

A new deal for social housing

Resident Scrutiny Panel Response

Bournville Village Trust

Collated by Lorraine Lawson

Tenant and Chair of Scrutiny Panel

5th November 2018

Note: question numbers have been modified to correspond with those in the Green Paper

Bournville Village Trust – Resident Scrutiny Panel

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Introduction – by Lorraine Lawson (Chair)

A few months after the devastating Grenfell Tower fire, I was one of two residents nominated by Bournville Village Trust to attend the tenant roadshow event in Birmingham. It was interesting to hear the issues being raised by tenants and I later shared my experience with the panel. Last week, I was able to attend the follow-up ministerial event hosted by the housing minister Kit Malthouse. This time, I was able to hear views and contribute ideas in light of the Social Housing Green Paper¹. As a panel of residents here in Bournville, we welcome the green paper as it seeks to address some of the most serious needs of our day. We have therefore taken this opportunity to respond as best we can during this important period of consultation.

Who we are

The Bournville Village Trust (BVT) scrutiny panel is a group of around 10 residents from the estate who have volunteered to help the Trust by providing independent critical appraisal of its activities. It is a diverse group in terms of gender, age and experience, with a mix of tenants and home-owners.

Our approach to scrutiny

The panel meets once a month under an elected Chair and is supported by BVT staff. Topics for review are selected by the panel and reflect concerns coming from residents, national housing issues or from BVT itself. In reviewing a topic, the panel has access to other resident groups, to BVT staff and data and also gathers information from relevant outside sources. The outcome is a report containing a set of recommendations to which the Trust has to respond, either by justifying current practices or by making improvements. Actions arising from the reports are then monitored by the panel over the next year.

Examples of our reviews

Issues reviewed in the last few years include: BVT's response to welfare benefit reform; resident insight and feedback; fire safety spot check (post-Grenfell) and shops' contribution to building successful and sustainable communities.

Our response to the chapters

1: Ensuring homes are safe and decent	✓
2: Effective resolution of complaints	✓
3: Empowering residents and strengthening the Regulator	✓
4: Tackling stigma and celebrating thriving communities	✓
5: Expanding supply and supporting home ownership	✗

Our take on the following frequently used terms:

<i>Information</i>	Knowing what to ask is inherently difficult for residents in situations where information is only made available on request. How many Grenfell residents knew there was any doubt about the safety of cladding?	(Common)
<i>Consultation</i>	Residents are invited to comment but with no guarantee their responses will be incorporated in subsequent action.	(Frequent)
<i>Involvement</i>	Residents are brought into discussion but decisions remain with the authority.	(Occasional)
<i>Engagement</i>	Residents are engaged in discussion and have the right to make decisions or share in the decision-making. They are given ownership of the conclusions reached and the decisions made and share responsibility for them.	(Rare)

Our key observations

These are the issues that we'd like to bring to the fore:

1. The country's housing problems require continuity at the top. The so-called 'revolving door' of housing ministers is not helpful to the cause. The position of housing minister should be appropriately senior and hold a minimum 3-year term of office. Instead, the role appears to have become a stepping stone for rising stars and has already changed hands twice since the Grenfell tragedy.
2. Victorian homes were built to last. Given that many remain aesthetically pleasing and sought after today clearly underlines how the industry and its regulation has taken a massive backward step in comparison to those times. There needs to be a strong sense of guilt and shame felt within the building industry and amongst those that regulate it that building standards have declined to such an extent that people have died as a result of this systemic failure. What good examples are there of homes being built today that people will be looking upon and still admiring in 100 years' time?
3. The Independent Review of Building Regulations and Fire Safety² conducted by Dame Judith Hackitt was mandated to be "*forward-looking*" but the ongoing criminal investigation and Grenfell Tower Inquiry³ should continue to *look back* and make public the details of anyone that is found to have knowingly cut corners at the expense of people's homes and lives (or clearly didn't do the right thing at the right time) and be held to account for their negligence.
4. At the heart of the current housing crisis is a worrying shortage of genuinely affordable homes for sale or rent. The government's ambition to "*increase the average number of new homes delivered each year to 300,000 by the mid-2020s*" sounds promising, but by what percentage does the number increase and for what types of housing? Without further context and appropriate levels of detail there is no assurance that the housing crisis will diminish over time.
5. The green paper advises us that "*two thirds of tenants aspire to own their own home*" but in reality there is an enormous gap between aspiration and affordability. Given that "*almost three quarters of social renters are in the bottom 40 per cent of the income distribution*" there remains an urgent need for social housing with affordable, fair rents located in thriving communities.
6. The stigma associated with social housing was firmly underlined during the tenant roadshows. Tenants said they were simply 'fed up' with hearing and experiencing it and wanted things to change. However, the green paper's recommendations talk too frequently of 'celebrating' and otherwise making positive noises about residents and communities instead of committing to ensure that the media and government use appropriate images, language and data to negate the unwarranted and unwanted negative stereotyping.

