



# Housing (Scotland) Act 2010

## 2010 asp 17

### PART 3

#### PERFORMANCE OF SOCIAL LANDLORDS

##### *Scottish Social Housing Charter*

#### **31 Scottish Social Housing Charter**

Ministers must set out standards and outcomes which social landlords should aim to achieve when performing housing activities.

The document in which those standards and outcomes are set out is to be known as the “Scottish Social Housing Charter”.

#### **32 Standards and outcomes**

- (1) Standards and outcomes set out in the Scottish Social Housing Charter may, for example, relate to—
- (a) the housing needs for which social landlords should provide,
  - (b) the prevention and alleviation of homelessness,
  - (c) the provision and management of sites for gypsies and travellers, whatever their race or origin,
  - (d) the acquisition and disposal of housing accommodation,
  - (e) the allocation of housing accommodation,
  - (f) the terms of tenancies and the principles upon which levels of rent should be determined,
  - (g) the condition and quality of housing accommodation,
  - (h) the maintenance and repair of housing accommodation,
  - (i) the contribution of registered social landlords and local authority landlords to the amenity of the areas in which housing accommodation is situated,
  - (j) the contribution to and promotion of the environmental well-being and regeneration of the areas in which housing accommodation is situated,
  - (k) the prevention of harassment or anti-social behaviour,

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- (l) the provision of information to the public by registered social landlords on their housing services and governance arrangements,
  - (m) the participation of tenants (and bodies representing tenants) in formulating social landlords' proposals concerning the provision of housing services and in reviewing those proposals once formulated,
  - (n) the procedures for dealing with tenants' complaints about social landlords and for resolving other disputes between social landlords and their tenants.
- (2) Different standards and outcomes may be set out for different social landlords or for different areas or cases.

### **33 Scottish Social Housing Charter: supplemental**

- (1) Ministers—
- (a) must review the Scottish Social Housing Charter from time to time, and
  - (b) may revise it following such a review.
- (2) Before preparing the Scottish Social Housing Charter (and when reviewing it), Ministers must—
- (a) have regard to the interests of persons who may become—
    - (i) homeless, or
    - (ii) tenants of social landlords, and
  - (b) consult—
    - (i) the Regulator,
    - (ii) tenants of social landlords or their representatives,
    - (iii) homeless persons or bodies representing the interests of homeless persons,
    - (iv) recipients of housing services provided by social landlords or their representatives,
    - (v) social landlords or their representatives,
    - (vi) secured creditors of registered social landlords or their representatives,
    - (vii) the Accounts Commission for Scotland, and
    - (viii) the Commission for Equality and Human Rights and such other bodies representing equal opportunities interests as Ministers think fit.
- (3) The Scottish Social Housing Charter (and any revision) does not have effect unless a proposed Charter (or revision) has been laid before and approved by a resolution of the Scottish Parliament.
- (4) Ministers must—
- (a) publish the Scottish Social Housing Charter (and any revision), and
  - (b) make arrangements for bringing the Scottish Social Housing Charter (and any revision) to the attention of—
    - (i) social landlords, and
    - (ii) registered tenant organisations associated with social landlords.

*Targets, guidance, code of conduct and equal opportunities*

**34 Performance improvement targets**

- (1) The Regulator may set performance improvement targets specifying the level or quality of housing services or the standard of housing activities which social landlords must aim to provide by a specified time.
- (2) Different performance improvement targets, or different times, may be set for different social landlords or for different areas or cases.
- (3) Before issuing, revising or withdrawing a performance improvement target, the Regulator must consult—
  - (a) Ministers,
  - (b) tenants of social landlords or their representatives,
  - (c) homeless persons or bodies representing the interests of homeless persons,
  - (d) recipients of housing services provided by social landlords or their representatives,
  - (e) social landlords or their representatives,
  - (f) secured creditors of registered social landlords or their representatives, and
  - (g) the Accounts Commission for Scotland.

This subsection does not apply where—

- (i) the performance improvement target affects only one social landlord, or
  - (ii) the Regulator considers that there is an urgent need to set the performance improvement target.
- (4) The Regulator must make arrangements for bringing a performance improvement target (and any revision or withdrawal) to the attention of affected social landlords.

**35 Guidance: housing activities**

- (1) The Regulator must issue guidance setting out—
  - (a) indicators by reference to which it intends to measure progress towards achieving standards and outcomes set out in the Scottish Social Housing Charter, and
  - (b) how it otherwise intends to assess whether a social landlord has achieved, or made progress towards achieving those standards and outcomes.
- (2) The Regulator may also issue guidance—
  - (a) setting out indicators by reference to which it intends to measure progress towards meeting a performance improvement target,
  - (b) setting out how it otherwise intends to assess whether a social landlord has met, or made progress towards meeting, a performance improvement target,
  - (c) on any other matter related to housing services provided by social landlords.
- (3) Guidance may be given generally or for particular purposes (and different guidance may be issued for different social landlords or for different areas or cases).
- (4) Before issuing, revising or withdrawing general guidance, the Regulator must consult—
  - (a) Ministers,

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- (b) tenants of social landlords or their representatives,
  - (c) homeless persons or bodies representing the interests of homeless persons,
  - (d) recipients of housing services provided by social landlords or their representatives,
  - (e) social landlords or their representatives,
  - (f) secured creditors of registered social landlords or their representatives, and
  - (g) the Accounts Commission for Scotland.
- (5) The Regulator must make arrangements for bringing its guidance (and any revision or withdrawal) to the attention of affected social landlords.

