

NFA Briefing on the Charter for Social Housing Residents

The Social Housing White Paper

Introduction

The Government has finally published its long-awaited Social Housing White Paper in the form of a Charter for Social Housing Residents. However, much of it is not new and a lot of it sets out what they would like the Regulator of Social Housing (RSH) to now consult on so we wait to see the follow-up work and consultation papers in due course.

MHCLG have said the Government's intention with this Charter is to rebalance landlord and tenant relationships in the social housing sector. To that end it does include a significant reform of consumer regulation. To many in the social sector much of this is reminiscent of the Audit Commission days and the setting up of the Tenants Standards Authority so for the ALMO sector and social housing tenants across the country there should be a familiarity with many of the ideas set out in the document.

The Charter for Social Housing Residents

It is set out in seven sections:

1. To be safe in your home
2. To know how your landlord is performing
3. To have complaints dealt with promptly and fairly
4. To be treated with respect – backed by a strong consumer regulator for tenants
5. To have your voice heard by your landlord
6. To have a good quality home and neighbourhood to live in
7. To be supported to take your first step to ownership

1. To be safe in your home

This chapter mainly sets out all the existing work that is going on with regard to building safety. The new announcements are:

- Government to legislate to strengthen the Regulator of Social Housing's consumer regulation objectives to explicitly include safety.

- To require social landlords to identify a nominated person responsible for complying with their health and safety requirements.
- A new Memorandum of Understanding between the RSH and the Health and Safety Executive to ensure effective sharing of information with the Building Safety Regulator.
- Consultation on smoke alarms and carbon monoxide alarms to be required in same way to PRS in social sector. Consultation out now and ends 11 January 2021.
- Consultation on electrical safety standards to apply to social sector in a similar way to the PRS will be published later this year.

2. To know how your landlord is performing

This chapter is all about social landlords providing information to tenants to help them hold their landlords to account, and it is clear from the introduction that some of this is directed at Housing Associations who are currently not covered by the Freedom of Information Act.

However, it does include the intention to use a set of tenant satisfaction measures to help tenants hold their landlords to account. The detail of this is still to be consulted on by the Regulator for Social Housing. The NFA jointly chairs a social housing sector wide steering group on Consumer Standards which has been looking at these suggestions for over a year now and so we will continue to engage with both the wider sector and MHCLG and the Regulator on the detail over the coming months. In the meantime, this paper states the Government:

- Expect the Regulator of Social Housing to bring in a set of tenant satisfaction measures for all landlords on things that matter to tenants.
- Introduce a new access to information scheme for social housing tenants of housing associations and other private registered providers of social housing, so that information relating to landlords is easily accessible by tenants.
- Ensure landlords provide a clear breakdown of how their income is being spent, including levels of executive remuneration, to be published alongside their tenant satisfaction measures.
- Require landlords to identify a senior person in their organisation who is responsible for ensuring they comply with the consumer standards set by the Regulator of Social Housing.
- Expect landlords to report to every tenant on such matters at least once a year, if not continuously, using technology.

The draft tenant satisfaction measures which will be a starting point for further discussion with the Regulator are set out in the paper:

Theme	Draft tenant satisfaction measures
Keeping properties in good repair	• Decent Homes Standard compliance • Responsive repairs completed right first time • Tenant satisfaction with landlord's repairs and maintenance service
Maintaining building safety	• Compliance with health and safety obligations: ○ Gas safety ○ Electrical safety ○ Fire safety ○ Asbestos ○ Water safety ○ Lift safety • Tenant satisfaction with the health and safety of their home
Effective handling of complaints	• Number of complaints relative to the size of the landlord • % of complaints resolved within agreed timescale • Tenant satisfaction with landlord's complaints handling
Respectful and helpful engagement	• Number of complaints relating to fairness and/or respect, relative to the size of the landlord • Tenant satisfaction that their landlord listens to their views and takes notice of them • Tenant satisfaction with landlord's engagement with tenants
Responsible neighbourhood management	• % of communal areas meeting the required standard • Number of complaints relating to communal areas, relative to the size of the landlord • Tenant satisfaction with landlord actions to keep communal areas clean and safe • Tenant satisfaction with landlord contribution to the neighbourhood associated with their home • Number of complaints relating to anti-social behaviour, relative to the size of the landlord • Tenant satisfaction with landlord's handling of anti-social behaviour • Overall Tenant overall satisfaction with the service their landlord provides

