



SHR consultation paper on Regulation of Social Housing

GWSF response, December 2023

1 General comment

GWSF welcomes the opportunity to respond to this consultation paper. As with the previously issued discussion paper earlier this year, we recognise that no major changes – which would fundamentally alter how the regulatory framework operates – are being proposed. But the detail of how things work will always be important to GWSF and its members and so we welcome the opportunity to further comment on the refined proposals in the consultation paper.

Also we continue to value the regular liaison meetings we have with SHR, at which we can raise and discuss particular aspects of the regulatory system and how SHR communicates both with individual associations and more generally.

Beyond the consultation paper, SHR will know GWSF has been keen to explore how the regulatory approach could be more supportive to associations facing difficulties. We believe this can be explored both within the current framework and, in the longer term, through a new approach as part of an amended legislative remit for SHR to bring regulation more closely in line with the Scottish Government's priorities on community empowerment and community wealth building.

2 Rent affordability

The revisions proposed to the Regulatory Framework document include, at point 2.3. a new requirement that landlords are responsible for *“ensuring that their tenants have warm, safe and affordable homes”*.

In one respect it would be easy for us to accept this without questioning it, as we know every social landlord tries to make their rents as affordable as possible. But no rent will ever be affordable to all of a landlord's tenants. Whatever affordability measure is used, a significant minority of rents fail to 'pass', partly because of the inadequacies of the UK Government's benefits system.

Also, whilst rents are within the landlord's control (notwithstanding any further attempts by the Scottish Government to control them), fuel costs – other than in a

small minority of cases where fuel is supplied direct – are not, and so this is a further factor which makes it impossible for landlords to *ensure* affordability for all tenants.

Making affordability a regulatory requirement could leave our member associations open to challenge from individuals whose circumstances mean that even a very low rent would not be deemed affordable to them.

3 Annual Assurance Statements

GWSF has no in-principle problem with SHR reserving the right to make specific, additional requests for assurance on particular topics. Even without this provision, SHR would still be able to do this, and would get a response from all associations.

Any such specific additional request should, as a default position, be for that year only rather than then becoming a fixed element of the AAS requirements: so its inclusion the following year would not be automatic and would instead be subject to renewed consideration as to its ongoing relevance and importance.

4 Annual Charter Return

GWSF welcomes the intention to carry out a more comprehensive review of the ARC, covering a range of issues, including potential new indicators and a review of less helpful ones. As a membership body we will ensure we bring direct practitioner feedback into the review.

It will be widely welcomed if the review can maintain and not increase the current length of the ARC, despite the likely addition of some new indicators. This is probably the time to bid farewell to indicators such as the ‘repairs right first time’ one, which was well intentioned but is inconsistently calculated and therefore of very dubious value as a comparator.

5 Listening and responding effectively to tenants

GWSF notes SHR’s intention to stick with its intention to place greater regulatory emphasis on landlords listening and responding to tenants. We remain unsure about why this is felt to be necessary.

There can never be room for complacency on this, but GWSF believes that there is a very different culture in Scotland in terms of landlord-tenant relations and mutual respect, and that our member associations generally have a strong track record in listening and responding to tenants, whether this is in relation to complaints or to other types of feedback.

We would question what is really meant by the statement in the revised Regulatory Standards that a landlord ‘*actively seeks out the needs, priorities, views, concerns and aspirations of tenants, service users and stakeholders.*’ Associations already

seek feedback from tenants in a number of ways, including through tenant satisfaction surveys, one-off 'pulse' surveys, scrutiny groups and repairs feedback: they are unlikely to have the resources to start knocking on doors to ask for more, and we strongly doubt that many tenants would want this.

We do welcome SHR's acknowledgement that the reference to 'safe' ways of tenants providing feedback was open to misinterpretation and will be amended.

As we noted in our previous response to the discussion paper, in reality, most members tell us they would love to be able to identify more tenants to listen to. Members invariably seem to find that many tenants prefer not to become involved in feedback/scrutiny mechanisms, instead just wanting a good service and to be able to see problems dealt with properly when they arise.

We remain unaware of any significant body of evidence SHR has suggesting widespread, poor approaches to responding to tenants. Without such evidence, there is a risk that over-use of regular references to the importance of listening and responding to tenants could be damaging to morale in the sector.

6 Notifiable events

GWSF welcomes the intention to issue revised guidance which will aim to focus notifiable events on a smaller range of the most significant occurrences. We welcome too the intention to share information on what sort of notifiable events are reported to SHR and how these are dealt with.

7 Regulatory status categories

GWSF recognises that there were mixed responses on this issue, and that in the end, SHR will maintain the current categories but amend the language to make clear that 'working towards compliance' is a non-compliant status: this will be helpful.

8 Significant Performance Failures

GWSF welcomes SHR's intention to amend the Regulatory Framework and update its leaflet on SPFs, to reflect the importance of tenants normally exhausting the association's complaints processes. Using these processes is important, and we would hope that other than in exceptional circumstances, SHR will be wary of making in-depth enquiries of associations when those routes have not been exhausted.

9 Changes to statutory guidance

GWSF has no substantive comments on the proposed amendments to SHR statutory guidance, which generally appear to be helpful, minor clarifications.