

Local Government, Housing and Planning Committee
Tuesday 3 December 2024
33rd Meeting, 2024 (Session 6)

Scottish Housing Regulator

Introduction

1. The purpose of this paper is to provide information to inform the Committee's scrutiny of the Scottish Housing Regulator (SHR).
2. In order to inform its evidence taking from the SHR on its [Annual Report for 2023-24](#) on Tuesday 17 December, the Committee will take evidence today from—

Panel One

- Alan Stokes, Policy Lead, Scottish Federation of Housing Associations (SFHA);
- David Bookbinder, Glasgow and West of Scotland Forum of Housing Associations (GWSF);
- Daryl McIntosh, Chief Executive Officer, SHARE;
- Tony Cain, Policy Manager, ALACHO;
- Patrick Gilbride – Retired Director, Dalmeir Park Housing Association

Panel Two

- James Calder, National Policy and Engagement Manager, Minority Ethnic Carers of People Project (MECOPP);
- Robyn Kane, Secretary, Edinburgh Tenants Federation;
- Lindsay Anderson, Chair of Link's Tenant Scrutiny Panel;
- Shona Gorman, Vice-Chair, Tenants Together Scotland

Background

3. The SHR is an independent Non-Ministerial Department, established on 1 April 2011 under the Housing (Scotland) Act 2010.
4. Its statutory objective is to safeguard and promote the interests of:
 - around 600,000 tenants who live in homes provided by social landlords;
 - over 120,000 owners who received services from social landlords;
 - around 40,000 people and their families who experience homelessness and seek help from local authorities; and
 - around 2,000 Gypsy/Travellers who can use official sites provided by social landlords.

5. The main functions of the SHR are to:

- keep a publicly available register of social landlords;
- monitor, assess and regularly report on all social landlords' performance of housing activities and on registered social landlords' financial well-being and standards of governance; and
- take action, where necessary, to protect the interests of tenants and other service users.

6. The SHR regulates 158 registered social landlords (RSLs) and the housing activities of Scotland's 32 local authorities. The 2010 Act requires that the SHR carries out its functions in a proportionate, accountable and transparent way. The SHR is led by a Board of non-executive members, appointed by Scottish Ministers following an open public appointments process. The SHR is independent of the Scottish Ministers and is directly accountable to the Scottish Parliament.

Written submissions

7. The Committee previously issued a call for written views about the SHR. Forty responses were received and [can be accessed on the Committee's website](#).

8. A brief summary of key points raised is provided in the attached SPICe briefing.

Focus of the session

9. In its session this week the Committee will explore the following themes with witnesses:

- The extent to which the SHR is performing its statutory remit effectively;
- Awareness and understanding of the SHR's remit;
- Adequacy of the regulatory framework and the review of that framework;
- Use of statutory powers of intervention;
- Concerns expressed in the written evidence to the Committee about the behaviour of some SHR staff;
- Reducing numbers of community-based housing associations;
- The absence of an appeals process regarding the SHR's regulatory decisions.

Conclusion

10. The Committee is invited to consider the information above in its evidence sessions to inform future scrutiny of the SHR.

**Committee clerks,
November 2024**



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Local Government, Housing and Planning Committee call for views

5. To inform its scrutiny of the SHR, the Local Government, Housing and Planning Committee issued a call for views on 9 September 2024 with a closing date of 11 October 2024. There were 40 responses to call for views.

6. Responses can be viewed online at:
https://yourviews.parliament.scot/lghp/scrutiny-of-scottish-housing-regulator/consultation/published_select_respondent
7. The majority of responses, 62% (25 responses,) were from organisations. Eleven responses were from councils and 4 were from groups representing tenants. Sixteen responses were submitted from individuals.

Key issues highlighted in the call for views

8. The following provides a summary of the main themes provided in response to the Committee's questions. This is intended to give a broad overview of the responses, rather than an exhaustive summary. A few respondents did not follow the structure of the questions – relevant points from their submissions have been included where appropriate.

Question 1. Is the SHR effectively performing its duty to safeguard and promote the interest of current and future tenants, people who are (or may become) homeless, factored owners and gypsy travellers?

