

CIH response to a new deal for social housing



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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 to be brilliant. 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.

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Our overall view of the green paper

We welcome the opportunity to comment on the government's green paper. We agree that now is the right time to set out 'a new deal for social housing' and have recently considered the future of the sector ourselves in our research report [Rethinking Social Housing](#).

We recognise that government thinking on social housing has moved significantly over recent months and very much welcome the recognition of the vital role that social housing plays in our society. We also welcome the green paper's strong focus on maintaining/improving standards for existing tenants, which we agree is as important as efforts to build more new homes.

We believe that there are many positive proposals set out in the green paper to improve standards including:

- a stronger focus on ensuring all landlords are meeting the regulator's consumer standards
- a more consistent approach to regulating local authority and housing association landlords
- the removal of the 'democratic filter' to speed up complaints handling
- a proposed review of the Decent Homes Standard
- efforts to further professionalise the sector, with government working alongside bodies such as ourselves to promote professional and ethical standards among those delivering housing services.

However, despite these positives, we consider that overall the green paper falls short of setting out the kind of ambitious vision for the future of the sector that is needed. There is a lack of clarity over the role and purpose of social housing and there are mixed messages throughout the green paper on whether social housing is intended to provide long term homes that tenants can be proud of or to act as a 'spring board to ownership' for all but the most vulnerable.

This issue was considered in more detail in our report, *Rethinking Social Housing*, which set out a number of possible roles for the sector. In summary, it could operate as:

- an 'ambulance' service for people in the most acute need, usually for a short time and with restrictions such as income limits

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- a 'safety net' which offers broader, long-term help for people on lower incomes who can't afford market housing, and meets needs like homelessness, or
- fulfilling a 'wider affordability' role catering for a range of income groups, competing with private housing, encouraging higher standards and curbing excessive price rises.

Following very extensive consultation (see below) our work recommended that government pursue a set of policies which would establish social housing as a tenure of choice for a wider range of people. As well as providing high quality homes and services, this also means greatly increasing the supply of social housing and enabling landlords to house a wider range of people, in mixed communities, for the long term.

Our research findings were informed by extensive research, including consultation with housing professionals, tenants and professionals in related fields (such as healthcare). Nearly 40 per cent of participants were tenants. In addition, we polled members of the general public with Ipsos MORI carrying out face to face interviews.

We found strong support for the principle of social housing as a tenure of choice, providing housing for a broader range of people as well as continuing to address poverty and housing need. For example, individual tenants and professionals who participated in our research told us that:

"Social housing is for everyone from a variety of different backgrounds... a tenure of choice"

"Social housing should be the first choice (of) housing for the majority of people in a local area. There should be no stigma attached to it, so that it genuinely represents the communities in which it is situated"

"Social housing should be a choice, (a) foundation to build your future (upon) and (an) assurance (that) no matter what life throws at you it will always be there"

"Social housing provides a stable home and roots in a local community. It should not be a safety net but (should) provide a longer term home for people on lower incomes"

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The relationship between the green paper and other government priorities

It is also vital that this work joins up with other government priorities. For example, measures set out in this paper to improve the standard of existing homes must complement those set out in other reviews, such as the Hackitt review of building regulations and fire safety. Similarly, although the green paper is primarily intended to consider issues relating directly to housing, we remain concerned about the ongoing impact of government's welfare policies and their lack of coordination with housing policy.

In particular, we recommend that government reviews the £20,000 benefit cap and the removal of the spare room subsidy (bedroom tax) as well as considering further changes to improve the way universal credit is working in practice. Without this there is a danger that welfare policy could undermine any attempts to improve the experience of social housing residents and also hinder access to social housing for those who might need it the most.

Overall therefore, we would encourage government to take a more joined up approach and to consider the impact of the green paper in conjunction with other major pieces of work relating to both housing and welfare.

Answers to specific consultation questions

Ensuring homes are safe and decent

Q1. How can residents best be supported in this important role of working with landlords to ensure homes are safe?

