The Government is consulting on the Regulation of Social Housing as part of its Social Housing Green Paper. The Green Paper consultation is here. Alongside this, the Government has a specific call for evidence out on Regulation, which is available here. The deadline for responses is 6th November.
This short briefing will give you more information about the history of the regulation of social housing, the reasons for the consultation, and the consultation itself.

History of Social Housing Regulation

Ten years ago, Councils were quite heavily regulated by the Government. They had to complete a Comprehensive Performance Assessment (CPA) which measured their overall performance. They were also regulated by the Audit Commission, which was linked to the funding for the Decent Homes Programme.

In 2010, the Coalition Government got rid of the Audit Commission and the Tenant Services Authority (TSA). The Government relaxed regulation and expected Councils to deliver good services themselves. The aim was to use local democracy and elections to stop poor performance.

Funders and lenders did not want to see the same relaxation of regulation for Housing Associations on the business side, so Government asked the Regulator to rate housing associations on ‘governance viability’ and ‘financial viability’ (i.e. ability to work successfully). These don’t apply to Councils.

There is also some regulation of Consumer Standards for both Councils and housing associations but it is reactive rather than proactive like the finance or governance. The four consumer standards are:

- Tenant involvement and empowerment
- Home
- Tenancy
- Neighbourhood and community.

The Regulator only gets involved where there is a ‘serious detriment’ to tenants (i.e. where there is a risk of, or actual, serious harm to tenants) rather than just poor service.

Until recently, Regulation was carried out by the HCA which was also responsible for funding new homes. These two functions have been separated out, and the HCA has been divided into Homes England (for funding) and the Regulator for Social Housing (RSH).

Why change things now?

There are a few reasons why there is now a review of the Regulation of Social Housing:

- The fire at Grenfell Tower has pushed regulation to the top of the Government’s agenda. For Councils, the existing regulation is very light touch and for all social landlord’s consumer standards are not regulated to the same extent as Financial Viability or Governance is for Housing Associations.
- The Social Housing Green Paper is a good chance to look at regulation alongside other issues, such as how complaints are managed and how tenants are listened to.
- It is 8 years since regulation was last looked at, and in that time the housing sector has changed a lot.

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The Consultation

The consultation outlines the reasons for a review of the regulations, but it also asks for all housing providers and tenants to make suggestions as to what change might look like. The rationale for regulation is two-fold:

1. To protect and empower residents
2. To secure public and private investment to enable delivery of new homes.

The Government has said that it prefers what it calls **'regulated self-assurance'**. They mean by this that they don't want to tell providers in too much detail how they should operate, but the emphasis should be on providers being held accountable to tenants for delivery of good quality services.

We don't know how much extra money the Government might be prepared to devote to better consumer regulation, but it is unlikely to be as much as when the Audit Commission actively regulated local authorities and regularly inspected ALMOs to give them a 1, 2 or 3 star rating.

Both the Government and the Regulator have said that they want regulation to be proportionate and focused on outcomes and we want to ensure their focus is on the things which are important to tenants.

The consultation document makes it clear that consumer regulation will be strengthened and asks several questions about the existing standard:

- How does the Regulator for Social Housing (RSH) ensure residents have their voices heard?
- How does the RSH ensure complaints are handled effectively?
- Should tenants have greater control over the services they receive?
- Should the 'serious detriment test' be dropped or changed?
- Is the current framework for holding ALMOs to account sufficiently robust?

Questions the NFA is particularly considering

- How should we engage residents to work with landlords to ensure homes are safe?
- How should complaints be handled to ensure they are dealt with quickly and effectively?
- What information would help tenants compare performance and hold their landlord to account?

Over to you!