

# Our regulation of social housing in Scotland

## Consultation questions

We welcome your general feedback on our proposals as well as answers to the specific questions we have raised. You can read our consultation paper on our website at [www.housingregulator.gov.scot](http://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 **15 December 2023**.

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

Or post to: Scottish Housing Regulator  
2<sup>nd</sup> floor , George House  
36 North Hanover Street, G1 2AD

### Name/organisation name

Chartered Institute of Housing (CIH) Scotland

### Address

The Traquair Centre

15 Mansfield Place

Edinburgh

Postcode **EH3 6BB**

Phone [024 7685 1700](tel:02476851700)

Email [scotland@cih.org](mailto:scotland@cih.org)

### 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. Do you agree with our proposed approach on specific assurance in Annual Assurance Statements?

In our response to the previous consultation, we acknowledged the need to closely scrutinise issues of national significance which could pose a potential risk to tenants and customers such as damp and mould. However, we suggested that changes to statutory guidance may not be needed to achieve this as the Regulator has previously been able to obtain required information by request.

If statutory guidance is updated to allow the Regulator to require reporting on specific issues as proposed, the main concern of our members is having sufficient notice to gather information, and flexibility in how assurance is presented to ensure that any additional requirements do not create unnecessary burdens.

If reporting requirements were to change regularly (for example every year) in reaction to external factors, this could create challenges for organisations having to continually change or update reporting practices. A significant amount of work and data collection already goes into preparing the Annual Assurance Statement (AAS) on top of all other statutory reporting requirements.

It is also important to note that AAS were intended to be short, concise documents clearly setting out compliance or any areas of concern. Continually adding to the reporting requirements in the AAS could make them less accessible and less useful as a summary report.

2. Do you agree with our proposal to initiate a comprehensive review of the Annual Return on the Charter which we will consult on next year?

Yes, it makes sense to take a more in depth look at the Charter indicators in light of recent and upcoming legislative changes (e.g. the Housing Bill expected to be introduced next year) and we agree with the proposal to establish expert working groups to consider specific proposals on EESSH, damp and mould, and tenant and resident safety.

As the indicators included in the ARC are specifically designed to measure performance against the Scottish Social Housing Charter and this is not due to be reviewed (the current Charter having been published in 2022) any changes will need to align with the existing Charter outcomes.

Any changes to the indicators would require time to implement. Members suggest that this could require lead in time of up to 18 months - six months to

plan and implement any required IT changes, and a 12 month period to collate data allowing for a full year to report on.

As per our previous response we set out some general principles and specific suggestions which we have repeated below.

*In general, adding new or amending existing indicators should be done in consultation with the sector. Any changes should be accompanied by clear rationale - what is the purpose or benefit of the change? All indicators should have clear links to the regulatory framework and organisations should have an understanding of how ARC results feed into risk assessments and engagement plans.*

*CIH members have suggested consideration of the following ARC indicators:*

- **Indicator 10** considers repairs completed right first time. This indicator is overly complex in terms of the definitions and the exclusions which leads to a lack of consistency when attempting to compare and benchmark the results of this indicator with other social landlords so it would be useful if this indicator could be reviewed to make it simpler or removed entirely.
- **Indicator 15** in respect of anti-social behaviour (ASB) is flawed as it reports on anti-social behaviour cases reported in the last year which were resolved. This means that cases that are received at the end of the reporting year (for example in March) have no time to be resolved and are considered to be not resolved in the indicator just because they were received at the end of the year and not through any drop in performance. It would be useful if this indicator could be reviewed to look at resolved cases in the year instead of cases received.

*There is variation in how guidance is interpreted in relation to “resolved” cases which can lead to inconsistencies in reporting. Large organisations may also have more legal powers (local authorities) or options in how they are able to deal with ASB.*

- **Indicator 30**, average length of time taken to re-let properties in the last year, would benefit from clearer guidance around what constitutes an exclusion. There is an emerging issue with meter installations across the country within void properties that the Regulator has previously advised should not be counted as an exclusion. This leaves organisations entirely reliant on power companies as properties cannot be let without a power or gas supply resulting in longer average re-let times and increased rent lost which then impacts on other indicators.

3. Do you agree with our proposed amendments to strengthen the emphasis on landlords listening to tenants and service users to include a requirement that landlords:
- provide tenants, residents and service users with appropriate ways to provide feedback and raise concerns, and
  - ensure that they consider such information and provide quick and effective responses?