We are currently participating in one of government's working groups looking at implementing the Hackitt review recommendations, which is focused on the role of the building safety manager (BSM) in engaging and working with residents. We will provide more detailed advice through that process, however in summary we believe that there are three main considerations here:

- a requirement to provide relevant information in a suitable format. We would support a requirement that residents of high rise blocks are given a simple document in a standard format (similar to, for example, an Energy Performance Certificate) providing information such as:
 - the date of the last fire risk assessment
 - the name and contact information of the BSM
 - details of firefighting/detection equipment
 - the location of exits
 - details of the fire action policy (ie: evacuate or stay put)
- empowering tenants through education and awareness. This will be necessary to enable residents to identify hazards and to understand where and how they can report them. It will also be important to communicate more directly with those who breach fire safety regulations/standards (for example by leaving obstructions in common areas), with hard hitting messages giving examples of the consequences of breaches. We do not feel that a prescriptive approach is required here but it may help for government to clearly set out the outcomes that they expect BSMs to achieve
- funding. We would encourage government to implement the Hackitt review recommendation to provide funding for a range of different organisations including housing associations and local authorities to

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provide advice, guidance and support on effective resident engagement around these issues.

We also support a review of the Decent Homes Standard and have provided more information on this in our response to question 3.

Q2. Should new safety measures in the private rented sector also apply to social housing?

Yes, we support the proposals to extend safety measures recently introduced in the private rented sector to social landlords. We can see no reason why tenants of social landlords should have inferior safety protection, compared to those living in the private sector.

More specifically, according to a recent survey of our member opinion panel (a group of CIH members who participate in regular surveys on policy issues):

- 86 per cent support a requirement to install smoke alarms on every floor
- 86 per cent also support a requirement to install carbon monoxide alarms in every room containing a solid fuel burning appliance
- 79 per cent support a requirement to carry out regular inspections on electrical installations every five years.

Q3. Are there any changes to what constitutes a Decent Home that we should consider?

We welcome the proposal to review and potentially update the Decent Homes Standard. Historically this has been successful in delivering significant improvements to many tenants' homes, however in practice this has often been focused narrowly on windows, bathrooms and kitchens.

We are also conscious that many landlords have now met and even surpassed the existing standard and so it is right that this should be reviewed and set at a more ambitious level, with a broader range of factors included. 85 per cent of CIH members who took part in our survey agreed that the standard should be refreshed.

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In particular, we strongly support measures that will increase the safety of homes, improve energy efficiency, ensure that homes are more affordable to run and heat and tackle the impact of cold and damp homes on people's health (BRE estimate that this costs the NHS £863m a year). We therefore agree that, as a minimum, an updated Decent Homes Standard should include minimum energy efficiency standards as proposed. This was also supported by 87 per cent of members taking part in our survey.

An updated Decent Homes Standard should therefore include higher energy efficiency standards that comply with our legal carbon reduction obligations. Retrofitting of the housing stock (public and private) is an urgent task that should be considered jointly between departments, so that all social landlord dwellings (other than some specific exceptions) reach an EPC rating of 'C' as soon as possible.

There is however an opportunity for government to go beyond this and to consider setting a much more ambitious standard. There are concerns that the current standard leads many landlords to focus narrowly on kitchen and bathroom replacement and we would encourage government to consider an approach which measures the decency of the home overall, rather than a small number of priority elements.

This could also include the area 'outside the front door'. Given the government's desire to tackle the stigma often associated with living in social housing, we believe that there would be a benefit in considering a wider standard as this affects the way in which many neighbourhoods are perceived. For example, one respondent to our member opinion panel survey told us *"I'd like something similar to Decent Homes to cover the areas outside the front door. Estates that were designed for an era of resident caretakers and intensive maintenance have become neglected. The poor quality of the outdoor spaces on our estates adds to the stigma of social housing. It undermines residents' efforts as individuals to create a pleasant and positive home environment."*

This is particularly relevant for flats, where the decency of the building as a whole is as important as that of the flat itself. The [Scottish Quality Standard](#) sets a much wider definition of decency, which also includes things like the suitability of common areas, like stairs and landings, lifts and door entry

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systems and we would suggest that this is considered as an option as part of any review.

There is also a question about how prescriptive a revised standard should be. Some CIH members have voiced concerns that a very prescriptive standard can create perverse outcomes, where landlords prioritise compliance with the standard over the specific needs of their residents. There may therefore be some merit in considering a move towards a more outcome-based approach. This would leave more scope for individual landlords to work with their tenants to determine local priorities, although we recognise that consideration would have to be given to how compliance would then be measured.

We also recognise that any raising of the standard will require additional investment. The one per cent rent reduction for the four years from 2016 has reduced many landlords' capacity to invest in their homes and so it will be important for any review to carefully consider the trade-off between the benefits of setting a really ambitious standard and the need to ensure that landlords are able to invest sufficiently to achieve it, while also investing in substantial new development.

These are all issues which will need to be considered carefully as part of any review and we would strongly recommend that this is carried out in partnership with the sector and with the involvement of tenants.