Not all respondents gave a definitive response to this question. **On balance there were more positive comments suggesting that the SHR was effectively performing its duties.**

In general, organisational respondents, particularly **councils were more positive about the SHR's performance while was a more mixed response from individual respondents and groups representing tenants.**

Fife Council, for example, were positive:

“We believe that the SHR is an effective Regulator of social housing. There is regular communication with the Council to provide advice and guidance and new requirements as they are implemented. There are regular meetings between the Council and the Regulation Manager to discuss health & safety of tenants, housing standards, homelessness and Gypsy Travellers' interests. The discussions are open and frank and there is a level of trust established over years of joint-working.”

UK Finance also provided a positive view:

“Based on regulatory engagement plans, landlord self-assurance, the overall risk-based approach to regulation and the regulator's annual analysis of loan portfolio returns, and Annual Charter Returns, we see a sector which is generally well governed and in good financial health. As such, we believe the regulator is effectively performing its duties in key areas.”

Glasgow and West of Scotland Forum of housing associations (GWSF) set out some context to the changing nature of regulation:

“The nature of regulation has changed markedly in the last 25 years. Associations used to receive cyclical visits from a team of regulatory staff, which could last as long as a week in some cases, and involved in-depth discussions with staff and committee/board members. Now regulation is predominantly based on submission of data, with the Annual Assurance Statement each autumn being the most recent new requirement. This makes it more likely that challenges or potential ‘failures’ in particular areas of operation, finance or governance will be volunteered to, rather than discovered by, SHR.

GWSF does *not* receive a high volume of negative feedback from members about their engagement with SHR, and several members tell us that their relationship with SHR is very good. The fairly intense nature of SHR scrutiny of housing associations is widely seen as ‘par for the course’ nowadays and is something many senior staff and committee/board members have grown up with and become used to.

Some respondents suggested that **there was a lack of awareness of role of the SHR amongst tenants** and that the SHR does not engage directly with tenants. One individual respondent, for example, stated that there was:

“...no mechanism in place to consult with tenants directly so does not take on board our views, experiences or needs. The landlords now treat the Annual reports as a competition /league table and manipulate their answers accordingly.... There is no mechanism to challenge reports either by tenants or the regulator. The regulator does not monitor the RSLs inclusion or isolation of tenants Involvement for instance ; do they have democratically elected tenant involvement with proper feed back to grass roots tenants or are they Selected / involved Tenants claiming to act for tenants!!”

Tenants Together Scotland reported mixed views:

“Mixed views were expressed, and Tenants Together Scotland members were of the opinion that the effectiveness of SHR’s performance in relation to its duty is variable. For instance, in relation to tenant and service-user safety, members are keen to see SHR taking a stronger approach; in particular in relation to issues such as dampness and mould, the quality of temporary accommodation and breaches of the Unsuitable Accommodation Order.”

Whilst recognising that SHR’s risk-based approach to regulation is important, TTS members highlighted that they would also like to see SHR carry out more regular checks on landlords categorised as low-risk to verify the accuracy of reported performance data.”

The above last point on the need for the SHR to verify the accuracy of reported performance data was also echoed from a few other respondents suggesting the self-assessment process could be subject to manipulation. about A few

respondents questioned the effectiveness of the self assessment process suggesting that it was overly bureaucratic.

There were some critical comments, mainly from individual respondents about the SHR's attitude to community based housing associations and a perception of a merger culture and concerns about the attitude of SHR staff in such situations, (note that question 4 covers this in more detail).

In relation to the SHR's remit around **protecting the interests of gypsy/ travellers, the Minority Ethnic Carers of People Project (MECOPP) raised some concerns about the quality of some sites:**

"MECOPP works with the Gypsy/Traveller community and we have significant concerns regarding the provision of local authority/housing association run Gypsy/Traveller sites in Scotland. Our concerns regarding the sites include the standards of sites, capacity, how pitches are allocated and environmental concerns....Effectively tenants live in substandard conditions despite paying for rents due to social landlords not fulfilling their responsibilities"

Tenants Together Scotland also stated that "members noted they are keen for SHR to take a stronger role in regulating the quality of sites, with a particular emphasis on health and safety".

Co-operatives UK said that SHR performs its duty but is not very effective. Its view was that it, "Focuses solely on compliance with sometimes inappropriate requirements, to the exclusion of enabling and facilitating innovation, which holds back RSLs particularly housing -cops."

