

## Annexe One

### A new deal for social housing - Consultation Questions

#### Chapter one - Ensuring homes are safe and decent

Dame Judith Hackitt's independent review of building regulation and fire safety states that residents have an important role to play in identifying and reporting issues that may impact on the safety of the building and in meeting their obligations, including co-operating with crucial safety-related works, to ensure their own safety and that of their neighbours.

#### 10. How can residents best be supported in this important role of working with landlords to ensure homes are safe?

**Residents need to be provided with clear standards and clear reporting mechanisms regarding safety in the home. Information to be widely publicised and referred to when homes visited and specific advice given. Details on how to report issues and how to escalate to Housing Regulator if not satisfied with response. Continuous information, education and empower tenants groups to assist wider tenant population.**

There have been recent changes to drive up safety that apply to the private rented sector but not the social sector. For example, in 2015, we introduced a requirement to install smoke alarms on every storey in a private rented sector home, and carbon monoxide alarms in every room containing solid fuel burning appliances. Government has recently announced that there will be a mandatory requirement on landlords in the private rented sector to ensure electrical installations in their property are inspected every five years.

#### 11. Should new safety measures in the private rented sector also apply to social housing?

- Yes
- No
- Not sure

Please explain your answer further below, if you wish to.

**To give equality across tenures**

**Propose any change to electrical testing be phased to avoid skill shortage.**

The Decent Homes Standard requires social homes to be free of hazards that pose a risk to residents, to be in a reasonable state of repair, to have reasonably modern facilities and services such as kitchens and bathrooms and efficient heating and effective insulation.

#### 12. Are there any changes to what constitutes a decent home that we should consider?

- Yes
- No
- Not sure

Please explain your answer further below, if you wish to.

**Standards regarding external and communal areas, external risks (eg streams, boundaries), minimum energy ratings, satisfactory kitchen and bathroom (not or). Decent Homes to reflect new PRS safety standards. Recommend CO alarms should be provided in all rooms with a fixed combustion appliance (as in Scotland) and not**

just rooms with a solid fuel appliance. The current requirement does not go far enough and relies too much on the annual gas safety certificate.

The 2017 Survey by the Chartered Institute of Environmental Health made recommendations regarding updating the HHSRS: hazard profiles, clarify enforcement areas, align space standards and update worked examples.

**13. Do we need additional measures to make sure social homes are safe and decent?**

Yes

No

Not sure

If you answered yes, are there measures you would suggest? Please answer below.

**To include tenants view of home safety**

**Reappraisal of risk may maximise resources for health and safety eg change in gas safety regulations dates.**

## Chapter two - Effective resolution of complaints

We want to understand whether more residents need to be able to access independent advice and potentially advocacy to support them in making a complaint.

Alternative dispute resolution and mediation services can be critical in allowing issues to be resolved swiftly and locally, while sustaining positive relationships between the parties involved. We are considering whether and how we might strengthen the mediation available for residents and landlords after initial attempts at resolution have failed.

### 14. Are there ways of strengthening the mediation opportunities available for landlords and residents to resolve disputes locally?

- Yes
- No
- Not sure

If you answered yes, you can provide suggestions below.

**Local Authority (LA) tenants have elected Members to resolve issues through the democratic process. Housing Associations (HA) are not accountable in the same way. Seek parity across the sector HAs could be more accountable to LAs.**

Where a complaint is not resolved, a resident should refer their complaint to a “designated person”, such as a local MP, councillor or tenant panel, (known as the democratic filter), but if they do not want to do this or the designated person does not resolve or refer it on themselves, a resident must wait for eight weeks before the complaint can be referred to the Housing Ombudsman. There is a perception that the process of seeking redress took too long, and that the “democratic filter” contributed to delays.

### 15. Should we reduce the eight week waiting time to four weeks? Or should we remove the requirement for the 'democratic filter' stage altogether?

- Support the option to reduce the waiting time to four weeks
- Support the option to remove the 'democratic filter' stage altogether
- Support no change
- Not sure

Reforming the filter stage would require primary legislation. We therefore also want to explore what more could be done in the meantime to help ensure that “designated persons” better understand their role and help to deliver swift, local resolutions for residents.

### 16. What can we do to ensure that “designated persons” are better able to promote local resolutions?

**Direct access to Housing Ombudsman for advice and support. Lessons learnt from ombudsman cases. Designated persons to complete Housing Ombudsman online training before taking cases ie to be “approved” by Housing Ombudsman**

We are looking at awareness of housing dispute resolution services more widely as part of our housing redress consultation. We also want to consider if there is a case for an awareness campaign to support social residents in particular to understand their rights to seek redress and to know how to make complaints and escalate them where necessary.