Finally, although a higher proportion of social rented homes meet the current standard than in either the private rented sector or owner occupation, it should be noted that there are still 525,000 homes which require immediate improvement. Until recently the government maintained a fund to subsidise programmes to attain the standard, where a social landlord could not finance works from their own resources. Landlords' own resources have been depleted by the rent reduction policy mentioned above.

In addition to carrying out a review we therefore believe that there is a case for re-establishing a one-off fund to enable landlords to 'catch up' with the standard, with funding being made available where the landlords can show how that their business plan will enable them to maintain these standards in the future.

Effective resolution of complaints

Q6. Should we reduce the eight week waiting period to four weeks, or should we remove the requirement for the “democratic filter” stage altogether?

We recommend removing the requirement for the democratic filter altogether. Feedback from our members suggests that this is not widely understood by tenants, councillors or MPs and is not meeting its original aims, as in practice most complainants are simply choosing to wait the eight weeks before contacting the Ombudsman directly. The [Housing Ombudsman reports](#) that this is the case for as many as 93 per cent of the complaints that they currently handle. We also note that take-up of the option to establish tenant panels has been relatively low (there are currently only [92 tenant panels registered with the Ombudsman](#)).

Overall only 15 per cent of members who took part in our survey believe the democratic filter is ensuring that more complaints are resolved at a local level. By contrast, 74 per cent agree that it represents an “unnecessary delay, which stops tenants from getting their complaint resolved swiftly.” 45 per cent favour removing it completely, compared to 32 per cent who favour reducing the eight week wait and 20 per cent who favour improved promotion and awareness raising.

While we understand the government’s desire to give tenants a greater role in complaints resolution, we do not consider that the democratic filter has been effective in achieving this. We are concerned that in practice it has instead created an additional layer of bureaucracy, which is not necessarily in tenants’ interests. When something does go wrong, and tenants have cause to complain, we consider that they generally want a swift resolution of the problem. In other sectors consumers do not face any additional delay before they can access a redress service, having exhausted their service provider’s own complaints process.

Q7. What can we do to ensure that the “designated persons” are better able to promote local resolutions?

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As noted in our answer to question 6, our preference is to remove the democratic filter altogether.

We would encourage social landlords to establish complaints processes that minimise bureaucracy and empower front line staff to resolve problems quickly. Where this fails, we consider that tenants should retain the right to contact the Ombudsman directly, without any further delay.

Q10. How can we best ensure that landlords' processes for dealing with complaints are fast and effective?

Overall, we think most complaints made by tenants are handled effectively. However, we accept that there are a minority of cases where this is not the case, and that this can cause significant distress for the tenants involved.

In our view it is important to retain a focus on outcomes and for government/the regulator to avoid being overly prescriptive about processes. We are concerned that at present the language in the green paper focuses strongly on process and would be concerned, for example, that a code of guidance which specified the number of stages that landlords should include in their complaints processes and the response times expected at each stage would stifle innovation and could lead some organisations to focus narrowly on compliance with the standards, rather than on providing excellent customer care.

We would prefer to see an approach where the regulator sets out clear expectations of the outcomes which landlords should all be able to demonstrate, without prescribing how these are to be achieved. As set out in our answers to questions in the section on empowering residents and strengthening the role of the regulator, we would welcome a stronger focus on ensuring that all landlords are complying with the regulator's consumer standards (including effective complaints handling). However, it is essential that this is done in a way that retains the regulator's current focus on outcomes and on minimising regulatory interference where possible. In practice, this means that boards/councillors should seek their own assurances that they are meeting standards, with the regulator then seeking assurance from them in turn.

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We also consider that the regulator is not the only organisation with an important role to play in promoting good practice in this area. We have previously produced a [complaints charter](#) which sets out the outcomes that a good complaints service should be able to achieve. Social landlords were encouraged to sign up to the charter on a voluntary basis and we produced a number of good practice guides to support them to deliver these commitments. We would welcome a conversation about what more CIH could do to promote good practice in this area in the future.

We would also welcome a more proactive role for the Ombudsman in promoting effective complaints handling by sharing good practice and learning points from cases where complaints of maladministration have been upheld. However, if the Ombudsman is to play a full part in ensuring that complainants receive a swift resolution, and also promote and encourage good practice within the sector, it is vital that it has the tools and resources to do this.

Empowering residents and strengthening the regulator

Q12. Do the proposed key performance indicators cover the right areas? Are there any other areas that should be covered?

