

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"/>
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?

We believe these priorities are correct in the current context, and place emphasis rightly on tenants' wellbeing, safety and enjoyment of their homes.

Questions around definitions and the nuances of how these priorities will impact on regulation will of course be important – particularly how affordability is defined and what is meant by landlords 'doing all they can' to address homelessness. Given the varying contexts that landlords are operating in it is important that these priorities are applied with a sensitivity to this context, and that any future indicators are designed as robustly as possible to allow for meaningful comparison between landlords.

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

There is value in SHR amending the Statutory Guidance to seek explicit assurances where a particular issue has become more pressingly relevant, or where an area of concern has come to light, however it is equally critical that landlords be given sufficient advance notice of this to allow for these assurances to be made robustly. Landlords have noted that the Assurance Statement process could be streamlined. As such, consideration should also be given to this.

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

While we agree that the current indicators remain relevant, there are a number of indicators where there is clearly a divergence in interpretation between different organisations and where clearer guidance is required. We would also suggest that a number of indicators should be reconsidered to ensure they are as useful as possible going forward.

The Rent due figure for Indicator 26, for instance, should **exclude** rent due for void properties, but many organisations are still inputting an equal figure at 26.2 and 27.2 due to a lack of clarity in the Guidance that void loss should be excluded at 26.2. This key indicator is therefore an area of inconsistency across the sector, and as such we believe the Guidance should be clarified to ensure landlord performance is comparable.

Indicator 23 is another area of concern frequently cited by our RSL members, particularly for those who operate Choice Based Lettings systems and Common Housing Registers. There are a few issues with this indicator that make it in our view less useful. Where a Council is making individual referrals to a single RSL, it is likely this will result in a high percentage of offers made relative to referrals for the reporting RSL. Where a Council is making multiple referrals to various RSLs for the same applicant, the proportion of referrals the same RSL would report as resulting in an offer is likely to be lower (as some need will be met by other RSLs). This makes this indicator less useful in terms of comparability in our view. With regard to CHRs where there is no specific referral from the Council, the RSL would be reporting any offers as a referral and as such their offers to referrals would be 100%. This again makes it very difficult to meaningfully compare performance using this indicator.

Indicator 25 – unlike complaints and adaptations indicators, the anti-social behaviour indicator does not ask for carried forward cases to be included, meaning that cases which closed within the reporting year but commenced in the previous reporting year are not reported as having been

closed and do not count towards the organisation's performance reporting. This seems counterintuitive.

With regard to former tenant arrears, indicator C7 currently includes arrears on garages and lockups, whereas these arrears are excluded at Indicator 27. For consistency we would suggest excluding these at C7.

In the context of the move to Universal Credit we would suggest it is also worth considering Indicator C6 - direct payments. For this indicator, the guidance needs to be clearer whether those who are paid the housing element directly to their bank accounts who then pay to the landlord should be counted here. If not, it is potentially worth considering an additional indicator here (those who receive housing element of UC but not paid directly to landlord) in order to support landlords in understanding their customer base, and to give a clearer picture of the social rented sector and the needs of its tenants.

SHQS – element 45. We welcomed the changes to EICR made in April 2023, where the property meeting this element would be down to the position at year end, rather than referring to the previous EICR. If there was still a desire to monitor these fails throughout the year (exceeding the five-year anniversary date), these could be recorded as a separate indicator, similar to that for gas safety (I11).

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

Yes – although again these indicators should be planned and tested robustly prior to being rolled out.

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?

Again, the sector must be involved in establishing useful and meaningful measures where additional indicators are being proposed. Many landlords will already be in a position where they have robust arrangements for monitoring and responding to reports of damp and mould, and as such identifying good practice and looking to scale these approaches would be a good place to start.

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

We would need to see further detail on the proposals to comment further on this.

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

There is some merit to this, although this streamlining would need to be carried out with considerable care. The notifiable event process has value for landlords, tenants and Boards and as such should be pared back only in consultation with the sector and its tenants.

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, this will provide greater transparency and assurances to tenants.

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

NA

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

NA

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