A couple of local authority comments made suggestions for areas that could be examined. These included that the reporting around homelessness could be improved, bringing all indicators onto one streamlined platform and that the SHR should be doing more to make sure RSLs help with homelessness allocations. Another suggested that a future focus on the affordability of the Housing Revenue Account would be welcome as these are issues which tenants frequently refer to in consultation exercises.

Share (a learning and development provider for the housing and property sector) said that the SHR appeared to be actively performing its duty, however, "whether SHR's efforts are sufficient to fully address the complex and growing issues remains an open question, especially given the national housing emergency and the increasingly difficult environment for social housing". It also recognised the dedication from staff, boards and committees of RSLs and suggested that it is "primarily down to the dedication of these people that Scotland's social housing sector is in such a strong position."

Question 2. How effectively is the SHR carrying out its function to monitor, assess and report on social landlord's performance and RSLs financial well-being and standards of governance?

Some respondents made generally positive comments. Respondents noted the range of methods the SHR uses which was seen as effective. As East Ayrshire Council noted:

“Through the various and regular engagement and monitoring arrangements, the Scottish Housing Regulator has, over the past number of years, effectively and successfully put in place reporting provisions, gathering performance and assurance data from social landlords. The main vehicle for gathering performance data is through the ARC and in East Ayrshire, the process of the submission of this annual data has been continually developed, improved and honed to ensure the production and reporting of robust, quality information that meets the requirements set out in the technical guidance.

Moreover, the Annual Assurance Statement put in place a formalised process, in addition to well-established mechanisms of assurance, assisting us to scrutinise our service provision and delivery. The Annual Assurance Statement also enables us to produce documentation that provide assurance for staff, tenants and elected members that our service activities meet regulatory requirements.

Additionally, the annual Engagement Plan produced by the Regulator assists us in focusing our activity towards areas where further scrutiny and inspection may be required to ensure ongoing effective service delivery.”

As with a point made in response to Q1, **there was some comment about adequacy of the self-assessment regulatory framework.** As the Scottish Tenant’s Organisation stated:

“...we believe they are too landlord friendly and allow registered social landlords to largely self regulate and write their own reports on how well they are doing in relation to everything. This has to change.”

An individual respondent also referred to an ‘overly bureaucratic approach that looks like box ticking and bean counting and there is a lack of understanding of what social housing is about or the environment that associations work in’. Another individual respondent suggested that too much reliance was given to “whistleblowers” and positive data on an associations’ performance was ignored.

Another individual respondent stated:

“...The assurance statement is a prescribed list of what the landlord thinks they are doing right and is written in a way that can be manipulated. Putting this document online and being able to compare it to other landlords (who may also be manipulating the document) does nothing to inspire confidence that the regulator is working behind the scenes to make sure landlords are "doing what they say they are." The SHR needs to be collecting it's own information and judging for itself whether landlords are "good enough" Speak directly to tenants, not just once a year via the customer satisfaction survey.”

UK Co-ops said regulatory framework was challenging for smaller associations, and that the SHR should have a more supportive role in relation to cooperatives.

The SHR has consulted on its Regulatory Framework. The Scottish Federation of Housing Associations (SFHA) response was largely based on recommendations based in a research project commissioned by SFHA. The SFHA shared a copy of its recommendations, along with a summary of progress since publication of the report.

Question 3. Does the SHR have sufficient intervention powers and are these powers being used to the best effect?

Twenty-two respondents specifically stated that the SHR had sufficient intervention powers, while other respondents gave a more mixed view or did not comment.

Some of the respondents stated that the intervention powers were also being used to best effect although others thought that they were not being used to best effect.

For example, a positive picture was provided by Kingdom Housing Association:

“Such powers have been used effectively in recent years with RSLs not meeting the SHR regulatory framework and standards of Governance and Financial management. Further, we believe these powers are used with the best interests of tenants in mind.

Kingdom Group was involved in a transfer of engagements of an RSL that was in statutory intervention due to poor Governance, which we believe to be a good example of the targeted use of statutory intervention powers.”

An individual responded that:

“As a lifetime housing professional and over recent years, a consultant that has also served as appointed statutory manager, I am one of the few people who has seen at first hand the very serious issues that have arisen in affected RSLs and the patience and support of the Regulator to work with the RSL to address matters before their ultimate intervention when all else has failed. As I have often commented, the SHR’s level of patience has been very notable and they genuinely only have used statutory powers in the most serious of cases and after lengthy efforts to allow the affected organisations to step up to the plate.”

