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	☐
Please publish my response, but not my name	☐

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?

   > The priorities set out here are absolutely in line with our priorities and focus as an RSL.

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

   > The ability for the SHR to request information on a 'thematic' or 'specific assurance' basis is entirely appropriate. This power is already in place and used where required on an ad hoc basis.
   >
   > In terms of building this into the AAS process, as a principle this is uncontentious to us. From a practicality perspective, however, the SHR will need to consider the timing of any 'specific assurance' notifications as most RSLs will operate their AAS monitoring and governance on a rolling basis over a full 12 month period (i.e. it is not a one off event). The comment that 'we would communicate any specific assurance requirements to landlords in advance of their submission of AAS' will need to be more explicitly defined as it is likely to require RSLs to collect different / new data and to include this in their governance processes. We would suggest that any additional assurance that is required to be part of the AAS is notified to RSLs prior to the start of any reporting year to ensure that management teams and Boards are able to build in any new requirements.
   >
   > This does not of course remove the right of the SHR to request any further details during the year outwith the AAS process.

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

   > The collation of consistent information from across the sector is undoubtedly useful for a range of stakeholders. We acknowledge that the collation, validation, and reporting of the indicators can take significant time (and therefore cost to organisations and by default tenants). We would suggest that the SHR review the indicators to ensure that from a regulatory perspective each one provides important information that is used to provide assurance on one or more of the regulatory priorities and which could not be readily sourced elsewhere.
   >
   > In terms of specific feedback on the indicators we suggest the following may be helpful to review further:
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   > - Indicators 3 & 4 Complaints – the SPSO published the four KPIs required under the Model Complaints Handling Procedures in March 2022. Alignment of SPSO indicators and definitions with the ARC could be considered for consistency.
   > - Indicator 10 Repairs 'Right first time' – this is currently a blend of two different aspects being firstly a repair completed the first time it is attended to, and secondly the repair being within 'locally agreed timescales'. This amalgamation is not likely to be well understood to an outside observer and may be useful to reconsider in terms of definition given that timescales will differ between organisations and the indicator as it stands will therefore not be entirely comparable.
   > - Indicator 23 Homelessness referrals – while this indicator can be accurately reported on when an RSL is working with limited local authorities using Section 5 referrals, it does not facilitate useful or accurate reporting from those RSLs working with varying local authority referral systems across multiple areas. It is particularly challenging when common housing registers and choice based lettings systems are used. It could be useful to consider the purpose of the indicator, definitions and alternative approaches.
   >
   > Stock and rent data (including needs type, age, size, partly owned, leased elsewhere self contained, non self contained, lettable, unlettable and non-housing) are reported to the SHR on

individual local authority returns at the same time as the ARC. We suggest consideration of the following to improve the ease of reporting and the accuracy of data published by the SHR annually in August:

- An overall total stock and rent return (auto calculated from the individual local authority returns prior to submission) summarising the information supplied by the RSL and how it will be displayed in the SHR's landlord directory (landlord report and housing stock sections).
- Removal of the current requirement for RSLs to include in their partly owned stock returns, stock that is partly owned by Scottish Ministers.
- A consistent definition of unlettable stock. Currently the Advice Note on stock returns (page 7) and the Technical Guidance for Landlords (page 53) include different definitions.

We would also recommend that when consideration is being given to the ARC reporting, this is undertaken in the context of the wider return requirements in terms of necessity. For example, it is not clear to what purpose the 'loan portfolio return' is put by the SHR and for larger organisations it is a substantial piece of work given the way that the database operates, for information on lending which could readily be gauged from annual accounts information or a far more streamlined process.

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

We are supportive of the continued SHR focus on tenant and resident safety.

In terms of the specific indicators, it is difficult to provide comment without the detail of what is being considered in terms of the data required.

There is a need to consider time and cost of developing and implementing new indicators or reporting in relation to the risk to tenant and resident safety. Any new indicators or reporting requires to ensure there is clarity and consistency of reporting across the sector and how any reporting is interpreted and used as part of the SHR's approach to regulation. It is important to acknowledge that for the indicators noted there are, for the most part, already overarching legislative requirements that landlords are required to meet (for example Asbestos) and it is important that any metrics are aligned with these requirements to avoid any areas of potential duplication / inconsistency.

We would recommend that the SHR convene panels of technical specialists to look at the potential reporting metrics to ensure that any new requirements appropriately meet the needs of tenants, the SHR and landlords alike.

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?

We would suggest that this element is possibly most effectively addressed through the Annual Assurance Statement linking to the organisation's policy, internal procedures and associated internal reporting.

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

As a tenant and service user focused organisation this is entirely uncontentious to us. We would also continue to encourage the direct use of tenant engagement forums by the SHR to ensure that multiple channels of tenant input are used to inform views on how the sector is performing.

In terms of 'service user' engagement the SHR will need to ensure that the term is appropriately defined so that this relates to regulated services under the auspices of the SHR as a number of RSLs will have services users who do not fall under this category and who may be otherwise supported by separate regulation and reporting requirements (for example SSSC).

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

> The Notifiable Events requirements in our view are fit for purpose as they stand.
>
> One potential area for review is the requirement for detailed information on the use of settlement agreements. It may be more appropriate that these are reported in a more summary form, for example, a note that an agreement has been reached, that legal advice has been taken and that the organisation's settlement agreement policy has been complied with. Further detail could be provided in the event of an agreement being reached for senior officers.

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?*

> As a point of principle, the terminology 'working towards compliance' seems slightly academic – i.e. any non-compliant organisation will presumably be trying to resolve that issue in some form.
>
> If a bridge between 'compliant' and 'non-compliant' is felt useful from a Regulatory perspective, then the terminology suggested could fit that model. From a management and Board position the important area is that there is clarity on how the judgement is made as to the categorisation, and in what form this is reported.

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

> The Significant Performance Failures approach in our view is fit for purpose.

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

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