### 17. How can we ensure that residents understand how best to escalate a complaint and seek redress?

**Regulator to ensure through consumer standards whole complaint process promoted. National campaign on what to do if unhappy with landlord response. Citizens Advice to be fully versed in escalation of social housing complaints.**

We want to understand whether more residents need to be able to access independent advice and potentially advocacy to support them in making a complaint.

**18. How can we ensure that residents can access the right advice and support when making a complaint?**

**Prescriptive though regulatory code. National campaign on what to do if unhappy with landlord response.**

There are no statutory guidelines setting out time frames within which providers should handle complaints. Dissatisfaction with the length of time it takes to resolve issues was mentioned at our engagement events. We therefore want to consider how to speed up landlord complaints processes.

**19. How can we best ensure that landlords' processes for dealing with complaints are fast and effective?**

**Consistency of cases. National timeframe. Landlords held accountable for delays/poor response.**

**20. How can we best ensure safety concerns are handled swiftly and effectively within the existing redress framework?**

**Promote contacting the Housing Regulator if not happy with how safety concern dealt with. Ensure information readily available for staff to give best advice to tenants on Health and Safety information.**

## Chapter three - Empowering residents and strengthening the Regulator

We consider that key performance indicators should be focused on issues of key importance to residents, covering those identified through our engagement, such as:

- Keeping properties in good repair;
- Maintaining the safety of buildings;
- Effective handling of complaints;
- Respectful and helpful engagement with residents; and,
- Responsible neighbourhood management, including tackling anti-social behaviour.

### 21. Do the proposed key performance indicators cover the right areas?

- Yes  
 No  
 Not sure

### 22. Are there any other areas that should be covered?

- Yes  
 No  
 Not sure

Please explain your answer further below, if you wish to.

**Outside space (environmental) and communal area indicators – satisfaction with paths, grounds, staircases etc**

### 23. Should landlords report performance against these key performance indicators every year?

- Yes  
 No  
 Not sure

### 24. Should landlords report performance against these key performance indicators to the Regulator?

- Yes  
 No  
 Not sure

### 25. What more can be done to encourage landlords to be more transparent with their residents?

**Reinvigorate a prescriptive annual report requirement and publish online**

The Regulator already expects landlords to publish information about complaints each year, but approaches vary. We are considering setting out a consistent approach on how landlords should report their complaint handling outcomes, by asking them to report how many complaints were resolved, how many were resolved after repeated complaints and how many were referred to the Ombudsman.

### 26. Do you think that there should be a better way of reporting the outcomes of landlords' complaint handling? How can this be made as clear and accessible as possible for residents?

- Yes  
 No

Not sure

If yes, how can this be made as clear and accessible as possible for residents?

### **New regulatory Performance Indicators**

**27. Is the Regulator best placed to prepare key performance indicators in consultation with residents and landlords?**

Yes

No

**Unsure**

Please explain your answer further below, if you wish to.

### **National Tenant Body could prepare PIs**

**28. What would be the best approach to publishing key performance indicators that would allow residents to make the most effective comparison of performance?**

### **Comparison website (Tenant Services Authority / Housemark had/have models)**

We want to consider the role of financial incentives and penalties to promote the best practice and deter the worst performance. For example, whether key performance indicators should help inform or influence the extent to which landlords receive funding and link the Affordable Homes Programme funding to the Regulator's governance rating as well as the viability rating.

**29. Should we introduce a new criterion to the Affordable Homes Programme that reflects residents' experience of their landlord?**

Yes

No

**Not sure**

Please explain your answer further below, if you wish to.

### **Doubt have impact to larger self financing Housing Associations and could penalise smaller Housing Associations**

**30. What other ways could we incentivise best practice and deter the worst, including for those providers that do not use Government funding to build?**

### **Regulator holding landlords to account by using fines and special measure sanctions.**

We want to understand more about whether the regulatory framework is setting the right expectations on how landlords should engage with residents, and how effective current resident scrutiny measures are. Landlords are required to consult residents at least once every three years on the best way of involving them in the governance and scrutiny of the housing management service, and demonstrate how they respond to tenants' needs in the way they provide services and how they communicate.