Individual respondents, some of whom had worked in housing associations that had been subject to the SHR’s intervention process were more critical. For example, points made included that:

- The wording of correspondence from SHR inappropriate, often contain inaccuracies and can be frightening for the recipients

- The SHR's powers need to be used better to assist associations and voluntary committee members. There is too much money spent on consultants.
- The intervention powers could be used more proactively. Most interventions take place after the fact when problems have materialised. Risk assessments in the past have been ineffective
- There is a culture of fear amongst housing association staff
- The behaviour of SHR in intervention situation is not always appropriate, powers of intervention have been abused

Share was of the view that the intervention powers were sufficient but highlighted a **perception of 'heavy handed or insufficiently justified'** intervention:

"Where there have been cases of financial instability or poor governance intervention has proved effective when it has been in a targeted manner to correct issues without unnecessarily disrupting operations.

However, concerns have arisen where interventions have been perceived as too heavy handed or insufficiently justified, which has led to sector wide fear and distrust in the regulator."

Dumfries and Galloway Council also set out its view that there was a focus on smaller landlords and less of a focus on larger organisations, "which appear to have more leeway in what is acceptable practice around customer service and quality of housing."

MECOPP was unsure whether the powers were sufficient to meet the needs of gypsy/traveller communities living on social landlord sites and that, "there maybe consideration of taking a more collective account of need for members of the Gypsy/Traveller community to ensure their rights are being met"

A tenant group mentioned lack of knowledge/understanding about group complaints. Edinburgh Tenants Federation also stated that:

"Tenants stated that the powers themselves are sufficient however they do not believe they are being used to their full capacity by the Regulator.

Tenants should not have to make these complex complaints if the Regulator has the data already that shows that a social landlord has poor performance in one or many areas. Earlier intervention should be happening when a social landlord performance is poor.

Many tenants may not know who the Regulator is and what their rights are around making a group complaint.

The Regulator is perhaps not advertising what they do as much as they should be - especially to tenants and residents groups.

Information is not readily available and has to be "picked out".

Tenants suggested ETF could be more involved in letting people know about the Regulator and what it does - through its publications and events."

The Scottish Tenants Federation stated that the SHR must be made into a more, "interventionist organisation with beefed up powers to ensure registered social landlords do not abuse their powers in relation to tenants". It also referenced regulation of council homelessness services highlighting that some were breaking the law and "failing to enforce that the council actually offer temporary accommodation to homeless people who present themselves as homeless and therefore more people sleep rough on our streets."

Question 4: Is there a culture of the SHR encouraging asset transfers of community controlled housing associations to large Registered Social Landlords and if so, what evidence is there for that?

The most common response to this question can be categorised as no comment or unsure. In some cases, respondents said they had not had any direct experience of this, and some local authorities said that this was not applicable to them.

A couple of respondents did not agree that such a culture existed. As one individual stated:

"I know that there is a strong feeling that the SHR have bias against community controlled organisations and look for a transfer to a large organisation on every occasion but that is not my experience of the transfers in which I have been involved."

Tenants Together Scotland indicated that they were, "not aware of any direct evidence to support the suggestion of a culture of SHR encouraging asset transfers of community-controlled housing associations."

On the other hand, there were a few respondents who agreed that such a culture exists.

An individual described their view of the process which they considered led to a threat to diversity and local control:

"If a landlord is deemed to require regulator intervention the Regulator can appoint Board members to the failing RSL as well as a paid Manager for the RSL. These appointees are selected by the Regulator and have applied and been confirmed by the Regulator to have the skills to undertake such work. They therefore to be on these lists have been vetted by the SHR and share the Regulators philosophy on RSLs "deemed to be in trouble"

There does seem to be a similar approach taken by these new Board members and appointees - how should the RSL become Regulatory compliant - where is it failing and how best can it turn round its fortunes?

Normally option appraisals are undertaken and the position arrived at is often the "best solution" is the RSL should advertise it is looking for a transfer of engagements - to be absorbed into another RSL to enable it to best deliver on its commitment to tenants and to achieve its Business Plan. Existing Committee members often feel unable to challenge the Regulator appointed Board members and Manager.

