



**TPAS Conference  
Saturday November 17, 2018**

**George Walker  
Chair, Scottish Housing Regulator**

Good morning. Thank you so much for inviting me back to speak with you. I know this conference is a very important event on the social housing calendar. I'm certainly delighted to be included.

Today's event actually marks an anniversary of sorts for me. Some of you might remember that I spoke at your conference last year. That was my first conference speech as SHR Chair. So I hope that given you've invited me back, maybe that means I didn't do too badly last time around.

Back then I made the point that tenants and service users are **at the heart of our work** and it was fitting that my first speech was at a national tenant event. That sentiment hasn't changed one bit. As you'll hear, tenants will remain **right at the centre** of our work as we move towards a new regulatory framework.

Many of you will know that we're in the middle of a consultation process on this new regulatory framework for social housing. Our proposals are all about promoting and supporting a culture of **assurance, openness and transparency**. That's what I want to focus on for you this morning.

I also hope you won't mind because I'm going to shamelessly promote to you what I think is a **fantastic opportunity for a tenant to join our Board, the Board of SHR** and so play a key role in influencing social housing regulation in Scotland. More on that later.

If you're familiar with SHR, chances are you'll have read, or heard us talking about our **single statutory objective** to safeguard and promote the interests of:

- tenants
- people who are homeless
- and others who use social landlords' services.

It's important to highlight our statutory objective. Why? Because it **really does drive everything we do**. So it's very important to have opportunities like today to speak with you and hear what you think. Because, what you think really matters to me and to SHR.

As many of you will know, we launched a formal consultation at the start of October on how we regulate. Our statutory objective hasn't changed. What we're doing is refreshing the tools we use to regulate your landlords

The consultation is in its second phase. We published a discussion paper setting out our early ideas at the start of the year. That was the first phase. We had great feedback - written responses from more than ninety organisations and individuals, and lots of engaging discussion. You may well have contributed. **And if you did – thank you.**

We've continued the discussion as we've developed our proposals. We've been out and about having roundtable events, speaking with tenant groups, landlords and other important stakeholders to hear feedback and ideas. We're currently part-way through a series of 10 tenant events – supported by TPAS and TIS - right across the country, from Moffat to Stornoway, Kirkwall and Lerwick. I've attended events so

far, in Stirling and Edinburgh, and **we had great discussion and ideas** at both.

So it's an incredibly busy time. It's also an inclusive and hugely worthwhile process. The consultation is open until 14 December, and we welcome feedback from everyone who has an interest in our work. **I'd encourage you to take part.**

So, what are we consulting on? Well, the consultation covers all aspects of our regulatory framework. It sets out how we plan to deliver our statutory objective and duties, and how we will use our regulatory powers. The proposals build on our earlier ideas and all the feedback we got from tenants, landlords and other stakeholders.

In broad terms, the consultation proposes four main areas for our work.

We plan to continue to **publish useful, accessible information** to help tenants and others to ask questions about their landlords' performance and rents, and to hold them to account. We're exploring how we can use technology to help us get useful information to as many tenants as want it. We'll also continue to require landlords to report their performance to tenants, in the ways that tenants agree they want.

Secondly, **we want landlords to assure** themselves, their tenants and us that they are **doing the right things**. We have some significant new proposals in this area, so I'll come back to this in a moment.

The third area is about how we respond **when landlords aren't delivering the right things** for their tenants and other service users.

You'll know that the Scottish Parliament gave us powers to step in to ensure the interests of tenants, people who are homeless and others if there are serious governance, financial or performance failures in a landlord.

You probably also know that we **do use these powers when we need to**. Our framework proposals explains how we will continue to use these powers in an effective, proportionate way to address any significant failures.

And finally lots of stakeholders, including tenants, have told us how much they value what we call **thematic work**. This work looks in detail at specific issues or service areas, and considers common themes, risks and good practice across a number of landlords. Our past thematic work has focussed on areas that tenants told us matter to them. These have included repairs services, gas safety and complaints handling.

So, back to **getting assurance**. As I mentioned, this is the area of our consultation where we are proposing the most 'new stuff'.

First, let me explain what we want landlords to assure themselves about. We've set out a proposed a clear list of regulatory requirements for landlords in the consultation. Many of these aren't new, but we've pulled them into one place so that it's easier to see what landlords are required to do.

The key requirements for all landlords, both local authorities and RSLs, focus on:

- achieving the Scottish Social Housing Charter

- meeting legal duties in housing and homelessness, including human rights, equalities duties and in tenant safety
- the importance of tenant feedback and learning from complaints.

RSLs are also required to meet Standards of Governance and Financial Management.

