

Our regulation of social housing in Scotland Discussion questions

We welcome your general feedback on our proposals as well as answers to the specific questions we have raised. You can read our discussion 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 11 August 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 checked="" type="checkbox"/>
Please publish my response, but not my name	<input type="checkbox"/>

1. We believe that our regulatory priorities should be:

- listening and responding effectively to tenants and service users
- providing good quality and safe homes
- keeping homes as affordable as possible
- doing all they can to reduce the number of people who are experiencing homelessness

We are keen to hear your feedback on these priorities. Are they the right ones?

Whilst West Lothian Council (WLC) agree with the priorities overall, we would suggest that the main focus be on the prevention of homelessness.
 For the most part, by the time people present as homeless to a local authority (LA), they are roofless; and as a result of failure, out with the LA's reach, no interventions have been taken elsewhere. This reduces the housing options available to that individual and reduces the ability of the LA to assist and the LA's ability to reduce homelessness is limited- Homelessness is not a housing issue alone.

2. What are your views on amending the Statutory Guidance on Annual Assurance Statements to include provisions on specific assurance?

Amending the Statutory Guidance on Annual Assurance Statements to include provisions on specific assurance would only work if prescriptive, technical guidance was provided to equalise the disparity of LA's using a variance of methods of recording against the existing indicator.
 Following, if Statutory Guidance on Annual Assurance Statements was to include provisions on specific assurance, it takes away the "independent" element of assurance which is what the AAS was predicated on- "an objective and evidence-based judgement on compliance, ensuring sufficient evidence and information, and where necessary independent assurance"

3. Do you think that we need to change any of the indicators in the ARC or add to these?

Change Indicator 15- "Percentage of anti-social behaviour cases reported in the last year which were resolved." - This indicator is of no value as "cases" are subjective to each landlord- measurable datasets differ across all LAs.
 Change guidance for Indicator 6, C8 and C9- SQHS Indicators. Whilst the indicators are useful and allow for ease of benchmarking, the guidance is very unclear when it comes to the specific elements and abeyances.
 Homeless returns should be aligned with the datasets and exclusions already in use by the Scottish Government in collection of HL1/2 as the current regime of different organisations collating the same data, but re-cutting it or using different methodologies to measure is contrary to best practice.

4. Are the proposed areas of focus for tenant and resident safety indicators the right ones, and what should those indicators be?

WLC agree with electrical and fire safety indicators.
Regarding Asbestos, there is no legislative requirement to manage asbestos in domestic properties therefore the legislation would need to change before we could even consider indicators for asbestos; likewise, for water safety (legionella). Statutory changes would be required before the regulator could insist on monitoring water and/or asbestos in domestic properties.

5. What do you think would be the most effective and appropriate way to monitor the effectiveness of landlords' approach to managing reports and instances of mould and dampness?

Mould and dampness is often a red flag to tenants when the majority of cases are condensation issues caused by lifestyles/ living conditions. It may be more beneficial for the regulator to ask a qualitative question around the communication for the prevention of mould and dampness and/or ask quantitative question about the percentage of properties with established mould/ dampness.

6. What are your views on strengthening the Framework further on landlords listening to tenants and service users?

West Lothian Council considers that the review should not be too prescriptive; tenant engagement and feedback methods have changed, as have customer expectations. It is already difficult to get views from tenants and service users so strengthening the framework could effectively be setting us up to fail from the start. Equal weight needs to be given to participation not within "traditional" methods of TP - digital and customer experience needs to feature rather than outdated approaches.

7. How do you think we could streamline the requirements for landlords in the Notifiable Events statutory guidance?

NA

8. *Do you think there is value in using more direct language in the working towards compliance status, or in introducing an intermediary regulatory status between compliant and working towards compliance?*

Yes- the language should be more direct; the whole charter & accompanying guidance should be taken back to prescriptive, common sense language. The current language leaves too many indicators open to interpretation.

9. Are there any changes we should make to the Significant Performance Failures approach, including how we define these?

NA

10. Are there any other changes to the Regulatory Framework and associated guidance that you would suggest?

- Bring back the %Complete gauge on the portal.
- The dubious 'neighbourhood' question remains a concern; LAs are still not able to define the scope of the question so it remains unclear if the tenant is commenting on what we as *the housing provider* have control over and what *other*

areas of the council have control over. Therefore, we cannot be confident in using feedback for service improvement activity.

- The sector has been given clear signals from Cosla, Housemark, ALACHO and other bodies as to the current housing crisis and what needs to be actioned. The Scottish Government has not listened and is pressing ahead with plans that will see the homeless crisis deepen. The Regulator has a role to regulate the landlord activity performed independent to policy making - however, looking across what is already being collected, what that is telling us in terms of inability to meet statute, reporting on areas of failure and making the connection to systemic central policy failure would provide more impetus nationally to seek improvements as a whole sector at the source, rather than treating the symptoms too late. LA's are in the grip of firefighting a perfect storm of new statutory duties, with less money, rising homelessness, in a cost of living crisis - this is not individual failure, it relates directly to the policies and frameworks governing housing and homelessness.

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