

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?

Yes, although detail about what they mean in practice would be useful. The language in which priorities are written could be clearer, for example, who are “all they”?

Would also be useful to have another priority of listening to and engaging constructively with the sector – a more inclusive approach would allow SHR to better achieve its purpose.

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

Not a good idea as it may have the unintended consequence of leading to a focus on those areas to the detriment of others.

How would SHR decide what they are and why they would be seen to have priority?

Would be better to simply include specific areas of focus in SHR annual priorities.

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

There needs to be better clarity on what the purpose of the indicator is and how the method of measurement delivers on this. Also needs to be better clarity on what the data collected is used for and how it helps SHR achieve its purpose – at present it appears to be more about counting outputs rather than measuring outcomes.

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

What is the reason, what is the purpose? This could be open ended and again may have the unintended consequence of a focus on areas specified to the detriment of others.

Would appear to be a reaction to events rather than thought out intention. What will it actually achieve? How could it be effectively measured to be 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?

Being so specific to focus in one area is not the role of SHR. RSLs need to meet all their obligations to tenants and not just those to which there has been a reaction due to tragic events elsewhere.

Why would "managing reports and instances of mould and dampness" be more important to be specifically looked at than managing reports of, for example, gas or electric concerns which could also have fatal consequences.

The SHR focus their monitoring of damp and mould would appear to be a reaction to the English coroners report into the tragic death of Awaab Ishak. What would it actually achieve and how? It is very likely that if Rochdale had been asked to give assurance on their approach, they would have done so.

SHR would be better spending resources clarifying all the requirements of RSLs, specifically, and considering compliance with all, rather than focussing on specific areas.

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

Not clear on the purpose of this or where the evidence is that makes SHR think it is required?

Is this not a duplication of SPSO requirement and therefore double regulation? Again, this appears a reaction to the coroners report as referred to in section 6.

It would be better to have a more simple and straightforward way for tenants to raise concerns. It is already confusing with complaints systems, when SHR will get involved, whistleblowing and significant failures.

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

Guidance is relatively clear but system could be better with clarity on what happens post notification, timescales, follow up etc.

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?*

Yes. More clarity and direct language by SHR in all areas would be welcome.

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

Make it more user friendly for customers. Be clearer on process, timescales etc.

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

Not clear how the proposed changes relate to the changed context that discussion paper refers to at Section 3.

Consistency across regulation teams and by individual teams across their RSL base would be beneficial.

Would be beneficial for SHR, especially in the implementation of the RF, to have more of its people with recent and detailed experience of working within RSLs, and vice versa for the sector with SHR – perhaps an ongoing programme of secondments could be established to aid better joint understanding.

Other suggestions are as per the Altair research report produced for SFHA – report given as attachment to Discussion Paper response e-mail, and below is a summary:

Altair Recommendations:

No.	Recommendation	Relevant section in report
The SHR should continue to:		
1.	Maintain the current principles and structure of the regulatory framework.	Section 8 – Regulatory requirements
2.	Publish similar amounts of information already available to RSLs through its website.	Section 5 - Engagement, relationship, comms
3.	Maintain its approach to statutory interventions that is outlined in current the regulatory framework.	Section 7 – Statutory intervention
4.	Be transparent in publishing case studies on statutory interventions, lessons learned from interventions and information on how RSLs can ensure compliance with the regulatory framework.	Section 7 – Statutory intervention
The SHR should start to:		
5.	Explore methods to address concerns over their approachability – including the potential of a more clearly defined co-regulatory approach.	Section 5 - Engagement, relationship, comms
6.	Offer more feedback opportunities for RSLs on the regulatory framework and its regulatory approach.	Section 5 - Engagement, relationship, comms
7.	Publish feedback from its landlord working groups in a timely and transparent manner.	Section 5 - Engagement, relationship, comms
8.	Make clear the process and regularity of how membership of its landlord working groups will be rotated to ensure all RSLs have the opportunity to be involved.	Section 5 - Engagement, relationship, comms
9.	Assess its approach to communicating with RSLs, ensuring communication is clear, concise and consistent.	Section 5 - Engagement, relationship, comms
10.	Consider reviewing notifiable events guidance to provide further clarity on what constitutes a notifiable event, and how this will be dealt with by the SHR once reported (to ensure consistency).	Section 5 - Engagement, relationship, comms Section 6 – SHR guidance

No.	Recommendation	Relevant section in report
11.	Provide regular opportunities for RSLs to give feedback on their regulation managers.	Section 5 - Engagement, relationship, comms
12.	Clearly define parameters of the role for regulation managers and look at methods of ensuring consistency of approach.	Section 5 - Engagement, relationship, comms
13.	Ensure that there are additional support routes available for RSLs from the SHR if they feel they are not receiving appropriate support.	Section 5 - Engagement, relationship, comms
14.	Provide further clarity on how the data collected by RSLs as part of statutory submissions is used by the SHR.	Section 8 – Regulatory requirements
15.	Consider how information is shared with RSLs to ensure that they are utilising available SHR resources effectively.	Section 8 – Regulatory requirements
16.	Consider reduced submission requirements for smaller RSLs, as is the case in other social housing regulators in the UK.	Section 8 – Regulatory requirements
17.	Improve the technology that enables RSLs to submit information.	Section 8 – Regulatory requirements
18.	Provide further clarity on: <ul style="list-style-type: none"> • The implications of not following each guidance type within the framework • The purpose of each guidance type • The purpose of any amendments made to guidance sets • The changing terminology on each guidance type 	Section 6 – SHR guidance
19.	Ensure the timing of amendments to guidance provides enough time for RSLs to take these on board ahead of regulatory submissions.	Section 6 – SHR guidance
20.	Consider how the guidance issued by the SHR reflects the role and approach of regulation of social housing in Scotland.	Section 6 – SHR guidance