As we noted in our previous consultation response, the sector already has a robust approach to tenant and customer engagement (which includes listening and responding effectively) and it is not clear how the proposed changes will improve outcomes. However, our members did not raise any specific objections to the proposals. We do not anticipate any issues arising from the proposed changes set out in Annex 1.

However, page 1 of Annex 4 still refers to an emphasis on the provision of “safe” ways to provide feedback. The consultation question suggested that this language would not be used following feedback (that the inclusion of the word “safe” implies that current practices are “unsafe”) and this language is not used in the revised framework itself.

4. Do you agree with our proposed approach to Notifiable Events?

The proposal to share more information on the types of Notifiable Events received and how the Regulator responds to these is welcome.

We noted in our previous response that additional clarity on Notifiable Events would be useful, but it would also be beneficial to understand the motivation for any changes. For example, if there is a pattern of reporting (increasing or decreasing cases) that the Regulator is trying to address.

5. Do you agree with our proposed approach to regulatory status?

We welcome the proposal to retain the three existing compliance categories and to add “non-compliant” to the second and third categories for clarification.

6. Do you agree with our proposed approach to Significant Performance failures?

In our previous response we noted that there was no appetite from our members for significant changes to the approach towards Significant Performance Failures. However, we appreciate that tenants may benefit from clearer advice on how to navigate different routes of redress. We support the proposal to update guidance for tenants.

7. Do you agree with our proposed changes to the guidance on *Annual Assurance Statements*?

As we set out above, the main concern from our members is having adequate notice to be able to provide additional assurance and avoiding unnecessary burdens. While we understand the need to respond to emerging issues, the sector has also called for a time of stability given the significant pressures faced by local authorities and RSLs. Any additional requirements introduced must be accompanied by clear rationale and only when deemed to be strictly necessary as reporting is likely to require additional resources.

The proposal to notify landlords of any additional requirements by April each year may not allow enough time for robust assurance allowing just six months between the notification and deadline for submission of the AAS in October. Some landlords may have less time than this taking into account the need for internal reporting and sign off.

If the additional assurance related to an area not already covered by ARC indicators, significantly more lead in time would be required, possibly up to 18 months as indicated at question two above.

8. Do you agree with our proposed changes to the guidance on *Consultation where the Regulator is directing a transfer of assets*?

Yes, the proposed changes provide additional clarity on the approach that the Regulator will take in these cases.

9. Do you agree with our proposal to maintain *the Determination* at this time?

We agree with the proposal to delay consultation on any changes to the Determination until the review of the current Statement of Recommended Practice is complete in 2024.

10. Do you agree with our proposed changes to the guidance on *Determination of what is meant by a step to enforce a security over an RSL's land*?

We agree with the proposed changes to provide additional clarity.

11. Do you agree with our proposal to maintain the guidance on *Financial viability of RSLs*?

Yes.

12. Do you agree with our proposed changes to the guidance on *Group structures*?

We welcome the proposal to review the guidance on Group Structures as more examples of complex structures have been emerging in the sector. We agree with the approach of drawing on the experience of housing organisations and also recommend consideration of legal advice.

13. Do you agree with our proposed changes to the guidance on *How to request an appeal of a regulatory decision*?

We agree with the proposed changes to provide additional clarity.

14. Do you agree with our proposal to maintain the guidance on *How to request a review of a regulatory decision*?

Yes.

15. Do you agree with our proposed changes to the guidance on *Notifiable events*?

We agree with the proposed changes which seek to clarify that only the most serious events need be reported as Notifiable Events, and that the Regulation Manager should be consulted if there is any uncertainty.

16. Do you agree with our proposed changes to the guidance on *Preparation of financial statements*?

We agree with the proposed changes to provide additional clarity.

17. Do you agree with our proposal to maintain the guidance on *Section 72 reporting events of material significance*?

Yes.

18. Do you agree with our proposed changes to the guidance on *Tenant consultation and approval*?

Yes, we agree with the proposed changes to make clear the requirement for equalities considerations to be taken into account during tenant consultations.

19. Would you like to give feedback on any aspect of our impact assessments? Are there other potential impacts that we should consider?

Impact assessments should be reviewed regularly particularly in light of any legislative changes.

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