

# 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  
2<sup>nd</sup> floor , George House  
36 North Hanover Street, G1 2AD

### Name/organisation name

East Lothian Council

### Address

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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"/> |

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?

*Yes, but these are the same priorities shared by all social landlords.*

*Consider including 'Ensuring social housing contributes positively to Scotland's Net Zero targets.'*

*Consider advancing the second bullet 'providing good quality and safe homes' to 'providing good quality, energy efficient and safe homes'*

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

*I agree with this as it will ensure that all landlords are assuring on specific issues and not deciding for themselves if something should be included or not.*

*Yes, but landlords will need lead in time to develop their IT systems to capture any new data requirements.*

*Agree – but the specific assurance matter in question needs to be preceded by clear guidance on expectations.*

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

*Yes, existing indicators remain relevant and appropriate. Some consideration might be given to indicator 15, which isn't a very meaningful representation of how ASB is being managed by a landlord. Beyond a possible change with this one, I would not advocate any new indicators beyond those relating to tenant safety (see below).*

***Indicator 16** is about new tenancies sustained for more than a year. It would be great if we could also have an indicator of new tenancies sustained for more than 3 or 5 years. e.g. How many people who received a new tenancy in 2020/21 have sustained that tenancy in 2023/24. This would give us more indication on long term sustainment an whether people have been happy to stay within that property.*

*An indicator to measure the number of households living in overcrowded homes would be a useful way to measure numbers living in accommodation no longer suitable for that household.*

*As we move towards net zero indicators for the number of homes where the main heating system is one that is zero direct emissions would also be useful.*

*Other than the proposed safety indicators, no.*

*Yes, I think there should be a standalone indicator (or indicators) covering all elements of compliance (tenant safety). Currently gas has its own indicator and 'some' other elements are embedded within the wider SHQS so are effectively reportable but others are not.*

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

*Yes, perhaps adding something around Damp & Mould.*

*Yes, but would look for SHR to consult further on any specific new indicators and give social landlords sufficient time to develop IT solutions and related processes.*

*The proposed categories of safety indicators are relevant. The specific indicators require further consideration and should clearly relate to technical advice/ briefing notes.*

*The proposed categories of safety indicators are relevant, however additional categories for consideration could also include Heating safety (especially as we transition to newer heating types), Spalling Concrete, Houses of Multiple Occupancy & possibly Medical Adaptation Equipment. Agree that the specific indicators require further consideration and should clearly relate to technical advice/ briefing notes to ensure a consistent approach to Landlord reporting. We would very much welcome being considered for a Working Group to help develop/consider these.*

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?

*Perhaps how many cases were reported in the year and how many were treated.*

*Care needs to be taken with the development of any indicators in this area beyond numbers reported given the range of issues that can cause damp and mould and the steps that need to be taken to investigate enquiries, diagnose causes (this can take time on occasion), develop solutions and monitor outcomes. Any new indicators in this area should also be consulted on prior to their introduction.*

*It is very challenging to report effectiveness of such instances. Existing data gathering is already very difficult as quantitative data gathering does give us full reasoning on numbers. However computer data gathering programs with good ability to extract qualitative data are resource intensive; not only in terms of being able to afford the program but also having staff with the skills and capacity to extract and analyse such data. Social landlords should receive more support financially and in terms of guidance to improve their monitoring and reporting abilities.*

*Landlords should have a policy on how to address mould and dampness in the first instance. A national template should be provided to all social landlords to ensure consistent recording of instances across Scotland. Reports per property could include:*

- 1) The type of mould detected*
- 2) The level of severity*
- 3) The location(s) of mould detected*
- 4) Reasonable steps/options to be undertaken to remove mould*
- 5) Logging when those steps were undertaken*
- 6) Length of time taken to remove mould after reporting*
- 7) Reoccurrence of mould within the year*
- 8) Tenant survey after removal*

*If instances are recorded per property, landlords can circulate back over time whether mould occurs regularly within the property regardless of who is living within the property. There also needs to be more awareness raising for tenants, so they are aware of the early signs of mould and how to record it to avoid mould growing out of hand before it is being recorded.*

*The cause of mould and dampness can vary and can involve a multitude of property and behavioural factors. As such, using metrics (e.g. a new ARC indicator) is unlikely to offer a meaningful way to monitor landlords' approach. Consider the use of a more specific assurance survey based on the key elements included in the joint SHR/CIH/ALACHO briefing note.*

*I would agree with the above suggestion of using metrics but would suggest there may be merit including as a specific ARC indicator. That said, the technical guidance around this indicator would need to be robust and well developed in such a way to tease out the varying factors and findings associated with the causes of mould and dampness.*

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

*I agree with this proposal*

*Fair enough, but the framework as it stands is already strong in this regard.*

*No further comment.*

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

*No comment here – think current arrangements are adequate.*

*Not applicable.*

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?

*This is more directed at RSLs and therefore no comment here.*

*Not applicable.*

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

Perhaps tenants need to be more aware of this and it should be simple for them, not overcomplicated.

*This route should be made open to tenants and service-users and am not supportive of further change. Few reports to the SHR is not a reason to change this but the SHR may wish to consider how to promote this.*

*No further comment.*

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

*The Framework is well developed and in good shape. If further indicators are to be introduced in relation to the ARC, these will require separate consultation and lead-in time.*

*The tenant & resident safety indicators should all be supported by SHR ratified technical briefing notes*

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