

Regulatory Framework Review

Tenant consultation events

Opening remarks

Thank you so much for joining us today, I'm really looking forward to a good discussion. And thank you to [TIS / TPAS] for their support in organising this event.

The Scottish Housing Regulator has a single statutory objective- to safeguard and promote the interests of tenants, people who are homeless and others who use social landlords' services. This places tenants at the very heart of our regulation. So it's really important that we have opportunities like today to hear what you think.

We launched a formal consultation on how we regulate at the start of October. The consultation is open until 14 December, and we welcome feedback from everyone who has an interest in our work.

The consultation covers all aspects of our regulatory framework. It sets out how we plan to deliver our statutory objective and duties, and use our regulatory powers. The proposals in the consultation build on a discussion paper we published earlier this year, and all the feedback we got from tenants, landlords and other stakeholders in response to that. Many of you in the room will have contributed your views and suggestions, so thank you for that.

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 ways agreed with them.

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. The Scottish Parliament gave us powers to step in to protect tenants, people who are homeless and others if there are serious governance, financial or performance failures in a landlord. Our framework explains how we will use these powers in an effective, proportionate way to address the failures.

And finally lots of stakeholders, including tenants, have told us how much they value our 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. We're very keen to hear your thoughts today on what these areas might be for the future.

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 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 relation to housing and homelessness, including equalities duties and tenant safety; and
- the importance of tenant feedback and learning from complaints.

RSLs are also required to meet Standards of Governance and Financial Management. We've proposed some changes to the Standards, for example to give more emphasis to rent affordability, and to stress the importance of RSL Board skills and development.

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 don't comply and set out what they are doing to fix them.

The Statement would be owned 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.

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 engage with it about any areas of concern. We would also 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. So we propose to publish an Engagement Plan for every landlord, both local authorities and RSLs. This would set out the information we require from the landlord, any further work we are doing with it and why. This would replace the Regulation Plans we currently publish for some RSLs, and would be a new product for local authorities.

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. This would set out whether we think they comply with the Standards of Governance and Financial Management, as well as other regulatory requirements. If the RSL doesn't comply, we would state whether they are working towards compliance, or if we are having to take statutory action to address the failure.

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 going live in April.

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

We also plan to continue the current arrangements for tenants to raise significant performance failures with us.

We're really keen to hear from you today on what you think 'tenant voice' means, and what we should require from landlords around this. We'll have a chance to discuss this in a moment.

Before we do, I want to let you know about another way that we are making sure tenants' interests are at the heart of our work. This is an opportunity that may be of interest to some of you in this room.

We have recently advertised for two new Board members. Scottish Ministers wish 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. We have circulated some flyers today to help promote this. There is also lots of additional information on our website, and on the 'appointed for Scotland' website, including how to book on to one of our information events. 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. Ministers will appoint the new members from April 2019.

Thank you again for your time today, and I look forward to hearing what you think.