7. The significant interplay between benefits and social housing is not covered in enough detail by the green paper. Individuals spoke at length about the issues they faced during the tenant roadshow event in Birmingham – including a grandmother that had been forced to downsize and was unable to have her grandchildren to stay – all because of the so-called ‘bedroom tax’.
8. The 'vulnerable' checklist needs to be revised to include single working age people that can become vulnerable through circumstance. Over time, they may be at risk of getting squeezed out of private renting and onto the streets because there is nothing in place to help them. They are not usually a priority for social housing (unless other circumstances apply) and it is difficult for them to remain in the private rented sector if the rent is not genuinely affordable.
9. Many would-be tenants who are in receipt of housing benefit are actively discriminated against by private landlords (“no DSS please”) because they are perceived as 'undesirable' or 'unreliable' tenants. To compound the issue, some insurance companies won't insure properties with benefit tenants. This poses a real dilemma for private landlords and clearly illustrates the ripple-effect of negative stereotyping that can limit people's housing options.
10. In cases where a private tenant transitions to local housing allowance (LHA) that results in a rent shortfall, the situation should be closely monitored by the landlord and by the DWP. There should be a 'duty of care' in this situation to prevent unnecessary homelessness. More help should be offered to tenants who may need to have their rent reduced, receive additional financial assistance or receive urgent help to secure more affordable accommodation. They should not be left in limbo until the situation becomes critical.

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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.

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

a) Better Health and Safety (H&S) procedures

- i. Landlords should provide all residents with their H&S policy which will have been vetted by an accredited H&S professional to ensure its adequacy, relevance and compliance with current regulations**
- ii. Residents should be given the opportunity to comment in writing on the H&S policy with landlords providing written responses addressing the comments**
- iii. Landlords should review the H&S policy annually and provide this update to residents with details of any H&S incidents and the response to them**
- iv. For serious incidents involving injury or death, an update to the H&S policy should be provided within a month of the date of the incident, with commitment to make any necessary improvements as soon as possible and in any case by the next annual review date where practical**
- v. Residents should be given the opportunity to make comments and receive a response from the landlord regarding any H&S policy updates**

b) Structures that engage residents

c) Training for residents and landlords

d) Robust and effective regulation

e) Freely available educational media

f) Regular briefings and workshops

g) High profile, senior point of contact for building safety (landlord)

h) Easy ways for residents to report safety-related issues to their landlord

i) Rotating buddy system of building inspections (landlord and resident)

j) Better and clearer signage inside buildings

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.

2. 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.

We would expect social landlords to be in the vanguard here. However, there should be no distinction made between private rented and social housing for mandatory safety measures. Safety should apply equally and fairly to the welfare of all residents, regardless of tenure.

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.

3. 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.

a) Thorough review of the Decent Homes Standard

- i. Involve experts from all relevant fields
- ii. Residents engaged, not just consulted
- iii. Maximum timescale of one year from inception
- iv. Three-yearly review process
- v. Appropriate levels of funding

b) Homes should be in a good state of repair

c) Having decent/modern windows is really important to people

d) Energy-efficient homes with cavity wall insulation

-
- e) Heating systems that are checked regularly for age, wear, compliance with regulations and replaced with more modern alternatives if needed**
 - f) Consideration of home adaptations to meet a wide variety of needs**
-

4. 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.

