

## Annual Return on the Scottish Social Housing Charter

### 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 **Friday 8 November 2024**.

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

Or post to: Scottish Housing Regulator  
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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

#### 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. There are some indicators which we do not routinely use in our regulatory assessment of social landlords' performance. As part of the consultation we are proposing to stop collecting the following indicators **14, 20, 23, 24, C3 and C4**.

Do you agree with our proposals to remove these indicators?

Overall, we think that the current indicators within the ARC are relevant and useful in terms of assessing overall performance and the quality of services provided to tenants and other customers. However, we note that some indicators are not routinely used by the Regulator in the regulatory assessment of landlord performance and agree that some indicators are better than others.

We would therefore provide the following comments on the proposals to remove Indicators 14, 20, 23, 24 and Contextual Indicators 3 and 4:

**Indicator 14: Tenancy offers refused during the year.**

The rationale for removing this indicator is that data is collected on the number of lets and average time to re-let properties via Indicator 30. We agree that Indicator 30 is a better measurement in terms of outcomes for tenants, however retain the view that Indicator 14 is a useful management indicator and poor performance could be a driver of poor performance in relation to average re-let times and also highlight poor use of staff resource.

Given that this indicator is not routinely used by the Regulator as a key measurement in their assessment of landlord performance, on balance we would support the removal of this indicator as a performance measure as part of the ARC submission. We would continue to collate data and monitor performance against this indicator internally and suggest that as it is of use to some landlords, could continue to be collected as a contextual indicator via the ARC so that data would be available across the sector.

**Indicator 20: Total cost of adaptations completed in the year by source of funding.**

The rationale for removing this indicator is that data from Indicators 19 and 21 on the number of households waiting for adaptations and the average time to complete adaptations, will continue to provide information on the demand for and extent of adaptation work being carried out in the sector.

Given that this indicator is not routinely used by the Regulator as a key measurement in their assessment of landlord performance we would support the removal of this indicator as a performance measure as part of the ARC submission.

**Indicators 23 and 24: Homelessness referrals.**

The rationale for removing these indicators is the view that they are confusing, onerous to collect and rarely used for benchmarking. In addition, data is already collected around the number of lets made by social landlords and the current review is proposing expanding Contextual Indicator 2 so that RSLs will report their lets to homeless households by local authority area. Given this context, we would support the removal of these indicators as a performance measure as part of the ARC submission.

**Contextual Indicator 3: Number of lets during the reporting year split between general needs and supported housing.**

Given that data is collected via Contextual Indicator 2 on the number of lets made by landlords broken down by source, we would support the removal of this contextual indicator as part of the ARC submission.

**Contextual Indicator 4: Abandoned homes.**

This data is provided as part of the data submitted for Indicator 17 (the % of properties that became vacant in the reporting year) and we would therefore support the removal of this contextual indicator as part of the ARC submission.

2. Following feedback from stakeholders we propose to amend the following indicators **10, 15 and C2**.

Do you agree with our proposals to amend these indicators?

**Indicator 10: Reactive repairs completed right first time.**

We would agree with the view that there are recording anomalies across landlords in relation to the data provided for this indicator and that this has always been problematic and would therefore agree with aim of amending the definition with the intention of simplifying and improving the consistency of data being reported.

We would support the proposal to focus on repairs that are “Reported again” and agree that removing the requirement for any original repair to have been completed within locally agreed timescales is sensible.

The draft updated Technical Guidance issued as part of this consultation outlines following definition of “Reported again”:

*“If a defect with a completed repair is reported within a 12-month period i.e. the operative has to be recalled, then subsequent repair(s) should be considered as ‘reported again’.”*

This seems straightforward but adding an acknowledgement that this means that a “Reported again” repair could refer to a repair originally completed in the previous reporting year, would be helpful and provide further clarity.

A further note could be added to the updated Technical Guidance providing clarity as to whether the 12-month period is re-started from the time a “Reported again” repair is completed.

**Indicator 15: Anti-social behaviour cases resolved.**

We acknowledge that the current definition means that cases which were opened in the previous reporting are excluded from reporting and that this is a weakness and that the indicator should be amended. We would therefore support the proposal to now include

these and also the proposal to reintroduce measuring whether cases were resolved against locally agreed targets.

We would also support the proposal to also measure the number of anti-social behaviour cases per 100 homes, however would suggest that this should be a contextual indicator as opposed to a measure of performance.

**Contextual Indicator 2: Lets in the reporting year by source of let.**

We would support the proposal that RSLs report their lets to homeless households by local authority area.

3. We also propose to introduce an additional indicator to monitor long term voids.

Do you agree that we should collect an additional indicator in relation to long term voids?

We agree with the proposal to re-introduce the previous ARC indicator 'the number of self-contained properties void at the year end and of those, the number that have been void for more than six months'

This could be strengthened further by including a calculation around "the % of properties void" and "the % of properties void for more than 6 months" to allow a comparison of void rates between landlords (as well as providing a sector wide picture of empty properties).

4. We propose to collect two new indicators in relation to tenant and resident safety. Do you agree with the additional indicators we propose to collect in relation electrical safety and fire detection?

**Electrical Safety: How many times in the reporting year did you not meet the requirement to complete an electrical safety inspection (EICR) within five years of the last EICR?**

We agree with the proposal to introduce a new indicator to measure any incidences where landlords do not meet the requirement set out in the Tolerable Standard to carry out an EICR within five years of the last EICR.

