

CIH response to the Regulator of Social Housing's consultation on new consumer standards

Introduction

CIH welcomes the new draft consumer standards and the opportunity to provide comment on these, having called for proactive and robust consumer regulation for many years. We value the development of new consumer standards in consultation with landlords and tenants, and the aim for these to make a meaningful difference for tenants, as well as being deliverable by landlords and able to be regulated. We welcome the application of a consistent set of outcome focused standards across housing association and local authority landlords.

We appreciate that the Regulator and landlords across the sector are piloting how these standards will be monitored and the process for inspections, including for local authority landlords; we look forward to seeing the outcomes from that process. It may be appropriate that there is also a clear commitment to reviewing the success of the standards in meeting those aims in a set time period, with the opportunity to refine both standards and process to drive forward a positive tenant centred culture and effective services in the long term.

General points

The shift to proactive consumer regulation is occurring within a wider context of change and challenge for social housing providers, with increased powers for the Housing Ombudsman to set guidance and require landlords to review policies in line with this, with new requirements for supported housing providers following the Supported Housing (Regulatory Oversight) Act, further changes including professionalism to come from the Social Housing (Regulation) Act, and requirements relating to building and fire safety. In the light of this, it is important to provide consistency across regulators, and that the regulatory framework gives landlords sufficient flexibility and support to balance the targets and outcomes required.

In our discussions with members and organisations for this consultation, there is overall a positive response to the standards, that these are right and appropriate.

However, there will be significant challenges for some landlords to meet and/ or demonstrate compliance with the standards, particularly following the previous rent reductions, ageing stock and severe shortage of social rented homes. For some local authority landlords, housing revenue accounts will be stretched to fund the repairs, maintenance and services required. Elements of the service may also be embedded in wider council services (such as grounds maintenance or complaints for example) requiring work either to disaggregate data to provide for the Regulator or establishing parallel systems, which would entail further costs on the housing revenue account. For the Regulator, without the remit to oversee the financial and governance of local authority landlords, it will still have to judge whether any poor service is attributable to overstretched resources of poor delivery/ management particularly in its aims to ensure improvement.

Safety and Quality Standard

Q1. Overall, do you agree that the proposed Safety and Quality Standard sets the right expectations of landlords?

Agree, with some additional comments on detail.

Providing safe, decent homes of good quality is the fundamental/ primary purpose of social landlords, and the expectations overall are reasonable to achieve that, and appropriate for regulation. This was identified as the core purpose and the first recommendation in the [report](#) from the independent Better Social Housing Review panel.

Accurate and up to date knowledge of stock condition

Questions were raised as to the frequency of stock condition surveys required, and the resources available to achieve it, dependent upon timescales, which will be a significant resource demand for local authorities and some smaller housing associations. Tenants denying access may hinder landlords' ability to demonstrate knowledge at every individual property level, and landlords would value understanding how the Regulator will judge this.

Collating together information and data on properties from all systems to inform knowledge of properties is potentially a time consuming and costly exercise, especially where this may lie with different council departments, or group entities.

Decency

The Decent Home Standard (DHS) remains a critical element of the standard; it is welcome that this will apply across all rented homes, but we have still to see what the new DHS will require, what transitional timeframes may be allowed to meet new requirements, and if any funding will be available as was the case with the previous DHS. These will all

be factors to be reflected in how the Regulator will assess performance against this specific expectation.

Health and safety

The specific expectation on taking action identified in health and safety checks within appropriate timescales is quite vague, and whilst it enables landlords to manage risk and workload, it is important that tenants are aware and informed of that timescale and kept up to date on progress.

Repairs and maintenance

This is a critical 'touch point' between landlords and tenants. Work in response to the [recommendation](#) in the Better Social housing Review ('Housing associations should partner with tenants, contractors and frontline staff to develop and apply new standards defining what an excellent maintenance and repairs process looks like') should support landlords to ensure they meet and can demonstrate positive outcomes in relation to the Regulator's expectations.

Where landlords do not have control of the communal areas, communications should be clear on who has the responsibility and how landlord and tenant can work with/ influence this body to ensure action is taken (this also applies to action on health and safety measures).

There should be clarity about where different responsibilities for repairs apply, such as with shared ownership homes.

