



Glasgow and West of Scotland
Forum of Housing Associations

Keep it Local!

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George Walker
Chair
Scottish Housing Regulator

17 August 2023

Dear George

Exploring longer term changes to the regulatory framework

It was good for myself and David to meet with you and Michael in June and to share with you our thoughts on the regulatory framework consultation, to which we were pleased to respond today after our Board considered a draft yesterday..

At the end of our written response we briefly set out some broader issues GWSF has for some time been keen to see explored. Some of these will need to be discussed with the Parliament, given its responsibility for setting SHR's remit, but we also very much want to explore the issues with you directly.

Recognising that any regulator will always have to balance the support it provides with the enforcement powers it chooses to use in responding to specific circumstances, our overall aim is to look at the scope for setting SHR engagement within the context of a more robust, default assumption of survival unless this proves impossible after all options have been thoroughly explored. For community based housing associations the prospect of survival not only continues the locally responsive services but also retains the association's assets within that community.

In the shorter and medium term there may be some modest changes of approach or changes of emphasis that can be explored *within* the existing framework and remit. As an example, you'll recall we discussed with you and Michael the notion that in engaging with an RSL in difficulties, SHR may be willing to suggest to the RSL,

where appropriate, that it contacts GWSF to see what support might be able to be provided by the Forum itself. We welcome SHR's willingness to consider this approach, and GWSF is currently in the process of developing a panel of experienced people who could be available to offer such support.

But taking a longer term view, we're keen to talk with the Parliament about the scope for more closely aligning SHR's remit to the key national priorities relating to community empowerment and, even more significantly, community wealth building.

We believe Ministers have a significant interest in seeing community based organisations flourish and their assets retained in the community. If this, in turn, was reflected in SHR's remit and in how SHR engages with troubled associations, it should mean a greater likelihood of troubled associations being encouraged and supported to address their issues and survive as an independent organisation (or in some cases explore genuine, local mergers rather than takeovers by large, national Scottish or UK housing associations).

This would not and could not rule out eventual structural change if this is the course of action chosen by the association (or in extreme cases is directed by SHR), but it would introduce a 'starting point assumption' of survival at the outset – something we believe is worryingly not the case at the current time. In recent years we have had numerous examples from members which leave us in no doubt that whilst SHR ostensibly does not have any corporate agenda around mergers/takeovers, there is a culture of encouraging these wherever possible. Our evidence includes several instances of SHR expressing disappointment to member associations at decisions to retain independence rather than seek a transfer.

We recognise that your immediate priority will be to consider the responses to the consultation, but thereafter we would welcome the opportunity to discuss these broader issues further with you in the coming months.

Many thanks and with best wishes,

A handwritten signature in black ink, appearing to read 'John Hamilton', is centered within a light gray rectangular box. The signature is written in a cursive, slightly slanted style.

John Hamilton, Chair, GWSF