



EDINBURGH TENANTS
FEDERATION

EDINBURGH TENANTS FEDERATION

Edinburgh's Federation of Tenants' and Residents' Associations

'Our Regulation of Social Housing': A Discussion Paper' (SHR)

ETF Members' Briefing Paper

March 2018

1.0 Introduction

Edinburgh Tenants Federation (ETF) has produced this Briefing Paper on 'Our regulation of social housing: A discussion paper' by SHR (Scottish Housing Regulator) for its Members.



SHR's 2018 'Our Regulation of Social Housing: A Discussion Paper' can be accessed on SHR's website but the direct links are below:

Discussion paper

<https://www.scottishhousingregulator.gov.uk/publications/our-regulation-social-housing-scotland-discussion-paper-january-2018>

Questionnaire linked to the discussion paper

<https://www.scottishhousingregulator.gov.uk/publications/our-regulation-social-housing-scotland-discussion-paper-questionnaire-january-2018>.

2.0 Background

The SHR are the independent regulator of social landlords in Scotland.

In 2012 they produced a Regulatory Framework which explains how they regulate social landlords (Local Authority and Registered Social Landlords (RSLs) like Housing Associations). Regulation involves monitoring, assessing and reporting on social landlord's performance, their governance and financial management and how they intervene when landlords are failing.

3.0 Setting the Scene

The SHR's discussion paper is the first step in reviewing the current Regulatory Framework, introduced in 2012. The standards have been in place for 5 years which provides reasonable time to review experience and lessons learned. Their discussion paper sets out their initial thoughts on the future of the regulation of social landlords in Scotland.

The Regulatory Framework or standards guide Local Authorities and RSLs to deliver good outcomes for tenants and communities. It requires them to report on their performance, in part against the indicators used in the Scottish Social Housing Charter.

Edinburgh Tenants Federation Norton Park 57 Albion Road Edinburgh EH7 5QY

The aim of SHR's discussion paper is to review and make changes to the Regulatory Framework so that it is refreshed and updated. They plan to keep much of their current approach and make initial suggestions on the few areas they think they might need or want to change. Overall the SHR believe the regulatory standards remain 'relevant and appropriate but they would benefit from being strengthened and added to and made as clear as possible.

At this stage the SHR want their priorities to be:

- Tenant and resident safety;
- Homelessness;
- Governance and financial management in RSLs.

The SHR plan to develop their work with four broad themes in mind:

- Empowering tenants and others gathering and publishing data in useful accessible ways;
- Getting assurance;
- Responding when things go wrong;
- Thematic work.

4.0 Context for the Review

The Scottish Social Housing Charter is working well and landlords have mostly improved or maintained their performance across the Charter outcomes and standards.

Statutory intervention powers have been used to address significant governance failures in RSLs that have put tenants' interests at risk. This highlights that the need for effective governance is more important than ever.

Landlords are operating in a riskier and more uncertain world due to welfare reforms, Brexit and diversification of activities and we need to consider if this impacts on required regulations.

There are signs of inflation and issues with rent affordability that may become more severe.

The Grenfell Tower tragedy is leading to increased expectations on landlords and regulators to ensure tenant safety and to support a strong tenant voice which landlords listen to, engage with and respond to.

The Scottish Government's affordable housing target will lead to extensive building of new homes which brings opportunities and risks.

The issue of homelessness will be a particular challenge for all landlords.

Timing is right to review the Charter i.e the information collected on landlord performance. Indicators will be reviewed and the Charter will be updated as part of this consultation process.

A UK review has emphasised the importance of risk-based regulation. SHR are being encourage to introduce self-assurance amongst landlords where landlords check themselves that they comply with regulations and drive their own improvement, with input from SHR when necessary.



SHR's 2012 Regulatory Framework is available on their website

<https://www.scottishhousingregulator.gov.uk/publications/our-regulatory-framework>

The framework explains how SHR regulate RSLs and Local Authorities in their provision of housing and homelessness services.

5.0 Scottish Social Housing Charter

The Scottish Government's Social Housing Charter came into force in April 2012. The Charter sets out the standards and outcomes that:

- Tenants can expect from social landlords, in terms of the quality and value for money of the services they receive, the standard of their homes, and opportunities for communication and participation in the decisions that affect them;
- Homeless people can expect from social landlords in terms of access to help and advice, the quality of temporary accommodation, and continuing support to help homeless people access and keep a home;
- Owners can expect from the property management services they receive from social landlords;
- Gypsy / Travellers can expect in terms of the maintenance and management of sites

The customer/landlord relationship

- 1: Equalities
- 2: Communication
- 3: Participation

Housing quality and maintenance

- 4: Quality of housing
- 5: Repairs, maintenance and improvements

Neighbourhood and community

- 6: Estate management, anti-social behaviour, neighbour nuisance and tenancy disputes

Access to housing and support

- 7, 8 and 9: Housing options
- 10: Access to social housing
- 11: Tenancy sustainment
- 12: Homeless people

Getting good value from rents and service charges

- 13: Value for money

Edinburgh Tenants Federation Norton Park 57 Albion Road Edinburgh EH7 5QY

14 and 15: Rents and service charges

Other customers

16: Gypsy/Travellers

SHR would like to hear your views as tenants and other stakeholders on their ideas for changing the Regulatory Framework and the Scottish Social Housing Charter at this very early stage in the consultation process.

The process is being used to discuss what SHR could;

- continue to do
- build on
- introduce new areas
- and to confirm what their key priorities should be

6.0 Getting assurance

It is each landlord's responsibility to deliver for its tenants and service users. The SHR's approach would mean the following for RSLs and local authorities.

