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**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
2nd floor , George House
36 North Hanover Street, G1 2AD

Name/organisation name

Glasgow City Council – NRS Housing Services

Address

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231 George Street		
Glasgow		
Postcode G1 1RX	Phone	Email

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 ...

<p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></p> <p>Please tell us how you would like your response to be published.</p> <p>Publish my full response, including my name <input checked="" type="checkbox"/></p> <p>Please publish my response, but not my name <input type="checkbox"/></p>	<p>Pick 1</p>
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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?

It is noted that the 2010 Act gives the Regulator a single statutory objective, to safeguard and promote the interests of persons who are or who may become homeless, tenants of social landlords, or recipients of housing services provided by social landlords. The Act also sets out the Regulator's general functions. These are:

a) to keep a publicly available register of social landlords, and

b) to monitor, assess and report regularly on (and, where appropriate, to make regulatory interventions relation to):

- social landlords' performance of housing activities; and
- registered social landlords' financial well-being and standards of governance.

It is noted that the SHR sets out four broad ways that it carries out work with both local authorities and RSLs:

- gathering and publishing data in ways that tenants and others can use;
- getting assurance from landlords;
- taking action where we need to; and
- thematic work to look in depth at specific areas of landlords' work.

It is noted that Section 36 of the 2010 Act requires SHR to issue a Code of Conduct setting out Standards of Governance and Financial Management for RSLs. These Standards represent that Code.

It is noted that the four regulatory priorities proposed:

- listening and responding effectively to tenants and service users;
- providing good quality and safe homes;
- keeping homes as affordable as possible; and
- doing all they can to reduce the number of people who are experiencing homelessness.

In general, these four regulatory priorities are agreed. The following points are noted for consideration. The consultation document highlights issues of governance and financial risk management as critical, see:

"For RSL tenants, a further important risk is them losing their home or secure tenancy if their landlord becomes insolvent. The best way for an RSL to protect against these risks and to protect its financial health is for the organisation to put in place and maintain the building blocks of good governance. This means that it will have the capacity and quality of information to make sound decisions about its services for tenants and others, investment in its homes, future business plans, financial arrangements, and policies. Our experience is that governance failures are often at the root of serious problems.

We also recognise the wider harm if lenders, investors and funders to RSLs do not see them as a good place to invest, resulting in less, or more expensive, investment in new

and existing homes. By regulating effectively we help to maintain lenders', investors' and funders' confidence."

It is unclear how these directly address the issues highlighted above of governance and financial risk management. Given the importance of good governance and risk management, it is suggested that an additional priority is set out for landlords as follows:

- maintaining robust, transparent and accountable, financial and risk management plans and procedures

"Doing all they can" to reduce homelessness is not specific and should be strengthened given the importance of RSL housing supply to meeting the needs of homeless households and the reliance on this stock in stock transfer local authorities. Considering how significant this issue is and the housing pressures across Scotland, it is suggested this should be more directive in relation to identified need, RRTP and wider duties towards homeless prevention.

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

- Agree in principle. Note that issues may arise due to the specificity of the assurances sought and the degree to which information management systems are standardised across the sector to be able to collate this information without placing a significant cost burden on RSLs that may require to amend ICT contracts in order to generate this information. Consideration should be given to the notice period required for specific assurances to allow sufficient time to make any ICT and/or records management adjustments.

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

By definition, a person that has applied to a RSL is a recipient of a housing service provided by a RSL and therefore is within scope of the SHR Regulatory Framework. As such, the ARC ought to include indicators related to the RSL housing register including:

- The total number of applicants at year end (31st March);
- Total applicants by list (waiting; transfer; homeless; other);
- Total number of new applicants registered during the previous 12 months;
- Total number of applicants removed from the register during the last 12 months.

We would request that data (for example but not limited to, stock, waiting list and letting data) supplied by regional and national RSLs is provided and published at local authority level.

This information, alongside other indicators in the ARC relating to relets (14,16 and 17) and applicants and adaptations (19-21), is vital to understand demand pressures for homes and how a RSL is managing needs. It should also be considered alongside rent information and investment intentions.

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

We note and agree in principle with the proposal to introduce to the ARC indicators that focus on tenant and resident safety, in addition to those that are already there on gas safety and emergency repairs. These additional indicators would focus on electrical, water, fire, asbestos and lift safety.

Consideration should be given to identifying measures based on the type of service response expected and required, as follows:

- Cyclical / 'business as usual', for example compliance with undertaking gas safety checks within a 12 month period;
- 'responsive' based on urgent needs (emergency repairs); and

- 'planned investment' to address particular issues such as safe removal of asbestos.

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?

A basic question would be to ask (yes/no), does the landlord have a clear and up to date published policy for addressing mould and dampness that includes the following:

- Clear guidance and pathways for tenants and other visiting services to report instances of mould and damp;
- A service commitment to respond to reports within a specified period (e.g. 5 working days) and which may determine an accelerated pathway for investigation and intervention;
- A service commitment outlining the treatment responses to instances of mould and dampness, which includes identification of the cause(s) of damp and mould and the remediation/treatment action(s) to remove;
- A service commitment outlining the circumstances under which a tenant household may be decanted to another home for treatment works to be undertaken.

Alongside this basic assurance question, further monitoring indicators could be included to show responsiveness, as follows:

- Total number of reported cases of damp and mould;
- Total number of repeat cases of damp and mould within a 12 month period (similar to homeless tenancy sustainment this measure would be to show the efficacy of the remediation/treatment measures preventing re-occurrence);
- Average time taken to respond to reported cases of damp and mould;
- Average time taken to complete treatment and remediation of damp and mould;
- The total number of households decanted due to instances of damp and mould; and
- The average length of time for households decanted due to instances of damp and mould.

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

Agree with these proposals.

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

Agree in principle with the proposed review of the statutory guidance on Notifiable Events. The Notifiable Events statutory guidance could indicate how a landlord is to be advised that they are classified as "systemically significant".

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?*

No. A compliance status rating is about transparency and integrity i.e. all identified components within the regulatory framework are considered essential (otherwise they would not be there) and therefore any omission is non-compliant. If there are elements within the Regulatory Framework which are considered minor and there is clear and repeated evidence that a significant proportion of RSLs are failing in this measure but not others then the SHR should consider removing these elements rather than amending the compliance status ratings.

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

None suggested.

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

The Regulatory Framework should consider any new requirements arising from the forthcoming Housing Bill and include a commitment to review and update as required.

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