3. To have complaints dealt with promptly and fairly

This chapter details the work already underway via the Housing Ombudsman (HO) to improve complaints handling in the sector. The Housing Ombudsman will continue to implement that agenda and the Government has already inserted some clauses into the Draft Building Safety Bill to remove the democratic filter for complaints to the HO and set out its intention to strengthen the duty for the RSH to co-operate with the HO and vice versa. Just to remind everyone that the self-assessment against the HO code is due by 31st December 2020

Newly announced is that MHCLG will run an awareness campaign for social housing tenants about how to complain.

4. To be treated with respect – backed by a strong consumer regulator for tenants

This is the most significant and substantially new part of the document which sets out the government's intention to strengthen the RSH's role in regulating the consumer standards. The changes once implemented will change the Regulator's role from a reactive one to a much more pro-active one including a regime of routine inspections and is something the NFA welcomes. The key changes to the regulatory regime are set out in Annex A at the end of the document and include:

- Removing the serious detriment test
- Starting new risk based, routine inspection for all landlords over 1,000 homes roughly every four years
- RSH to publish a code of practice and review their consumer standards
- Giving the RSH more teeth to enforce and lift cap on fines
- Expanding the consumer function of the RSH, increase staff, broaden the Board to include those with that experience and set up an advisory committee
- Add a "look though" power to the RSH to allow them to follow the money paid outside of the sector

It also includes measures to ensure that local authorities are held to account for the performance of service provided by an ALMO or TMO by:

- Asking stockholding local authorities that contract out management services to Arm's Length Management Organisations to review their contracts to ensure they do not prevent the regulator from taking action in the event of non-compliance with its standards.
- Making it explicit that provisions in contracts between ALMOs or TMOs would be deemed void if they hindered the regulation in its exercise of its powers.
- Working with the regulator to set out an expectation for local authorities to self-refer to ensure that issues of concern to tenants are dealt with as quickly as possible.

ALMOs and Local Authorities have been encouraged to self-refer to the regulator for the past few years and there is increasing evidence that this is happening more frequently now but because this requirement is contained in the Governance standard which doesn't apply to councils the Government will act to rectify that omission.

We are not aware that any of the ALMO management agreements would prohibit the RSH taking action and are confident all ALMOs would work positively with the RSH in the event of non-compliance but if there is anything that we have missed here please let us know.

Again, we are waiting for further detail and consultation by the RSH on these issues and will continue to talk to them about these issues and circulate the detail and consult with members once further information has been published.

In order to carry out this new proactive regime the Regulator will set up an entirely new function with senior leadership and staff with the right expertise in consumer regulation, customer service and tenant engagement and we are looking forward to working with them on the detail of much of this.

5. To have your voice heard by your landlord

This chapter covers tenant engagement and the renewed emphasis that the Government will now give to that. The Government will expect the Regulator of Social Housing to require landlords to show how they have sought out and considered ways to improve tenant engagement and will ask all landlords to keep up with best practice.

They will also re-start a programme of tenant engagement and empowerment like they used to have, to support tenants' effective engagement with landlords. The programme will deliver a range of learning and support activities, as well as providing information for residents on ways to get involved, including their opportunities and rights to do this. They will work with tenant led national bodies to set out a plan for how best we can support residents to take part in scrutiny activities which are so important in holding their landlord to account.

They will also review professional training and development with partners like CIH and we look forward to working with sector partners on the detail of that work too.

