

# 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

Orkney Housing Association Limited

### Address

39a Victoria Street

Kirkwall

Orkney

Postcode **KW15 1DN**

Phone **01856875253**

Email [enquiries@ohal.org.uk](mailto:enquiries@ohal.org.uk)

### 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?

It is 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 suggest 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 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.

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?

It makes sense to take a more in depth look at the Charter indicators 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.

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.

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:

- a. provide tenants, residents and service users with appropriate ways to provide feedback and raise concerns, and
- b. ensure that they consider such information and provide quick and effective responses?

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, 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?

Additional clarity on Notifiable Events would be useful. The proposal to share more information on the types of Notifiable Events received and how the Regulator responds to these is welcome. Proposed changes to the guidance would also 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.

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

Yes, we agree it would be beneficial to amend the second and third statuses to make it clear they are non-compliant statuses.

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

Yes.

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

Yes.

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

Yes.

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

Yes.

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.

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*?

n/a

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

Yes.

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*?

Yes.

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

Yes.

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.

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

It would be helpful to have more detail and clarity published on the work carried out on an Island Communities Impact Assessment.

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