

Local Government, Housing and Planning Committee
Tuesday 17 December 2024
36th 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. The Committee will take evidence from the SHR on its [Annual Report for 2023-24](#). The Committee will hear from—
 - Michael Cameron, Chief Executive, Scottish Housing Regulator and
 - George Walker, Chair, Scottish Housing Regulator.

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 the SHR:
 - Regulatory approach and culture
 - Engagement and statutory intervention
 - Appeals process
 - Engagement of tenants and other service users

Conclusion

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

**Committee clerks,
December 2024**



1. The purpose of this paper is to provide information to inform the Committee's scrutiny of the Scottish Housing Regulator (SHR).

Local Government, Housing and Planning Committee call for views

2. 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 the call for views](#).
3. A [summary of the responses received](#) was provided to committee at its meeting of 3 December 2024.
4. At the [Committee meeting of 3 December 2024, the Committee heard from two panels of witnesses:](#)

Panel 1:

- Daryl McIntosh (Share Ltd)
- Alan Stokes (Scottish Federation of Housing Associations)
- David Bookbinder (Glasgow and West of Scotland Forum of Housing Associations)
- Tony Cain (Association of Local Authority Chief Housing Officers)
- Patrick Gilbride (Dalmeir Park Housing Association)

Panel 2:

- James Calder (Minority Ethnic Carers of People Project, MECOPP)
 - Shona Gorman (Tenants Together Scotland)
 - Robyn Kane (Edinburgh Tenants Federation)
 - Lindsay Anderson (Link Group Tenant Scrutiny Panel)
5. On 11 October 2024, the SHR published its [Annual Report and Accounts for 2023-24](#).

Background on key issues

6. The following provides further information on some of the issues raised by stakeholders during the meeting on 3 December 2024.

Statutory intervention costs

7. The Housing (Scotland) Act 2010 gives the SHR powers to intervene in various ways. For example, it can require the submission of a performance improvement plan or appoint a manager for housing activities. For RSLs only it can appoint a manager for financial affairs and appoint a new governing body member to an RSL. These powers are used as a last resort. [Full details of intervention powers are available online](#)
8. The SHR has used its intervention powers on 12 occasions since it was formed. [Reports on each use of its intervention powers are published on the website.](#)
9. At the previous committee meeting, Patrick Gilbride spoke about the costs of the statutory intervention process and indicated that the intervention in Dalmuir Park Housing Association cost the tenants £0.5m. ([Col 11](#)). The [SHR's report on Dalmuir Park Housing Association](#) states that the costs for the statutory manager's services and expenses was £118.7k (from Dec 17 to March 19) and "these costs were partly offset by wider savings in staffing levels and substantial improvements in performance".
10. Some other intervention costs are higher, for example, the cost of services and expenses of the statutory managers and statutory appointees in [Wishaw and District Housing Association](#) was £415,603 excluding VAT.

Appeals process

11. [The 2010 Act established a statutory right](#) of appeal to the Court of Session for specific SHR decisions. These relate to:
 - the registration and deregistration of a social landlord and
 - the suspension or removal of an individual from a registered social landlord (RSL).
12. Beyond this, the Act has not established any wider specific statutory right of appeal against regulatory decisions. However, the SHR has a non-statutory appeals process that covers a wider range of regulatory

decisions and offers additional opportunities for challenge, beyond those set out in the 2010 Act. [Further details are set out in this document.](#)

13. In addition to an appeal the SHR's work can be challenged by (depending on the circumstances):
 - a review - where the decision-maker and a more senior person look again at the decision; and
 - a complaint - using a two-stage internal process with the potential for recourse to the Scottish Public Services Ombudsman (SPSO), subject to the SPSO's consideration of whether it is able to take action in the specific circumstances of the case.

14. SFHA stated that an appeals process similar to that established by Office Scottish Charity Regulator (OSCR) would be useful. The Charities and Trustee Investment (Scotland) Act 2005 allows for certain decisions by OSCR to be reviewed. OSCR's review decisions can be appealed to the General Regulatory Chamber of the First-tier Tribunal for Scotland, then to the Upper Tribunal for Scotland and ultimately to the Court of Session. Further details on OSCR's [review and appeals process can be viewed online.](#)

Tenants, Homeless people and Gypsy/Travellers and other service users

15. At the previous committee there was discussion about how the SHR involved tenants and other service users in its work. The SHR's Annual Report 2023-24 details some of the work undertaken in 23-24, including:
 - ["research with our National Panel of Tenants and Service Users](#)
 - work with tenant representatives through the [Regional Networks SHR Liaison Group.](#)
 - Our [Tenant Advisors](#) bring tenants into the heart of our regulation of social landlords. Their feedback provides us with a tenant perspective to add to the other regulatory evidence we gather. During 2023-24 they worked with us on our review of our Regulatory Framework and projects to look at mould and damp, tenant participation and significant performance failures."

16. The National Panel of Tenants and Service Users has over 400 members. Current members include social tenants, people who have used homelessness services, tenants of social rented Gypsy/Traveller sites and owners using social landlord factoring services. [Further information is on the SHR website](#) which states:

"Ensuring a balanced Panel membership is also a key element of ongoing promotion and recruitment work. This seeks to expand

the reach of the Panel in terms of the size of the membership and representation of specific population subgroups. Total Panel membership stood at 426 at March 2024. The current Panel profile suggests that the priorities for further improving representation should be on black and minority ethnic members and younger people (those aged under 35).”

Kate Berry

SPICe

10 December 2024

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