

Introduction

CIH is pleased to respond to the [consultation](#) on the regulator of social housing's (the regulator) use of powers.

CIH called for and agrees with the regulator's new proactive role on consumer standards, across all landlords it regulates, increasing fairness and accountability. The sector values the regulator's co-regulatory, risk-based approach, and its commitment to use its powers in a consistent, proportionate way. Working with landlords to identify and develop solutions as early as possible will support better outcomes overall for residents. Enabling an ongoing discursive approach to finding solutions, and use of powers to support and drive this will be important to make stronger regulation meaningful and enable landlords to learn from experiences across the sector.

We recognise the close timescale for the regulator in analysing this and responses to other consultations, but it would be valuable to have confirmation on the consumer standards and use of powers as early as possible in preparation for the new regime in April.

General comments

It is important that this guidance is clear on when the regulator will liaise with other regulators in the sector (such as the Building Safety regulator) and the Housing Ombudsman where issues are identified, and particularly in any guidance for residents of social housing, so that they are clear which body to approach and what to expect when they raise concerns.

Proactive regulation of the consumer standards and the inspection process provides opportunities for the sector to identify common issues and share potential solutions. Many members have expressed hopes that the pilot inspections taking place might be used to provide some learning for organisations, as well as the regulator. We appreciate that the regulator is focused on identifying and developing its inspection approach from these. However, given that proactive consumer regulation is the biggest change for the sector in some years, it would be valuable to understand what common themes or issues are emerging or what might trigger use of different powers, how the regulator proposes that landlords might best address problems, and the scope and level of detail to demonstrate improvement etc.

Whilst there are opportunities for learning from the Housing Ombudsman's spotlight reports, and through CIH's and sector bodies' focus on good practice, identifying emerging practice from inspections regularly (perhaps annually) would also be valuable as part of the regulator's role to ensure compliance and encourage improvements across the sector.

The consultation does not refer to any planned review into how the use of powers are being exercised and the impact for landlords and residents. This would also be helpful to understand and provide assurance that the consumer standards are effective in delivering the change that residents and government require.

Questions:

1. Does the proposed approach set out in the Statutory Guidance seem a reasonable basis on which to use these powers?

Overall, set within a co-regulatory approach - where the emphasis is on working with landlords to identify and amend issues at an early stage - the proposed approach does seem to provide a reasonable basis for the exercise of these new and strengthened powers. In the case of some of the powers (detailed below) more clarity and / or detail would be helpful, alongside examples or scenarios for how and when these might be used and if a combination of powers would ever be applied.

There are clear routes for landlords to appeal, although these vary according to the powers under consideration, and a more consistent appeals process where possible would simplify the regulatory process.

The regulator is clear in the proposal, that financial penalties and compensation will be used carefully so as not to cause further negative impacts for residents. Whilst the regulator's powers in relation to local authority landlords are limited to consumer standards, it is important that the regulator is able to identify where problems arise from lack of resources, rather than mismanagement that would necessitate stronger intervention.

More detail on some of the powers would be helpful, as explored below:

Performance improvement plans

These will of necessity be tailored to the situation and extent of non-compliance that the regulator identifies, and how the landlord proposes to address it. The guidance could also usefully cover whether there is a required timeframe within which the plans must be developed or if there will be any expectations for consultation with or involvement of residents in the plans.

Surveys

The regulator will be able to appoint an authorised person to undertake surveys under certain conditions. In these cases, it might be helpful if representatives of the landlord could accompany the regulator, with the residents' permission, to develop appropriate actions and agree timescales for intervention, and to re-build its relationship with the residents.

Inspections

Clarity on how the regulator will develop its inspection plan, and how it will prioritise action, what will inform its risk-based approach, and what might trigger an unplanned inspection would all be helpful.

Compensation

It is not clear from the guidance as it currently stands whether residents will be able to raise the issue of compensation directly with the regulator, or if this will only be applied following inspection and / or the use of other powers.

Enforcement powers affecting the management of providers

Whether through tendering or transfer of management, the exercise of these powers is likely to impact contracts of employment, have considerable legal impact, and take a significant time to introduce. It is important that this is taken into account when using these powers, with a clear framework that identifies appropriate milestones agreed between the regulator and landlord, and communicated effectively to residents.

The use of amalgamation of non-profit providers covers the implications for the provider at fault, but there are also considerations for the organisation with which it is amalgamated, such as potentially a period of lower performance as systems are revised etc. It would be helpful to understand what support the receiving organisation might receive from the regulator through inspection and in relation to its own performance measures and compliance.

2. Do you have any comments on the business engagement assessment (including the equality analysis) at Annex 3?

All providers, not only smaller organisations, would benefit from some lessons emerging from the pilot inspections, and from regular updates on what common issues are emerging from the inspection process, and what solutions are being developed by the regulator, landlords and residents.

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

CIH contact: [Sarah Davis](#), Senior policy and practice officer