

Social Housing (Regulation) Bill

23 November 2022

Briefing for committee stage in House of Commons

The [Social Housing \(Regulation\) Bill](#) is due for committee stage in the House of Commons on 29 November 2022. This briefing provides an overview of CIH's thoughts on the Bill and some proposed amendments (as currently drafted).

Summary

- CIH welcomes the Bill's focus on the key objectives of safety, transparency and accountability of landlords to tenants in social housing, as set out in the [Charter for social housing tenants: social housing white paper](#). It is important that the robust measures set out in the bill in supporting those aims are maintained through to the final Act, including the requirement to report on the progress of cladding removal and other remediation relating to fire and building safety.
- The Regulator of Social Housing (the Regulator) will gather performance information on landlords that will be useful to tenants, including tenant satisfaction through a perception survey. We believe this should also be used proactively by landlords in engaging with tenants, and more should be done to ensure this is accessible and useful to tenants, including outcomes from the Regulator's scrutiny of performance, such as, where necessary, performance improvement plans. CIH supports calls to ensure that the aims of transparency, accountability and comparability set out in the white paper are underpinned by all elements that make up proactive consumer regulation, including the [tenant satisfaction measures](#), through a consistently applied collection methodology to provide that assurance. As the Regulator has recently confirmed its preferred approach incorporating greater flexibility in methodology, we would support a scheduled plan to review the outcomes from the tenant perception survey in terms of robustness for transparency and comparability, within a wider assessment of the impact of proactive regulation and compliance, in terms of increasing satisfaction and building trust between landlords, tenants and Regulator.
- CIH welcomes measures to ensure that the bill sets explicit requirements for regular inspections as well as additional emergency/ short notice inspections and actions where needed. This was the clear expectation of the government's white paper. Having a regular inspection regime, coupled with regular reporting of satisfaction and performance, will focus landlords again on continuous improvement of services to tenants and enable the regulator to identify gaps or indicators of potential problems to explore in more detail. This, accompanied by the 'Ofsted style' measures will ensure that the regulator has both the power and flexibility to address poor performance in a timely way.

The involvement of tenants to inform the inspection regime, and to trigger emergency action, will increase their confidence in the new regulatory system.

- A named health and safety lead will be required in every registered provider, and resources provided to ensure they can fulfil their functions of advice to boards. There are also proposals to set out how the Regulator might require social landlords to demonstrate the appropriate competencies and conduct of housing management professionals. CIH welcomes the focus on this in light of the review of professionalism, and the acknowledgement of the importance of skilled staff in the government's green and white papers. CIH's work with *See the Person* (now *Stop Social Housing Stigma*) also [identified](#) the qualities, knowledge, and skills of staff at all levels within housing organisations as significant in appropriate engagement with tenants and addressing stigma.
- CIH strongly supports the aims of the [Supported Housing \(Regulatory Oversight\) Bill](#), introduced by Bob Blackman, MP. We believe that this could be complemented by an amendment in the Social Housing (Regulation) Bill to extend consumer regulation to tenants of non-profit registered providers living in supported (exempt) accommodation where it is let at a market rent and also to temporary accommodation owned or managed by a registered provider (local authority or housing association).

Comment on key elements of the Bill

Proactive regulation and enforcement

The Bill provides a strong legislative framework to ensure that the tenant and landlord relationship is strengthened, with increased accountability to tenants backed by a proactive consumer standard and powers for the Regulator. We believe that this provides a robust mechanism to drive improved standards across registered providers, that will encourage the sector as a whole to look at and learn from the many organisations that are working well with their tenants to deliver good homes, neighbourhoods and services.

We are keen to see that the measures in the bill that support this strong, proactive approach to the consumer standard and accountability to residents are carried through to the final Act. A review of the overall impact of proactive consumer regulation within a scheduled time frame, with the involvement of the Regulator's advisory panel, would enable the standard to be strengthened where gaps in transparency or accountability are identified.

Setting high expectations

The Bill ensures that the Regulator can require applicants to be registered to demonstrate that they will meet regulatory requirements from the outset, and that failure to meet standards is added to reasons for mandatory de-registration. CIH has called for standards that apply across the board for tenants whatever the landlord type, so we are pleased to see a broader application of the standards and tools to tackle poor performance across non/ for profit, and local authority housing. We also welcome the powers for the Regulator to make enquiries when notified of

changes in control or organisations, and a definition of non-profit that takes account of the organisation's activities as well as structure.

