

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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Name/organisation name

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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	<input type="checkbox"/>
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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?

We would agree that these priorities are the correct ones but would like to make the following comments.

There is a trade-off/balance in terms of providing good quality homes and the investment needed to continually improve the fabric of the housing stock and keeping homes as affordable as possible. This is likely to become more evident given the rising costs in terms of staffing and materials and any future requirements put on landlords resulting from the zero carbon agenda.

In terms of homelessness, we are aware that the SHR looks at a range of data relating to homelessness but the wording above suggests that reducing the number of households/people experiencing homelessness is the key priority, as opposed to the outcomes being achieved. In addition, homelessness services are coping with a reduced number of properties becoming available to let and increased demand in terms of the various re-settlement schemes that currently exist.

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

We think that this would be an appropriate amendment to the Statutory Guidance. As outlined in the discussion paper, it would be important for the SHR to communicate any specific assurance requirements to landlords in advance of their submission of the AAS, but also to provide the context/rationale for why this is being sought. It would also be important that adequate time is given to landlords to ensure that the relevant assurance could be provided to Committee/Board relating to the specific issue.

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

Overall, we think that the current indicators within the ARC are relevant and useful in terms of assessing overall performance and the quality of services provided to tenants and other customers. However, some indicators are better than others and there should be a willingness to remove or replace indicators where it is clear that they do not add value.

Some indicators are important in terms of internal management but poor in terms of benchmarking and target setting. A review of what is deemed a performance indicator (and therefore a direction of travel expected) and what are contextual indicators would also be beneficial. Some indicators which are contextual would be better suited as performance indicators and vice versa.

The Regulator should encourage and facilitate detailed discussion as part of the review and ensure that the views of landlords and national bodies are given proper weight in terms of the outcome of any review. That said, we would provide these specific comments on particular indicators:

Indicator 15 - % of ASB cases resolved: this indicator is weak in terms of measuring how good or otherwise ASB services are. This could be improved by asking for additional information around the outcomes of ASB cases and how satisfied those that had contacted their landlord were with these outcomes.

Indicator 17 - % of lettable homes that became vacant: This is a useful contextual indicator though not necessarily a measure of performance of the level of service provided by landlords. Many factors can lead tenants to leave their homes and these are not always for negative reasons. A certain level of turnover in terms of housing stock is also crucial in terms of ensuring access to housing for households on the housing list and for households experiencing homelessness. In terms of a benchmark and performance, it is not clear how either a lower or higher figure in terms of the % reported in the ARC compared to the previous year, could be deemed to be either a positive or negative outturn.

Indicator 22 - % of court actions resulting in eviction: This is a weak indicator in terms of measuring performance, as it seems to focus on the actual process (so if a court action is raised it should lead to an eviction). Also the current definition which separates the reasons for court action being taken, skews the data due to sometimes very low numbers and this limits benchmarking opportunities. If the SHR are looking at the level of evictions as opposed to the process, then an indicator such as evictions per x of stock held, could be introduced and would be more easily benchmarked.

Previous Charter Indicators that were removed relating to satisfaction with the re-let standard and satisfaction with the quality of temporary accommodation were useful and could be re-introduced.

Landlords would need to be given adequate time to accurately collate data for any changes/additions made to the Charter Indicators.

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

Yes, indicators around these areas are relevant to tenant safety and reflect statutory responsibilities of landlords. The SHN have produced a set of pilot indicators around tenant safety which could be used for consideration by the SHR.

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?

This could be complex but would include any indicators relating to damp and mould would need to address the number of instances reported/detected (proactively), timescales for addressing the issue and potentially causes and level of severity. Potentially industry experts could be involved developing indicators and their technical definitions, there may also be examples from other countries which are deemed to work well.

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

All landlords should be aiming to provide tenants and other service users with easy and safe ways to provide feedback and raise concerns, so we would be supportive of strengthening this aspect of the Framework.

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

The current approach seems relatively straight forward and the current guidance is clear. If there is currently a lack of consistency in terms of what landlords report and this includes issues that are not critical, then perhaps further examples of what should and should not be notified could be included in any updated guidance.

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?*

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

The current approach and definitions seem adequate and it is important that this avenue should be available for tenants. The fact that this is little used could be influenced by the success of existing landlord processes in place to remedy any issues (awareness of performance and taking actions to address this, existing complaints processes etc.). All landlords should make the SHR factsheet relating to SFP available to tenants via their website and other communication channels.

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

Any changes to the ARC technical guidance should be published highlighting tracked changes.

FAQ's relating to specific Charter Indicators could be included in any updated technical guidance following the definition.

The stock information provided via the landlord portal should be part of the ARC submission and be available via the PDF version.

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