

# 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](http://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](mailto:regulatoryframeworkreview@shr.gov.scot)

Or post to: Scottish Housing Regulator  
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36 North Hanover Street, G1 2AD

### Name/organisation name

North Lanarkshire Council

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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?

North Lanarkshire Council is in agreement that these are the right priorities. However, we would welcome further information in terms of the definition of 'keeping homes affordable' given the differing definitions and interpretations of affordability. Although acknowledged in the discussion paper, we reiterate the challenges that social housing landlords face in relation to increasing inflationary costs and pressures, material and labour supply issues, and increasing costs of borrowing, which impacts on the delivery of housing services and affordable homes. It is important that a balanced approach is taken in consideration of all factors to ensure the continued sustainability of the sector in delivering the homes we need to enable people and communities to thrive and achieve their full potential.

It is positive to see the inclusion of the priority to reduce homelessness, given that prevention and tackling homelessness requires collaborative efforts across the wider housing sector, with both the local authority and RSL sector playing pivotal roles in effectively addressing this increasingly challenging and complex issue. Evidence locally and nationally shows increasing levels of homelessness, complex and multiple support needs, and families with children in temporary accommodation. The cost of living crisis, removal of local connection, widening of asylum dispersal and changes in the wider housing market, influenced by rising mortgage rates, changes in legislation and increasing compliance, is resulting in increasing pressure on social housing, which consequentially impacts on the ability to resettle people who are homeless into permanent homes, as swiftly as is sought. It is, therefore, more important than ever, that we look to build on opportunities and partnership arrangements collectively across the wider housing sector to address these challenges going forward.

Finally, given the pending introduction of the new Homelessness Prevention Duties, it may be helpful to consider the inclusion of a focus on prevention of homelessness, in addition to the reduction of homelessness in the priorities, given that the duties will extend beyond local authorities.

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

Additional provisions on specific assurance are welcomed. Guidance has already been provided for 2023 AAS for areas surrounding tenant safety, collections of equalities data and adopting a human rights approach in our services.

Any further changes to provisions would require close engagement with social landlords, with comprehensive guidance, to enable a good understanding of the data requirements and sufficient time to make any necessary changes to systems to enable recording and collation.

Additionally, North Lanarkshire Council would welcome any improvements that could be implemented which would help ensure consistency in what is measured and what it is measured against.

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

Preparation of the ARC is resource intensive. It is therefore important that any additional indicators are meaningful and add value to justify additional resource requirements associated with recording and collation.

North Lanarkshire Council would welcome dialogue on a number of indicators that we believe have either definition issues, calculation issues or are not reporting what matters. These include:

SHQS indicator 6 & C9

The SHQS indicator includes exempt properties in overall compliance. We feel the definition and the calculation for this indicator would benefit from amendment. If a property is exempt from the Scottish Housing Quality Standard then it should not be included as a failure of the standard.

For example, there were circa 723 properties that were due for demolition in our stock, which could not be let, as demolition work had progressed. However, they remain within our stock profile until they are demolished. This indicator reduced our compliance percentage for SHQS.

The calculation should be adjusted to exclude the answer to C9.2 in the overall calculation of compliance with the standard.

The figure in Indicator 9.4.3 & 6.1.1 - The total number of properties within scope of the SHQS, would be adjusted to remove the figure at Indicator C9.2

C9.1	Total self-contained stock
C9.2	Self-contained stock exempt from SHQS
C9.3	Self-contained stock in abeyance from SHQS
C9.4.1	Self-contained stock failing SHQS for one criterion
C9.4.2	Self-contained stock failing SHQS for two or more criteria
C9.4.3	Total self-contained stock failing SHQS
C9.5	Stock meeting the SHQS
6.1.1	The total number of properties within scope of the SHQS: at the end of the reporting year
6.2.1	The number of properties meeting the SHQS: at the end of the reporting year

Electrical Safety Testing

We feel that there is a need for EICR compliance to be measured out with the SHQS Indicator we would welcome a separate question similar to how the gas safety check indicator is collected and measured.

It is also noteworthy, to highlight that some of these questions are asked within Scottish Government data collections and it would be helpful if these could align with each other in terms of definitions as there can be confusion about these areas of difference.

#### Indicator 16- Tenancy sustainment

Tenancies sustained for more than a year is an indicator where there is scope for a more holistic approach. There are a number of categories included in this indicator which because they end within 12 months are viewed as a failure. However, tenancies can also be terminated within the first 12 months for positive reasons. These can include:

- a merge of household due to a wedding or partnership
- a transfer which may be aspirational
- because a household's needs have changed (this should be viewed as positive as the landlord has been able to quickly address the changing needs of the tenant)
- mutual exchanges

We believe that any move, within the 12 months after the initial let, where the tenant moves to another social rented tenancy under an SST should not be viewed as a failure.

In addition, we believe that landlords are being unfairly penalised when including the below reasons within the sustainability indicator which the landlord has no control over.

- a household where the tenant has passed away.
- succession of tenancy.

#### Indicator 22 - Court actions initiated

Indicator 22 relates to court actions initiated in the year that result in eviction. However, actions could be raised in one year but resulting evictions take place in the following year. The percentages are then less useful as an accurate measure. This indicator and definition may benefit from further consideration.

#### Indicator 15 -

The ASB indicator asks how many there were in the year and how many were closed. However, we do not understand how this information is useful or how its measured and benchmarked.

A full review of this indicator is required in order to make it a meaningful indicator which we could benchmark with other authorities and landlords.

