

# Our regulation of social housing in Scotland

## Consultation questions

We welcome your general feedback on our proposals as well as answers to the specific questions we have raised. You can read our consultation 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 **15 December 2023**.

By email @: [regulatoryframeworkreview@shr.gov.scot](mailto:regulatoryframeworkreview@shr.gov.scot)

Or post to: Scottish Housing Regulator  
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36 North Hanover Street, G1 2AD

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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

Please publish my response, but not my name

1. Do you agree with our proposed approach on specific assurance in Annual Assurance Statements?

As noted in our response to the discussion paper we would request that any specific assurance requirement is notified prior to the start of the reporting year. This would be by 31 March at the latest, not the end of April as proposed.

This notification by 31 March does not remove the right of the SHR to request any further details during the year outwith the AAS process.

2. Do you agree with our proposal to initiate a comprehensive review of the Annual Return on the Charter which we will consult on next year?

We agree with this proposal. We would request this working group considers the stock and rent data RSLs require to report each year through the individual local authority portal returns and the wider return requirements. For example, the purpose of and necessity for the 'loan portfolio return'. This would be in addition to consideration of all existing ARC indicators and appropriate new indicators for tenant and resident safety, damp and mould, and EESSH.

3. Do you agree with our proposed amendments to strengthen the emphasis on landlords listening to tenants and service users to include a requirement that landlords:
- provide tenants, residents and service users with appropriate ways to provide feedback and raise concerns, and
  - ensure that they consider such information and provide quick and effective responses?

We agree with these amendments. As noted in our discussion paper response, we would continue to encourage the direct use of tenant engagement forums by the SHR. We would also welcome clarification on "service user" engagement so that this relates to regulated services under the auspices of the SHR as a number of RSLs will have service users who do not fall under this category and who may be otherwise supported by separate regulation and reporting requirements (for example SSSC).

It would be helpful if the SHR outlined the expectation of any additional actions by RSLs to comply with these new requirements.

4. Do you agree with our proposed approach to Notifiable Events?

We agree with the consultation proposal to streamline the approach to ensure that landlords only notify the SHR of the most significant issues and look forward to the SHR sharing more information on the Notifiable Events it receives. We would, however, note that the examples given (Appendix 1, Notifiable Events Statutory Guidance) have not changed. For the proposed changes to have the desired impact it would be helpful if Appendix 1 were updated.

In our discussion paper response, we noted a potential area for review was the requirement for detailed information on the use of settlement agreements. We suggested that these could be reported in summary form. For example, a note that an agreement has been reached, that legal advice has been taken and that the organisation's settlement agreement policy has been complied with.

5. Do you agree with our proposed approach to regulatory status?

We agree with the proposed approach to clarify compliant and non-compliant categories of regulatory status. As noted in our previous response, from a management and Board position it is important there is clarity on how the judgement is made on the category,

6. Do you agree with our proposed approach to Significant Performance failures?

In our discussion paper response, we noted that in our view the existing approach is fit for purpose. We do, however, welcome the amended definition in the Regulatory Framework appendix and additional information on how the SHR will investigate a reported serious concern.

7. Do you agree with our proposed changes to the guidance on *Annual Assurance Statements*?

We note the comments under Q1 regarding notification of specific assurance requirements. The additional information in the AAS guidance (5.3 and 5.5), outlining how the SHR will assess the AAS and how it will influence the engagement plan and regulatory status, is helpful.

8. Do you agree with our proposed changes to the guidance on *Consultation where the Regulator is directing a transfer of assets*?

We agree with the proposed changes. The revised wording of 3.4 (Statutory Guidance - Consultation where the Regulator is directing a transfer of assets) might, however, benefit from review as it's not clear whether the following statement means that there's only time to consult one group, that the group would be the secured creditors, or if the decision will be taken on balance: "If we conclude that there would be time to consult one group but not the other, we must consult that group."

9. Do you agree with our proposal to maintain *the Determination* at this time?

We have no comments on this section.

10. Do you agree with our proposed changes to the guidance on *Determination of what is meant by a step to enforce a security over an RSL's land*?

We have no comments on this section.

11. Do you agree with our proposal to maintain the guidance on *Financial viability of RSLs*?

We have no comments on this section.

12. Do you agree with our proposed changes to the guidance on *Group structures*?

We agree with the proposed changes to the guidance on Group structures.

13. Do you agree with our proposed changes to the guidance on *How to request an appeal of a regulatory decision*?

We have no comments on this section.

14. Do you agree with our proposal to maintain the guidance on *How to request a review of a regulatory decision*?

We have no comments on this section.

15. Do you agree with our proposed changes to the guidance on *Notifiable events*?

As noted in our response to Q4, it would have been helpful if Appendix 1 had been updated. We welcome the SHR's intention to develop ways to share more information with landlords about the type of notifiable events they receive.

16. Do you agree with our proposed changes to the guidance on *Preparation of financial statements*?

We have no comments on this section.

17. Do you agree with our proposal to maintain the guidance on *Section 72 reporting events of material significance*?

We have no comments on this section.

18. Do you agree with our proposed changes to the guidance on *Tenant consultation and approval*?

We agree with the proposed changes. Should 5.2 (first bullet) "... same of similar charitable purposes ..." read "or"?

19. Would you like to give feedback on any aspect of our impact assessments? Are there other potential impacts that we should consider?

We have no comments on this section.

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