**31. Are current resident engagement and scrutiny measures effective?**

Yes

No

**Not sure**

**32 What more can be done to make residents aware of existing ways to engage with landlords and influence how services are delivered?**

**National campaign to embed engagement in national consciousness (social media, vloggers, soaps, press)**  
**Engagement dependent on political will and appetite need to promote good practice.**

A number of national tenant and resident organisations in the sector have been exploring the option of an independent platform for tenants, based on widespread engagement with tenants, to enable them to have their voices heard more effectively at a national level.

**33. Is there a need for a stronger representation for residents at a national level?**

**Yes**

No

Not sure

If you answered yes, how should this best be achieved?

**Tenant Services Authority model could be developed**

We want to offer residents greater opportunity to exercise more choice and influence over the day to day housing services. We are exploring options to demonstrate how community leadership can be embedded in the governance and culture of mainstream landlords.

**34. Would there be interest in a programme to promote the transfer of local authority housing, particularly to community-based housing associations?**

Yes

**No**

Don't know

If you answered yes, what would it need to make it work?

**Alternative suggestion Housing Association homes transfer to Local Authority**

**35. Could a programme of trailblazers help to develop and promote options for greater resident-leadership within the sector?**

Yes

No

**Not sure**

**36. Are Tenant Management Organisations delivering positive outcomes for residents and landlords?**

Yes

No

**Don't know**

Please explain your answer further below if you wish to.

**No experience of Tenant Management Organisations**

**37. Are current processes for setting up and disbanding Tenant Management Organisations suitable? Do they achieve the right balance between residents' control and local accountability?**

Yes – the current processes are suitable and achieve the right balance.

Yes – the current processes are suitable but do not achieve the right balance

No – the current processes are not suitable and do not achieve the right balance

**Not sure**

Please explain your answer further below, if you wish to.

## No experience of Tenant Management Organisations

There have been schemes, such as Local Management Agreements and Community Cashback (called Give it a Go grants) which have been designed to support social residents to take responsibility for a service within their local community.

**38. Are there any other innovative ways of giving social housing residents greater choice and control over the services they receive from landlords?**

To review cleaning and/or grounds maintenance but lack of appetite to take ownership/responsibility for services.

Housing Association residents could request Local Authority provide services thus giving democratic control.

**39. Do you think there are benefits to models that support residents to take on some of their own services?**

Yes

No

Not sure

If yes, what is needed to make these work?

To give residents confidence to be proactive. Health and Safety and liability concerns prevent self management. Demonstrates community cohesion.

**40. How can landlords ensure residents have more choice over contractor services, while retaining oversight of quality and value for money?**

Involvement in procurement and selection process and ongoing contract management.

The Government has recently announced a significant programme of leasehold reform which will benefit all leaseholders, both in the private and social sectors.

**41. What more could we do to help leaseholders of a social housing landlord?**

n/a to Waverley

Parliament has set the Regulator of Social Housing a consumer objective, which is:

- to support the provision of social housing that is well-managed and of appropriate quality;
- to ensure that actual or potential tenants of social housing have an appropriate degree of choice and protection;
- to ensure that tenants of social housing have the opportunity to be involved in its management and to hold their landlords to account; and,
- to encourage registered providers of social housing to contribute to the environmental, social and economic well-being of the areas in which the housing is situated.

**42. Does the Regulator have the right objective on consumer regulation?**

Yes

No

Not sure

Please explain your answer further below, if you wish to.

**“appropriate quality” definition required suggest objectives should “ensure” rather than support/encourage**

The Regulator has published four outcome-based consumer standards to deliver the consumer regulation objective. These are:

1. The Tenant Involvement and Empowerment Standard (July 2017) which includes a requirement for landlords to provide choices and effective communication of information for residents on the delivery of all standards, and to have a clear, simple and accessible complaints procedure.
2. The Home Standard (April 2012) which requires homes to be safe, decent and kept in a good state of repair.
3. The Tenancy Standard (April 2012) which requires registered providers to let their home in a fair, transparent and efficient way, and enable tenants to gain access to opportunities to exchange their tenancy.
4. The Neighbourhood and Community Standard (April 2012) which requires registered providers to keep the neighbourhood and communal areas associated with the homes that they own clean and safe; help promote social, environmental and economic well-being in areas where they own homes; and work in partnership with others to tackle anti-social behaviour in neighbourhoods where they own homes.

**43. Should any of the consumer standards change to ensure that landlords provide a better service for residents in line with the new key performance indicators proposed?**

- Yes  
 No  
 Not sure

If yes, how?

**Standards to reflect Performance Indicators and targets**

We also want to know whether landlords and residents would benefit from further guidance on what good looks like, without being overly prescriptive.

