hinder this objective.

9. For the credibility of any regulatory regime it is of primary importance that both the organisation or service being regulated and the body responsible for that function have a mutual understanding and acceptance of what is expected under that process. ALACHO and SHBVN believe that, in its current form, the Scottish Social Housing Charter may not promote or encourage this mutual understanding to the extent that it might. The fact that councils, whilst agreeing with many, perhaps most, of the outcomes in principle, have identified a need for further clarification would provide evidence for this view. **We also believe however, that achieving better fitness for purpose would be possible with further effort and co-operation from all concerned, and we are ready and willing to contribute to that process.** In this context, it has clearly not been helpful that the timescale for responding to the Charter consultation has precluded awareness of the Regulator's view on the efficacy of the Charter standards and outcomes as a means of assessing landlord performance. Taking a little more time to improve the Charter would allow this and other essential input.

10. Needless to say, ALACHO and SHBVN also support the argument, advanced by COSLA among others, that care needs to be taken in introducing potentially resource intensive requirements under the Charter at a time when the pressures on council housing budgets, and public expenditure generally, has never been greater. Not only is it vital that Charter compliance does not add unnecessary duties to council housing department staffing burdens at a time when new duties are being introduced (the new duty under the 2010 Act to provide housing support to vulnerable households where appropriate, for

example) but we also need to be careful about the imposition of potential additional data collection burdens.

A Potential Additional Data Collection Burden for Councils

11. ALACHO/SHBVN have significant concerns about the possibility of an additional data collection burden, with associated resource demands, being placed on councils as a result of the new regulatory requirements.

12. Because of contemporaneous consultation on the regulation of social housing, it is impossible to comment on the potential impact of the Charter in isolation. To a very large extent, comments must also take account of the processes set out in the Scottish Housing Regulator's current consultation document (*Section 3: How we will monitor the Scottish Social Housing Charter*) and how these relate to the Charter. In this document, the SHR sets out plans for collecting the data it will need to facilitate their assessment of Charter compliance by individual landlords and to produce a comparative overview of sector performance each year.

13. In essence, SHR will require landlords to submit two key reports: under *Section 3.21* a '**landlord's annual performance report**' is required to be submitted by the end of September (the style of which is at landlord discretion and whose primary purpose is aimed at reporting to tenants on progress against the achievement of Charter outcomes). *Section 3.29* requires all landlords to provide' **a single annual return of the key measures for the Charter outcomes and relevant contextual information necessary for regulatory assessment**' which will replace the current APSR and SHQS returns. The latter, termed an ARC (Annual Return for Charter) requires to be submitted by the end of May each year.

14. Unfortunately, there is no clarity in the consultation documents as to how these new requirements fit with existing legislative requirements on councils to publish annual performance reports. Councils currently have a duty under the Local Government in Scotland Act 2003 to report publicly their performance in delivering their functions and services. It would seem relevant for councils to tailor their performance reports to include Charter achievement but the length of the Charter may make that difficult.

15. These two requirements represent a potentially significant additional resource burden on councils, particularly at a time when the national aim is to reduce the burden of regulation (as clearly stated in the Public Services Reform (Scotland) Act 2010).

An Opportunity to Streamline Data Collection

16. Neither consultation document highlights the opportunities which exist both to review existing national data collection processes and to work with significant partners such as SHBVN to examine data sharing and streamlining opportunities.

17. To simply add another layer of data collection (via ARC) would be unacceptable and represent a missed opportunity. If the SHR has to collect data directly from councils then this should only be done so after a review of what is already being collected from other sources such as SCORE, Scottish Government returns and Audit Scotland.

18. ALACHO and SHBVN believe there is a real opportunity to get key agencies working collaboratively to ensure that the burden of data provision is minimised and streamlined, with potential cost savings. For example, one organisation could be responsible for collecting data and sharing it with others who also require some aspects of the same data.

19. It is worth noting that SHBVN participated in a successful pilot exercise with SHR earlier this year which resulted in a reduced the burden of data collection on landlords, improved the accuracy of databases held by two separate organisations, and allowed the sector quick access to results. We believe it would be helpful to build on this work with a view to examining the possibility of a more streamlined and efficient data collection system for social housing being implemented throughout Scotland.

Summary - A Way Ahead

20. We have opted not to comment on the consultation questions individually as our members are submitting their own responses to the Charter consultation, many of which have been copied to us. They will each have their views on the efficacy of the standards and outcomes. Instead, we have tried to give an overview of the local authority position. The Charter has also been discussed at relevant ALACHO/SHBVN meetings and our members have attended various consultation events. We believe that our response represents the consensus view of our members.

21. In summary, as noted elsewhere, it is fair to say that councils welcome the broad aims of the Charter. We agree that tenants and other customers are fully entitled to understand the quality and standard of service they should expect from their landlord, and that the monitoring of outcomes should be used to help

drive service improvement among landlords. Evidence suggests that most councils attempt to do this at present. ALACHO and SHBVN also believe that the majority of councils would have little difficulty in evidencing compliance with most of the Charter standards and outcomes, and we detect significant consensus on the positives and negatives arising from the consultation questions. However, for the reasons advanced above, we are not convinced that the Charter as currently drafted is wholly fit for purpose, and we would suggest taking the opportunity to undertake further detailed discussion with a small group of key stakeholders to ensure that the Charter is improved to this end. ALACHO and SHBVN are more than willing to engage in this process with Scottish Government and other key players.

22. With this in mind, we note that, following consultation with stakeholders, the Chartered Institute of Housing in Scotland have put forward a streamlined version of the Charter, with fewer outcomes which should be more amenable to measurement. Other bodies have also done so, and many councils have proposed alternatives to one or more outcomes. All of this represents an opportunity to further develop a Scottish Social Housing Charter which fully reflects the needs, rights and aspirations of tenants, the capacity of landlords to deliver and report on performance improvement, and the ability of the Regulator to provide an accurate, objective and helpful view of landlord performance and progress.

Jim Hayton
ALACHO Policy Manager
07795 090211

Angela Currie
Director SHBVN
07432 713404

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