- a) Fire risk needs to be taken seriously when choosing materials with minimum use of flammable materials and stringent industry standards**
 - b) Landlords and residents should be required to adhere to safety regulations through effective monitoring and if necessary enforcement**
 - c) Smoke alarms, carbon monoxide detectors (depending on fuel) and sprinklers should be installed as standard in high rise blocks**
 - a) If not in H&S policy (which it should be) then there should be the regular checks on gas and electricity systems, fittings and appliances as laid down in the current gas / electricity safety regulations, and on fire detection and firefighting equipment on an annual basis**
 - i. In addition, a general H&S inspection (including verification that the above specific checks have been carried out as required) should be carried out by the landlord before a new resident commences occupation, with the inspection report provided to the new resident**
 - b) Maintenance, repairs and a deep-cleaning programme is needed for shared spaces such as halls, stairs, landings and outside spaces**
 - c) Better recycling options and collection of unwanted household items is needed to reduce the volume of household waste and prevent fly-tipping**
-

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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.

5. 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.

-
- a) A national standard for handling complaints**
 - b) Better informed residents who are provided with the social housing body's complaints procedure, showing a clear pathway for complaints resolution**
 - i. This pathway should commence with a single gateway for all complaints where the complaint can first be directed to the relevant section of the social housing body, where the complaint resolution should be overseen by the section head**
 - ii. Failing resolution (1 month) the complaint should go to an appeals panel set up and answerable to the body's trustees. Failing satisfaction (1 month) the final arbiter would be the Ombudsman**
 - c) Locally available, fully trained and easily accessible independent advisers**
 - d) Designated complaints officer (senior manager) to monitor the complaints process and keep it moving toward a resolution**
 - e) Clear roles and responsibilities for all parties**
 - f) Additional funding to cover costs**
-

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.

6. 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✓ (varied response)

-
- a) Could reduce the waiting time, though at certain times of the year (e.g. summer) the designated person may not be easily available**
 - b) Make the designated filter stage optional for the resident to decide if they wish to go through that stage**
-

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.

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

-
- a) Clarify the requirements of the role through training and development**
 - b) Ensure landlords are equipped to provide advice and support to the designated person and the complainant**
 - c) Make available core written materials and templates**
 - d) Facilitate networking between designated persons and independent housing experts**
 - e) Publish a wide variety of anonymous case studies**
 - f) Remove the designated person from the formal procedure, but with the complainant able to call upon their designated person (if they wish to use one) to assist at any stage in the process**
-

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.

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

See 5. above and ensure that landlords

- a) provide residents with the right information without delay in a format that best suits their needs**
 - b) have a complaints officer designated to manage the complaints process (senior manager) who leads on the ‘process’ 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.

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

-
- a) Offer web-based guidance (clarity; plain language)**
 - b) Ensure that landlords are ready and willing to signpost residents if their complaints process has not provided them with a satisfactory outcome**
 - c) Ensure adequacy of social housing bodies’ policies concerning its housing and its residents, and of complaints procedures**
 - d) Better support for existing agencies (e.g. Citizens Advice)**
-

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.

10. How can we best ensure that landlords’ processes for dealing with complaints are fast and effective?

See 5. above and further,

- a) develop a clear set of guidelines based on what works best according to landlords and residents through consultation**
 - b) give statutory guidelines for time frames**
 - c) put timely complaint handling high on the agenda for landlords and encourage them to engage with resident panels on this issue**
-

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

See 5. above and further,

- a) keep building safety at the top of the agenda post-Grenfell and impress upon landlords the need to remain vigilant and responsive to any safety concerns raised by residents**
 - b) create a fast track process within the framework in which complaints and expressions of concern that carry a safety alarm are dealt with more speedily**
-

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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.

12a. Do the proposed key performance indicators cover the right areas?