The draft updated Technical Guidance issued as part of this consultation outlines following definition:

*"The number of times you did not meet the requirement as set out in the Scottish Government's SHQS Technical Guidance where the recommended period for inspection of rented housing is intervals of no more than five years".*

This outlines that the indicator not measuring the number of properties with an EICR at year end, but the number of properties that did not have an EICR in place that was no more than 5 years old, at any point during that reporting year.

We think it would be helpful if the guidance provided clarity around how the following scenarios should be interpreted and counted:

- A property with no EICR in place at the beginning of year but has an EICR carried out during the reporting year – our interpretation would be that this would be counted as not meeting the requirement.
- A property that has an EICR in place at the beginning of the year, this then becomes older than 5 years during the reporting year, before a further EICR is then completed also within the reporting year - our interpretation would be that this would be counted as not meeting the requirement

The definition refers to the requirement as set out in the Scottish Government's SHQS Technical Guidance. It would be useful if the updated Technical Guidance included some important information from this guidance to provided clarity around whether a valid EICR is defined solely as an EICR in place that is not older than 5 years since the previous EICR but that this must also be a satisfactory EICR i.e. not containing any C1 issues identified at inspection that were not addressed.

**Fire Safety: Number of homes that do not have 'satisfactory equipment for detecting fire and giving warning in the event of fire or suspected fire' installed at the year end.**

We agree with the proposal to introduce a new indicator to measure how many homes do not meet the requirement set out in the Tolerable Standard to install satisfactory smoke and heat alarms.

5. Do you agree with our proposed approach to collect landlords' performance in relation to compliance with tenant and resident safety duties as part of the Annual Assurance Statements?

The rationale for proposing not to collect specific indicators in relation to social landlord's legal duties in relation to lift safety, fire risk assessments, asbestos and legionella is not clearly articulated in the consultation documents.

There are such indicators that could have been developed and used within the ARC to measure compliance.

That said, we consider the proposal that landlords continue to consider their compliance with these duties through their ongoing assurance processes and notify the Regulator through their Annual Assurance Statement of any areas of non-compliance to be sensible and would therefore support this proposal.

6. Issues of damp and mould continue to be an important area of concern for tenants. We therefore propose three new indicators in relation to damp and mould. Do you agree with our proposals to introduce these indicators?

We agree that issues of damp and mould are an important area of concern for tenants and that where issues with damp and mould arise, it is important that they are dealt with effectively and quickly.

We understand that the root cause of damp and mould can vary and in some cases can be complex, but acknowledge that whatever the cause, mould spores can pose a danger

to health, especially for young children, older people or people with existing skin and respiratory conditions or weaker immune systems.

We therefore agree that it is important that landlords understand the prevalence of these issues across their housing stock, the reasons that cause damp and mould develops and deal with any reported cases of damp and mould quickly and effectively.

We therefore agreed with the proposal to introduce the following three new indicators:

- Average length of time taken to resolve cases of damp and/or mould.
- Percentage of resolved cases of damp and/or mould that were reopened.
- Number of open cases of damp and/or mould at the year end.

7. Do you agree with the proposal to collect the “Average length of time taken to resolve cases of damp and/or mould” or would the “median” be more appropriate to measure the time to resolve cases of damp and/or mould?

We agree with the proposal to define the indicator as the “average time” as opposed to the “median time”.

Whilst there are benefits and drawbacks to both measurements, landlords would be able to interrogate their own data to look at both measures and using the “average” measurement retains consistency with other indicators collected as part of the ARC.

8. Damp and mould is a complex area for landlords. Are the new indicators we propose on damp and mould clearly defined?

Whilst we think that the new indicators on damp and mould are broadly clearly defined, we would like to comment on two elements of the draft definitions.

Firstly;

*Cases of damp and/or mould:*

*Any repair that has been reported as or assessed as a case of damp and/or mould.*

We would highlight that there is a difference between a report of damp and/or mould and instances where a report has led to an assessment of damp and/or mould being present.

The definition as outlined in the draft updated Technical Guidance means that a “case” of damp and/or mould would include a repair reported as damp and/or mould, where no damp and/or mould is then subsequently assessed as being present.

If this definition is retained, it becomes problematic due to the assumption that “cases” will be resolved.

Whilst the draft updated Technical Guidance does not specifically define “resolved”, a definition is inherent via the definition of “Case of damp and/or mould resolution time” which is:

*“The time taken (expressed in working days) between the earliest date a request is received by the landlord (from either the tenant/tenant’s representative or landlord’s member of staff/contractor) until the work is satisfactorily completed in the opinion of the landlord”.*

We therefore think that either a “case” should be re-defined as:

*Any repair that has been reported and then assessed and confirmed as a case of damp and/or mould.*

Otherwise the updated Technical Guidance would need to outline how “cases” that are reports of damp and/or mould but then not assessed as being damp and/or mould, are resolved by the landlord (the current definition of a “case” will also have implications for how “Reopened” is interpreted).

Secondly;

***Reopened***

*Damp and/or mould cases which are reopened should be counted where a report has been made of an instance of damp and/or mould within a property, a resolution has been carried out to that case of damp and/or mould and it is deemed as satisfactorily complete in the opinion of the landlord, following which the same case is required to be revisited within a 12 month period. The 12-month period starts from the date the case was originally deemed as resolved/closed.*

In relation to “Reopened” we think that the updated Technical Guidance should clarify how broadly or narrowly “same case” should be interpreted. For example, is this limited to damp and/or mould in the same room with the same cause? Would it include a different room with the same cause? Would it include the same room with a different cause? We think some scenarios would be helpful to better outline how this should be interpreted by landlords.

Thank you for taking the time to give us your feedback