

# CIH response to the Government's consultation on Social Tenants Access to Information Requirements

## Introduction

CIH welcomed the passing into law of the Social Housing (Regulation) Act, and the principles and aims of the social housing white paper that it enshrined. We support the tenant centred focus of the consumer standards and the emphasis on transparency and accountability of landlords to tenants that underpins it, steered by the duties of the Regulator of Social Housing. We are pleased to provide comment on the government's consultation on social tenant access to information requirements (STAIRs).

## Specific questions

### **Q1. Do you agree with the requirements for the publication scheme, as outlined in table one? If not, why not?**

Overall, we agree with the requirements for the publication scheme. Many organisations will already publish most of this in annual reports or other communications with residents, and we are aware that some landlords have already committed to making more information publicly available to tenants, which will provide a good foundation for meeting the standard.

The scheme and any guidance should be clear that landlords can refer residents to other existing communications, both in the publication scheme and in response to requests for information, particularly where there are differentials according to locality (for example, rents and service charges which are already explained in annual rent letters and which will differ across schemes/ estates, and depending on services available). In shaping the scheme and in any guidance both the Regulator and the Housing Ombudsman should be aware of the potential for duplication and impact on resources, particularly for small organisations, if more is required.

### **Q2. Do you consider it appropriate for the publication scheme to include a requirement for providers to publish previous information requests made under STAIRs, and the responses to those requests? Please provide your reasoning.**

This should be for individual landlords to decide. Some may consider this to be a useful way to simplify the process of responding to requests, in being able to direct tenants to previous responses. However, this would not be sufficient unless the request is very similar, and many may require certain adjustments. For this reason, we would prefer the

standard to give flexibility to landlords, and for the guidance to draw out the benefits or otherwise of doing this for landlords to consider. We think the priority is that landlords make a full, clear and timely response to appropriate requests from tenants.

**Q3. Do you agree with the assessment of the impacts of the publication scheme, as outlined in the 'Publication scheme impacts' sub-section? If not, why not?**

We have concerns about the estimate of costs for landlords of the publication scheme, and the impact of meeting timeframes for some smaller providers with limited staff resources and capacity. Respondents have pointed to the costs and time required to respond to Subject Access Requests, and members from smaller organisations point to the impact where almost all staff might need to be involved in the process of collating information to respond, whilst maintaining services and responding to the additional requirements of the new regulatory framework.

The consultation proposes a review of the requirements as part of the overall new regulatory framework cycle after four years; however, we think there should be an earlier review of this new scheme - within 12 months - to assess the impacts for organisations in terms of costs and capacity to meet timeframes in view of the fact that it is uncertain how many tenants will take up this new right, and therefore what the actual impacts will be.

**Q4. Do you have any wider comments on the costs providers will face in implementing STAIRs?**

It is welcome that landlords are not required to create new records to comply with STAIRs. There are concerns over the impact of increased Housing Ombudsman's fees in relation to this, although we recognise these will be limited to actual volume and costs. The sector is facing significant additional costs across many areas of business, including regulation, that will add to the pressures landlords face, following the cumulative impact of four years of imposed rent cuts (between 2016-2020), and current rising costs and staffing challenges.

**Q5. Do you agree with the scope of information that is covered by STAIRs, as outlined in paragraphs 46-50? If not, why not?**

We agree with the outline of information to be covered by STAIRs in terms of housing management and services and decision making about these, and with exemptions relating to local authority duties or available through other statutory routes. We think that the Regulator, Housing Ombudsman and sector need to work to provide consistent and clear advice for tenants on what this scheme is for and when to use it, or when other routes are required/ more appropriate to achieve their desired outcomes.

**Q6. The above section (paragraphs 51 to 53) outlines the requirements relating to who can make information requests. Do you agree with these requirements? If not, why not?**

We agree with the provisions as to who can make information requests (tenant or designated representative). We think that landlords should be required to make applications for access to information very simple and clear for tenants, and support tenants to do so. Guidance from the Housing Ombudsman could include examples / templates etc that landlords use to do this, for others to consider and adopt.

