

The Regulatory and Legal Framework

Regulatory, Legal and Constitutional Framework

Rosehill Housing Association

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- Registered Social Landlord
- Community Benefit Society
- Scottish Charity
- Employer
- Service Provider
- Data Controller
- Borrower
- Purchaser / contractor

Rules, Laws, Regulations

- Regulatory Standards of Governance and Financial Management (2024)
- Co-operative and Community Benefit Societies Act 2014
- Charities and Trustee Investment (Scotland) Act 2005
- Freedom of Information (Scotland) Act 2002
- Data Protection Act 2018 / GDPR
- Housing (Scotland) Act 2014
- Employment Act 2002
- Equalities Act 2010
- Health and Safety at Work Act (1974)
- Rosehill Housing Association Rules

Key Regulators

- Scottish Housing Regulator (SHR)
 - Governance and Financial Management
- Office of Scottish Charity Regulator (OSCR)
 - Charity compliance; Duties of Trustees
- Financial Conduct Authority (FCA)
 - Constitutional Change / Compliance; Financial Returns
- Health and Safety Executive (HSE)
 - Safety: tenants & residents; staff; public; premises; sites; contractors

Constitution / Rules

- Purpose and permitted activities
- Committee: membership; responsibilities; quorum
- Committee members: election; responsibilities; conduct; attendance
- Office bearers: Chair and Secretary
- Sub-committees
- Members: eligibility / criteria / shares
- General meetings: calling; business; annual / special
- Borrowing / investments
- Amendments
- Winding up

Scottish Housing Regulator

- SHR established in 2010: **statutory purpose** to protect the interests of tenants, homeless people, factored owners and Gypsy Travellers provided with services by social landlords
- **Statutory function:** to monitor, assess, report and intervene (as appropriate) in relation to social landlords' performance of housing activities and RSLs' financial well-being and governance standards
- Lead regulator for charitable RSLs
- Partnership with Audit Scotland for LAs

RSL Duties

- Comply with requirements of Regulatory Framework / Regulatory Standards of Governance & Financial Management
- Ensure housing stock meets Scottish Housing Quality Standard (SHQS); report on progress / achievement
- Seek out and take account of tenants' views & feedback; describe influence on decision / policy making
- Report compliance and performance to tenants

Regulatory Standards

1. The governing body leads and directs the RSL to achieve good outcomes for its tenants and other service users
2. The RSL is open about and accountable for what it does. It understands and takes account of the needs and priorities of its tenants, service users and stakeholders. And its primary focus is the sustainable achievement of these priorities
3. The RSL manages its resources to ensure its financial well-being, while maintaining rents at a level that tenants can afford to pay

Regulatory Standards

4. The GB bases its decisions on good quality information and advice and identifies and mitigates risks to the organisation's purpose
5. The RSL conducts its affairs with honesty and integrity
6. The GB and senior officers have the skills and knowledge they need to be effective
7. The RSL ensures that any organisational changes or disposals it makes safeguard the interests of, and benefit, current and future tenants

Regulatory Framework: 2024

- 2024-2029
 - stability & continuity; learning from 2019-23
- Introduces 'specific assurance' requirement for AAS
- Engagement Status: Compliant; Non-compliant – WTC; Non-compliant – statutory intervention
- Comprehensive review of ARC in 2024 – reported January 2025
 - Effective from 2025/26 (for submission May 2026)
- 'Strengthen' requirements on listening to tenants
 - Standard 2 revised: “*actively* seeks out ... views ...*concerns...*; *GB listens* to tenants...”; Standard 4 revised “GB ensures...easy & effective ways to provide feedback & raise concerns...quick & effective response...”
- Notifiable Events – focus on *significant* events / issues
- Serious Performance Failures – serious concern(s) affecting group; already raised with landlord

Reporting to SHR

- Annual Return on the Charter (ARC) – by 31 May
- Financial Projections (5 / 30 Year) – by end June
- Annual Assurance Statement (AAS) – by 31 October
- Annual Accounts (to OSCAR and FCA also) – within 6 months of year end
- Maintain organisational details on SHR Register
- Notifiable Events – as required

SHR Engagement Status

- Compliant
 - Complies with regulatory framework and standards; may be required to provide supplementary information
- Not Compliant : Working towards compliance
 - Non-compliance identified; deliverable action plan being implemented & monitored
- Not Compliant: Statutory action
 - Non-compliance identified; satisfactory progress not achieved; statutory measures implemented to resolve (e.g. statutory manager; statutory appointees)

SHR - Key Risks (November 2024)

- Homelessness
- Performance in delivering services
- Development: financial impact of development plans
- Quality of homes
- Tenant and resident safety
- Financial health of RSLs
- Good governance of RSLs

SHR Priorities from 2024

- Listening & responding effectively to tenants' views
- Providing safe, good quality homes
- Keeping homes as affordable as possible
- Doing as much as possible to reduce homelessness
- Equalities and human rights
- Governance (RSLs)
- Net-zero / de-carbonisation; impact of economic environment on rents & services; expectations about reducing homelessness

Committee needs to ...

- Be satisfied that Rosehill
 - Complies with SHR Regulatory Standards
 - Complies with the Scottish Social Housing Charter
 - Meets all of its legal, constitutional and regulatory requirements
 - Understand where there are gaps or failings
 - Identify and implement remedies
 - Recognise where there is room for improvement
 - Have evidence to support conclusions / assessment
 - Confirm / report to the SHR and Stakeholders