

## Consultation on the future of our regulatory approach in response to the COVID-19 pandemic: Consultation questions

We welcome your general feedback on our proposals as well as answers to the specific questions we have raised. Please do not feel you have to answer every question unless you wish to do so.

Send your completed questionnaire to us by **14 August 2020**.

By email @: [shr@shr.gov.scot](mailto:shr@shr.gov.scot)

Or post to: Scottish Housing Regulator  
Buchanan House  
58 Port Dundas Road, Glasgow, G4 0HF

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### How you would like your response to be handled

To help make this a transparent process we intend to publish on our website the responses we receive, as we receive them. Please let us know how you would like us to handle your response. If you are responding as an individual, we will not publish your contact details.

### Are you happy for your response to be published on our website?

Yes.

### If you are responding as an individual ...

Please tell us how you would like your response to be published.

*Pick 1*

Publish my full response, including my name

Please publish my response, but not my name

## 1. Are our proposals for the Annual Assurance Statement right?

We discussed the SHR consultation at our Committee meeting on 6 August. I am submitting this response as Chair on behalf of the Management Committee.

We have concerns about the proposals for this year's AAS for two main reasons:

- We will not be able to provide full assurance of compliance with the Regulatory Standards of Governance and Financial Management (plus other associated recommended practice). An example that springs to mind is in relation to tenant safety – we have carried out around a dozen inspections outwith the twelve-month period required by law but, in all of these cases, we were unable to enter the tenants' homes because either (i) someone was experiencing Covid-19 symptoms and the operative could not enter or (ii) someone in the household was shielding and did not want the operative to enter. There are many other examples where the pandemic has impacted our ability to offer the required levels of assurance.

Whilst we may be able to explain where failures are related to Covid-19, the concern is that, with many RSLs unable to give full assurance, this will reflect badly on the sector but, perhaps more worryingly, could mask "real", underlying failures where the SHR would normally engage. There would likely be some way in which issues relating solely to the pandemic could be highlighted and/or separated out, but this would likely be found in the detail with the headline information still suggesting that a greater number of RSLs cannot give reasonable assurance.

- Because of the pandemic and the sort of issues highlighted above, this year's AASs will be significant pieces of work if they are to be done in an honest and meaningful way. We will have to, for example, critically evaluate the different arrangements we have in place for governance, tenant/stakeholder engagement, income management, etc. We have a very good baseline from last year's AAS and, were it not for the pandemic, then we would simply have been updating the AAS and reviewing our action planning from last year. Given the significant and unforeseen changes that have occurred, however, a straightforward update may not be possible.

We can, of course, do this and meet the 31 October submission deadline. However, our staff are working extremely hard to provide the best service possible under the current circumstances; we are in the process of addressing the number of excess hours that some staff have been working. Our staff team, like many others, are also dealing with the stresses of working from home. We have asked our senior officer to focus on recovery planning and, in this regard, we are in the middle of a comprehensive staff consultation on our returning to work route map and stress testing our financial projections, amongst other things.

Overall, as a governing body, I suppose we just have concerns about how meaningful the exercise of submitting the AAS would be this year and wonder if the time (both staff time and Committee time) that we would spend on this would be better used on other matters.

## 2. Should we publish advisory guidance to assist landlords to adapt their approach to the submission of the AAS?

I think that advisory guidance would be helpful. However, I am wondering about the timing of this. We would be considering the draft AAS at our meeting on 10 September – this would allow us to review it at the October Committee meeting should we require changes to it. Revised guidance in, say, September would potentially cause additional work.

## 3. Would you like to make any other comments or suggestions about our approach to getting Annual Assurance Statements?

No.

**4. Are our proposals for the publication of Charter performance right?**

Yes, we would agree with these.

**5: Would you like to make any other comments or suggestions about our approach to the publication of Charter performance?**

No.

**6: Are our proposals for the publication of Engagement Plans and regulatory status right?**

Yes, we believe that it would be difficult to issue meaningful engagement plans because of the pandemic and feel that it would be better to focus on the areas where engagement is most beneficial to the sector.

**7: Would you like to make any other comments or suggestions about our approach to the publication of Engagement Plans and regulatory status?**

No.

**Thank you for taking the time to give us your feedback!**