

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 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?

Aberdeenshire Council agrees with these priorities overall. However, we consider it important that each landlord can consult their tenants on their priorities, and the Regulator should take account of such consultations when assessing each landlord against these priorities.

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

Aberdeenshire Council would welcome this addition, on the proviso that sufficient warning is given of any areas where specific assurance will be required. As a local authority landlord, we are required to meet committee dates and deadlines which means we may need a longer lead in time to give assurance to our elected members. Additional or changing requirements should not be added in through FAQs, changes should be communicated clearly to all and well in advance of any requirement for that year's submission, ideally there should be a formalised review process that builds additional requirements into the following years submission.

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

Aberdeenshire Council suggests the following changes:

- The Tenancy Sustainment indicator should take account of the reasons for tenancies ending – for example, a transfer/mutual exchange within a landlord's own stock should be counted as a sustained tenancy as long as the subsequent tenancy lasts the year.
- Continue the pause on collecting EESSH data until the review of EESSH2 is complete. Consider collecting information on Net Zero alongside EESSH2 information.
- Antisocial Behaviour – Indicator should consider all cases closed, not just those closed within the year. Not sure what the current indicator is actually telling us
- Clarity of requirements is critical to ensure all landlords are reporting in a similar fashion, some of the new requirements for 2023 are open to considerable interpretation.
- Consider splitting data for right first time so that it is possible to distinguish between failures due to recalls and failures due to missing target timescales.
- Consider splitting some indicators by stock provision type or other factors (e.g. void rent loss, relet times) to allow landlords and tenants to make like for like comparisons of performance.

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

Aberdeenshire Council generally agrees with these, but we would advise that clarity and specificity of definitions is vital to ensure that all landlords are reporting consistently. For example, when considering water and legionella, it will be important to define whether the indicator applies only to larger properties and not standard domestic housing. Similarly, it is important to consider whether the fire safety indicator will refer to 'relevant premises'

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?

Number of reports/instances recorded in a period, as a % of landlord's stock - This would include all those cases reported, both resolved and ongoing. It is anticipated that landlords taking a proactive approach to tenant engagement surrounding dampness and mould issues and being proactive in analysing potential higher risk house types, are likely to record higher levels cases. Therefore, the number/% of cases themselves would not necessarily indicate that a landlord is not

being effective. It could be interesting to look at different periods of the year to identify seasonal variations.

The proportion/number of cases reported in the period deemed by landlord and tenant to be resolved? - (numbers in period). Resolved meaning - reported, appropriate remedial actions / tenant engagement and information sharing undertaken, follow up inspection after appropriate period has been carried out and case 'sign off' by landlord and tenant. Appreciating that landlord and tenant may have different views of resolution, so could be split to show landlord and tenant view separately (i.e. proportion considered resolved by landlord and proportion considered resolved by tenant)

Average time from becoming aware of the issue to the date of resolution? - (in days and or weeks) This type of indicator could be split into sections for landlord monitoring, e.g., from being aware to first inspection, inspection to completion of remedial measures, from completion of remedial measure to end of follow up inspection period.

Proportion of cases reported from different sources - (numbers based on fixed categories) This type of indicator would allow analysis of who is driving the discovery of cases, i.e. Tenant reporting, Housing Officer Inspection, Other Council Officer Inspection, Third Party Inspection, Landlord's Proactive actions, e.g. use of risk matrix to identify house types/addresses potentially at higher risk.

What was the cause(s) that led to the report or instance of mould and dampness? - (numbers of cases bases on fixed categories) This type of indicator would allow analysis of the causes of the cases, e.g., External Fabric Repairs, External Issues Other, Inherent Fabric Issues, Poor Ventilation, Heating Levels Inadequate, High Humidity Levels.

What were the remedial measures undertaken/ ongoing? - (number of cases bases on fixed categories) This type of indicator would allow analysis of how the issues were resolved, e.g., External Fabric Repairs, Other External Actions, Installation of PIV, Provision/replacement of Mechanical Ventilation, Wash Down, DCM Information Pack Issued etc.

Were specialist contractors employed diagnose or carry out remedial measures? - (% of total cases) This will indicate which landlords are able to, or choose to, effectively resolve the issues in house, e.g., no specialist contract used, specialist contractor for diagnosis only, specialist contractor to carrying out remedial measures only, specialist contractor for both diagnosis and remedial measures.

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

Overall, we would support a focus on listening to tenants and service users, and a clear definition of the Regulator's expectations would be helpful. However, Aberdeenshire Council would recommend that any changes or additions to how landlords interact with their tenants should be driven by consultation and feedback from tenants and service users to ensure it meets their needs, rather than a prescribed framework.

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?

More direct/clearer language is generally desirable to ensure clarity, but we have no specific comments on this topic.

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

Increasing the clarity of when an SPF complaint can be made, including clarifying the interaction between SPF, SPSO complaints and so on, to ensure that only genuine SPF complaints can be lodged.

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

We would welcome guidance on where Energy Efficiency/Net Zero/Climate change sit within the 4 regulatory priorities, and on how the Regulator intends to address issues where there is a conflict between these and rent affordability

A review of indicators and definitions to ensure they are unambiguous and result in consistent reporting for all landlords

Ensure that there is a detailed change log for any updates to guidance/definitions, and ensure that these are well communicated (e.g. email updates directly to portal admins/charter approvers). Any changes should be clearly highlighted and defined to avoid confusion.

Have a process for reviewing guidance and implementing changes annually, with feedback from stakeholders.

The Regulator should consider the Scottish Government's approach to the SHQS, and whether it is appropriate to add/change elements without detailed consultation. This could change the approach to reporting against this standard (e.g. removing this as an indicator and reporting on new requirements separately)

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