

Consultation on the future of our regulatory approach in response to the COVID-19 pandemic: Consultation questions

We welcome your general feedback on our proposals as well as answers to the specific questions we have raised. Please do not feel you have to answer every question unless you wish to do so.

Send your completed questionnaire to us by **14 August 2020**.

By email @: shr@shr.gov.scot

Or post to: Scottish Housing Regulator
Buchanan House
58 Port Dundas Road, Glasgow, G4 0HF

Name/organisation name

Homes for Life Housing Partnership Ltd

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Phone **01620 829300**

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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

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. Are our proposals for the Annual Assurance Statement right?

No, these are inconsistent with the approach taken for all other periodic regulatory returns during these uniquely challenging circumstances.

2. Should we publish advisory guidance to assist landlords to adapt their approach to the submission of the AAS?

Yes.

3. Would you like to make any other comments or suggestions about our approach to getting Annual Assurance Statements?

SHR has so far been consistent in its consideration of potential C19 impact on RSLs and reflecting that in its requirement for periodic regulatory returns. Submission deadlines for these have consistently been deferred by a minimum of 2 months- with the sole proposed exception of the AAS. This proposal is clearly inconsistent with that broader approach- which fairly reflects current challenges and related workload. This is surprising and inappropriate given that the challenges for governance under current C19 restrictions are so clearly recognised in guidance issued by or endorsed by SHR. Most RSLs had, under current circumstances, reasonably anticipated that SHR would take the same position on the AAS deadline and announce an equivalent deferral. It seems illogical that SHR have not done so.

It feels like an error of judgement, under these uniquely challenging circumstances, to propose there should be no equivalent deferral for the key governance return to be made by RSLs. This is particularly so, given the scale and seriousness of the undertaking required individually of governing body members and collectively of governing bodies in approving and submitting these returns- which requires thorough and comprehensive collection and collation of information across the full range of requirements, as well as thorough review and analysis of that performance in order to make the necessary informed and appropriate judgement on compliance and statement of assurance. The challenges of doing so without any likely possibility of physical meeting, relying entirely on virtual meeting and sharing of information should not be underestimated, and do not appear to have been adequately taken into account in this proposal.

The assurance process is a relatively new one, with which governing bodies and members are still becoming accustomed. Seeking to enforce an unnecessarily tight timescale for its return under current challenging circumstances can only have a negative outcome- for all concerned. This proposal risks undermining the confidence of governing bodies and staff, as well as potentially their customers and other stakeholders.

SHR have suggested that those who feel an end October AAS submission would put them under undue strain could make an individual case for a deferral. We feel strongly that is an inappropriate position. Those who feel able to make earlier submissions can and do for all periodic returns to SHR. Others take the full time allowed and are not seen as special cases for doing so. This suggestion appears disingenuous and demeaning to the huge efforts being made by governing body members and staff seeking to maintain maximum possible services for our customers under these uniquely challenging circumstances.

Surely, given that RSLs currently need to prepare for further expansion of services and phased return to offices, to communicate with customers on necessary changes, and to account to their memberships through virtual AGMs- an equivalent deferral for AAS returns is clearly also required.

An equivalent minimum deferral for the AAS would be no earlier than an end December return. However, given the festive closedown- which this year is likely to be all the more necessary- the earliest reasonable date for a deferred AAS return would be mid-January, but preferably end January.

That may require a subsequent deferral of issue of Engagement Plans, again reflecting current uniquely changed and challenging circumstances. If so, customers, lenders, Government, other Regulators, RSLs, and other stakeholders would accept and support that as reasonable and necessary.

4. Are our proposals for the publication of Charter performance right?

Yes. These are reasonable and fully consistent with SHR's position on other deferrals with the sole exception of the AAS.

5: Would you like to make any other comments or suggestions about our approach to the publication of Charter performance?

No.

6: Are our proposals for the publication of Engagement Plans and regulatory status right?

In principle yes- provided SHR has time after a deferred end Jan AAS return to collate information, assess compliance and prepare plans. However, as indicated, if that timescale feels too tight for SHR and issue of Engagement Plans needs to be deferred- then customers, lenders, Government, other Regulators, RSLs, and other stakeholders would accept and support that as reasonable and necessary under these uniquely challenging circumstances.

7: Would you like to make any other comments or suggestions about our approach to the publication of Engagement Plans and regulatory status?

No.

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