



The Scottish Parliament
Pàrlamaid na h-Alba

Ariane Burgess MSP
Convener
Local Government, Housing and Planning Committee
The Scottish Parliament
Edinburgh
EH99 1SP

29 June 2023

Dear Ariane,

The Scottish Housing Regulator

You will be aware of the letter to which I am a signatory about the role of the Scottish Housing Regulator in the takeover of the of Reidvale Housing Association based in Dennistoun, Glasgow.

I have wider concerns about the Scottish Housing Regulator (SHR). You will be aware that the SHR was established on 1 April 2011 under the Housing Act 2010. It is completely independent of Ministers and is supposed to be accountable to the Scottish Parliament. However, I cannot see that there is any accountability. I am aware that the SHR reports annually to one of the committees of this Parliament. I also note that every few years various MSPs have raised concerns, been given bland assurances, and business carried on as usual. No doubt these MSPs were worn down by obstruction and obfuscation by the SHR Chair and staff. I say this from experience. Shortly after my election in 2021 I was contacted by a constituent raising serious and credible claims about SHR staff and agents bullying staff and committee members at Dalmuir Park Housing Association, and breaching the legal duties set out for the SHR in the 2010 Act. These concerns were supported independently by the former Chair of the organisation, and a former staff member. I expected the Chair of the SHR, Mr George Walker, to take the complaints seriously and independently investigate. Instead, in correspondence over a period of around 15 months, he passed on assurances from the staff responsible for the alleged breaches and denied me in my capacity as a Member of this Parliament access to various documents requested under the Freedom of Information Act, that may have supported the allegations made. I have attached my correspondence with Mr Walker in the Appendix. [Appendix not published]

You may also be aware that unlike most public bodies and charities, there is no independent appeals process for SHR decisions. The SHR referred me to the SPSO, and so I complained to them. However, when I have finally received a response from the SPSO it states ...

“...our remit here is limited. The SHR are an independent regulator, and it is not for the SPSO to take a view on the decisions they have reached or the process they have followed to fulfil their regulatory function. By law we cannot consider complaints about the merits of a decision an organisation is allowed to take, unless there is evidence of fault or failure in the way the decision was made. In this case, it is for the SHR to decide what, if any, action to take on receipt of a complaint to them and on what basis they will reach their view. Given these factors, we cannot compel them to appoint an independent party to investigate the whistleblowing concerns raised by your constituents. “



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I also asked the Ethical Standards commissioner to investigate only to be informed ...

“The decision of whether or not and why to investigate a complaint into the behaviour of staff is an internal decision for the SHR to make. It is not a decision that we are able to investigate...”

I am still waiting for a response to my complaint to the Information Standards Commissioner about the failure to release key information.

This whole process has taken over two years. It has absorbed countless hours of my time. I am unable to provide satisfactory answers to my constituent because I have been left with serious questions about how the SHR operates, and the impact it has on the people involved.

In frustration I sent out a Press Release following a speech I made in Parliament, asking for anyone affected to contact me. I have heard from Yoker Housing Association who went through a four-year period of intense scrutiny for alleged minor breaches of governance issues. These were resolved only on the intervention of the local MSP which prompted a change of SHR staff. I am arranging meetings with the others that have contacted me.

However, it should not be for individual MSPs to have to spend so long on individual cases. George Walker at the SHR could have instructed a quick and independent investigation into the allegations I raised with him. When similar allegations are made against any RSL, regardless of credibility or corroboration, the SHR always instructs the RSL involved to appoint independent investigators.

The SHR has now been in existence for over 12 years. This Parliament has no independent verification that it is acting in accordance with the 2010 Act. Over the last decade several housing associations have been taken over, and Reidvale is just the latest. We have a regulatory system that applies the same standards to the Wheatley group with 50,000+ homes, as it does to a co-operative with a few hundred homes. And yet we had the spectacular failure of the Dumfries & Galloway Housing Partnership (DGHP), Scotland's second largest RSL, which was forced to merge with the Wheatley Group after an investigation revealed serious governance failings. Whilst that was an SHR promoted investigation, for some years the SHR had refused to intervene despite various allegations made about it, which were reported in the Herald newspaper around 2014.

It is my view that only a full and independent KC / Judge led inquiry will give this Parliament the assurances required that the SHR is meeting its statutory role.

Yours sincerely

Evelyn Tweed MSP