**44. Should the Regulator be given powers to produce other documents, such as a Code of Practice, to provide further clarity about what is expected from the consumer standards?**

- Yes  
 No  
 Not sure

Where a landlord breaches a consumer standard, the Regulator can only use its regulatory and enforcement powers if there is or may be a “serious detriment” to existing or potential residents. The Regulator interprets this as meaning where there is “serious actual harm or serious potential harm to tenants.”

**45. Is “serious detriment” the appropriate threshold for intervention by the Regulator for a breach of consumer standards?**

- Yes

- No**  
 Not sure

If no, what would be an appropriate threshold for intervention?

**Suggest lower threshold “Systemic failure of services”**

To support a more proactive approach to enforcing the consumer standards we are considering arming residents with information through the introduction of a number of key performance indicators and for landlord performance to be published. Our current thinking is that the Regulator should monitor the key performance indicators to identify where there may be issues of concern with performance. The Regulator would then be able to make a risk-based assessment of how and where to intervene, including through more regular or phased interventions.

**46. Should the Regulator adopt a more proactive approach to regulation of consumer standards?**

- Yes**  
 No  
 Not sure

**47. Should the Regulator use key performance indicators and phased interventions as a means to identify and tackle poor performance against these consumer standards?**

- Yes**  
 No  
 Not sure

If yes, how should this be targeted?

**Red Amber Green rating**

We want to make sure that regardless of whether someone is a resident of a housing association or a local authority, the same minimum standards of service apply. The Government respects the democratic mandate of local authorities, but this must be balanced against the need to ensure that residents are protected.

**48. Should the Regulator have greater ability to scrutinise the performance and arrangements of local authority landlords?**

- Yes**  
 No  
 Not sure

If yes, what measures would be appropriate?

**Same as Housing Associations to provide parity across sector**

Where a breach of the consumer standards meets the “serious detriment” test, the Regulator will publish a regulatory notice and consider the most appropriate course of action.

The Regulator is able to use a number of regulatory and enforcement powers where necessary to ensure compliance with the standards. The Regulator has different tools available depending on the landlord, and has published guidance setting out how it will use its powers. The key powers include:

Powers applicable to all landlords :

- Survey to assess the condition of stock

- Inspection to establish compliance with the regulatory requirements
- Hold an Inquiry where it suspects landlord mismanagement
- Issue an Enforcement Notice
- Requirement to tender some or all of its management functions
- Requirement to transfer management of housing to a specified provider

Powers applicable only to private registered providers:

- Issue Fines
- Order payment of compensation to a resident
- Appointment of manager to improve performance of the landlord
- Transfer land to another provider to improve management of land (following an Inquiry)
- Suspension and removal of officers in cases of mismanagement (during or after Inquiry)
- Appoint a new officer to address service failure and improve management of company

Power applicable only to local authority landlords:

- Appoint an adviser to improve performance

**49. Are the existing enforcement measures described above adequate?**

- Yes
- No
- Not sure

If you answered no, what other enforcement powers should be considered?

As part of examining the scope of the Regulator's role we want to consider the case for extending its remit to other organisations that manage social housing. The Regulator will hold the local authority landlord to account for the way services are delivered so it is vital that the local authority has good oversight arrangements in place to ensure that management organisations provide a good service.

**50. Is the current framework for local authorities to hold management organisations such as Tenant Management Organisations and Arms Length Management Organisations to account sufficiently robust?**

- Yes
- No
- Not sure

If you answered no, what more is needed to provide effective oversight of these organisations?

**No experience of Tenant Management Organisations and Arms Length Management Organisations**

We want to be clear and transparent about how the Regulator is accountable to Parliament for meeting its statutory objectives. Upcoming legislative changes will shortly establish it as a standalone Non-Departmental Public Body. As such it will be accountable to Parliament in the same way as other Non-Departmental Bodies.

**51. What further steps, if any, should Government take to make the Regulator more accountable to Parliament?**

**No experience of Parliamentary process**

## Chapter Four - Tackling stigma and celebrating thriving communities

We want to celebrate residents' role in shaping fantastic places by recognising the best neighbourhoods.

### 52. How could we support or deliver a best neighbourhood competition?

**National advertising campaign. Visible MPs at social housing homes/estates through press and social media**

### 53. In addition to sharing positive stories of social housing residents and their neighbourhoods, what more could be done to tackle stigma?