Housing management

CIH supports the introduction of amendment to the Bill that will enable the Secretary of State and Regulator to ensure that housing management staff, and those with regular contact and involvement with residents should display required levels of competency, skills and experience to provide a good service to residents. We appreciate that housing providers are complex businesses that require very diverse skills across the organisation, but in relation to direct housing management functions, including resident involvement and anti-social behaviour work, there is a case for setting certain expectations of skills, knowledge and behaviour to ensure that staff provide good services and work well with and in response to residents.

For some tenants, the assurance of an independent assessment of professionalism, and the potential for greater accountability of organisations and professionals, is important and overdue. The government's amendment provides a positive framework within which the regulator, the sector, and tenants can work to explore what this should be and how it could operate, and we look forward to working with government, the Regulator and the sector in advancing this without delay.

Housing conditions

Given the impact of rising energy costs and in order to deliver on the government's ambitions for net zero carbon, we think it would be appropriate for regular reporting on progress to be part of the Regulator's expectations and monitoring framework; energy efficiency is fundamental to providing a decent home. We recognise the imperative for wider work on addressing disrepair and that there is a role for the Regulator in close monitoring of landlords' identification of and work to resolve where there are significant problems, including use of Ofsted style surveys as below.

Inspections

We support measures to enable the Regulator to step in quickly, where there is reason to believe through failure to comply, failure to act or other error, that there may be risk to tenants' health and safety. This is encompassed in the removal of the serious detriment test and the power to undertake a survey with 48 hours' notice rather than 28 days, plus the power to order repairs, where necessary. This provides important powers to enact in an emergency and is a valuable addition to the requirement on the Regulator to undertake periodic and regular inspections. Regular inspections was an expectation in the social housing white paper [The charter for social housing residents](#), which proposed inspections of the larger landlords every four years; it will be an important step for tenants and residents to be assured of the ongoing performance of their landlord, and provide an opportunity to identify and address areas of poorer or weaker performance, including through the Regulator's own experience of good practice in other similar organisations.

It is vital that the **Regulator is well resourced to undertake wider inspections** on a regular basis, underpinned and informed by the body of evidence that will come from proactive monitoring of the consumer standards and regular reporting on the tenant satisfaction measures, as well as from the investigations and reports of the Housing Ombudsman.

Information

The Regulator and Housing Ombudsman together are important partners in ensuring that registered providers deliver homes and services that are safe and of good quality, well managed and delivered with services that take account of the priorities of their tenants, through active tenant involvement.

Transparency and accessibility of performance information to the Regulator and to tenants, so that they can see how their landlord is performing, is a main aim of the social housing white paper, underpinned by powers in the bill for the Regulator to direct what information landlords must provide, when etc. It is important that this information on financial measures, performance and the tenant satisfaction measures is easily available to tenants if they are to hold landlords to account. However, CIH has raised concerns about how the information is collected and published, given the diversity of the sector (see more in our [consultation response](#) where we raise concerns about certain aspects of how tenant perceptions will be gathered. As the Regulator has recently confirmed its preferred approach, we would support the review of the outcomes from the tenant perception survey in terms of robustness, transparency and comparability within a set period and / or as part of the review of the consumer standard and would be keen to continue to work with the Regulator and sector on this.

We also argued that there is value in tracking how well a landlord improves on its own performance and response to tenants over time. Consideration should be given as to how tenants will be alerted should any poor performance lead to the Regulator requiring a performance improvement plan; the bill calls for landlords to provide a copy should a tenant require one, but a more proactive engagement with tenants on what this is, why it came about, and what they can expect for progress would be more in keeping with the aim of the white paper.

Housing supply

[Evidence](#) produced for the National Housing Federation and Crisis by Heriot Watt University in 2018 identified a need for 145,000 affordable homes per annum over the ten years 2021-31, of which 90,000 would be for social rent and the remainder for low-cost homeownership or intermediate renting. Although this assessment has not been fully updated, since then need is likely to have grown still further. However, current plans will start only 36,000 homes annually, and this target is now under threat because of higher interest rates, inflation in construction costs and proposed planning reform. The requirement for a regular review of progress on delivery, with recommendations on how to achieve what is needed, will enable the sector and government

to focus on how best to achieve the housing numbers, and particularly the social rented housing, we need.

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 20 countries on five continents across the world.

Further information is available at: www.cih.org

CIH contact:

[Sarah Davis](#), senior policy and practice officer

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