We recognise that there is a desire to improve the quality of information available to tenants about their landlords' performance so that they can better challenge and hold their landlord to account. We would therefore support a requirement that all social landlords collect data against a common, agreed set of performance indicators and that they report this in a way that allows tenants to easily understand how their performance compares with others. We believe that this should apply to all types of social landlord - housing associations, local authorities, ALMOs and TMOs.

However, we would suggest that the detail of what these indicators cover should be agreed with the involvement of representatives from the sector and tenants themselves, rather than them being imposed directly by government/the regulator. This principle is supported by our members, with 95 per cent of those who took part in our survey agreeing that social landlords should be involved in agreeing any common set of performance indicators. 92 per cent agree that tenant representatives should also be involved.

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It should be noted that there are already a number of ways in which landlords routinely compare performance information. [HouseMark](#) and other organisations already provide benchmarking services for landlords, while the recently introduced [sector scorecard](#) will shortly see almost all housing associations publish data against a common set of performance indicators. We would therefore encourage government to work with the sector to further develop existing approaches, rather than creating something from scratch.

The indicators to be included could be determined by a working group, including the regulator, tenant and landlord representatives and those involved in existing benchmarking activity. There are a number of practical considerations which will also need to be taken into account. For example, it will be important for government to provide some clarity on the purpose of this data collection.

At present the green paper proposes three separate audiences for this information:

- tenants - to better inform them about their landlords' performance so that they can effectively hold them to account
- the regulator - as a means of determining whether further investigation/intervention is required to ensure that required standards are being met
- government - to give assurance that grant funding to support new development is not being given to organisations who are not meeting minimum standards.

These are three separate objectives and, although there may be some overlap between them, it is highly unlikely that a single dataset would effectively achieve all three. We would therefore suggest that any working group be given clear objectives to inform their discussions. Any decisions taken on what should be included must be informed by a clear understanding of who the data is for and how they are going to use it.

Some consideration will also need to be given to how these outcomes are going to be measured. In practice some of the areas proposed in the green paper are easier to measure and compare than others. For example, whether landlords are keeping properties in good repair and maintaining

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the safety of their buildings is clearly quantifiable and data from different landlords is likely to be easy to compare. By contrast, respectful and helpful engagement with residents is not as easy to quantify and will presumably have to be assessed via tenant satisfaction surveys or other mechanisms for collating customer feedback. However, with any perception-based indicator there are always questions about how comparable the data is, given different sample sizes and the differing demographic profiles of tenants in different parts of the country.

It is important that these questions are given proper consideration and so we would advise against a set of indicators being imposed on the sector by government/the regulator, in favour of an approach based on co-design.

Q13. Should landlords report performance against these key performance indicators every year?

Yes. As set out in our answer to question 12, we would support a requirement that landlords report performance against a common set of key performance indicators, provided that these are developed in collaboration with the sector and tenants.

Q14. Should landlords report performance against these key performance indicators to the Regulator?

Yes. As set out in more detail in our answer to question 32, we support a stronger focus on ensuring that all landlords are meeting the regulator's consumer standards.

We also support the regulator's current approach of working in an outcome focused and risk-based manner and would like to see this retained and extended to these standards. We can therefore see a role for a common set of performance indicators in helping the regulator to easily determine which landlords are likely to be meeting the standards and those from which it needs to seek further assurance. We believe that this should extend to all types of social landlord - housing associations, local authorities, ALMOs and TMOs - although some allowance may need to be made for very small providers to ensure that arrangements are proportionate.

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The sector is extremely diverse and there are challenges in trying to compare, for example, a 100,000+ home national landlord with a very small community focused one or with a specialist provider offering housing and support to specific groups of people. In many cases there may be genuine reasons why performance varies from one landlord to another. For this reason, it will be important to allow landlords to provide some form of narrative to accompany their performance information. This should give the regulator a much better understanding of the data.

If used in this way - as a 'can-opener' for further investigation to establish whether differing performance can be adequately explained - we would support a requirement that all landlords provide the regulator with a common set of performance information. It will however be essential to ensure that the regulator is properly resourced to make effective use of and act on this information.

Q16. Do you think that there should be a better way of reporting the outcomes of landlords' complaint handling? How can this be made as clear and accessible as possible for residents?

As set out in our answer to question 12, we believe that any common set of performance indicators should be developed collaboratively with both landlords and tenants.

If complaints are to be included, this will require very careful consideration. We are concerned that an approach which requires landlords to report on the volume of complaints that they have received could encourage 'gatekeeping'. An effective approach to complaints handling involves welcoming complaints as an opportunity to learn and to improve services. Higher numbers of complaints should therefore not necessarily be equated with poor performance. Instead the focus should be on how well those complaints are handled, whether they are resolved quickly and effectively and whether they are used to improve services.