The selection of a new RSL "partner" then becomes a bidding process with many neighbouring RSLs unwilling to get involved in such a process. So only the larger RSLs devote resources to this process and the logical outcome of such a process is the disappearance of the locally based community controlled RSLs - which are very unique to Glasgow. Diversity and local control are under threat from this approach."

Another individual respondent stated:

"The number of small, locally based, locally controlled RSLs has reduced significantly over the last twenty years. The default response to poor management or "non-compliance with regulatory standards" appears to be a transfer of engagements to a larger organisation. This is often detrimental to the long-term interests of the tenant of the transferring RSL."

The above respondent cited the recent case of Reidvale Housing Association as an example.

Link Tenant Scrutiny Panel had no direct experience of this but noted that "if individuals and organisation have suggested that this culture exist, they must provide evidence to back it up".

A response from an MSP summarised concerns they had raised with them by seven individuals. Many of these concerns relate to the statutory intervention process although some of the points below are also relevant to other questions posed by the Committee:

1. Interventions being carried out where there is a **lack of evidence** for the reasons given for the intervention by the Scottish Housing Regulator.
2. A feeling that there is a **lack of transparency and honesty** in the way the Regulator conducts its business.
3. **Inappropriate and disproportionate use of consultants** to carry out functions at the request of the Regulator but billed to housing associations at significant cost to the business and ultimately tenants.
4. An **apparent desire to remove staff and board members from posts that challenge the Regulator** on their actions using bullying and intimidatory methods that have resulted in long term sickness and people leaving the industry.
5. That there is an **unspoken policy of trying to reduce the number of housing associations** by pushing through unnecessary mergers which appears to disproportionately impact small, local housing associations.

6. Concerns around **accountability of the Regulator to Parliament or any other regulatory body**, commissioner or the Scottish Parliament with concerns about the Regulator largely ignored or rebuffed by other bodies.

7. **Lack of any form of appeals** process regarding the Regulator's decisions when intervention takes place."

The GWSF response set out it one overriding concern which is around potential takeovers of troubled associations by (usually) larger regional or national associations. It stated that this is a significant issue for the community based sector which contains a greater proportion of smaller associations. Although it acknowledged that the SHR has consistently denied this it stated that there was a, "sense of culture of nudging associations towards considering takeover as an option where significant problems are being faced," arguing that the recent case of Reidvale Housing Association suggests that there is evidence that this tendency exists.

GWSF did not think that community based housing associations should be subject to a different or separate regulatory regime. Instead, its suggestion for improvement in this area focused on the Code of Practice for Scottish Regulators, which requires regulators to take account of 'relevant community interests', and the SHR/Scottish Government Framework Agreement (related to the National Performance Indicators, including one on 'community') and aims to work with SHR to give greater meaning and transparency to the existing obligations.

Question 5: How effective is the SHR's engagement with both social landlord and tenants and other service users?

There was a **mixed responses to this question**. Some respondents, including local authorities, outlined good engagement and a positive experience. For example, North Lanarkshire Council stated that:

"We believe there is effective engagement with social landlords and tenants and service users, in terms of evidence on their published documentation on their website that the SHR engages with the National Panel of more than 400 Tenants and Users Tenant Advisors, Tenant Together Scotland, their landlord forum and their engagement at stakeholder events such as conferences and forums. Furthermore, the SHR has tenants on their board.

The extent of SHR's engagement with both social landlords, tenants and service users can be measured by the level of on ongoing dialogue and discussion and the extent to which recommendations for improvements made by social landlords and tenants and service users are taken on board. We were one of the 13 landlords selected in 2023/24 to take part in the thematic review of social landlords Annual Assurance Statements, which was a positive experience"

As with previous questions, there were fewer positive responses from individuals and some groups representing tenants. In addition, points made included that housing associations feared recrimination and there was a

dictatorial style of engagement. Tenants Together Scotland members were of the view that:

“.. that SHR needs to raise its profile amongst tenants and service users in order to engage most effectively. Based on local work and discussions, TTS feel the majority of tenants and service users covered by SHR’s duty are not aware of SHR and their role and remit; given SHR’s primary duty is to these groups, members’ view is that SHR should engage with tenants and service users to support them in work to raise their profile.

