

## **Response to:**

**Scottish Housing Regulator consultation on the future of social housing regulation**

### **Date submitted:**

15 December 2023

### **Please contact:**

Ed Pybus, Policy Advisor, Homeless Network Scotland.

Tel: 07930 536 963

Email: [Edward@homelessnetwork.scot](mailto:Edward@homelessnetwork.scot)

#### **Homeless Network Scotland**

Charity Registered in Scotland (SC0 03453) and Company Limited by Guarantee (SC112361)  
Registered Office at Unit 16a, Adelphi Centre  
12 Commercial Road, Glasgow G5 0PQ  
Chief Executive: Margaret-Ann Brünjes

#### **Contact Us**

T: 0141 420 7272

[hello@homelessnetwork.scot](mailto:hello@homelessnetwork.scot)

w: [homelessnetwork.scot](http://homelessnetwork.scot)

## **1. Introduction**

- 1.1. We welcome the opportunity to contribute to the Scottish Housing Regulator's (SHR) consultation. In the following response, we address questions 1, 2, 3, and 6 as outlined in the consultation document. We have also provided some comment on the proposed revised framework.

## **2. Thematic report on homelessness services**

- 2.1. We are responding to this consultation at a time when the SHR has published a thematic report into homeless provision that found *systemic failure* and concluded that the interventions that are required are outwith SHR's regulatory powers. Clarification of the definition and criteria for 'systemic failure' would be beneficial. In instances of systemic failure, we propose that the SHR engage in comprehensive consultations within the sector to acquire a thorough understanding of any systemic weaknesses. An explanation of the interventions the SHR deems necessary, the reasons these fall beyond its regulatory scope, and potential avenues to expand SHR's authority to implement the required interventions would also be useful.

## **3. Specific assurance in Annual Assurance Statements (Q1)**

- 3.1. We agree with SHR's proposed approach on specific assurance in Annual Assurance Statements.
- 3.2. In the context of the "*systemic failure in the services provided to people who are homeless by some councils,*" Annual Assurance Statements should be used to gather specific information on homelessness provision. This approach could serve as a pre-emptive alert for possible challenges and to acquire an insight into the measures necessary to guarantee that homelessness provisions are adequate.
- 3.3. We highlight a recommendation from the final [report](#) of the Homelessness Prevention and Strategy Group's (HPSG) Task and Finish Group on preventing homelessness: "*Once there is clarity on the new homelessness prevention duties, the Scottish Housing Regulator (SHR) should update its regulatory framework, clearly setting out how it will assess local authority and landlord compliance with the new duties through its assessment of local authorities' Annual Assurance Statements, and any new regulatory activities*".

## **4. Review of the Annual Return on the Charter (Q2)**

- 4.1. We agree with SHR's proposal to initiate a comprehensive review of the Annual Return on the Charter which they will consult on next year.

## **Homelessness indicators**

4.2. In conducting the review, SHR should consider the data concerning the provision of homelessness services that are needed. This is to ensure that councils and landlords are effectively meeting their commitments under section 12 of the charter.

### **Prevention duties**

4.3. In accordance with the conclusions in the HPSG Preventing Homelessness Task and Finish Group's final report, once there is a definitive understanding of the new duties aimed at preventing homelessness, the Scottish Housing Regulator should revise its regulatory framework. This update should distinctly articulate the criteria for evaluating how local authorities and landlords are complying with these new duties. This should be possible under the existing charter, although SHR should consider if changes need to be made to the charter to accommodate the new prevention duties.

### **Housing options**

4.4. As per the HPSG Task and Finish Group on Temporary Accommodation's [final report](#) there is a role for the Scottish Regulator in ensuring councils assess and report on how they are addressing housing need, and specifically an assessment of how they are meeting the requirement for temporary and supported accommodation in their areas. The review of the Annual Return on the Charter should consider this.

4.5. The HPSG Supported Accommodation group is due to publish its final report early in 2024. It will highlight the role for supported accommodation in Scotland. A substantial proportion of these supported accommodation units are located in properties owned by registered landlords. SHR should consider the role the regulator can play in ensuring that the necessary supported accommodation is adequately provided across Scotland.

### **Temporary Accommodation**

4.6. A recent Temporary Accommodation Standards Working Group developed a framework of standards that should apply to all temporary accommodation, however there is no mechanism currently for them to be legally enforceable.

4.7. We agree with calls made by Crisis that the SHR should consider how to ensure safety for all tenants and residents including those in temporary accommodation either through a thematic review, or through changes to the regulatory framework.

## **5. Landlords listening to tenants and service users (Q3)**

5.1. We agree with SHR's proposed amendments to strengthen the emphasis on landlords listening to tenants and service users.

5.2. However, we would also like to see a specific requirement to engage with those with experience of using homelessness services. For example, on page 7 of the new draft framework, in the

second box, under bullet point 2 it might be useful to specify *those using homelessness services* and provide guidance on how this group can be involved.

## **6. Significant Performance failures (Q6)**

- 6.1. Should failures in homelessness services be considered a significant performance failure, as this is potentially within scope of the legislation and the Charter? If so, could the SHR provide clarity around this, and provide guidance on the routes that those using homelessness services can use to make complaints.

## **7. Revised framework**

- 7.1. In reviewing the revised framework, we note that the word 'Housing' been added to section 1.3 (page 1). This potentially excludes homelessness services and homelessness support from this section, as, arguably, these are not 'housing' services.

## **8. Equalities and human rights**

- 8.1. In section 2.1 (page 2) of the revised framework SHR could consider adding bullet points related to taking a human rights approach and equalities. This would ensure the framework is framed with human rights and equalities at its core and is in line with the Scottish Government's commitment to centring human rights.
- 8.2. Section 2.14 (page 4) could be re-drafted to include *reducing inequalities*, highlighting that this is a key part of promoting equality.
- 8.3. Within sections 2.14 – 2.17 there could be a separation between the *equality* requirements and centring *human rights principles*. This could provide additional clarity to landlords about the difference between equalities and wider human rights, which could be useful in light of the forthcoming Scottish Government Human Rights bill.
- 8.4. Throughout the framework, and the technical guidance, the obligations on landlords could be framed using a human rights based approach.