Q17. Is the Regulator best placed to prepare key performance indicators in consultation with residents and landlords?

As set out in our answer to question 12, we would like to see a collaborative approach to developing a set of key performance indicators.

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Clearly the regulator will need to play a major role in these discussions but our preference is for these to be 'co-designed' via a working group that includes tenants and landlords, and in a way that builds on the work already being carried out by organisations like HouseMark and those involved in developing the sector scorecard.

Q18. What would be the best approach to publishing key performance indicators that would allow residents to make the most effective comparison of performance?

We do not believe it is either practical or desirable to aggregate a set of performance indicators up into a single league table position. This would be difficult as arguably not all indicators should carry equal weight and tenants of different landlords may have different priorities.

We are also concerned that a single league table position would be a 'blunt tool' by which to judge performance. For either tenants or the regulator to challenge poor performance effectively, it will be important for them to see the full range of performance information available and to understand in which specific areas performance is below the expected level.

We would also reiterate that performance information is most effectively used as a 'can-opener' for further discussion and that in many cases there may be reasonable explanations for any variations in performance. As set out in our answer to question 14, we would like landlords to be able to provide some narrative to accompany their data and would be concerned that this nuance may be lost if it is aggregated up into a simple league table position.

However, we do recognise the need for data to be reported transparently and in a consistent manner, that allows for comparison with others. We would therefore suggest that landlords should be required to make data on their key performance indicators publicly available, along with any supporting narrative they want to include. This might, for example, mean that for each agreed indicator they would publish their performance together with the top quartile and median figures for comparison and a short explanation where necessary.

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Landlords could perhaps be provided with templates that would allow them to do this in an easy and transparent way.

Q19. Should we introduce a new criterion to the Affordable Homes Programme that reflects residents' experience of their landlord? What other ways could we incentivise best practice and deter the worst, including for those providers that do not use Government funding to build?

We understand the government's desire to ensure that landlords who apply for grant funding to develop new homes are first providing good services to their existing tenants. However, given our concerns (set out in our answer to question 18) that they could be a blunt instrument for measuring performance, we would be wary of directly linking a position in a league table with the ability to access grant funding.

There is also a question about the appropriateness of some measures for this purpose. For example, it may be perfectly reasonable to ask landlords to report average relet times to tenants and to the regulator but we would question whether poor performance in this area would, on its own, be a good enough reason to prevent them from building much needed new homes.

We also consider that a direct link between a league table position and access to funding would increase incentives for some landlords to try to 'game' the system. This could mean that much greater levels of assurance are needed over the accuracy of the data that is being reported, and we would be concerned that this could make it difficult for the regulator to meet its stated objective of minimising interference with good performing landlords. There would also be greater costs incurred if more work is needed to ensure data accuracy.

Finally, we would argue that it is unnecessary to create a direct link between a landlord's league table position and its ability to access government grant. It is already a stated objective of Homes England to "*ensure that properties that are developed with the benefit of grant are managed and maintained in accordance with Regulatory Requirements and Standards.*" Therefore, where the regulator judges there to be a failure to meet the standards, it is already possible for this to be taken into account when considering any bids for funding.

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More generally, Homes England already has a range of tools available to them to ensure that government grant is being spend wisely including, for example, published regulatory judgements, their own internal assessments and quality data collected from NHBC.

Q21. Is there a need for a stronger representation for residents at a national level? If so, how should this best be achieved?

Yes. We would support the creation of a body to represent tenants' interests nationally. However, if this is to be worthwhile it is essential that the body is fully representative and that its role and purpose is firmly established at the outset. Such an approach might also include stipulated maximum term lengths for members and perhaps that members should be recruited so as to ensure a specified range of skills, experiences and backgrounds is covered.

We would suggest that ideally any group should act as a 'sounding board' or 'critical friend' to government on policy design and decisions that will directly impact on social tenants. Government should set out how they would engage with such a group and what they would hope to gain from those discussions. These arrangements could include a provision for such a group to periodically meet with ministers and their advisors. It is absolutely vital that this engagement is meaningful and gives tenants a genuine opportunity to shape policy that affects them. If it does not do this, it is questionable whether the body would really be valuable or whether it would benefit tenants.

It was widely acknowledged that the pre-green paper roadshows which allowed the minister and civil servants to meet and engage with tenants around the country were a great success. It would be good if consideration could be given to doing this on a more regular basis to allow an exchange of views and ideas between a broader range of tenants and decision makers.

