Response to Consultation on Extending Coverage of FOISA to Registered Social Landlords

February 2017

Until there’s a home for everyone.

shelterscotland.org

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Shelter Scotland welcomes the opportunity to respond to this consultation on the extension of FOISA. Shelter Scotland is concerned with promoting tenants’ and future tenants’ right to information but we recognise the need to balance this with the potential financial implications of imposing FOISA on RSLs, particularly in the context of ongoing reforms and cuts to social security which will place increased pressures on RSL income.

Shelter Scotland is committed to representing and championing the rights of tenants and potential tenants, and believe the public should be able to access information about their social landlords’ performance and policies. Shelter Scotland’s free national helpline has occasionally received reports of RSL tenants struggling to access information on policy and procedures relating to common issues such as allocations and recharges. As a campaigning organisation, it would also be beneficial for Shelter Scotland to be able to access information for research purposes and to support our clients.

We acknowledge that RSLs return a significant amount of information to the Scottish Housing Regulator, which can then be freely accessed by the public via the Annual Return on the Charter. Many RSLs also regularly publish further information and documentation of interest such as board minutes and annual reports, and this is a requirement of those which have charitable status. There are many examples of good practice in transparency and information sharing in the sector and effort should be made to extend this good practice for the benefit of tenants. It may be possible to do this using the Scottish Housing Regulator and the Annual Return on the Charter, which gathers and publishes a significant amount of valuable information about RSLs’ performance, but the possibility of FOISA requests may also promote good practice in information sharing. Although rare, there have been occasions where tenants have contacted Shelter Scotland because they were struggling to access information from their housing association. Given the quantity and quality of data that is already available, we do not consider that requests under the FOISA would be frequent or overly burdensome to the majority of RSLs.

RSLs exist to deliver affordable housing and housing services, which is to be made significantly more challenging with imminent changes to welfare, most notably the Local Housing Allowance cap. Shelter Scotland would not want FOISA requests to place an additional financial burden on RSLs and interfere with the delivery and quality of their core activities. RSLs are key to unlocking new affordable housing and they should be supported to have the financial security and confidence to do this. Overly expensive FOISA-related costs are blocked by measures such as the cost limit of £600 per request and other protections, so we do not consider that cost is a significant consideration for expanding FOISA requests to RSLs.

In summary, while due consideration should be given to the financial capability of RSLs to satisfactorily respond to FOISA requests alongside their ability to maintain and expand their core offer of housing and housing services, we consider that adequate protections are in place to prevent significant financial costs. We do not anticipate that requests for information covered by the Act and not already publically available would be frequent or burdensome. We also consider that the right to seek this information under the FOISA would also drive good practice among RSLs in making information publically available as a matter of course. On balance, the value of FOISA to tenants, prospective tenants and those acting on their behalf would be worthwhile.

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