

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
2nd floor , George House
36 North Hanover Street, G1 2AD

Name/organisation name

West Dunbartonshire Council

Address

16 Church Street

Dumbarton

Postcode **G82 1QQ**

Phone

Email

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

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?

As outlined in our response to the discussion paper published in June 2023, we think that this would be an appropriate amendment to the Statutory Guidance. We also offered the view that it would be important for the SHR to communicate any specific assurance requirements to landlords and provide adequate notice of this. This will ensure that the relevant assurance on any specific issue can be provided to Committee/Board in advance of the AAS being submitted. This was supported by most landlords and it is important that this is what happens in practice.

We also feel that it is important that the SHR provide the context/rationale for why specific assurance is being sought on a specific issues or issues (for example, whether this is in response to poor performance by the sector, a reaction to specific events or where new information has comes to light).

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?

As outlined in our response to the discussion paper, overall we think that the current indicators within the ARC are relevant and useful in terms of assessing overall performance and the quality of services provided to tenants and other customers. However some are of limited value and poor in terms of benchmarking and target setting and others, previously removed, were useful and could be re-introduced.

We were also supportive of indicators being developed around tenant safety which can be consistently applied across the sector and also support the monitoring of the effectiveness of landlords' approach to managing reports and instances of mould and dampness.

We offered the view that this could be complex and that any indicators relating to damp and mould would need to address the number of instances reported/detected (proactively), timescales for addressing the issue and potentially causes and level of severity. We also suggested that industry experts could be involved developing indicators and their technical definitions.

We therefore agree with the proposal to initiate a comprehensive review of the ARC involving relevant experts and people from the social housing sector. We note that the aim would be to consult formally on the revised ARC indicators next year with the new ARC being in place for collection year 2025/26 and would be supportive of this timescale.

All changes and additions to the ARC technical guidance should be published highlighting tracked changes.

FAQ's relating to specific Charter Indicators could be included in any updated technical guidance following the definition.

The stock information provided via the landlord portal should be part of the ARC submission and be available via the PDF version.

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?

All landlords should be aiming to provide tenants and other service users with appropriate ways to provide feedback and raise concerns and also that landlords should consider such information and provide a quick and effective response. We would therefore support strengthening the emphasis on ensuring landlords listen to tenants, whilst noting that many landlords already have a robust approach to tenant consultation in place. Perhaps as part of reviewed Regulatory Framework, good and bad practise examples could be used to help illustrate why there is the need to make these proposed changes.

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

As outlined in our response to the discussion paper, the current approach seems relatively straight forward and the current guidance is relatively clear. That said, making it clearer still that landlords should bring only the most critical issues to the attention of the Regulator would be helpful and the commitment in the consultation document that the Regulator will in turn look to develop ways to share more information with landlords on the type of Notifiable Events received and what is done with these, would help streamline the approach and make it more consistently employed by landlords. Examples of what should and should not be notified could be included in any updated guidance.

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

As this applies to RSL's we have no substantive comments to make, though we note that it is proposed to maintain the current approach of having three regulatory statuses, and to amend the language in the second and third statuses to make clear that these are non-compliant statuses.

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

As outlined in our response to the discussion paper, the current approach and definitions seem adequate and it is important that this avenue should remain available for tenants. We noted the fact that this route is little used by tenants and whilst this could be due to the success of existing landlord processes in place to remedy any issues (existing complaints processes etc.).

That said, we would welcome the proposal to amend the Regulatory Framework to enhance clarity on when and what tenants should bring to Regulator and how this fits with the other routes for tenants to complain to their landlord and the SPSO.

We also welcome the commitment that the Regulator will update the factsheet for tenants to reflect this approach and to include illustrations of what is a complaint and what should be brought to the attention of the Regulator via the Significant Performance Failure route.

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

We would support the proposed changes to the guidance on Annual Assurance Statements and would refer to our broader response to question 1. We are glad to note that at 1.5 of the proposed updated guidance there is a commitment from the Regulator to communicate any specific areas where further assurance will be required by the end of April each year.

Again, we also think it would be important for the Regulator to provide the context/rationale for why this assurance is being sought.

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

This applies to RSL's we have no substantive comments to make.

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

This applies to RSL's we have no substantive comments to make.

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*?

This applies to RSL's we have no substantive comments to make.

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

This applies to RSL's we have no substantive comments to make.

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

This applies to RSL's we have no substantive comments to make.

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

We note that the proposed updated guidance changes little substantively and have no further comments.

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

We note that the proposed updated guidance changes little substantively and have no further comments.

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

We note that proposed changes to the guidance and have no further comments in addition to our response to question 4.

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

This applies to RSL's we have no substantive comments to make.

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

We note that the proposed updated guidance changes little substantively and have no further comments.

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

This applies to RSL's we have no substantive comments to make.

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

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