It will be important to carefully consider to how a sounding board (as described above) might be structured and funded. The main national tenant organisations have developed a steering group, A Voice for Tenants, to explore how a tenant-led body that could speak for social

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housing tenants could operate in practice. We would encourage government to work with this group to take this forward. Most immediately, government should fund a feasibility study to test out the options for establishing a national tenant-led body. We understand that the cost of this piece of work has been estimated at £80,000.

Q29. Does the Regulator have the right objective on consumer regulation? Should any of the consumer standards change to ensure that landlords provide a better service for residents in line with the new key performance indicators proposed, and if so how?

We believe the regulator has the right objectives and that the consumer standards are broadly fit for purpose although it would be sensible to review them in consultation with the sector and service users to ensure they reflect the current environment. In particular, a review of the tenant involvement and engagement standard could ensure that the wider objectives of accountability and transparency (set out in this Green Paper and the Hackitt review) are central.

Our main concern, as set out in our answer to question 32, is that the current regulatory settlement does not allow the regulator to ensure that all landlords are complying with them in any meaningful way. We recognise that changing this would require legislation but, as noted in our answers elsewhere, we would strongly support a change.

Q31. Is "serious detriment" the appropriate threshold for intervention by the Regulator for a breach of consumer standards? If not, what would be an appropriate threshold for intervention?

We strongly feel that the existing 'serious detriment' test sets too high a bar for regulatory intervention.

While retaining its outcome focused and risk-based approach, we consider that the regulator should seek to ensure that social landlords of all types are likely to be meeting all the standards and should always have the option of using their enforcement powers, in a proportionate way, where this is not the case. This requires having a lower trigger for intervention. However, in practice, we do recognise that most serious breaches of a consumer standard can be dealt with as governance failure.

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Q32. Should the Regulator adopt a more proactive approach to regulation of consumer standards? Should the Regulator use key performance indicators and phased interventions as a means to identify and tackle poor performance against these consumer standards? How should this be targeted?

Yes, we would strongly support a real focus on ensuring that all landlords are meeting the consumer standards.

This is a view supported by our members, with 82 per cent agreeing that there should be greater parity between the regulation of the consumer and economic standards. While under the current system, where the regulator focuses primarily on issues of governance and financial viability, only 45 per cent agree that regulation ensures the provision of high quality social housing and only 31 per cent agree that it empowers and protects tenants.

Many individual written responses also explicitly made this point:

"If consumer standards are breached there should be some power for the regulator to penalise the offending organisation"

"More focus on consumer standards. Although providers need to be financially viable and this affects quality, tenants are affected day to day by poor service delivery and standards"

Our members do support the regulator's current focus on outcomes, with 71 per cent agreeing that it minimises regulatory intervention and 68 agreeing that this approach should be retained in the future. Feedback from individual landlords about the way in which the regulator goes about enforcing the economic standards is generally positive.

We would therefore recommend that this approach is retained and extended to the consumer standards. In practice we imagine that this might mean the regulator routinely reviewing data collected against the proposed common set of performance indicators together with other available information, such as concerns raised by the Housing Ombudsman, and using this to determine which organisations it needs to seek further assurance from.

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Where this leads to concerns that the standards may not be met, it is likely that the regulator would want to seek further assurances from the organisation in question. Although the regulator should retain the flexibility to use any of its enforcement powers as appropriate, we expect that in practice they would want to do this in a proportionate way. For example, where there is some evidence of poor performance the regulator may first want to seek assurance that the landlord's board/councillors understands the reasons for this and that there are plans in place to address it, rather than immediately carrying out a full inspection of all of their landlord services.

We also believe that there is an appetite in the sector for the regulator to be given powers to issue a regulatory judgement relating to the consumer standards. This would need further consideration and we welcome the opportunity to have further discussions about how this might work in practice.

Whatever precise approach is taken, it seems likely that the regulator's existing duties will be expanded and it is clear that they will also require some additional resources to fulfil their new role effectively.

Q33. Should the Regulator have greater ability to scrutinise the performance and arrangements of local authority landlords? If so, what measures would be appropriate?

Yes. We strongly agree that local authority landlords (including where homes are managed by an arms length management organisation or a tenant management organisation) should be regulated in the same way as housing associations. It is an important point of principle that social tenants should expect to receive the same quality of service, and enjoy the same regulatory protections, regardless of who their landlord is. This view is also supported by our members, with 87 per cent agreeing that there should be greater parity between the regulation of different types of providers.

