

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?

We feel that these remain broadly the right priorities.

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

We feel that the overuse of such an approach could run the risk of diluting the essence of Annual Assurance Statements which have the major attribute of providing a concise statement of the regulatory position of individual RSLs. This would be a particular concern if there were to be a significant expansion in the adoption of specific assurances and, on this basis, we feel that additional assurance should not be sought unless there is a material/significant reason for their inclusion. We would also observe that the framework should acknowledge that reasonable notice should be given of any requirements for specific assurance.

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

We support the general intention to streamline the number of indicators and to make them as relevant as possible.

Our detailed comments are as follows;

The indicator for time taken to complete adaptations does not allow for meaningful comparison across landlords as many adaptations can be extremely time consuming to undertake (as one example, some tenants with complex support needs may require temporary decant accommodation whilst adaptation works are undertaken). Ideally this indicator should instead focus on the outcome of an adaptation.

We feel that a future area of work should address which indicators would appropriately consider progress with EEESH 2 and decarbonisation, given the level of activity and investment which will be required in these areas.

Although not directly related to ARC indicators we feel that there should be an attempt to capture the prevalence/characteristics of properties which are leased by RSLs.

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

In principle we support a position where electrical, water, fire, asbestos and lift safety (and perhaps other areas) would be suitable additions to be reported within the ARC however, as noted above, we feel that it is essential that adequate consultation is undertaken to make sure such indicators are appropriate and meaningful.

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?

In principle it may be appropriate to develop indicator(s) in this area however this is an area where much work and consultation would be required to agree consistent, clear and meaningful measures. A central question here would be to consider whether existing

requirements (via SHQS) and associated reporting already provide adequate monitoring of the approach adopted by landlords.

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

While we would support this principle, we feel that considerable efforts (and requirements) are already in place in this area and in the absence of specific proposal it is difficult to comment in detail. We would note that the specific area of complaints is subject to regulation by the SPSO and any changes in this area would be considered accordingly.

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

We feel that the current guidance in some areas does not allow for the materiality of events to be considered when determining if an event should be reported – an example is in relation to the reporting of potential adverse media coverage as this again covers a multitude of possible scenarios and runs the risk of excessive/abortive reporting. We understand that it is difficult to achieve a balance within guidance to ensure that relevant events are reported however we would suggest that consideration is given to reviewing the guidance on this basis.

One other detailed comment here is in relation to the specific expectation that all employee tribunals are notified without any consideration of the materiality of the case or the likelihood that many will be resolved prior to be considered at a tribunal. We would suggest that this notification is amended to the reporting of tribunals which proceed to a hearing.

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?*

We feel that there is no need to change the existing categories of regulatory status – we feel that an attempt to introduce additional categories would be counterproductive and run the risk of moving away from the very clear identification of an RSL's compliance with the regulatory framework.

We would agree that the use of more direct language in the working towards compliance status would be a helpful development and that this should be made more explicit.

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

We would not propose any changes to the definition of a significant performance failure although we would also highlight the potential overlap with the SPSO processes for dealing with individual complaints and highlight that such complaints are concluded by the RSL/SPSO before being considered through the SPF routeway.

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

No additional comments

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