**36 Code of conduct: governance and financial accountability**

- (1) The Regulator must issue a code of conduct setting out standards of financial management and governance for registered social landlords.
- (2) The code of conduct may make different provision for different registered social landlords or for different areas or cases.
- (3) The Regulator must issue guidance on the code of conduct.
- (4) Before issuing or revising its code of conduct or guidance, the Regulator must consult—
  - (a) tenants of registered social landlords or their representatives,
  - (b) registered social landlords or their representatives, and
  - (c) secured creditors of registered social landlords or their representatives.
- (5) The Regulator must make arrangements for bringing the code of conduct (and any revision) and its guidance (and any revision) to the attention of registered social landlords.

**37 Financial management or governance targets for registered social landlords**

- (1) The Regulator may set financial management or governance targets specifying standards of financial management or governance which registered social landlords must aim to achieve by a specified time.
- (2) Different financial management or governance targets, or different times, may be set for different registered social landlords or for different cases.
- (3) Before issuing, revising or withdrawing a financial management or governance target, the Regulator must consult—
  - (a) Ministers,
  - (b) tenants of registered social landlords or their representatives,
  - (c) registered social landlords or their representatives, and
  - (d) secured creditors of registered social landlords or their representatives.

This subsection does not apply where—

- (i) the financial management or governance target affects only one registered social landlord, or
- (ii) the Regulator considers that there is an urgent need to set the financial management or governance target.

- (4) The Regulator must make arrangements for bringing a financial management or governance target (and any revision or withdrawal) to the attention of affected registered social landlords.

### **38 Guidance: financial management or governance targets**

- (1) The Regulator may issue guidance—
- (a) setting out indicators by reference to which it intends to measure progress towards meeting a financial management or governance target,
  - (b) setting out how it otherwise intends to assess whether a registered social landlord has met, or made progress towards meeting, a financial management or governance target.
- (2) Guidance may be given generally or for particular purposes (and different guidance may be issued for different registered social landlords or for different cases).
- (3) Before issuing, revising or withdrawing guidance on a financial management or governance target, the Regulator must consult those persons who it was required to consult when issuing or revising the target.
- (4) The Regulator must make arrangements for bringing its guidance (and any revision or withdrawal) to the attention of affected registered social landlords.

### **39 Encouragement of equal opportunities**

Social landlords when performing housing services must act in a manner which encourages equal opportunities and in particular the observance of the requirements of the law for the time being relating to equal opportunities.

#### *Assessing and reporting*

### **40 Assessment of social landlords**

- (1) When assessing a social landlord's performance of housing activities, the Regulator must consider—
- (a) the level and quality of housing services provided by the social landlord (with particular regard to the level of rents and other service charges),
  - (b) the Scottish Social Housing Charter,
  - (c) any relevant performance improvement target, and
  - (d) any relevant guidance issued under section 35.
- (2) When assessing a registered social landlord's financial well-being or standards of governance, the Regulator must consider—
- (a) the code of conduct and guidance issued under section 36,
  - (b) any relevant financial management or governance target, and
  - (c) any relevant guidance issued under section 38.

### **41 Performance reports**

- (1) The Regulator must publish performance reports containing—
- (a) an assessment of social landlords' performance in—

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- (i) achieving the standards and outcomes set out in the Scottish Social Housing Charter, and
    - (ii) meeting any relevant performance improvement targets,
  - (b) the identity of any social landlord considered to have failed, or to be at risk of failing, to achieve those outcomes or meet those standards and targets.
- (2) The Regulator may include in a performance report—
- (a) information about regulatory interventions made by the Regulator,
  - (b) information about the financial well-being of registered social landlords generally,
  - (c) such other information about the performance of social landlords or the financial well-being or standards of governance of registered social landlords which the Regulator considers likely to be useful to—
    - (i) social landlords, or
    - (ii) persons who are, or who may become, tenants of social landlords or other recipients of housing services provided by social landlords.
- (3) The Regulator may publish performance reports as often as it considers appropriate but must do so at intervals of not more than 12 months.
- (4) As soon as practicable after publishing a performance report, the Regulator must—
- (a) lay a copy of it before the Scottish Parliament, and
  - (b) send a copy of it to Ministers.