**Stop promotion / perpetuating stigma through negative stereotypes on TV, in the press and by politicians. Creation of codes of conduct on how social housing is presented for written press, TV, politicians and housing authorities. Increase supply to increase number/range of people in social housing with positive stories and thus reducing the profile of minority.**

We want to embed a customer service culture and attract, retain and develop the right people with the right behaviours for the challenging and rewarding range of roles offered by the sector.

### 54. What is needed to further encourage the professionalisation of housing management to ensure all staff delivers a good quality of service?

**Targets for % staff professionally qualified**

**Change culture of delivery challenge behaviour through performance management**

We are minded to introduce a key performance indicator that will capture how well landlords undertake their neighbourhood management responsibilities.

### 55. What key performance indicator should be used to measure whether landlords are providing good neighbourhood management?

**Survey of Tenants and Residents**

### 56. What evidence is there of the impact of the important role that many landlords are playing beyond their key responsibilities?

**Little quantitative data of impact but housing increased role in Health and Wellbeing agenda esp mental health and older people services**

### 57. Should landlords report on the social value they deliver?

Yes

**No**

Not sure

Please explain your answer further below, if you wish to.

**Intrinsically difficult to report and benchmark outcomes.**

We are proposing to introduce a key performance indicator to help tackle anti-social behaviour, but we will want to consider how this could impact on areas, and whether it could lead to some people feeling more stigmatised.

### 58. How are landlords working with local partners to tackle anti-social behaviour?

Range of partnership groups but dependent on partner engagement and resources. Representation at Surrey ASB/SOC Partnership Delivery Group, CHARMM, JAG, Surrey Social Landlords meeting. Partnership case management system. ASB Forums. Joint initiatives targeting vulnerable households with police/fire service and ASC. Street a week initiative with the police and joint working on closure orders.

**59. What key performance indicator could be used to measure this work?**

**Outcome of joint working cases**

**Number of joint working preventative activities**

We want to ensure that the revised National Planning Policy Framework is applied to social housing in the right way. In particular we will:

- Strengthen planning guidance to take into account the principles of Secured by Design: to ensure that external spaces, parks, streets and courts are well-lit and well maintained so they are safe from crime and the fear of crime.
- Strengthen guidance to encourage healthy and active communities: building on the NPPF's healthy and safe communities chapter.
- Strengthen guidance to encourage new affordable homes to be designed to the same high-quality as other tenures and well-integrated within developments.
- Encourage design that reflects changing needs: for example, inclusive design for an ageing population and family housing at higher densities for effective use of land.

**60. What other ways can planning guidance support good design in the social sector?**

**Social/affordable housing truly integrated into schemes – tenure blind homes**

**National and local design standards Waverley's Housing Overview and Scrutiny Committee recently developed [design standards](#)**

Neighbourhood planning gives communities power to agree and implement a shared vision for their neighbourhood. However, we are aware that too often local people hear about schemes after a planning application has been submitted.

**61. How can we encourage social housing residents to be involved in the planning and design of new developments?**

**Community consultation events before application submission**

## Chapter Five: Expanding supply and supporting home ownership

**62. Recognising the need for fiscal responsibility, this Green Paper seeks views on whether the government's current arrangements strike the right balance between providing grant funding for Housing Associations and Housing Revenue Account borrowing for Local Authorities**

- Yes, current arrangements strike the right balance  
 No, they don't strike the right balance  
 **Not sure**

Please explain your answer further below if you wish to.

**More capital grant funding for social rented homes in high value market areas across HA and LAs. Turn public spending into an investment/asset rather than HB payments to private landlords.**

**63. How we can boost community led housing and overcome the barriers communities experience to developing new community owned homes?**

**Barriers are money, planning, land ownership and realism of community plans. A blueprint guide to community development, viability guides and access to grant funding could assist.**

We want to give housing associations and others the certainty they require to develop ambitious plans to deliver the affordable homes this country desperately needs

**64. What level of additional affordable housing, over existing investment plans, could be delivered by social housing providers if they were given longer term certainty over funding?**

**Unable to provide figure but financial certainty = more homes. LAs HRA business plans to build more council homes were severely impacted by rent reduction. Long term planning is essential to build. A cross party agreement on social housing funding would boost the sector enabling a long term view rather than four year political cycle.**

We are determined to remove the barriers that many shared owners face. We want everyone who enters shared ownership to have the opportunity to increase equity in their home.

**65. How can we best support providers to develop new shared ownership products that enable people to build up more equity in their homes?**

**Simplification of range of shared ownership products. Standard lease terms. Increase mortgage providers.**

**THANK YOU FOR TAKING THE TIME TO SHARE YOUR THOUGHTS.**