



Housing (Scotland) Act 2010

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PART 3

PERFORMANCE OF 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,
 - (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.