

Our regulation of social housing in Scotland

Discussion questions

We welcome your general feedback on our proposals as well as answers to the specific questions we have raised. You can read our discussion paper on our website at www.housingregulator.gov.scot
Please do not feel you have to answer every question unless you wish to do so.

Send your completed questionnaire to us by 11 August 2023.

By email @: regulatoryframeworkreview@shr.gov.scot

Or post to: Scottish Housing Regulator
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36 North Hanover Street, G1 2AD

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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 No

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	<input type="checkbox"/>
Please publish my response, but not my name	<input checked="" type="checkbox"/>

1. We believe that our regulatory priorities should be:
 - listening and responding effectively to tenants and service users
 - providing good quality and safe homes
 - keeping homes as affordable as possible
 - doing all they can to reduce the number of people who are experiencing homelessness

We are keen to hear your feedback on these priorities. Are they the right ones?

A key priority of the Scottish Housing Regulator should be to do everything within their powers to support providers of social and other forms of affordable housing to be the best they can be and comply with all regulatory and legal requirements.

There needs to be a widely accepted definition of 'affordable' that recognises the challenges faced at a local level. For example, land in the Aberdeen Housing Market area and the cost of skilled operatives was considerably higher than in most other parts of Scotland for some time – adding to increased costs for housing associations

2. What are your views on amending the Statutory Guidance on Annual Assurance Statements to include provisions on specific assurance?

This is fine to a certain extent, but it feels very much like the assurance in some areas is quite knee jerk depending on external events. The reason for the changes and assurance required should be clearly set out – why is the information needed and what will it give both the Board of Management and the SHR.

In addition, there has to be a cut-off point by which changes to the process can be introduced – mainly to support those who submit their AAS at the start of submission period.

3. Do you think that we need to change any of the indicators in the ARC or add to these?

There are some indicators that organisations rely heavily on contextual information being provided to explain the responses given. However, these are not included within the published information for benchmarking purposes, therefore, the context is lost. This does lessen the effectiveness of the indicator in establishing performance against peers. One example for where an indicator does not work would be longer term voids in sheltered housing homes or voids in supported accommodation where there is an agreement with the local authorities. If the local authority fails to meet the costs of the void, but no nominations are forthcoming, the hands of the Association may be tied therefore what looks like quite challenging performance may in fact be due to external factors.

I am unsure the 'right first time' indicator adds anything to service development / improvement

4. Are the proposed areas of focus for tenant and resident safety indicators the right ones, and what should those indicators be?

In general, no issues with the proposed areas of focus.

As with gas safety, the introduction of MOT style servicing / safety checks in the legislation would be very welcome as this allows works to be programmed and carried out without having to pull forward the work year on year to avoid any issues meeting the deadline.

These checks are particularly challenging when access to the home is required and there is a need to have an electrical supply present – many vulnerable tenants have card meters and may not have sufficient credit to allow the checks to be made

5. What do you think would be the most effective and appropriate way to monitor the effectiveness of landlords' approach to managing reports and instances of mould and dampness?

This will be an extremely difficult indicator to capture meaningfully in an ARC. No suggestion made

6. What are your views on strengthening the Framework further on landlords listening to tenants and service users?

No issues with this change

7. How do you think we could streamline the requirements for landlords in the Notifiable Events statutory guidance?

The notification process requires immediate notification of a potential issue. Accepting that some issues may require instant notification, in some instances it may be better to give organisations the ability to investigate first then, depending on the outcome, if there is a need for notification, for this to be done in a timely manner once the outcome is known.

8. *Do you think there is value in using more direct language in the working towards compliance status, or in introducing an intermediary regulatory status between compliant and working towards compliance?*

All social housing providers can make improvements regardless of size, etc. However, the crux of the matter should be whether or not an organisation is non-compliant. There needs to be clearer guidance on what non-compliance looks like (e.g. what areas of business is it not okay to do things differently, or what, cumulatively would constitute non-compliance).
If open, honest dialogue cannot be held regarding improvements required in part(s) of an organisation without fear of the SHR changing their status or introducing extremely prescriptive and often costly requirements, issues may remain hidden

9. Are there any changes we should make to the Significant Performance Failures approach, including how we define these?

No

10. Are there any other changes to the Regulatory Framework and associated guidance that you would suggest?

A much more supportive role undertaken by the Scottish Housing Regulator, one whereby the Regulator supports organisations to be the best they can be.
The Regulatory Guidance is very much one size fits all – is this the right approach or could there be reduced requirements for some organisations who do not have such a wide spread of operation, or the baseline be increased in terms of organisations who have quite a diverse operation e.g. care home, multiple active subsidiaries, etc.
There has to be an independent and safe route for organisations to challenge / raise concerns about either action(s) being taken / instructed by the SHR, or action(s) of individuals acting on behalf of the SHR

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