Adaptations

Funding remains difficult for this, given the needs of an ageing population and more people living with life limiting conditions, for households across all tenures, including local authorities where the funding was incorporated into HRAs. There should be the expectation of cooperation / work with occupational therapist and tenant to ensure appropriate and timely adaptation to their homes. Housing associations should consider how they might speed up this process by funding and undertaking minor adaptations.

We agree that landlords should have accurate data on the adaptations they have provided within their homes to enable them to maximise the effective use of these. This links to other expectations notably on local partnerships within the neighbourhood and community standard; the Code of Practice might usefully address the potential for shared accessible housing registers as a way to support this.

Transparency, Influence and Accountability Standard

Q2, Overall, do you agree that the proposed Transparency, Influence and Accountability Standard sets the right expectations of landlords?

Agree with some additional comments.

An expectation to address stigma

Following the tragedy of Grenfell Tower, in ministers' meetings with tenants, stigma emerged as a problem and priority for tenants, and was reflected in the green and white papers that followed. However, this is missing from the expectations set out in this standard. We agree that landlords should treat all tenants with fairness and respect; this includes taking appropriate measures within the landlords' control to identify and address any stigma that tenants experience (requirements of staff and contractors, language and communications, reviews of policies and systems etc).

Understanding the diverse needs of tenants

Having the right balance between the level of information and data about tenants, with the provisions of data protections and GDPR, was frequently raised in discussions. Should the information be on all household members or only the named tenant(s); how should this be stored, how and when should it be updated and where does responsibility for that lie (landlord/ tenant/ both)?

Balancing the potential tension between understanding tenants' diverse needs and respecting tenants right to privacy - landlords understand the drivers behind this expectation but further support on the practicalities of it, and help to ensure that tenants appreciate that this is a regulatory matter, would be valuable.

Understanding customers' diverse needs at a higher level, through customer segmentation, would enable landlords to be equipped with different ways to communicate effectively with tenants, where English is not the first language or for tenants with learning difficulties as examples, but landlords should be tracking where they are not hearing from tenants and looking at the potential for community partners to support better engagement.

Tenant involvement

The clear expectation for tenants to be involved in development and scrutiny of policies and services, through a range of accessible routes/ mechanisms, is welcome, as is consultation at a formative stage of any proposals to make changes to landlord management. Tenants should be involved in decisions about what is communicated by landlords, when and how often – about services, involvement opportunities etc.

We highlighted in our [response](#) to the government's directives, that the Regulator in its Code could provide examples on how landlords can demonstrate that tenants:

- Have been able shape the range of routes for involvement, influence and scrutiny of operations and services
- That they are satisfied both with that process and the ongoing opportunities for involvement that are developed through it
- That they can see the impacts their involvement has on the landlord's decision making.

Information for tenants

For some stock holding local authorities some data may be held in different parts of the organisation and collating data and information from across these systems will be resource and time intensive (centralised services including for example, complaints, ground maintenance across mixed estates).

The inclusion of shared spaces here is questionable. As these are spaces over which the landlord does not have control but needs to work with the owner and other partners it is more appropriate that this should be entirely within the neighbourhood and community standard below, rather than in this standard and specific expectation.

Complaints

There should be consistency across what is required from the Housing Ombudsman and Regulator in expectations on complaints handling, within their respective Codes.

Q3. Do you agree that the proposed Transparency, Influence and Accountability Standard accurately reflects the government's 'Tenant involvement direction' to the Regulator?

Yes

Neighbourhood and Community Standard

Q4. Overall, do you agree that the proposed Neighbourhood and Community Standard sets the right expectations of landlords?

Agree with some additional comments below.

Shared spaces

This is potentially problematic for landlords where they do not have control or authority over an area. This is exacerbated where landlords' stock is limited or dispersed. Landlords can and should communicate clearly to tenants what their responsibilities are and what they will seek to do in influencing/ working with the owners of other spaces, but realistically there are limitations on what they can achieve that should be acknowledged.

Local cooperation

Whilst many landlords aim to develop services that promote the social and economic wellbeing of their tenants and the community, their capacity to do so depends on the number of homes and presence within an area, and the role of other organisations. The expectation could more usefully refer to their *contribution* to promoting the social, economic and environmental wellbeing, and the Code explore and expand on what this might mean and look like in different areas.

Safer neighbourhoods

Partnership working is essential for effective responses to ASB, tackling hate incidents and supporting victims/ survivors of domestic abuse; however, it takes time and resources to develop and maintain. Statutory and support services in some areas are severely stretched, which impacts on the ability of landlords to signpost or refer tenants to appropriate help, which landlords themselves are not equipped or funded to provide.