As a minimum we would expect that any return to proactive consumer regulation, including any requirement to collect and report on a common set of performance indicators, should apply equally to both local authority and housing association landlords.

Going beyond this, some further thought could be given to whether the regulator's remit should also be extended to ensure that local authorities and ALMOs are well governed and financially viable. This is a complicated issue which requires careful consideration. On the one hand it is an important point of principle that council tenants should enjoy the same regulatory protections as those living in a housing association property. However, at the same time, we also recognise that councillors are already accountable to the local electorate. We would welcome a further conversation about this issue.

Q34. Are the existing enforcement measures set out in Box 3 adequate? If not, what additional enforcement powers should be considered?

We consider the regulator's powers to be broadly adequate. However, we note that some powers are not currently available to the regulator when dealing with a local authority landlord.

As set out in our answer to question 33, we would like to see some further discussion of the regulator's role in relation to local authorities and would suggest that this should include some discussion of the enforcement powers that should be available.

Tackling stigma and celebrating thriving communities

Q38. In addition to sharing positive stories of social housing residents and their neighbourhoods, what more could be done to tackle stigma?

Our recent research report [Rethinking social housing](#) highlighted the issue of the stigmatisation and stereotyping of social tenants.

This was a concern which was raised frequently during our workshops, online surveys and our public polling. For example, workshop participants told us that *"people think everybody in social housing is on benefits, (have) never worked and don't deserve to live in a nice property in a nice area"* and that *"social housing is associated with poverty, stigmatised, socially divisive."* It is welcome that government has recognised this as a problem.

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Changing public attitudes is not easy and will take time but we are keen to help tell a positive story about social housing. For example our film [Solving the housing crisis](#), produced with ITN, showcases many examples of positive work carried out by individual social landlords.

The government's desire, as set out in green paper, to strive for higher standards, for example by updating the Decent Homes Standard, by ensuring that affordable homes built by private developers under section 106 are not built to lower specifications and by better promoting professional standards among those who work in social housing, will also help. However, there is more that could be done to tackle the ongoing residualisation of social housing and to change the way in which we talk about the sector and the people who live in it.

In our Rethinking social housing report, we argue that as the size of the sector has shrunk over the last 40 years we have moved to a 'safety net' model, with some relatively recent policy changes perhaps being intended to nudge us closer to an 'ambulance service'. In many parts of the country it is now often only those in very acute need who are able to access social housing, and this remains an ongoing trend, with our analysis showing that since 2012 we have lost a total of 150,000 homes at the lowest 'social' rents. This ongoing residualisation of the sector is undoubtedly a factor in the way in which it is perceived.

In our report we argue for a return to a much wider role for the sector, where social landlords cater for a wider range of people and provide high quality, affordable housing for the long term - ie: where social housing operates as a tenure of choice. This will require a significant expansion of the sector, and our proposals to achieve that are discussed in more detail in our answer to question 45.

In addition, it is also important for housing professionals, politicians and the media to reflect on the way in which we talk about social housing. While we are pleased that ministers have recognised the damaging impact that frequent stereotyping of social tenants has, we are concerned that at the same time government are continuing to describe the sector primarily as a 'springboard to home ownership'.

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We acknowledge that many people do aspire to own their home and we do not necessarily oppose policy interventions aimed at helping those who wish to do so to achieve this. However, it is important to recognise that not everyone aspires to ownership and that many social housing tenants are happy to continue renting from their landlord for the long term. Many more will, despite a desire to own, in practice be tenants for the longer term. It is therefore important to treat social housing as a tenure of destination equivalent to home ownership rather than to present it as a temporary tenure operating as some kind of waiting room. Numerous CIH members who responded to our survey made this point, for example:

"Government immediately stigmatise social housing by saying home ownership is the tenure of aspiration etc. We do need to get back to social housing being a tenure choice and not only allocated to those in extreme housing need"

"Government needs to acknowledge that homeownership is not the only tenure of choice, and that living in any other form of housing is not a failure"

"(The) green paper was positive but (government's) wider agenda is promoting owner occupation - this still gives impression that social housing is stepping stone or safety net for those that cannot buy, rather than a legitimate tenure of choice for many"

We would therefore welcome an acknowledgement that for many people social renting can be a positive choice and would caution against the use of language which implies that it should only be a long-term option for those who are particularly 'vulnerable' or who are not able to access other tenures.

Q39. What is needed to further encourage the professionalisation of housing management to ensure all staff deliver a good quality of service?

We believe that there is a need to continually equip housing staff to ensure that they have the right knowledge, skills, behaviours and ethical framework to make sure that no tenant receives a service from their landlord that is deemed to be unprofessional.

