

TENANT SCRUTINY

Introduction

1. A part of the scrutiny review of the performance of housing providers regarding the 'promises' that were made at stock transfer the Committee is given the opportunity to meet with residents and support officers who have taken part in scrutiny reviews. The following provides a brief background to tenant scrutiny from the Centre for Public Scrutiny's publication 'Top tips for tenants: holding your landlord to account through scrutiny'. The Committee should consider the principles and benefits outlined as a basis for discussion and evidence gathering for this review.

Regulation of housing: new powers and responsibilities for tenants and residents

2. Since April 2010, there has been a framework of co-regulation in social housing. New requirements for landlords mean that tenant scrutiny panels, or equivalent bodies, must be supported by landlords to allow tenants to scrutinise performance, services and complaints. Landlords are also expected to provide annual reports to tenants, and be honest in reporting and assessing their own performance.
3. The government expects that landlords should support tenants to develop their skills and capacity to have real influence over the services their landlords provide. Tenants should be able to:
 - ask questions about their provider's performance
 - identify areas for improvement
 - influence future services.
4. Value for money for tenants whose rent pays for the services provided by landlords is a crucial area. It is suggested that residents can be strong champions of greater value for money and come up with new ideas to improve it.
5. The government has not said precisely how landlords must meet these new obligations. This means that housing providers can respond directly to what their tenants and residents want at a local level. There is no single right way of 'doing tenant scrutiny'.
6. The new powers for tenants also mean more responsibility falling directly on tenants themselves. The central regulator will have no role in either monitoring landlords' performance or promoting best practice. Where landlords fail to see the benefits that come from genuinely listening to tenants' views it might be hard for residents to get the action taken that they need.

Co-regulation or scrutiny?

7. There are a wide range of resident empowerment and involvement activities that are covered by the idea of '**co-regulation**', and one of those activities is '**scrutiny**'. Resident scrutiny is part of co-regulation, but so are resident inspectors, mystery shopping, local area committees or panels, and other ways for residents to give feedback to their landlord, hold them to account and help to improve services.
8. The Centre for Public Scrutiny has developed four principles to describe how scrutiny can operate.

Principle One: Acting as a critical friend

9. It can be hard to get the balance right in being a 'critical friend', providing challenge which is both robust and constructive.

The benefits of being a critical friend

10. For residents:
 - It can provide direct access to Boards and councillors and a formal way for residents to challenge decision-makers in the meetings where those decisions are made
 - It can make sure that the people who originally made a decision (the Board, councillors or senior officers) are not the only ones to question whether it was the right decision or whether it has been properly implemented
 - It can hold the people responsible for managing homes and spending rent money or service charges to account and make sure they are providing value for money.
11. For the Board and councillors:
 - 'Critical friend' challenge from resident scrutiny can prompt consideration of things afresh from a different perspective
 - It can provide evidence of how your decisions are really working on the ground
 - Residents who are Board members are involved in helping the organisation improve, but excluding them from scrutiny structures (in order to avoid a conflict of interest) gives other residents a chance to have their say.
12. For operational staff and managers:
 - Gives vital customer feedback on performance which supports effective management
 - Tailors services to needs of residents and reduces waste, by listening to what residents want and helping staff understand what residents think "good" looks like.

Principle Two: Enabling the voice of all residents to be heard

13. Bringing the real experiences of tenants and residents and their communities to bear on decisions and policies is a unique selling point for scrutiny. It provides evidence to support 'critical friend' challenge and lead to improvements in public services.

The benefits of enabling the voice of all residents

14. For residents:
 - Ensuring the landlord is focused on what really matters to the residents
 - Making sure that the different views and needs of different groups of residents – including those from minority groups – are not ignored or forgotten when services are planned and reviewed
 - Having different opportunities for involvement in terms of time required to be spent and responsibility of decisions made gives residents a choice of how to get involved.
15. For the Board and councillors:
 - It provides a reality check about the quality of services the organisation is delivering to customers
 - When residents have more of a say and more opportunities to get their voices heard, satisfaction ratings increase
 - Resident scrutiny helps to remove assumptions and presumptions of what is happening based only on officer reports.
16. For operational staff and managers:

- Resident scrutiny reviews can help ensure residents' experience is considered alongside performance data and other information
- It can help develop a better relationship between residents and front-line staff as residents feel listened to and that their views make a difference.

