

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

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?

- Overall, it would be good to have a period of stability following what has been a few difficult years. It would also be good to see a commitment from SHR on the importance of listening to the sector and considering the feedback we provide.
- The first 3 priorities we believe are right – “safe homes” is mentioned as Customer Safety is important.
- We would question whether No 4 “reduce the number of people who are experiencing homelessness” is right as a priority for the regulation of RSLs. This is a Scottish Government National Policy Objective – the regulatory roll is unclear in priorities above.

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

- The shift to a model of Annual ‘self’ Assurance has worked well giving organisations and their Board’s the responsibility to have a framework and take ownership of it. Section 15 of the SHR document confirms this thinking. The suggestion in section 14 “we intend to strengthen further our emphasis in the Framework where there are relevant references to listening to tenants, quality of homes and tenant and resident safety” seems right but **caution must be adopted** to ensure it does not add a significant burden to landlords on large amount of additional reporting as it will detract already stretched resources from supporting tenants and managing services.
- It is understandable that from year to year there may need to be a specific focus for AAS, however it is **important to remember the timing of issuing any guidance** for that to ensure we have the time to gather any specific information that may be required.
- When the AAS process was originally set out, it was meant to be a very tight, short document – there is a danger that it grows arms and legs and becomes an unhelpful and unwieldy document.
- Rather than a blanket “this year can all RSLs include (for example) a statement about mould and damp” it may be more relevant to include key issues for each organisation in the engagement plan each year – then it is more specific about the organisation and less about a reaction to what is generally going on in the sector.

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

- **The satisfaction indicators are no longer fit for purpose.** Lockdown has impacted for example on levels of face-to-face or formal engagement. As an older person’s specialist our tenants are clearly telling us they want support to reduce isolation and loneliness. They really don’t want to help us write strategies, review policies, or even scrutinise performance. But the current measures around satisfaction are rigid and don’t reflect our tenants priorities. Consideration should be given to removing them (other than the overall satisfaction measure) and allowing landlords to adopt their own measures – potentially using transactional surveys which provide feedback in a much more timely and useful way.
- **Adaptations Indicator** – currently we have to measure the average length of time to carry out an adaptation, and whilst we wait for the funding from the funding Bodies (Scot Gov, Edinburgh & Glasgow LA) the clock keeps ticking. It would seem reasonable to exclude the time waiting on funding from the calculation as we cannot spend money we have not been awarded.

- **A SHR Portal** – now that the stock data is gathered separately, i.e., out with the ARC, and submitted on the portal separately, we have found that it can be more difficult to reconcile the data as the Stock Data doesn't validate with the ARC data – if this could be looked at it would be helpful.

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

- No – this is too much detail and should be a matter for Board's to measure and get assurance on. In Hanover we already measure and report on the Big Six as an operational measure reported to our Audit, Performance & Risk Committee. The addition of these indicators feels like a knee-jerk response following Covid and should not be necessary. We do think the Regulatory framework should emphasise the need for organisations to have a robust approach on this internally and their internally reporting and evidence bank should demonstrate this.

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 do not think this should be included as an indicator in the ARC. As per our response to Question 4, this should be a matter for managers and Boards to measure and get assurance on, and again be part of the robust evidence bank for the AAS and should tie into our complaints and repairs processes. This feels like a disproportionate response to one death in England. In comparison, there are many people killed in house fires in Scotland, but this has not become an ARC indicator. We must guard against issues like this (even although it was in tragic circumstances) becoming a disproportionate focus.

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

It has not been made clear why there is a need for this change – it would suggest that there has been a fundamental issue about landlords not listening to their tenants and service users – however is that something that is of concern across the sector? We already make easy and safe routes available to provide feedback – so unless we know why there is a concern, it is difficult to know why there is a need for change and what the evidence is for that.

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

- Agree that the Notifiable Events guidance doesn't distinguish in some areas about proportionality. For example, SHR require all Voluntary Severance Pay instances to be reported to them. We have had some which are less than £500 which we wouldn't, under our scheme of authorisation report to Board due to the level of risk, but because it is a VSP we have to raise as a NE with SHR.
- There needs to be clearer guidance about what is meant by day-to-day (operational) matters and what is considered to be a risk that is reportable to SHR.
- It will be important that once streamlined all SHR team members are aware of how to apply this, because there have been times when we have been asked to report something, that other colleagues in the sector have not been required to report – so consistency of application needs to be clear.

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 don't believe there is a need for wording change or an additional level of expressing compliance levels. The current 3 tier system works well, is simple and effective. No

organisation is ever at a stage of 'perfection' so even if 'compliant' there is always improvement or modernisation work to be done.

- Introducing a further regulatory status category would add confusion – not only for the sector but also for tenants, for lenders and other stakeholders who have an interest in our status.
- Strengthened guidance on the difference between compliant and working towards compliance might be more helpful, and what the thresholds could be between both.

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

- We think the current guidance is clear and no changes are required

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

- It would be good to have a period of stability as we move forward. The last few years have been tricky for organisations to navigate so it is important that changes we make have a positive impact for tenants **but do NOT increase the regulatory burden on organisations and volunteer boards.**
- As already mentioned, it will be important for the Regulatory Framework both current and updated (when implemented) to be applied consistently across the sector.

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