Involved tenants are generally well aware of SHR’s National Panel and Tenant Advisors, but there is a perception that these are largely one way routes of engagement with the methods and topics of engagement set out by SHR (in relation to the National Panel in particular). TTS members are of the view that tenants would welcome more interaction with SHR.”

Question 6: Is the SHR performing its role in accordance with the [Scottish Regulators’ Strategic Code of Practice](#). How does the SHR’s role and performance measure up against other social housing regulators internationally?

There was relatively little comment on this question, particularly in terms of international comparisons where respondents had little knowledge of practice elsewhere.

UK Finance stated that it was sighted on the equivalent regulators in the rest of the UK. It was of the view that the SHR was independent of government, relatively well resources with sufficient and appropriate statutory powers.

“We have, however, highlighted that the three regulatory statuses used in Scotland could mean regulatory opinion is stated with less clarity than, for example, in England where a system of four graded judgements in governance and financial viability gives a much sharper regulatory opinion with less ambiguity than the Scottish "moving towards compliance" status. In the context of national and international investment interest in the sector, it is important for regulatory opinion to be stated with greatest clarity - as more distant and less-familiar investors could be less inclined to pause to seek to interpret what the regulator might or might not be saying.”

Some respondents were of the view that the SHR was not performing its role according to the Regulator’s Code of Practice (or at least some elements of it). Some of the points made included that:

- SHR fails to tailor its approach as it does not differentiate between smaller organisations and larger organisations - applying the same levels of scrutiny and regulatory standards to both
- SHR does not offer an independent, impartial and transparent appeals process
- SHR is not enabling in its approach

- Compliance is overly bureaucratic and regulatory powers are used in a heavy handed manner

Share stated that it the SHR was falling short in five areas, particularly in the areas of transparency, accountability, proportionality, consistency, and a targeted approach and that:

“When comparing the SHR’s role and performance with other international social housing regulators, such as those in England, Australia, and Canada, the SHR appears less effective in fostering stakeholder engagement and collaboration. Many of these regulators prioritise open dialogue, stakeholder feedback, and a balanced regulatory approach that adapts to the needs of the housing market. Share does acknowledge that comparing with other countries can sometimes be unjust as the parameters are not all identical.

There is a strong feeling for a pressing need for the SHR to reassess its practices and enhance its adherence to the principles to re-establish and build trust and improve its overall effectiveness in the sector.”

Link Tenant Scrutiny Panel indicated that “Our members with experience of the UK Regulator feel that the SHR is more competent and more aware of the complex and diverse needs of tenants.”

Question 7: Does the SHR retain a high level of trust from its stakeholders?

There was a mixed response to this question. Some respondents, including local authorities, agreed that the SHR retained a high level of trust from its stakeholders. South Lanarkshire Council for example, stated:

“Yes, as a stakeholder, we maintain a high level of trust in the SHR as a body who over the years has demonstrated its willingness to incorporate the views of social landlords to support continuous improvement of the regulatory framework.”

Tenants Together Scotland stated:

“Trust in SHR will likely vary from stakeholder to stakeholder, however TTS members are of the view that where any intervention is taking place, it is generally trusted that this is for good reason, and will safeguard the interests of tenants and communities.”

Some other respondents reported low level of trust. As an individual noted:

“The present framework of Regulation does not engage in a human level and is far too bureaucratic in nature so I am not convinced that trust exists”

Share stated:

“Many RSLs express concerns about the potential for retribution when engaging with the SHR, which fosters an atmosphere of distrust. This fear can deter open communication and collaboration, as stakeholders worry that honest feedback may lead to punitive actions rather than constructive dialogue.

Additionally, there is a perceived lack of accountability from the SHR, leading to frustrations among RSLs and other stakeholders who feel that their voices are not adequately heard or valued.

As a result, the overall confidence in the SHR’s ability to act fairly and transparently has diminished, impacting its credibility and effectiveness in the social housing sector.

This response could effectively be corroborated due to the lack of responses to this call for views. Share are aware of many organisations who would like to comment but fear retribution for doing so.”

MECOPP were “not so much concerned that there is a lack of trust but a complete lack of awareness of the role of the Scottish Housing Regulator amongst many of the Gypsy/Traveller community. We would argue that there needs to be proactive work.”

