

# 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](http://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](mailto:regulatoryframeworkreview@shr.gov.scot)

Or post to: Scottish Housing Regulator  
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36 North Hanover Street, G1 2AD

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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?

1.1 Yes, we believe that these are the key priorities that a housing regulator should be focusing on; but we would like to see more clarity on the status of human rights which is mentioned but not listed as a key priority.

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

2.1 We believe that the annual Assurance Statement approach is a good way to assess compliance of RSLs. In addition, we undertake internal auditing of our assurance process (carried out by an independent external organisation) to ensure efficacy of our approach and report monthly to our Board of Management.

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

3.1 Further guidance on Indicator 15 - What needs to be reported as an ASB case?, i.e. where the RSL continues to receive repeated complaints and counter complaints from the same person(s) but there is no evidence of ASB incidents as per Part 13 of the Anti-Social Behaviour (Scotland) Act 2004. This is resulting in multiple cases being opened and closed where there is only one ongoing/unresolved issue due to a lifestyle clash or relationship breakdown between neighbours.

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

4.1 Tenant safety should rightly be a key priority.

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?

5.1 Reporting on dampness and mould should be primarily undertaken through the annual assurance statement rather than the ARC given the challenge in ensuring fairness in assessing occurrences of dampness and mould. Ensuring parity in this area may be a challenge

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

6.1 We welcome any approach to strengthening communication with tenants/service users.

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

7.1 Notifiable events should pertain to the most critical of organisation matters however ascertaining what constitutes a notifiable event can be difficult. A step-through self-assessment system/web page that can help diagnose whether an event is notifiable or not would be helpful - see [ICO website](#) for an example when reporting a GDPR personal data breach.

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?*

8.1 We believe that introducing an additional status may confuse tenants, service users and lenders given the apparent similarities between the various levels. However, we would be content to adopt any new regulatory status if the distinctions between them can be clearly identified by all stakeholders so that they can have the desired impact in illustrating a Registered Social Landlord's level of performance.

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

9.1 No, we believe that the Significant Performance Failures service is clearly laid out for tenants and for use in instances of systemic failure in the performance of an RSL.

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

10.1. We support the 20 recommendations in the SFHA Research Report: 'The Regulatory Framework in Practice' June 2023.

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