

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
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

Or post to: Scottish Housing Regulator
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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 type="checkbox"/>

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

The principle of what is proposed is fine. No issue with the addition at 1.5 about SHR coming back with specific assurance they require in the AAS – this just formalises the approach that is taken at the moment. However, there is an issue on the timing. Organisations can submit their AAS for the year any time from April to October. That will not work if SHR have until end of April to inform us of change as some may already have submitted their statement. We would ask that this be considered carefully as anything added into the AAS must have the assurance framework evidence to support it behind it – so organisations will need time to put that in place if additional requirements are placed on us.

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 this seems sensible to take time to do the ARC review when EESSH2 guidance is ready. We would ask that the timescales for this are sensible though – if this review is done in 2024 then realistically we cannot be expected to start collation of data until 1 April 2025, and will need time to embed that data collection process for any changes or new indicators proposed.

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?

The changes made seem to strengthen the wording about tenant and resident feedback, although it isn't clear why the current wording isn't working at the moment. However, there has been an addition to the standards at 4.2 about the governing body ensuring the RSI provides the feedback mechanisms. This standard addition is very similar to section 2.4 of the framework – and not sure that adding the additional standard is necessary. There is also a danger of the Board requiring to be involved at a more operational level with this wording – could we suggest that the wording is updated to say the Board seeks assurance from the RSL that.... And then it is not about the Board directly becoming involved in the mechanisms?

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

The update to the guidance goes some way to ensure that there is more clarity on NE but no changes have been made to Appendix 1 – there is still a requirement for example to request information on every Voluntary Severance Pay – as per our response to the original consultation – there needs to be a level of materiality taken into consideration – if the SHR are only to receive events which are of a serious nature. What hasn't been addressed, in terms of the Altair Review is the Consistency of approach in Regulation Managers – so there still feels like a bit can be left to interpretation.

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

Yes – this is a better approach than that outlined in the original consultation - should make it clearer for all parties.

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

Yes – the language in this seems to now be simpler and the approach is clearer.

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

Answer as per Q1

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

Yes – additional wording provides clarity

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

Yes - no major changes proposed

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*?

Yes – additional wording provides clarity

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

Yes - no major changes proposed

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

Yes

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

We would propose that the 2 documents “appeal of a regulatory decision” and “requesting a review of a regulatory decision” are merged into one document. The documents as they stand don’t quite read across to each other, and presumably they should. May be more helpful in one document and then different sections can be referred to within it.

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

As per Q13 answer

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

As per Q4 – we don’t think the issue of materiality has been addressed.

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

Yes – no major changes

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

Yes – no major changes

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

No – as per Q3 response above

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

No

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