6. To have a good quality home and neighbourhood to live in

The Government has again re-iterated that they will review whether the Decent Homes Standard needs reviewing. Disappointingly the timescale for just the review into a review is a long one:

"As a first step the review will consider the case for change. We aim to complete this part of the **Review by Autumn 2021**. If the evidence demonstrates that we need to revise the Standard, we will consider the strategic, economic and management case for new criteria as a second stage of the review. It is important that any changes to the Standard are affordable and deliverable. We will convene a sounding board of residents, experts, landlords and sector representatives that will review the evidence and support this work."

Climate change targets will be a part of this review as will wider neighbourhood issues, including anti-social behaviour and the greening of communal spaces but we will continue to push for quicker action on climate change targets as ALMOs and councils start to change asset management plans and have to make investment decisions on these issues now.

In terms of work on **Anti-Social Behaviour** the Government have pointed to the Community Trigger arrangements (also known as the ASB Case Review) which give victims of persistent antisocial behaviour reported to any of the main responsible agencies (such as local authorities, police or a landlord) the right to request a multiagency case review of their case where a local threshold is met. They have said they will now work with the National Housing Federation and Local Government Association to encourage social landlords to inform residents of their right to make a community trigger application, and where appropriate, that they act as an advocate in supporting tenants to take an application forward with the relevant authority.

The Government has also referred to its recent work on the review of **social housing allocations** in this chapter and said the results of its work will be published shortly and they will consider the findings to ensure that housing is allocated in the fairest way possible and achieves the best outcomes for local places and communities. This will include considering:

- how to improve joint working between local authorities and housing associations to ensure that social housing is being allocated efficiently
- how to remove barriers to access to social housing for homeless households; and
- how to ensure vulnerable households are able to navigate local authorities' allocation systems.

They have also stated that they will expect the Regulator of Social Housing to review and amend its regulatory standards to make it clear that landlords should have a policy setting out how they should tackle issues surrounding domestic abuse, working with other agencies as appropriate.

7. To be supported to take your first step to ownership

As expected from this government there still is a clear focus on home ownership and this chapter details the existing announcements on new supply and home ownership initiatives such as the new Affordable Housing Programme, the removal of the debt cap from HRA, the new right to shared ownership in new AHP, the voluntary RtB pilot in the Housing Association sector. It refers to the consultation on the use of Right to Buy receipts but says nothing more about it other than that they are still considering their response. We have been told again by MHCLG that the RtB receipts are an issue for a fiscal event, so we look towards the Spending Review Announcement on the 25th November for a possible announcement and we continue to lobby for additional investment in the supply of council housing with the LGA and ARCH.

NFA comments

Overall, we believe that ALMOs and the NFA should welcome the charter, the fact it has finally been published and its intention to move things in the right direction. We also look forward to continuing to work with MHCLG and the Regulator of Social Housing on the further detail to ensure we achieve the right outcomes for tenants through regulation.

We welcome the formal levelling up of safety standards across the private and social sector which makes sense and welcome any comments on the consultation on smoke and carbon monoxide alarms from members and electrical safety in due course.

We welcome the strengthening of consumer standards which is something we have lobbied on for some time. ALMOs were set up to improve performance and tenant engagement and we developed under the Audit Commission's inspection regime so we believe that ALMOs will be very well placed to show tenants and the Regulator how they are performing and to continue to share and learn from best practice.

We noted that stigma has not been addressed as a separate chapter but MHCLG have said the issues are woven through the chapters and they do address respect for tenants and the professionalism of the sector in the document which tenants told them were the key issues. We are interested to hear what your tenants think about this once they have had a chance to read it and engage with the messages in there.

NFA next steps

As we have said we look forward to working with government and the RSH to fine tune the detail so that the new consumer regulation framework provides the best outcomes for tenants and is not just a tick box exercise. We are already in discussion with both MHCLG and The Regulator of Social Housing and will organise some ALMO CEO meetings via WebEx on Monday 30th November to discuss these issues.

We will review the specific consultation on smoke alarms and carbon monoxide monitors as well as electrical safety when published.

Critically, we will consult with members again once the regulator has published its proposals and we will keep in touch with stakeholders. In the meantime if you have any questions or comments please email Chloe Fletcher at chloe.fletcher@almos.org.uk as soon as possible.