

NORTH LANARKSHIRE COUNCIL

REPORT

AGENDA ITEM No. 20

To: HOUSING & TECHNICAL SERVICE COMMITTEE	Subject: Communities Scotland – Intervention Strategy and Procedures, Consultation Draft (January 2003)
From: DIRECTOR OF HOUSING & PROPERTY SERVICES	
Date: 14 February 2003	Ref: TMcK/AS

1. **Introduction**

The Housing (Scotland) Act 2001 introduces the Single Regulatory Framework (SRF) which gives Communities Scotland (CS) the powers to inspect all Registered Social Landlords on their performance in delivering housing, homelessness and other related services. Local Authorities will therefore be inspected on the same basis as housing associations although there are some categories that are distinct to each. It is planned that authorities will be inspected in a 4 yearly rotation, although the timetable for inspections has not been agreed and at present it is not known when North Lanarkshire Council will be inspected. It is proposed that the inspections programmes will be published 6 months in advance and authorities will be given 4 months notice to the start of their inspection.

2. **Background**

The inspection process will consist of a visit by a team of inspectors to the Council for a 6 week period and will comprise of interviews with elected members, staff, tenants groups and representatives together with office visits and file checks. This will therefore be a very detailed examination of the Housing Service.

The result of the inspection will be a report on their findings covering each of the service areas e.g. homelessness, estate management, repairs etc. and a grading being given for each of them. The gradings will range from A – E. "A" being good and "E" being poor. The report will be published and made available on the internet. By giving grades to the process it will then be possible to produce league tables for authorities similar to those published by Audit Scotland for the Statutory Performance Indicators.

At the end of the inspection process it is expected that an improvement plan would be produced to address areas where poor performance has been identified. Authorities are then expected to prepare an action plan the progress of which will then be subject to audit. In rare cases where performance is very poor CS will issue a remedial plan and in some cases appoint a manager (intervene in the operation of the service) to run the particular service area that is performing badly

3. ***Intervention Process***

As noted above the result of an inspection will in most cases result in the production of an improvement plan. Only in circumstances where performance is very poor or an authority refuses to implement an improvement plan would a remedial plan be issued immediately after an inspection.

The stated aim of the intervention strategy is:-

“To use our statutory powers to intervene only where performance problems are serious, and where the service provider is not willing to take action, or its actions have failed or will not succeed without external intervention.”

CS have stressed that the issuing of a remedial plan will only be used as a last resort and that most matters will be dealt with through the implementation of the improvement plan produced at the end of the inspection. The use of intervention powers is therefore dependent upon two factors occurring in tandem i.e. poor performance and the authority not being willing to take action if it has poor performance. It is only in rare circumstances that CS will move straight to intervention. Even in these circumstances consultation will be carried out with the authority and the Accounts Commission. The Act allows two possible methods of statutory action depending upon the severity of the problem:-

- ***Require a local authority to produce a remedial plan following an inspection of its housing, homelessness and factoring services, to demonstrate how it will address any aspects of the services which were found to be unsatisfactory during the inspection;***
- ***Appoint a manager where Ministers are not satisfied with the authority's performance in implementing the remedial plan.***

The role of the manager is to exercise control over those aspects of the authority's housing and related functions which are of concern to Ministers. Ministers may provide the manager with instructions regarding the discharge of his/her functions and the manager is required to comply with any such instructions.

It should be noted the appointment of a manager is carried out in consultation and with the agreement of the Accounts Commission and is not the sole responsibility of CS. Where a remedial plan or intervention powers have been used CS will publicise the matter and ask the local authority on how it will publicise the matter to its tenant's groups or individual tenants. When the necessary work has been done to complete the plan then CS will advertise that the matter has now been concluded. The local authority would also wish to do the same.

4. ***Conclusion***

The paper sets out in some detail the processes and background involved in the use of the intervention powers. These powers are extensive and give Communities Scotland the right to inspect every aspect of the housing function as well as touching upon corporate issues. The full consequences of the paper needs further consideration especially in respect of:-

Its impact on members & staff

Corporate governance issues

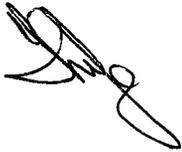
The relationship between the use of the gradings and the intervention powers

These issues will discussed further by the Director of Housing & Property Services and the Convenor and a full response issued to Communities Scotland by the deadline of 9th April 2003.

5. ***Background Papers***

Communities Scotland – Intervention Strategy and Procedures, Consultation Draft (January 2003) – a copy has been placed in the members library or viewed on line at:- http://www.communitiesscotland.gov.uk/communities/upload/tplt_regulate_and_inspect.asp

available within Department.



T McKenzie

Director of Housing & Property Services