Principle Three: tenant-owned and tenant-led

17. If scrutiny is resident-led this ensures it is reporting to residents about the issues that really matter to them. Getting involved in scrutiny is different from being active in the local residents' association when residents are focused on getting improvements to their local area. In scrutiny residents are trying to see the bigger picture and look at lots of evidence and views that may not directly affect the members of the scrutiny group themselves. But residents can bring a common-sense attitude that cuts through organisations' bureaucracy and 'officer-speak' to get to the real issues. This is the real benefit of tenant-led scrutiny.

The benefits of being tenant-owned and tenant-led

18. For residents:

- If residents are involved in designing the resident involvement and scrutiny structures and processes right from the start it is more likely to work for them and keep them involved
- Some residents have learnt so many new skills and confidence through being involved in scrutiny that they have gone on to get jobs and leave their tenancies
- New member buddying with existing involved residents offers a way to meet other residents.

19. For the Board and councillors:

- If the resident scrutiny process is genuinely resident-led it will ensure feedback on what matters to the customers and that the authentic 'resident voice' is heard.
- Independent resident scrutiny provides a different set of perspectives to the views and reports possibly received from managers and staff and helps improve services.

20. For operational staff and managers:

- Ensuring resident scrutiny is resident-led enables targeted resources on the issues that matter most to residents
- It provides practical feedback and information from customers to enable changes and improvements to services that might not be considered to be needed or important.

Principle Four: Improving services

21. It is vital that resident scrutiny has a clear purpose and remit to improve the services provided to residents. To be able to have an impact and contribute to improving services, it is also important that scrutiny's role is recognised and valued throughout the organisation so that its recommendations are accepted and implemented.

The benefits of improving services through scrutiny

22. For residents:

- Investing time in a scrutiny review that leads ultimately to real service improvements can be very satisfying
- Resident scrutiny is a way of making a difference that goes beyond getting an individual complaint or problem resolved – it can address the fundamental underlying issues that caused the problem in the first place and ensure it doesn't affect other residents in the future

- Effective scrutiny can enable residents to engage in policy and strategy reviews that have a wider impact on the landlord as an organisation and contribute to improving the lives of future residents.

23. For Boards and councillors:

- Getting clear, evidence-based recommendations from scrutiny on how services can be improved helps Boards and councils fulfil their responsibilities and meet their organisation's objectives
- If scrutiny has reviewed a service area, this provides assurance to the Board and council executive about performance and contributes to good governance of the organisation
- Acting on quick-wins identified by residents ahead of the production of a final scrutiny report shows the Board is listening.

24. For operational staff and managers:

- Carrying out an in-depth scrutiny review of a particular service can contribute to continuous improvement and meeting standards –based on real experiences
- Although resident scrutiny requires proper resourcing and support to be effective, it can be cheaper than hiring outside consultants to carry out a service review
- Resident involvement in scrutiny can back up what front line staff may have been reporting, but without the formal mechanism of scrutiny, their voices may not have been heard and actions might not have been taken.

Resolving Disputes and Differences

25. An escalation process can be needed for times when the Scrutiny Panel does not receive the cooperation they require/have agreed is appropriate.

- This could entail escalation to a Director or the Chief Executive for resolution, and should give the panel a direct route to speak to the Chair of the Board.
- Any protocol must include guidelines about when it is appropriate to escalate, especially that officers should be given a fair chance to resolve an issue before escalating it.
- If the dispute is serious enough consider appointing an independent arbiter. The most important consideration is that whoever is chosen, the panel and board must agree in advance who they will ask, and both parties must agree to abide by the arbiter's decision – and not bear grudges afterwards!

Conclusion

26. The Committee should consider as part of its key lines of enquiry whether tenant scrutiny has provided the 'promise' of enhanced tenant and resident involvement opportunities as originally identified in the scoping document. Consideration should also be given to the way in which tenant scrutiny is able to hold to account the housing provider regarding the delivery of 'promises'.

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