Yes✓

No

Not sure

12b. Are there any other areas that should be covered?

Yes✓

No

Not sure

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

-
- a) **Maintaining the safety and cleanliness of buildings for health, as well as for safety**
 - b) **Anti-social behaviour is a subject in its own right**
 - c) **All areas need to be broken down further as they are too high level. For example, what is good neighbourhood management?**
 - i. **Management of the wider estate (land, street furniture, public spaces, green spaces)**
 - ii. **Proactive outreach and community development work to build community cohesion and social harmony**
 - d) **Where the landlord provides other facilities e.g. parkland and play areas, retail outlets, etc. the maintenance, support and promotion should be KPI'd**
 - e) **Everything needs to be measured against a standard or model as most**
-

of the areas are unquantifiable and subjective.

- f) The whole area begs some kind of working party to pull together a new approach to performance measurement
- i. A short term solution is needed to assuage concerns arising from Grenfell plus a longer term solution that encompasses less urgent aspects of performance
 - ii. Any initiative ought to include representatives from resident panels and officers from a selection of registered social landlords
 - iii. To avoid untoward increases in costs and bureaucracy, this should be online, interactive and live so that data is current, consistent and accessible to both landlords and residents
-

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

Yes✓

No

Not sure

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

Yes✓

No

Not sure

If it is live and interactive it is technically available to all. The Regulator could either have a role in

- a) ensuring the data is submitted and to a quality assured standard, or
 - b) receiving and examining the return for assessment of achievements and shortcomings.
-

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

Not sure

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.

16. 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?

17. 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.

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

a) Online - see response to 12b. f) iii.

b) Comparison is not the only way – results also need to show ongoing / continuous performance improvement

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.

19a. 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.

Reduction in funding to a poorly performing landlord is not going to help the residents.

19b. What other ways could we incentivise best practice and deter the worst, including for those providers that do not use Government funding to build?

Not sure

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.

20a. Are current resident engagement and scrutiny measures effective?

Yes

No

Not sure ✓ (can only cite our own experience)

20b. What more can be done to make residents aware of existing ways to engage with landlords and influence how services are delivered?

Landlord website, telephone calls, email and social media campaigns, resident

newsletters, meetings and workshops, estate pop-up events and walkabouts.

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.

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

Yes✓ (in theory)

No

Not sure

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

But to be truly effective:

- a) Residents would need to have direct experience of resident engagement and/or be familiar with the housing sector**
 - b) It takes time and preparation for scrutiny panel members to learn what scrutiny is all about**
 - c) There is an element of turnover (which is healthy)**
-

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.

22. 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?

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

Yes

No

Not sure✓

24a. 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.

24b. 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.

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.

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

Not sure

26. 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?

- a) **There might be some benefits, but models of support will take time to set up and proposals such as this could slow down other more critical change**
 - b) **Consider a separate track to change which researches and pilots longer term changes such as this (changes that are not conceived in direct response to Grenfell in an effort to 'improve' the way tenants might take over services)**
-

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

- a) **We would view this as a professional task and responsibility**
 - b) **Residents should advise on their desired outcomes not choose contractors for technical projects or programmes**
 - c) **When re-tendering, comments on current contractor service could be sought from residents**
-

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

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

Easy to understand lease agreements

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Chapter three continued - Empowering residents, making sure their voices are heard

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.

29a. Does the Regulator have the right objective on consumer regulation?

Yes

No

Not sure ✓

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

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.

29b. 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?

A very large topic (with four parts) leads us to suggest that these are reviewed as part of a single process. April 2012 (x3) and July 2017 standards need to be aligned as they carry equal weight under the spotlight of this green paper.

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

30. 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

a) Agreement in principle with refreshed standards and new reporting mechanisms

b) Powers need to be accompanied by a requirement for further research into residents' desired outcomes

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.”

31. 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?

Unfortunately, we live in a world where serious actual harm (or death) is sometimes the only point at which people sit up and take notice.

