



## Tenants Information Service

### Housing (Scotland) Bill

#### Written evidence at Stage 1

TIS is unique in that it is the only tenant controlled organisation of its kind and scale in Scotland. As a leading agency promoting tenant participation our submission focuses on the role of tenants and their representatives in shaping the regulation of social landlords and development of the Scottish Social Housing Charter. TIS carried out tenant consultation events during February 2010 and tenants' views have been incorporated into our response.

TIS supports the key policy objectives of the Bill to improve value for money that social housing delivers for tenants and to safeguard the future supply of housing and to improve private sector housing conditions. We have included a number of recommendations which we consider will strengthen the Bill.

#### Summary:

1. TIS welcomes the provision at Section 4, which requires the Regulator to involve tenant representatives in how it delivers its functions. TIS recommends that the Bill goes further to include duties to involve tenants and tenants' representatives, including :
  - **Section 33 (2)** that Ministers should **involve** tenants of social landlords and their representatives in preparing the Charter;
  - **Section 52 (6)** to require social landlords to **involve** tenants and tenants' representatives in the development and monitoring of an improvement plan;
  - **Part 4 of the Bill**, that the Regulator is required to **involve** tenants and their representatives when an inquiry is conducted with a social landlord;
  - **Part 4 of the Bill**, to include a requirement on social landlords to **involve** tenants and tenants' representatives in carrying out, reviewing and monitoring self- assessment information.
2. TIS supports the proposals to create an independent Regulator. We recommend that the Scottish Housing Regulator should explain to the Local Government and Communities Committee how the new powers will be used in practice.
3. TIS considers the development of a Scottish Social Housing Charter as an opportunity for tenants to participate with the Scottish Government to raise housing standards and services. It is essential that the outcome of achieving and reviewing effective tenant participation is a national outcome. Adequate

resources and development support requires to be in place to develop tenants' capacity to participate at a national and local level.

4. The majority of tenants during our consultation support the reforms to Right to Buy, but some would prefer the proposals to have gone further. There is support for the decentralisation of decision making to local authorities to determine pressured area status provided tenants and tenants' representatives are involved in the decision making process.
5. TIS supports the proposals to strengthen local authorities' powers to ensure all private landlords apply for registration.

## 1.0 Scottish Housing Regulator – Tenant Involvement

TIS supports the proposal to create an independent Regulator to regulate the housing functions of both local authority and RSLs to protect and promote the interests of tenants, prospective tenants, homeless people and other service users.

TIS welcomes the provision at Section 4, which requires the Regulator to involve tenant representatives in how it delivers its functions. The Bill however, regularly refers to tenant representatives being consulted with regards the regulatory process. Tenants however wish to be fully involved and not just consulted on the development and delivery of the regulatory process and the Social Housing Charter. TIS recommends that the Bill goes further to include duties to involve tenants;

- It is recommended that in Section 33 (2) that Ministers should **involve** tenants of social landlords and their representatives in preparing the Charter;
- Currently, within the Bill there is no requirement of a social landlord to involve RTOs or tenant representatives in the process of developing and monitoring an improvement plan. It is therefore recommended that Section 52 (6) requires social landlords to **involve** tenants and tenants' representatives in the development and monitoring of an improvement plan.
- It is essential that tenants and tenants' representatives have an opportunity to be involved to comment on landlords' housing services during an inquiry. It is therefore recommended that in Part 4 of the Bill that the Regulator is required to involve tenants and their representatives when an inquiry is conducted with a social landlord.

Tenant Assessors have a proven track record in this field and the Tenants Regulation Advisory Group (TRAG) has also made a major contribution to shaping regulation guidance and practice in partnership with the Regulator. TIS would hope to see a development of this good practice continue under the new regulatory regime. Tenants also wish tenant representation on the Regulation Board.

TIS welcomes the introduction of a new provision at Section 45 requiring the Regulator to have arrangements in place to deal with information from tenants on “significant performance failures” by its landlord. Clarification will be required from the Scottish Government on what is meant by “significant performance failures” and clarification will be required on how tenants and tenants’ representatives are able to contact the Regulator.

**Inquiries and Information** - The Bill provides for a range of powers for the Regulator, with a move away from cyclical inspections of all social landlords. During our consultation period tenant representatives highlighted that they are unsure as to how the Regulator’s new powers will work in practice. TIS therefore recommends that effective scrutiny and examination of the Bill would be enhanced if the Regulator explains to the Local Government and Communities Committee how the new powers will be used in practice.

Tenant representatives raised concerns about a regulation that is risk based, proportionate and targeted at poorer performers, that standards may slip in other landlord organisations. In order that the inspection regime remains robust it is important that a modernised regime should contain safeguards that will enable the Regulator to carry out an inspection where required and to allow for “spot checks”.

Tenants have also raised concerns that there may be too many variables in enabling landlords to carry out self assessment. While some landlords work with tenants to review and monitor performance, this is in fact patchy across Scotland. We would therefore recommend that within the Bill there is a requirement on social landlords to involve tenant representatives in carrying out, reviewing and monitoring self-assessment information.

While in Scotland, there are some examples of good practice, many social landlords still require to improve their performance in relation to equalities and tenant participation and to improve processes to monitor outcomes in relation to these areas of work. Guidance is required in these areas.

**Costs** - Tenants continue to highlight that it wishes to have “a Regulator with teeth” and while it supports an independent Regulator, there are concerns that a smaller scale Regulator with a reduced budget will limit its ability to promote and safeguard the rights of tenants, prospective tenants, homeless and other service users. TIS would recommend that in the current climate of public expenditure cuts the cost of regulation be met by the Scottish Government rather than charging fees to housing organisations which are likely to be met through rental increases.

## **2.0 Scottish Social Housing Charter**

TIS considers the development of a Scottish Social Housing Charter as an opportunity for tenants to participate with the Scottish Government to develop outcomes to raise housing standards and services. It is important that the Charter looks to enhance tenant participation arrangements to build on the legal framework for tenant participation as outlined in the 2001 Act.

It is essential that the Charter sets outcomes that are meaningful and measurable at both a local and national level. At this stage, it is not clear how the Charter will work in practice. It is essential that the outcome of achieving and reviewing Tenant Participation and involvement in decision-making is a national outcome that all landlords are expected to meet rather than a local outcome.

It is important that tenant representatives determine how they wish to be represented at a national level to shape the Housing Charter. Landlords should have a duty to involve tenants and their representatives to set and monitor local outcomes. In evaluating social landlord's progress on tenant participation research commissioned by Communities Scotland (2007) identified that there is still a need for support to be provided to tenants to have the capacity to participate fully. Yet this form of support to build tenants' capacity is not available on the scale required in Scotland. Adequate resources and development support therefore should be available to tenant representatives to have the capacity to participate fully at a national and local level.

### **3.0 Right to Buy**

During our consultation the majority of tenants supported the reforms to Right to Buy, with some wishing the reforms had gone further. Tenants have highlighted that the range of Right to Buy options are very confusing and must be supported with easy to read leaflets in a range of formats. There is tenant support for the decentralisation of decision-making to local authorities to determine pressured area status provided tenants and their representatives are involved in this decision-making process.

### **4.0 Registration of Private Landlords**

TIS supports the proposals to strengthen local authorities' powers to ensure all private landlords apply for registration.

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