Question 8: In the context of a housing emergency, is there more that the SHR could be doing to help social landlords respond to the challenges it presents and ensure the availability of high quality social housing?

Quite a few comments suggested that it was not within the remit of the SHR, or there was nothing else it could be doing. For example, one respondent stated that it was up to councils and RSLs to seek to influence the Scottish Government.

A few respondents mentioned that the SHR had published reports highlighting systemic failure in council’s homelessness services and that it recognises challenges that social landlords face.

A few comments were made by individual respondents. One, for example, suggested that SHR staff should go on a training programme that is suited to regulating housing associations as the way that are working just now. In doing so this the SHR could be more transparent and open in helping social landlords.

Co-operatives UK proposed giving the SHR the statutory duty to work with and support housing co-ops which would help tackle the housing emergency.

SHARE made some comments about how help social landlord respond, for example, through increased guidance and support, offering best practice frameworks and crisis response strategies. Another individual suggested that there was more potential for the regulation role, for example with resources for research and development initiatives.” I don’t see any positive, creative strategy

being developed by the SHR. This should be a priority function for a confident, strategic, experienced regulator of housing in Scotland.”

A council suggested that, “It is worth considering whether it would be appropriate, in relation to any future instance where the SHR establishes systemic failure (or the potential for it) that there should be a specific requirement for them to formally notify the Scottish Government of their assessment.”

Question 9: Is the statutory remit of the SHR, and the delineation of that remit from other bodies, sufficiently appropriate and clear?

Most respondents who expressed a view on this stated that there was sufficient delineation from other bodies.

Share agreed but also suggested areas for improvement, including the need for:

“...clearer delineation of roles among regulatory bodies to avoid overlap, enhanced coordination with local authorities, and broader engagement with the private rental sector. Additionally, allowing for flexibility in the regulatory framework to address emerging challenges, such as economic pressures and the housing crisis, as well as increasing transparency in decision-making and accountability, would further strengthen the SHR's effectiveness.”

A housing association gave a mixed opinion stating that there was clear delineation with OSCR. However, “The notifiable events guidance clouds the matter for subsidiary companies, particularly with areas around staffing, investigations and complaints as these are already overseen by the Care Inspectorate and SSSC. A simplification and restriction with this guidance would make the delineation clearer.”

Co-operatives UK again made the point about need for statutory duty for the Regulator around the support for housing co-operatives.

An individual response referred to bullying and intimidation and believed that the “remit of the SHR should be further subdivided in some way to cater for the diversity of housing providers and their very different characteristics.”

Tenants Together Scotland indicated that the statutory remit of the SHR is generally clear but that TTS members highlighted that local authority tenants in particular feel the delineation of the SHR's remit from other bodies (in particular Audit Scotland/Accounts Commission is less clear

Question 10: Is the level of parliamentary scrutiny and oversight of the SHR sufficient?

In general, there was relatively little comment on this question. Some respondents indicated that they agreed there was sufficient parliamentary

scrutiny but did not elaborate much on reasons for agreeing. A few individuals commented more negatively. For example, as one individual stated:

“I would consider the current capacity of parliamentary scrutiny and oversight of SHR to be sufficient but I do not consider the level of scrutiny to be sufficient. On the two occasions when I have listened to SHR responses to parliamentary questions, I have found their responses to be either vague, repetitive or evasive. I would not necessarily put that down to a calculated attempt to avoid answering parliamentary scrutiny but rather a lack of preparedness or in-depth knowledge required to address the questions asked.

Share indicated that there “**may be room for enhanced oversight**”. Parliamentary scrutiny is focused on the SHR’s annual reports but it questioned:

“...whether these reports provide transparency and offer the committee the full picture from a stakeholder’s perspective on the actions of the regulator... Increased attention to how the SHR is using its powers, engaging with stakeholders, and addressing systemic issues could actually strengthen its accountability and effectiveness.”

Another individual respondent stated:

“Absolutely not. As noted elsewhere this is one of the key reasons why the Regulator is so out of touch and out of control. It almost seems like a fairly important and influential government department has been created and someone forgot to mention how its performance and impact would be measured.”

The individual referred to the issue of “who regulates the Regulator” and outlined concerns about having difficulties of having accusations against the SHR investigated.

Kate Berry
SPICe
21 November 2024