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

2nd floor , George House

36 North Hanover Street, G1 2AD

Name/organisation name

Edward Harkins

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	
Please publish my response, but not my name	

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?

   > Broadly these are the right priorities. It would, however, be appropriate if further consideration were given to: a) Recognising the systemic tensions between performance against these priorities whilst ensuring 'homes as affordable as possible'. Good regulation will recognise these tensions. The resource demands made of RSLs by regulation are in themselves essential but considerable, and proportionality is a critical consideration going forward; c) The priority of listening to tenants & service users is paramount. However, it would be welcome if there some sort of explicit provision for, at least, listening to feedback from members of RSLs governing bodies; b) Possibly there is insufficient regard in these priorities to the wider agendas that RSLs must increasingly address e.g. climate change, zero carbon, cost-of-living-exacerbated poverty, recruitment and retention of skilled staff and of governing body members etc.

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

   > Acceptable in principle however; a) Needs to be close correlation between what is essentially required and the context of each RSL's purposes, work and capabilities b) Perhaps clarification needed on why this emphasis on AAS content rather than what is covered by any engagement plan required? c) Clarification would be helpful on the regulatory action on responses to any specific assurances required.

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

   > Existing ARC is comprehensive enough (to say the least). There is maybe an argument for something additional on landlord safety indicators. However, completion of the AAS is an already resource demanding activity and whilst earlier reduction in reporting needs were welcomed, the imperative now should be on 'what else has to be cut' if new indicators are to be added.

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

   > Yes but, again, regulation needs to take cognisance of systemic tensions between pressures on RSLs to 'keeping homes as affordable as possible' and compliance with the most demanding requirements. Funding and financing are rapidly escalating challenges. All of this with the backdrop of an increasingly scrutinising media.

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 should be taken forward as a further development of the commendable 'Putting Safety First' guidance on mould management practice - a collaboration between SFHA, SHR, CiHS & ALACHO

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

   > .More attention needs to paid to quality of processes, methods & outcomes against the intended purpose - rather than adding indicators that may become merely more 'tick boxes'. Engagement, participation & securing quality feedback from service users and others as a robust basis of effective action is increasingly difficult amid trends in contemporary society. Some of the most exemplar engagement is *not* through formal questionnaires or managed group discussions etc. - rather it can be through an ongoing relationship and narrative between a committed, confident and well trained RSL staff team and the service users and others. This can be individual one-to-one or in group discussions, incidental or opportunistic, as well as pre-planned and managed. Capturing these narratives and real-life information flows are critical. Part of the process of 'capture' is likely to be increasing use of digital means. This, again, emphasis the importance of training in the digital world - for staff but also for governing body members.

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

> This might be best informed through the above-mentioned research on 'Regulatory Framework in Practice' that SFHA commissioned Adair consultants on. This was the topic of an informative and productive workshop at the SFHA 2023 Annual Conference in Glasgow. One highlight was the high levels of satisfaction and approval of Scottish RSLs for the work of the SHR (perhaps surprising for some operators in the sector?).

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?*

> Acknowledge the good intentions here, but a new intermediary status risks complicating matters overmuch. Nevertheless there does seem to be a gap within the existing categorisation. Preference would be for more direct language in the 'working towards compliance' status. The SFHA/Adair research cited above included an emphasis from RSLs of the importance of the role of Regulation Managers and the importance of consistency and of the individual managers working to maintain 'the right relationships' with RSLs.

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

> None apparent. The SHR did review these in April 2022 and a three year review seems the best option before considering any further changes (or, less so, additions).

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

> a) Some ways and means of more regularly reviewing, with all stakeholders, the efficacy and 'value for money' of particular requirements placed on RSLs and guidance offered to them. b) the Regulator to ensure that it more explicitly recognises, and takes cognisance of, the skills and supports needs of members of governing bodies, upon whom increasing burdens are being placed (not just by the regulator). c) Develop the regulatory framework (without adding to it?) to take more account on the wider agendas that RSLs must now contend with e.g. (to repeat) climate change, zero carbon, cost-of-living-exacerbated poverty, recruitment and retention of skilled staff and of governing body members etc.

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