

**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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**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

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?

Trust are in broad agreement with the Regulatory Priorities set out. However, important to highlight the balance required between providing good quality and safe homes, including energy efficient, with keeping homes as affordable as possible.

Affordability is more than just rent- it is how expensive a home is to heat etc as well. EESSH requirements are still not fully known and this will also impact on keeping homes affordable and the investment required going forward.

The wording of the homelessness priority gives the impression that this is about the number of people facing homelessness, but this issue is more about the ease of access to services.

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

In agreement with the proposal. However, a consultation mechanism to enable Landlords to influence specific assurance areas would be a positive addition. Previous assurance additions should be reviewed to ensure they remain relevant.

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

As a principle, in terms of ARC indicators, we should always question what the value add is to HAs in our work and to SHR in understanding performance. That said, we believe the ARC indicators remain broadly right with some suggested amends around Anti-Social Behaviour, rent collected as % of total rent due, average rents and more consideration given to how future tenant and resident safety indicators may influence SHQS indicators and guidance.

**SHQS-** Associations have to report SHQS compliance as part of the ARC return and with the introduction of the Requirements of the 5-year EICR to element 45, it now supersedes the requirements of element 11, which is compliance with the Tolerable Standard. Element 11 and other elements of the tolerable standard (excluding 11a and 11b) which are SHQS elements should be removed as they are scrutinised in greater detail by other SHQS elements.

**Indicator 10** - Percentage of reactive repairs carried out in the last year completed right first time doesn't feel relevant if being used as a measure of satisfaction. This measure is very effective when used as a KPI to measure the performance of individual contractors from a management perspective. When submitted as part of the ARC, the quality of the data is diluted as it reflects the performance of all contractors used by an Association.

If it is being used as a measure of customer satisfaction in relation to repairs performance, this is better measured via measure 12 - Percentage of tenants who have had repairs or maintenance carried out in last 12 months satisfied with the repairs and maintenance service.

**Indicator 15 (ASB)-** unfairly treats cases reported at the end of a financial year as not being completed, resulting in lower performance being reported, even though these cases may ultimately be closed/completed. Each organisation can have their own locally agreed timescales which also makes direct comparisons difficult/less meaningful.

**Indicator 26-** Rent collected as percentage of total rent due in the reporting year feels like a duplication of arrears and an outdated measure.

**Average rents-** information is gathered as part of the stock element for average rents but comparisons across Landlords can be difficult due to the different ways in which rent charges can be structured. Further guidance should be considered on inclusions/exclusions to make this data more comparable across the sector.

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

We are in broad agreement with the tenant and resident safety indicators. However, we feel that consideration would need to be given as to how these may interweave with current measures around SHQS.

**Electricity** – Already covered by element 45 within SHQS.

**Water** – Element 4 (Wholesome Water Supply) and Element 41 (Leadfree pipework) already cover safe water supplies in relation to an Associations stock. Further guidance would be required on what type of water systems/scenarios would require additional reporting. We feel this could be better covered as part of the Annual Assurance process on water management regimes.

**Lifts** – Element 47 (Safe Lifts) already covers the provision of safe passenger lifts within common areas. Associations have a duty for health and safety under the HSWA 1974 to ensure that employees or people visiting our properties can do so reasonably practicable. The Lifting Operation and Lifting Equipment Regulations 1998 (Loler) do not apply directly to passenger lifts in residential premises. Further guidance would be required on what measures would be considered as different Associations will adopt different safety routines as there is no fixed regulation. We feel this could be better covered as part of the Annual Assurance process.

**Asbestos** – The Control of Asbestos Regulations 2012 (CAR 12) doesn't provide a prescriptive way for us to dispense our duty to manage asbestos and like lifts different Associations will adopt different regimes to ensure that they comply with CAR 12. CAR 12 only prescribes responsibility for non-domestic premises so we as a landlord dispense our duty's by managing the asbestos within the common areas of properties and external areas, the reason that we hold and manage asbestos information for inside our properties is so that we can provide it to contractors who undertake works on our behalf and as such we have a responsibility for under the HSWA 1974 and on project work under the CDM

regulations. Further guidance would be required on what measures would be considered to ensure data is meaningful and comparable, we feel this could be better covered as part of the Annual Assurance process.

**Fire** – L2 Smoke and heat detectors are covered under element 11a of SHQS. More information would need to be provided on any additional measures, we feel that this could be covered as part of the Annual Assurance process.

**Damp & Mould**- Element 2 of SHQS (reflecting the tolerable standard) is on Rising and Penetrating Damp. The guidance for what constitutes a pass/fail on that element is;

5.22. A house will normally be below tolerable standard if an assessor finds persistent visible penetrating damp which covers an area greater than approximately:

- 10% of the overall wallspace in one apartment in the house; or
- 10% of the ceiling in one apartment in the house; or
- 20% of overall wallspace or ceiling in one or more other spaces in the house.

The guidance which we work to acknowledges that some of our properties will show signs of damp and still be tolerable, this is because the UK is based in an oceanic climate rather a continental climate which is found across much of Europe.

Guidance on damp/mould should include areas of exclusion such as mould/damp on sealant around double glazed window units etc.

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?

The Annual Assurance process would be the most appropriate tool. However, a measure focussed on the percentage of frontline/front facing roles who have received training/refresher could be appropriate.

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

We are supportive of the SHRs view on strengthening the Framework further on landlords listening to customers. However, we feel this should be considered as part of the Annual Assurance process for landlords to demonstrate how they listen to customer. Adequate ARC indicators around satisfaction and complaints are already gathered.

Our SPSO requirements should also give additional assurance from the complaints process.

There is also a link here to each Associations Customer Engagement strategy, which needs to be updated / modernised to take account of the digital / social media world and increasingly Association's ability to record and utilise individual customers preferences for contact / engagement with them.

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

Notifiable Events Guidance is currently clear, although perhaps some of the 'housekeeping' items listed as being NEs could be reviewed. The process works as is, we do not feel changes are required. Particularly helpful is our ability to have a conversation with our regulation manager / team if we have doubt about whether something needs to be raised as an NE or not.

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 do not consider adding another compliance status of value at this time. To change the approach now would require guidance on the definition of any new compliance status and would be onerous, which would rather contradict SHR's aim to maintain current approach to regulation with only small changes.

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

No comments

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

The associated ARC documentation around technical guidance and FAQs can be confusing and difficult to following for new and existing staff. Consideration should be given to combining these into one document, with the technical guidance updated to include FAQ information.

A tracked changes version of the technical guidance should also be made available to allow landlords to easily identify changes from year to year.

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