1. The Scottish Housing Regulator set clear:
 - Regulatory Standards, Guidance and Requirements for RSLs; and
 - Regulatory Requirements for RSLs
2. Landlords assure themselves and service users that they comply with these requirements and are meeting their legal duties relating to homelessness and tenant and resident safety.
3. Landlords submit an Annual Assurance Statement to tell the SHR:
 - That they comply:
 - Or what they are doing to fix any instances of non-compliance
4. The SHR include these Statements and notifications as part of their risk assessment for RSLs and Shared Risk Assessment for local authorities, to decide whether they need any further information or assurance from the landlord.

The aim of the **Assurance Statements** would be to encourage openness and honesty in landlord's self-assessment and a culture of continuous improvement. The statements the landlords give to the SHR should be simple and short. The SHR expects landlords to have evidence to support their statements, but not to submit this unless the SHR asks for it.

7.0 Thematic work

Many tenants and landlords have indicated how much they value the SHR's thematic work. Through thematic work, the SHR is able to:

- Raise awareness of serious issues and risks;
- Focus in areas that tenants and other service users have indicated to the SHR what matters to them;
- Make recommendations and suggestions at a national level.

8.0 What's Missing?

It is important to note that there are a number of important aspects missing from the discussion paper, including:

- There is no discussion about how regulation of housing in Scotland links to international human rights law, or how a rights based approach to housing in Scotland could be taken. Tenants have a right to adequate housing as part of the International Covenant on Economic, Social and Cultural Rights (ICESR). Framing housing in human rights terms shifts the perspective that the State (Government and Public Authorities) have responsibilities of housing in Scotland and tenants (rights holders) have rights. This is emerging as a key trend in Scotland right now but is missing from the Regulator's key themes;
- Do the Tenant Satisfaction Surveys completed by all Landlords actually give an idea of the key issues for tenants and their needs?
- The Charter talk about Rents and Service Charges, however there is very little about Rent Affordability. Particularly when many tenants are suffering from the effects of Welfare Reform, some will not be able to afford the annual rent increases that landlords enforce. Again this is a rights based issue as the ICESR Right to Adequate Housing includes a right to affordable housing.

9.0 How can feedback be given?

A Questionnaire is available to complete online. There are 24 questions but answering all the questions isn't compulsory.

SHR also welcome general feedback on their proposals too via;







discussion@scottishhousingregulator.gsi.gov.uk



Scottish Housing Regulator
Buchanan House
58 Port Dundas Road, Glasgow
G4 0HF

10. Consultation Key Dates

Date	Who	What
30 March 2018		Deadline for feedback on discussion paper from stakeholders via 24 Q. Questionnaire or any chosen method of feedback.
Spring 2018		Reflect on responses, draft a new/ updated Regulatory Framework and issue formal consultation in Autumn 2018
Autumn 2018		Stakeholders offer feedback on formal consultation document
2019		Reflect on responses and publish new regulatory framework and start to implement it.



The Scottish Government's Scottish Social Housing Charter is available here:

Scottish Social Housing Charter 2017

<https://beta.gov.scot/publications/scottish-social-housing-charter-april-2017/>

There will be a specific 'Charter indicators review' later in 2018 as part of this consultation process to review the Regulatory Framework.




The 24 Questions connected to the discussion documents fit with the following headings.

Priorities

Question 1: Should SHR's Regulatory Priorities continue to be;

- **Tenant and resident safety;**
- **Homelessness;**

Edinburgh Tenants Federation Norton Park 57 Albion Road Edinburgh EH7 5QY

 0131 475 2509  info@edinburghtenants.org.uk  www.edinburghtenants.org.uk

- **Governance and Financial Management in RSLs.**

Questions follow relating to the detail of these areas e.g. What aspects of tenant safety are the most important for us to focus on?

Question 6: Should the SHR continue to work by;

- **Empowering tenants and others by gathering and publishing data in useful, accessible way**
- **Getting assurance** (i.e. landlords Providing and annual self –assessment to check they meet regulatory standards with SHR intervention where necessary)
- **Responding where things go wrong** (i.e. SHR intervening when necessary).
- **Thematic work** (i.e. using themes such as within homelessness to progress work).

Questions 7-11: **Focus on Information** that is collected from Landlords and the Scottish Social Housing Charter and its indicators

Questions 12–13 **Focus on Assurance** and specifically the proposal to ask landlords to provide an Annual Assurance Statement. As noted above Assurance is about landlords assessing their own performance and seeing where there are strengths and weaknesses and assuring that they are meeting regulatory standards.

Questions 14 -16: **Focus on RSL Risk Assessments.**

Questions 17: **Focus on Regulatory view of landlord**

Questions 18 and 19: **Focus on Local Authority Risk Assessment**

Question 20: **Focus on SHR’s approach to intervention and ‘responsive action’**

Question 21: **Focus on thematic work**

The final questions focus on other aspects of their current framework and equalities work.

The questions ask if their priorities are the right ones and if the way the way they are working is felt to be correct.




For a full list of questions please visit the questionnaire but the questions do not make complete sense if read separately from the discussion document so it is worth reviewing both together.

11. What’s next?

The consultation process will continue in 2018 with a final amended Regulatory Framework produced in 2019. ETF will be holding an event for tenants on **Tuesday 13th March 2018, 6.00pm-9.00pm, Norton Park Conference Centre.** For bookings contact the Federation Office on 0131 475 2509, email info@edinburghtenants.org.uk or book online at www.edinburghtenants.org.uk.

Edinburgh Tenants Federation
March 2018

Edinburgh Tenants Federation Norton Park 57 Albion Road Edinburgh EH7 5QY

 0131 475 2509  info@edinburghtenants.org.uk  www.edinburghtenants.org.uk