



PE1539/H

**CIH Scotland Evidence to the Scottish Parliament Public Petitions
Committee on PE01539: Housing Associations to come under the Freedom
of Information Act (Scotland) 2002**

January 2015

Introduction

The Chartered Institute of Housing (CIH) is the independent voice for housing and the home of professional standards. Our goal is simple – to provide housing professionals with the advice, support and knowledge they need to be brilliant. CIH is a registered charity and not-for-profit organisation. This means that the money we make is put back into the organisation and funds the activities we carry out to support the housing sector. We have a diverse and growing membership of more than 22,000 people who work in both the public and private sectors, in 20 countries on five continents across the world. Further information is available at: www.cih.org.

We are grateful for the opportunity to comment on [Petition PE01539](#), which was lodged by Anne Booth on 17 October 2014, and calls for the Scottish Parliament to urge the Scottish Government to make an Order under Section 5 of the Freedom of Information Act (Scotland) 2002 (the Act) to make all housing associations subject to the provisions of that Act.

It is not clear from the wording of the petition or from the discussions that took place on 9 December 2014 whether the intention is for FOI regulations to apply to all affordable housing providers regardless of size including, for example, small housing co-operatives. For the purpose of formulating our response, we have therefore assumed that wherever the petition refers to Freedom of Information (FOI) applying to housing associations, it refers in fact to all Registered Social Landlords (RSLs) as described by the RSL Register held by the Scottish Housing Regulator, although clarification on this point would be welcome.

Summary of CIH Scotland position

Given that CIH Scotland's broader mission is to help deliver a housing system that works for everyone, we agree that the principles of accountability and transparency should be at the centre of that system, and we therefore acknowledge that FOI regulations have been successfully delivered by local authority housing providers for many years.

Freedom of information means that any individual has the ability to request information from a public body and consequently it can be argued that this increases the transparency and accountability of publicly funded organisations,



meaning that they can be held to account for their performance and their deployment of public funds. That is an entirely laudable principle for public bodies and one which CIH Scotland supports. Giving tenants and stakeholders access to information held by housing associations may also help more people to become involved in the decision making process which can influence how services are provided. This in turn can lead to efficiency savings and the provision of better services or different types of services.

The vast majority of housing associations already provide a very good service to their tenants, as evidenced in the first results of the Annual Return on the Charter (ARC) which show high levels of tenant satisfaction with the services they receive. In our view, therefore, high-performing housing associations which are providing good quality housing and services should have nothing to fear from the proposed extension of FOI requirements. However, in considering PE01539, we would counsel that due consideration should be given to the potential unintended consequences of extending FOI to all housing associations: we have set out our concerns below.

Best Use of Resources

Petition PE01539 fails to acknowledge the full range of ways in which housing associations are already compelled to make their business activities transparent and accountable to the public.

Housing associations are already required to submit a significant amount of information to customers and other audiences, such as the Scottish Housing Regulator (SHR) each year through the ARC. The Scottish Social Housing Charter¹ published in 2012 explicitly requires social landlords to manage their business so that: “...tenants and other customers find it easy to communicate with their landlord and get the information they need about their landlord, how and why it makes decisions and the services it provides.” This information covers all aspects of the business and is published on the SHR’s website allowing anyone to access and compare information about different housing providers.

The practice of publishing this information is one which we support, as it helps housing organisations to understand their own strengths and weaknesses, learn from peer organisations and ultimately provide better services to tenants. However, given the fact that housing associations already dedicate a significant amount of time and resource to gathering and publishing performance information, we would question whether placing additional duties on these organisations through FOI legislation equates to the best use of limited resources. The costs associated with the administration of FOI requests can be significant, often requiring the employment of dedicated staff. Scottish Government analysis of the

¹ Scottish Social Housing Charter: <http://www.scotland.gov.uk/Resource/0039/00390305.pdf>

cost of responding to information requests published in 2012² found that each request took on average 6 hours and 59 minutes of employee time and cost an average of £231. This level of staff time and costs may not be easily absorbed by smaller organisations and could potentially impact on some housing associations' ability to deliver new homes, improvements to existing homes and other housing services. If it was decided to progress this petition to formal consultation, it might be wise to consider in more detail the projected level of demand for FOI requests and the likely financial impact that this would have on housing associations.

Classifying Housing Associations as Public Bodies

If housing associations were to be included in Schedule 1 of the Act as suggested in Petition PE01539, whilst it would not in itself change their status as 'private' bodies, when combined with other factors and requirements it could potentially lead to them being declared more formally as public bodies.

Currently, as private bodies, borrowing debt is held by the organisation. If housing associations were to be classed as public bodies, it would seem that the debt liability would have to be transferred to the public balance sheet. There is also a risk that if a housing association was forced to disclose commercially sensitive information through an FOI request, this could impact on the operation of the business and compromise the association's ability to deliver value for money.

Again, we would want to see more detailed research on the possible implications of classifying housing associations as public bodies before being able to commit to supporting the extension of FOI legislation to all housing associations.

Conclusions

While CIH Scotland recognises the benefits of FOI in terms of creating a more open and transparent system, we have some concerns that extending FOIs to housing associations could possibly place an undue burden on some organisations, particularly smaller providers. We would therefore welcome further examination of the possible impacts on housing associations before committing our support to the extension of FOI legislation.

CIH contact

David Ogilvie
Head of Policy & Public Affairs
Chartered Institute of Housing in Scotland

² Corporate Analysis: Freedom of Information Costing Exercise 2012
www.scotland.gov.uk/Resource/0040/00408430.pdf