
**SCOTTISH FEDERATION OF HOUSING ASSOCIATIONS (SFHA) RESPONSE TO
COMMISSION ON PARLIAMENTARY REFORM**

27/03/17

SFHA response to Commission on Parliamentary Reform**1. Who we are**

1.1. The SFHA leads, represents and supports Scotland's housing associations and co-operatives. We want to see a thriving housing association and co-operative sector providing sustainable and affordable homes.

2. Executive summary

2.1. The overall purpose of this submission is for the Commission on Parliamentary Reform to learn from organisations' experiences in engaging with the Scottish Parliament and trying to influence its scrutiny of the Scottish Government.

2.2. Mary Taylor, Chief Executive of the SFHA, attended the stakeholder group on 6 February. The SFHA's submission is based on the questions that were asked at this event and on the federation's experience in relation to various committees and issues such as Infrastructure and Capital Investment Committee, local government, health, energy, European affairs, Devolution (Further Powers) Committee, rural concerns, welfare reform, and Local Government and Communities Committee.

Written views from Scottish Federation of Housing Associations

3. Objectives and value of engaging with the Scottish Parliament when trying to influence the Scottish Parliament:

3.1. As the national body representing housing associations and co-operatives across Scotland, it is vital for SFHA to engage effectively with the Scottish Parliament. We do so regularly across a range of committees in:

- seeking to stimulate interest in an issue or to get something on to the agenda such as affordable housing;
- getting issues aired – usually a problem needing solved or a need for legislation or resource commitment such as ‘bedroom tax’ mitigation or LBTT;
- ensuring that bodies accountable to Scottish Parliament (e.g. Scottish Housing Regulator) are held to account; and
- accessing all parties for purposes of setting budgets – not just via political party engagement or cross-party groups, though they perform a really valuable role.

3.2. Our engagement allows the voices of housing associations across Scotland to be heard.

3.3. By comparison, we also liaise separately with and seek to influence government – via ministers and officials as need be, for more specific details of policy – e.g. process and timing of investment in housing, and subsidy conditions etc. It is essential to have access to both government and parliament and to know where it is appropriate for us to direct our concerns.

3.4. Arguably, the media, and thereby the public, do not distinguish between the Scottish Government and the Scottish Parliament sufficiently clearly. More attention could usefully be paid to the different roles and responsibilities.

3.5. MSPs are accessible to their local communities, which makes them very responsive to local influence as well as open to input from nationwide bodies. This is typically advantageous but can undermine the need to be more strategic, institutional and accountable, especially as more powers are devolved.

4. Do you think committees undertake their scrutiny at the point of the policy where they have the best opportunity to influence?

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- 4.1.** In general, yes, and when it is opportune. However, post-legislative scrutiny is a key weakness. Very few committees have investigated the impact of primary legislation and then the effectiveness of secondary legislation. There has now been quite a lot of housing legislation, so it can be difficult for people to track which act contains which legislative provision.
- 4.2.** How legislation is resourced and whether it could be implemented more effectively can be difficult to track.
- 4.3.** The legislative process can be very rushed. While the time allocated for discussion in advance of legislation is normally very good for enabling stakeholders to comment, the time between Stage One debates, Stage Two amendments and Stage Three final amendments and debates is normally very short, leaving little time for scrutiny.
- 4.4.** This means there is a huge pressure for any amendments to be fit for purpose towards the end of the process. If an MSP raises an amendment to add to a Bill, it can be too late to have inserted because of the lack of drafting capacity. For example, the Compulsory Sale Order issue (currently being worked on) which ministers agreed to in principle during the passage of legislation.
- 4.5.** Further, on the basis that legislation may not always be necessary, or the best way to address an issue, there must be merit in prioritising future committee focus to spend more time:
- reviewing issues prior to legislation to establish the best way to proceed;
 - scrutinising the impact of recent legislative change on finances and outcomes; and
 - holding organisations and government to account for delivery of commitments and intentions.
- 4.6.** If the parliament is to be open to and engage with electors, careful thoughts needs to be given to imaginative solutions in engaging people around outcomes and role of legislation (or budgets).