Given that the regulator doesn't deal with individual complainants and cannot mediate in disputes between landlords and tenants, something 'serious' needs to happen (or potentially happen) for the regulator to step in. Therefore, 'serious detriment' is probably still appropriate given their current remit.

However, according to Regulating the Standards (Annex B: Consumer Regulation Guidance)⁴ the regulator is obliged to have regard to statutory referrals received by tenant representative bodies and duly consider: *"If the issues raised were true, would there be any impact on tenants which would cause serious actual harm or serious potential harm?"*

Therefore, perhaps tenant representative bodies should be made more aware of their right to submit a statutory referral to the regulator; and if that right is exercised, the regulator should duly consider the *potential impact on tenants if no action is taken as a result.*

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.

32a. Should the Regulator adopt a more proactive approach to regulation of consumer standards?

Yes ✓

No

Not sure

32b. 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?

Any plans for the regulator to use KPIs and become (gradually) more proactive could pave the way for serious issues to be picked up sooner.

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.

33. 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?

Maybe the performance of Local Authorities should come under the scrutiny of the Regulator?

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

34. 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.

35. 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?

Transparent scrutiny and reporting

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.

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

Not sure

A New Deal for Social Housing

Chapter Four - Tackling stigma and celebrating thriving communities

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

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

- a) **Preferably not to do so. Not in the sense of neighbourhoods competing with each other to create winners and losers.**
 - b) **Just find ways to celebrate good practice and promote it through the media, social media, housing networks, etc.**
 - c) **Look at what combination of elements make a good community. There are examples in the green paper; BVT is an example. Find places where this is happening and promote them, especially to other providers.**
 - d) **Some residents may not be in favour of openly celebrating. Is there a real need to generate a sense of pride? Some residents may already feel proud of their achievements and contribution to society and may not find it appropriate to shout it from the rooftops.**
 - e) **Any investment to support successful initiatives would of course be welcome, but the idea of funding street parties could actually backfire. Uninformed bystanders could take the view that council tenants are not only 'benefit scroungers' but they are also given 'free' street parties.**
-

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

- a) **Government could stop suggesting that the best future is to buy your home and become a homeowner. This concept is repeated throughout the green paper and in party political broadcasts.**
 - b) **Government could instead facilitate LAs and Housing Associations to build a lot more social housing and promote the advantages of social housing renting over the private rental sector.**
 - a) **It takes time to alter perception. It is achievable but it's not a quick fix and could take many years. The media has a big role to play as does the government. Just look at the Royal Family and how PR plays a huge role in how they are perceived by the public.**
-

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.

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

Not sure

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

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

See 12b. d) above

41a. What evidence is there of the impact of the important role that many landlords are playing beyond their key responsibilities?

Feedback from residents, local activities, positive press, heritage.

41b. Should landlords report on the social value they deliver?

Yes✓

No

Not sure

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

-
- a) Its value will of its nature be qualitative rather than quantitative?**
 - b) It would be worth including community, social, learning and cultural activity in both the performance data and the good practice examples**
 - c) Note that income and social mobility can for many be correlated with educational attainment and access to learning and cultural services**
-

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.

42a. How are landlords working with local partners to tackle anti-social behaviour?

Unsure with regard to the specific question, but:

- a) ***Anti-social* behaviour is best countered in the longer term by *social* behaviour. Where complainants seek a quick solution the answer is possibly a slower solution built on constructive social, learning and cultural activity.**
 - b) **Whereas this may be seen as a ‘soft’ option it is more likely to effect change than short term punitive responses.**
 - c) **Serious criminal activity should not be tolerated and a close partnership with law enforcement agencies will help address such activity.**
-

42b. What key performance indicator could be used to measure this work?

Not sure – a lot of this has already been set out in Chapter 3?

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.

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

Those compiling planning guidance need to focus on the concept of mixed tenure, public spaces, community facilities and community programmes in a framework of social, cultural and learning activities.

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.

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

Residents engaged in the process (from the outset) and not just consulted. Allow them to see and comment on initial proposals before planning application is made.

THANK YOU FOR THE OPPORTUNITY TO RESPOND

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