Tenants and the Regulator should expect landlords to act in accordance with their policies, to utilise the powers and tools they have, and to be clear on the responsibilities and powers of other partners and how they will seek to work with them, within the context in which they operate and the resources/ limitations of partners.

The Code of Practice could reference or signpost to the examples of good partnership working and shared approaches to ASB. This should include examples of working with perpetrators to tackle and prevent recurring ASB.

There should also be an explicit reference to safeguarding, as many ASB cases reveal unmet support needs and people at risk of abuse or neglect. The language of the Code is important; it refers to a victim centred approach whereas ASB practice has been shifting to a harm-centred approach, which acknowledges the complexity of many ASB cases, often involving vulnerable perpetrators as well as victims.

Domestic Abuse

CIH called for domestic abuse to be identified and addressed separately from ASB, so we are pleased to see this expectation. It should not only be for landlords to have a separate policy but to ensure that it is embedded throughout its housing management and repairs services, that staff are appropriately trained to identify signs and risks of domestic abuse and be confident about referring this within the organisation and / or with partner agencies.

Tenancy Standard

Q5. Overall, do you agree that the proposed Tenancy Standard sets the right expectations of landlords?

Agree, with some additional comments below.

Both landlord and local authority should ensure that nominations agreements are regularly reviewed to ensure they meet statutory requirements and local needs. CIH agrees with the principle of making best use of stock. Developing services to support people who are under occupying to move is appropriate, where this is their choice. Tackling the issue of homelessness and overcrowding requires more focus on developing more homes for social rent., including increasing the choice of homes that might encourage more people to move when under occupying.

Tenancy sustainment

Landlords undertake many services that help to support tenancy sustainment as evidenced in CIH's recent [cost of living](#) briefings. However, some may require input from statutory services (which may be severely stretched or unavailable). The Regulator should be clear on the expectation for landlords to take all reasonable steps to support tenancies, recognising resources, the number of homes in an area and the availability of other appropriate support.

Q6. Do you agree that the proposed Tenancy Standard accurately reflects the government's 'Mutual exchange direction' to the Regulator?

Yes

Code of Practice

Q7. The proposed Code of Practice is designed to help landlords understand how they can meet the requirements of the standards. Do you agree that the proposed Code of Practice meets this aim?

The Code could provide more clarity where there are acceptable differences in expectations for shared ownership, reflecting the conditions of the lease and level of equity, for example on repairs and maintenance.

CIH appreciates that the Code is not aiming to provide examples or case studies that might encourage landlords to follow a pattern rather than work with tenants to co-design and agree approaches to achieve the required outcomes. However, there are areas where these would be welcome by landlords and tenants as a starting point, and we have identified some of these in responses above.

The Code would also be a helpful place to expand on and clarify how the standards operate in relation to the requirements of other bodies and codes such as the complaint handling code, the Building Safety regulator etc.

Draft Regulatory Impact Assessment

Q8. A draft Regulatory impact assessment has been produced to help in understanding the costs, benefits and risks of introducing a revised set of consumer standards and code of practice. Do you agree with our conclusions in the draft Regulatory impact assessment?

Our conversations with members and partners suggest costings are likely to be underestimated.

For local authorities and ALMOs, this is a new regulatory framework and very different from the previous serious detriment test. For some local authorities, the data and information required to assess against the standards and demonstrate achievements to the Regulator will be held across the authority and be both time consuming and costly to collate/ address.

It is likely also to impact housing associations as the standards have been strengthened and new expectations set, which will require further information gathering and monitoring of performance.

Draft Equality Impact Assessment

Q 9. The draft Equality impact assessment looks at what effects introducing the consumer standards might have on members of groups that are protected by equality laws. Do you agree with our conclusions in the draft Equality impact assessment?

Agree.

About CIH

The Chartered Institute of Housing (CIH) is the independent voice for housing and the home of professional standards. Our goal is simple - to provide housing professionals and their organisations with the advice, support, and knowledge they need. CIH is a registered charity and not-for-profit organisation. This means that the money we make is put back into the organisation and funds the activities we carry out to support the housing sector. We have a diverse membership of people who work in both the public and private sectors, in twenty countries on five continents across the world.

Further information is available at: www.cih.org

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