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- 4.7. As more issues are in the realm of shared jurisdiction, the parliament needs to anticipate how to manage these shared jurisdictions in a way that assists the most effective delivery of services to the population. This already applies and is only likely to increase as Universal Credit flexibilities in social security are devolved in practice, and should more powers be repatriated beyond Brexit.
- 4.8. On a related issue, will there be scope for discussion on how new powers might be used on social security before the legislation is drafted to widen out the nature of discussion and enable stakeholders to be heard? It will be crucial to learn lessons from previous and similar problems, including in other jurisdictions, e.g. the design of computer systems (for example for DWP), which have been notoriously over budget and don't deliver: these will be vital for implementing new social security legislation and tax powers.

5. How effective is the evidence written and oral gathering process used by committees [any feedback given on how evidence used? Would you welcome?]

- 5.1. With the committee work programmes published in advance, bodies such as the SFHA have a chance to plan to influence the parliament in time, marshalling evidence and so on. The SFHA usually receives plenty of notice of deadlines and opportunities for evidence (written and oral) but sometimes it is very short, so it can be tricky trying to field the right person in time. On one recent occasion (scrutiny of Climate Change Plan) notice was short (due to scrutiny period) meaning there was little time to draft written evidence, and the session clashed with prior conference commitments.
- 5.2. Structured questions are helpful to know what approach is being taken and to structure answers/evidence accordingly. However, there also needs to be room to respond to issues the committee may not have included in evidence requests as constraints on preparatory work mean committees and clerks may not always know what they should be scrutinising. On budget scrutiny, the focus can be very specific, which has advantages, but it could prevent organisations and groups from raising other legitimate issues. One example is the Finance Committee in the last session of parliament asking for comments on the Budget that were only about LBTT – there were many other issues housing bodies might have wanted to raise.
- 5.3. The SFHA understands that knowledge gathered by a committee is organised at the end of a parliamentary session to be conveyed to successors. This has value and would be of interest to bodies such as ours if it could be shared.

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- 5.4.** There can be too many witnesses at one evidence session – a recent hearing had six witnesses, including practitioners.
- 5.5.** Feedback from clerks or MSPs after evidence sessions would help us improve and be more focussed. It could also help us to show members how we have used their resources to good effect. We have had a chance to follow up evidence sessions with conversations with clerks or MSPs, but is it desirable for this to be left to chance? Collated feedback could help future witnesses to understand what approach is effective, and what is not, which would make better use of everyone's time.
- 5.6.** It is worth keeping pressure on parliamentary committees to be able to take evidence out with the parliament to enable wider engagement rather than just the professional, usual subjects. That would create the opportunity for more local awareness and potentially local media coverage of the work of the Scottish Parliament. A community or grass roots organisation has to be very committed to engage effectively.

6. What other parliamentary checks and balance do you think could be improved and how?

- 6.1.** Sessions in private should be the exception to the rule of openness and transparency as one of the most positive aspects of the Scottish Parliament is the transparency of its committee sessions. There may be a case for private evidence sessions where there are potential negative impacts on those giving evidence, or for committees in finalising their thoughts on recommendations, to enable members to work constructively together. Nevertheless, we have valued the opportunity to speak not only formally on the record but in camera where problems need to be aired in a safe space to give the committee a chance to get to grips with real issues. We would be concerned if there was a move to widespread use of such sessions: in camera sessions should be managed on clearly defined criteria (including where risk of compromise to a criminal prosecution, or national security concerns).
- 6.2.** It would be useful to have SPICe engage more formally with stakeholders – perhaps via an event where SPICe could share its work programme for the coming year and contacts could be identified e.g. if SPICe wanted to get information about a particular subject – who would be the best person to go to?

7. For further information, please contact:

Mary Taylor, SFHA Chief Executive

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Commission on Parliamentary Reform

Written views from Scottish Federation of Housing Associations

Email: mtaylor@sfha.co.uk

Direct dial: 0141 567 6246

Sarah Boyack, SFHA Head of Public Affairs

Email: sboyack@sfha.co.uk

Telephone: 0141 567 6222