

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

Please publish my response, but not my name

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

The Association broadly agrees with the proposed approach. However, we would ask that where the regulator plans to ask for additional assurance on specific topics this should be communicated to landlords earlier than the end of April each year to ensure sufficient time for full consideration to be given and evidence reviewed. We are also concerned that as more and more specific elements are added there is a risk that the AAS will become unwieldy.

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?

The Association welcomes proposal to initiate a review. However, there is concern that if any changes to reporting criteria are not communicated in a timely fashion this could lead to difficulties in collecting data for the first reporting year. The Association would welcome a partnership approach being taken to any review especially in relation to any new Damp Mould & Condensation indicators introduced.

Any information collected will have to be meaningful. Consideration should also be given to the costs of producing additional information as the process is currently resource intensive. The review should look at removing or amending any current indicators which are no longer meaningful/useful.

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?

We remain unclear as to the drivers behind this amendment as RSLs already have numerous and robust mechanisms in place for tenants and other service users to provide feedback and raise concerns eg complaints policy, surveys, tenant engagement (formal & informal) etc. Another "layer" of feedback mechanisms may only confuse and dilute existing route for service users and staff. Before any changes are implemented it would be useful to have feedback on where SHR has evidence that current arrangements are not working so that any changes reflect lesson learned

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

We welcome any approach that ensures consistency across the sector in relation to Notifiable Events especially in relation to determining if an event is notifiable or not. Encouraging dialogue with regulation managers on possible NE's is welcome.

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

The proposed amendment seems relatively minor and provides more clarity those previously suggestions.

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

We agree with the proposed approach and support updating the factsheet to more clearly demonstrate when it is appropriate to go to the SPSO and when to the SHR.

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

We are broadly in agreement but concerned that there is a risk of guidance becoming contradictory. On the one hand keep the AAS brief and on the other hand include explicit assurance on a range of specific topics.

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

No comments

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

No comments

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?*

Clarity is welcomed

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?*

This is not relevant to the Association at this time.

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

It is important that fairness is recognised throughout the process. There needs to be commitment from SHR to treat any appeals in an open and fair manner and be able to demonstrate that this is how such appeals are approached. It would be useful to have further explanation of what determines who is independent of the original decision maker.

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

See above

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?*

We agree that the proposed changes will ensure that equalities are appropriately referenced.

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

No further comments

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