Landlords would assure themselves that they are achieving the Charter, meeting their legal duties and all of these other requirements. They would then confirm this in **an Annual Assurance Statement** - or explain any significant areas where they currently don't comply and set out what they are doing to fix them.

The Statement would be owned and signed off by each RSL's governing body or the appropriate local authority committee. It would be for the governing body or committee to assure itself that it has seen enough evidence to be able to sign it.

Each landlord would make its Statement available to its tenants, and we would publish all the Statements on our website too. **This is an example of openness and transparency in action.** It's about landlords being open and transparent to you.

We would consider each landlord's Statement alongside all of the other information that we know about it, as part of our risk assessment. We would then decide if we need any more information from the landlord, and if we need to talk to them about any areas of concern. We also plan to visit a number of landlords each year to verify the evidence that supports their Statements.

We think it's important that tenants should be able to see clearly how we are engaging with their landlord - **another example of openness and transparency.**

So we propose to publish an Engagement Plan for **every single social landlord in Scotland.** So all the RSLs and the local authorities. This would set out

- the information we require from the landlord
- any further work we are doing with it
- and why

These new Engagement plans would replace the Regulation Plans we currently publish for only **some** RSLs, and would be a new thing for local authorities.

As you know, we have a broader role with RSLs than local authorities, as the Housing Act requires us to monitor and assess their governance and financial management as well as their Charter performance. So for RSLs, we also propose to publish a new regulatory status.

We're proposing three levels of regulatory status for RSLs: **compliant**, **working towards compliance**, and **statutory action**.

The first is where we view the RSL as **fully or generally complying** with regulatory requirements and the Standards. Of course we recognise that organisations may not always be at 100% at all times. So that term **generally compliant** is really important.

**‘Working towards compliance’** is where an RSL is not complying to a significant level but has demonstrated that it has the capacity and willingness to sort out its issues in a reasonable timeframe.

And **‘statutory action’** is where we have had to use our powers of intervention because of the seriousness or complexity of the non-compliance.

Based on the information we currently hold on RSLs, I really don’t think it will surprise you that the vast majority would sit in the ‘compliant’ status.

So, what are the timescales for the consultation and changes? We’ll be reflecting on all of the feedback from the consultation over the coming months. We plan to publish the new regulatory framework and guidance by the end of February, with it all of this new approach going live in April 2019.

Taken together, all of our proposals aim to promote and support a **culture of assurance, openness, transparency, and a strong tenant voice**. By this we mean that landlords involve tenants in assessing their performance, in discussions about affordability and in what they get for their rent.

The Annual Assurance Statement would be about landlords assuring themselves that they are delivering **what their tenants want and need, at a price that they can afford to pay**. To do this properly, we strongly believe that they really do need to know what their tenants think.

**Tenant feedback**, including from complaints, gives governing bodies and committees an **important, objective view** of how the landlord is **really** performing, particularly against the Charter.

So our draft guidance on the Statement requires them to consider feedback from tenants and other service users when deciding what to put in their Annual Assurance Statement. **Another example of the openness and transparency** we want you to have from your landlords.

I've covered a lot of ground there, and I know we'll have some time to discuss these ideas shortly and I'm really keen to hear your thoughts or take your questions.

Before I finish though, I did say that I want to **plug a great opportunity** for tenant involvement right at the heart of social housing regulation in Scotland.

SHR's Board is responsible for leading and setting the Regulator's strategic direction and ensuring it achieves its statutory objective. I can say from personal experience that being on the Board is a fantastic, busy, challenging and a **hugely rewarding role**.

We have recently advertised for two new Board members. Scottish Ministers would like to appoint **someone who lives in social housing in Scotland**, and also someone with experience of housing service provision at a strategy or senior level. The closing date is 23 November. So be quick if you do want to apply.

There is lots of information on our website. I would really encourage anyone who is interested to consider this opportunity, and please come and chat to me today if you have any questions. I'd also ask you all to please spread the word to others who may fit the bill.

We put together a short video to promote the vacancies. We'll run it now, to give you more of a flavour of the role. I'm sorry but there's a bit more of me I'm afraid, but much more importantly you'll hear from one of our existing Board members, Lisa Peebles, who is a tenant, about the Board and the role. Sadly for us, Lisa is coming to the end of her second term and will leave the Board in March. She describes the role and what drove her to get involved perfectly.

So, in conclusion. This is a really important year for SHR. We're just about to turn the page onto:

- A new chapter
- A new Regulatory Framework
- New Board members.

Our emphasis will be on **promoting and supporting a culture of assurance, openness and transparency**. Supporting responsible landlords do the right things for you their tenants. So yes, as Chair of SHR I can promise you today that all of us at SHR: The Board, the management and of course our team of hard working staff will continue **to work for you** and keep tenants still right at the heart of all our work.

Thank you.