

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

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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	<input type="checkbox"/>
Please publish my response, but not my name	<input type="checkbox"/>

The North Lanarkshire Federation of Tenants and Residents (NLF) is an umbrella organisation that aims to strengthen and unify the voice of local resident groups across North Lanarkshire. Established in 2006, we work in partnership with North Lanarkshire Council and Registered Social Landlords operating in the North Lanarkshire area. NLF is managed by our Executive Committee (EC), made up of 12 people democratically elected by our member organisations. In addition to our EC meetings, we also hold at least 3 meetings and an AGM each year open to any member, and seek the opinions of members outwith our general meetings to guide and support the EC. We do this as and when required in a range of ways, including structured consultations, public events, attending member group meetings and networking with members.

The Federation works to make sure that every resident in North Lanarkshire receives excellent housing and related services, and to make sure that the opinions of local people are an integral part of decision-making processes.

NLF are the largest tenants and residents' representative group in Scotland. We therefore welcome the opportunity to respond to this important discussion paper from the Scottish Housing Regulator. The views of tenants, potential future tenants and other people who use housing or housing related services continue to inform the priorities for the regulation of social housing in Scotland. Our response has been collated with the support of the North Lanarkshire Council tenant participation team, and independent consultants North Star Consulting and Research, who facilitated a hybrid discussion meeting of sixteen tenants and residents from across the authority (including some representing their tenant or resident association) to inform this response.

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 agree that these are important priorities that should continue to shape the regulatory framework.

We agree with the suggestion that an emphasis on listening and responding to tenants and service users should be strengthened and more explicitly stated in the revised framework. However, we are concerned that the term 'effectively' may be too ambiguous. Our suggested alternative wording would be to 'respond positively'.

Through our networks, we are acutely aware of the damaging negative impacts that poor quality and/or unaffordable housing can have on the physical and mental health of residents. We agree that the provision of good quality and safe homes, and keeping homes as affordable as possible should therefore continue to be regulatory priorities for all social landlords for the next framework period.

We welcome the emphasis on proactively reducing the number of people experiencing homelessness as a priority. We are aware, however, that there is not sufficient available social housing available across our area to meet the needs of all applicants. Many end up housed in the private rented sector which is currently sublet to less stringent monitoring and regulation. Whilst outwith the scope of this specific discussion paper or the remit of the SHR, we would like to record our support for current Scottish Government proposals to establish a similar regulatory framework for private sector tenants.

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

We have no experience of preparing the Annual Assurance Statement and do not feel we can offer a view here.

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

We recognise that collating the information required for annual returns can be a very time-consuming exercise for landlords, and it is therefore appropriate for the SHR to review whether the information collected remains appropriate and proportionate.

As a group, we can think of numerous examples where the data has allowed us to scrutinise, interrogate and benchmark our landlord's performance and to ensure the continuous improvement of services in partnership with our landlord. We feel it is important that this information continues to be collected by the SHR and made available to the people who use social housing services so that they can continue to probe trends and performance where necessary. We believe it may also help some people to make better informed choices about landlords they want to apply to be housed by. We did not identify any areas in the existing indicators that we think are no longer relevant or appropriate.

We have some concerns that interpretations of complaints being 'resolved' can be subjective and think that the inclusion of resident satisfaction with the outcome of resolved complaints may provide a fuller picture.

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

We broadly agree with the development of additional indicators for the areas relating to tenant and resident safety set out in the discussion paper.

There is a risk that this requires additional work for landlords, and we do not want to see staff resources excessively diverted from delivering services to tenants and residents. We believe most will or should already be collecting information around most of the areas highlighted. However, as proposals are developed, it will be important to ensure that relevant indicators are developed, they are based on data that is readily available, easy to collate and informative for tenants.

In relation to fire safety, we expect that landlords will be able to provide data on the proportion of their properties with up-to-date smoke and fire detection alarms. We would also welcome more detail about cladding on high rise blocks within the contextual information. It is our understanding that no social landlords in Scotland have used the more highly flammable cladding used at Grenfell. However, we understand that there are many gradings of cladding flammability, with some that might be considered a 'medium' risk. We would like to know how many social housing properties in Scotland might be affected here (or reassurance that there are none) and believe annual reporting in the contextual data would provide greater transparency and a means to track the situation over time.

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?

We recognise that this is a complex area and that clear guidance will be required so that housing professionals are clear on definitions. There may also be a requirement for specialists within the housing sector with greater investment in training so that professionals are better able to recognise the issues and potential solutions.

Appropriate indicators for residents might include numbers of complaints by category, response times, and a regular overview of issues raised and actions taken by each landlord, similar to the existing data collected about complaints about wider landlord services.

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

We support this proposal, but believe that in general this requires a strengthening of existing provisions, rather than any new powers. We are aware that even within the existing legal and regulatory framework enjoyed by social housing tenants in Scotland, tenant experiences can vary considerably.

NLF generally enjoy positive and constructive working relationships with our local authority, but for this to become more normal we believe the proposed wording 'consider' needs to be less ambiguous. We would like to see a more direct reference to social landlords investigating and monitoring complaints from tenants and other residents and service users, implementing changes where required and reporting on outcomes.

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

The examples of notifiable events in the existing guidance seem reasonable to us. However, we have no knowledge or experience with the process for reporting notifiable events and do not feel qualified to comment further here.

We realise, however, we are not aware of whether there have been events notified to you by our own landlord, and wonder whether an annual summary for tenants and other customers would be appropriate?

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?*

We do not have strong views on the changes proposed, but do agree that the language used needs to be as clear and unambiguous as possible.

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

We have not been in this situation with our own landlord and without direct experience do not feel qualified to comment on the process.

We understand that situations can be complex, but would want the process to resolve failures as quickly as possible to protect the interests of tenants and other service users.

We would like there to be more clarity on the route/s for local authority tenants to raise concerns of significant performance failure within local authority housing services.

Our sense is that the benefits of the existing framework work well and that the low levels of reported failures are in general a consequence of this rather than an issue of definition. The examples of significant performance failure provided in the current factsheet for tenants seem to us still reasonable and appropriate.

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

No

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