We would suggest the following:

Change the way the indicator counts cases, for example:

Cases reported in the year	95
Cases carried forward from previous reporting year	5
All cases reported & carried forward	100
Number of cases resolved in the year	92
Carried forward to next year	8
Of those resolved how many were resolved within locally agreed targets	90
Percentage of cases resolved in the year which were resolved within locally agreed targets	97.8%

Although 'resolved within locally agreed targets' is not able to be benchmarked with other LA's /landlords it does give a performance measure and something more meaningful which we can report to tenants.

In terms of something we are able to benchmark we would suggest that we could report on the percentage of different outcomes i.e., reporting on the last action taken by the landlord in order to resolve the case.

Outcome suggestions	%
Advice and assistance	74%
Referred to Police Scotland	5%
Referred to other service/body	3%
Referred to mediation	1%
Fixed penalty fine	0.1%
First warning	6%
Further warning	2%
Final Warning	1.5%
NOP issued	0.4%
No action required	0.5%
Linked/outcomed with other complaint	0.5%
Other	6%

#### Indicator 24 – Homeless households referred to RSL's

Section 5 referrals indicator has some limitations in that although a Section 5 referral can be made, there are no further measures which indicate whether an offer was made or if an offer was accepted to gauge the success of referrals made for the Local Authority. It therefore provides some partial insights but would benefit from further consideration to fully understand the outcomes achieved.

#### Indicators C2 and C3 - Lettings

Indicators C2 and C3 on the 'Number of Lets' is already reported to Scottish Government by local authorities. There is therefore duplication in this respect and may warrant a case for more defined and possibly separation of reporting sections for RSLs and LAs.

#### Rents indicators 18, 26 and 27

The portal for submitting the ARC indicators dictates that the denominator for each of the indicators 18, 26 and 27 is the same value. However, the definitions given for each of these are slightly different and in the case of ARC 27 should be amended.

- ARC 18. Total amount of rent due = total annual charges levied by the landlord in respect of rent and service charges for dwellings. This would be the rent due for all properties whether they have been occupied or void (subject to the exclusions noted).
- ARC 26. Rent due to be collected = total annual charges levied by the landlord in respect of rent and service charges for occupied properties. By definition, therefore, this indicator excludes all void rent charges.
- ARC 27. Total amount of rent due = total annual charges levied by the landlord in respect of rent and service charges for dwellings. This has the same definition as for ARC 18 (where it makes sense to include eligible void rent charges). However, as this indicator is about arrears which can

only come from occupied dwellings it would make sense for this indicator to have the denominator of rent due to be collected – the same as ARC 26.

- Action required-
  - 1) For the portal to remove the validation which insists that the denominator for ARC18 be the same as ARC 26 and ARC27.
  - 2) Validation can be in place for denominator of ARC 26 and ARC 27 to be the same.
  - 3) The definition for the denominator of ARC 27 should be updated to be the same as ARC 26.

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

In principle North Lanarkshire Council agrees. It would be helpful if there could be dialogue on the potential questions with time to get processes in place to record and report.

It may be beneficial to look at incorporating returns on dampness reports and actions taken to address the current concern on mould growth.

In previous returns we have commented on EICR returns but there doesn't appear to be an indicator showing the volume of EICR's carried out and the number of compliant properties. This represents a gap in reporting, which could be addressed going forward. We have noted this in Q2 above.

There are also a number of other safety checks completed which could possibly be reported. This would, however, need to be balanced with other regulatory requirements.

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?

Further collaboration and discussion across the sector is required to determine the most effective and appropriate way to monitor effectiveness of approach. In principle North Lanarkshire Council are supportive of developing a consistent approach. Nonetheless, challenges remain as reports of dampness are not recorded separately to enable straightforward reporting and there can be complexities associated with tackling mould and dampness. Sufficient lead in time to ensure appropriate mechanisms are in place for reporting are therefore essential.

Use of technology, such as environmental sensors, are proving successful in early identification and prevention of dampness and mould and are likely to provide increasing potential for early interventions as technology becomes more widely employed. This will assist social landlords in tackling this complex issue.

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

North Lanarkshire Council is supportive of increasing the opportunities for tenants' and service users' voices to be heard. There are already vehicles in place which support participation and involvement, which work well, but equally, present opportunities to improve involvement, specifically for people who experience barriers or challenges to involvement. This is often attributed to the way in which involvement and engagement opportunities are designed, which unintentionally make it difficult for people to participate. Often this can affect people who are disadvantaged, share a protected characteristic, or experience multiple disadvantages, with intersecting and overlapping identity factors which oppress and compound inequalities. We would therefore welcome an increased focus on this specific aspect in the Framework, with guidance and resources for landlords to assist them in effective engagement and involvement methods.

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

No comment.

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, there is value in using more direct language, in addition the language between using 'exemption' for EESSH and 'abeyance' for SHQS needs clarification as these both now impact on the overall SHQS.

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

We would appreciate more guidance and clarity on what constitutes a significant performance failure.

How does this differ from the SPSO/landlord complaints process, which is the main route that tenants would follow when an issue occurs?

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

We would appreciate if the guidance in the FAQ's can be added to the relevant indicator guidance. There is also some conflicting guidance between the Technical Guidance and the Advice note on updating figures in the Stock return in regard to the definition of 'unlettable stock'. It would help if all guidance was reviewed and combined into one document. We would like to see the stock return as part of the overall ARC indicators and included within the PDF download, rather than separate.

We would like to reiterate the importance of the continued involvement and discussion with both tenants/residents and social landlords in the development of any changes and associated guidance, to ensure the Regulatory Framework provides the most effective vehicle to deliver on the statutory objectives and functions.

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