**Q7. Do you consider it appropriate for the requirements to apply to local authorities with tenant management organisations in relation to information held by such bodies? Please provide details.**

We agree with this proposal with the caveat that many TMOs are very small organisations, with constrained resources. Therefore, we think both the Regulator and Housing Ombudsman should be clear where flexibility is allowed to enable smaller landlords including TMOs to respond appropriately, such as any further time extensions for example, and for guidance to include support from good practice examples such as templates for access requests that they can adopt.

**Q8. Do you agree with the information provision requirements outlined in paragraphs 55-60? If not, why not?**

Yes, we agree.

**Q9. Paragraph 57 relates specifically to information held on behalf of the landlord by another body or person. Do you agree with the requirements relating to information held on behalf of the landlord? If not, why not?**

We agree that landlords should make every effort to obtain the necessary information from contractors to enable them to make a full response to tenants. However, it is important to recognise that the requirement to provide information may not be specified in current agreements with contractors. Until or unless this is agreed, the Regulator and Housing Ombudsman should take account of what effort the landlord makes and allowance for the information being refused or only partial, according to the responses of contractors which are separate organisations.

Where information requested under the STAIRs scheme should be accessed via a different, statutory scheme, landlords should be clear in signposting tenants to this in their response and on their website promoting STAIRs. This should be reinforced by consistent messaging from the Housing Ombudsman and Regulator as well.

**Q10. Do you agree with the requirements relating to where providers can refuse to disclose information? If not, why not?**

Yes, although we think that landlords should make every effort to make it clear to tenants what they require to ensure that they can respond to the request. Guidance could usefully explore how different landlords are approaching this and what works best for tenants to make accessing the request clear, simple and straightforward. It should also be very clear on what constitutes reasonable refusal, so that all landlords can be consistent in their approach, including matters covered by GDPR and commercial contracts/ interests, which can often be automatically taken as barriers to information sharing.

**Q11. Do you agree with the staff time limit (18 hours) for responding to requests, as outlined in paragraph 63? If applicable, please make reference to any costs or other burdens relating to the time limit.**

This is an area that would benefit from an early review and potential adjustment. It is as yet uncertain how many complex requests, taking up to this time limit, might be made. Eighteen hours of staff time is a significant investment for all organisations, but particularly smaller landlords with limited numbers of staff, to divert from ongoing housing management and service delivery.

**Q12. Do you agree with the requirements relating to responding to information requests, including time limits, as outlined in paragraphs 68-74? If not, why not?**

It would be simpler to allow landlords to respond in working rather than calendar days, as most timescales have previously been measured in that way. The timeframe echoes that for Subject Access Requests, but requests made under STAIRs may be both more general and wider in scope so may take more time. Whilst 30 days seems a reasonable time to respond to requests where all the information is relevant and within the control of landlords, where it involves requiring information from other sources such as contractors, more time may be required. If the landlord makes this clear to tenants it should not be penalised in assessments by the Housing Ombudsman or Regulator.

**Q13. Do you have any comments regarding the process for dealing with complaints?**

It is potentially confusing that the process for escalating to the Housing Ombudsman in these cases is significantly different to usual complaints. Only one review stage is allowed, compared to a two-stage complaints process otherwise allowed before access to the Housing Ombudsman. The timeframe in this case is more generous - 30 calendar days compared to 10 working days - which is appropriate, but again may cause confusion. This will require very clear and consistent communication from both landlords and the

Housing Ombudsman on what the difference is and why, to avoid dissatisfaction with both bodies. We suggest this also should be explored in guidance and be included in an early review to see what further adjustments might improve the service and deliver the increased transparency and responsiveness to tenants that STAIRs aims to achieve.

**Q14. Do you have any comments on the draft direction?**

No further comment.

## 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](http://www.cih.org)

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