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Our CIH member code of conduct and ethical framework sets clear expectations on our members to continually reflect and update the relevant knowledge and skills they need to deliver excellent services. We also expect our members to demonstrate a commitment to equality and diversity and to treat people fairly and with respect. This also involves challenging negative perceptions of social housing and tackling the stigma aimed at those who live there. We employ a process by which individual members can be held to account if they are not adhering to these standards.

Since the Grenfell Tower fire there has been a lot of discussion across the sector about “professionalism”. As the professional body for people working in housing we believe we have a key role in leading this debate and we will continue to do so. We welcome a conversation with government to explore how we can work together across the sector to:

- raise awareness about what it means to be a housing professional - recognising that decisions we make can significantly affect other people’s lives
- create a competency framework so that CIH members can uphold and visibly demonstrate their relevant knowledge, skills, behaviours and a commitment to ethical practice, on an ongoing basis
- embed the value and importance of professional standards, training and qualifications across the housing sector
- set national expectations to require professional practitioners to be subject to an agreed code and be clear on consequence for breaches.

Question 42: How are landlords working with local partners to tackle anti-social behaviour? What key performance indicator could be used to measure this work?

It is important to be clear that while landlords need to have effective measures in place to tackle anti-social behaviour (ASB), its importance will vary considerably from area to area. ASB is often also a critical issue in the private rented sector. It is neither uniquely a problem of social housing nor necessarily the management issue that should receive the most attention.

However we have previously sought to promote good practice in this area, hosting an ASB action team funded by government between 2010 and 2012 to identify and share good practice and taking on management of

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government's [Respect charter](#) for social landlords. We would welcome a further conversation about promoting good practice in this area in the future.

We are however concerned about the current tendency of many landlords to treat domestic abuse as a type of anti-social behaviour and not an important issue in its own right. On average two women are killed per week by a partner or former partner and, as set out in Women's Aid's response, in 2016 three quarters of all women killed by a man were killed in their home. Social landlords therefore have a crucial role to play in preventing abuse and in supporting survivors of abuse.

We are currently working with Women's Aid and the Domestic Abuse Housing Alliance (DAHA) on a campaign to improve the way social landlords respond to domestic abuse. We would therefore welcome some recognition from government of the importance of the issue and, if ASB is to be included in any list of key performance indicators, we would encourage government to consider also developing a separate performance indicator relating specifically to domestic abuse.

Expanding supply and supporting home ownership

Q45. Recognising the need for fiscal responsibility, this Green Paper seeks views on whether the Government's current arrangements strike the right balance between providing grant funding for housing associations and Housing Revenue Account borrowing for local authorities.

To get anywhere near the 300,000 new homes we need each year, everyone who can needs to be making a contribution. CIH has long argued that councils can play an important part, as they have in the past, if they are freed from borrowing constraints. CIH therefore strongly welcomes the abolition of local authority borrowing caps on 31 October 2018.

Many authorities will need time to develop the skills and capacity to build new homes at scale. However, in the longer term it is realistic to believe that it could allow them to build up to an additional 10,000 homes per year. Given that local authorities are currently building only around 2,500 homes per year, this would represent a step-change in levels of council housebuilding.

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However, this does not negate the need for further action.

In the short term, many of the authorities that decide to expand their building programmes will be able to rely only partially on right to buy receipts to close the gap between the borrowing that can be sustained from rental income and the actual cost of development, particularly where they plan to let units at social rents. Many authorities will also require grant. It is far from clear that the resources of Homes England and the Greater London Authority are sufficient to meet the level of grant aid required.

The government has set a stretching target to build 300,000 new homes per year and it will also be essential to ensure that a good proportion of these are affordable. This will be particularly important if the government is to also achieve its targets to reduce homelessness, which is currently rising in all its forms. Since 2012, there has been a 48 per cent increase in statutory acceptances, a 58 per cent increase in the use of temporary accommodation and a 169 per cent increase in levels of rough sleeping. Further, bold action will be required to reverse these trends.

In 2017/18 a total of 40,000 new affordable homes were built, however only 1,400 of these were intended for let at social rents. With market rents continuing to rise faster than earnings in many parts of the country, and with many low income households facing a drop in their income as a result of ongoing welfare cuts, social renting is now the only affordable option for a growing number of households.

Therefore, to further increase both the supply of new housing overall and the supply of genuinely affordable housing specifically, we would also recommend that government:

- **rebalances its existing spending commitments** in the short-medium term. Our analysis shows that government has committed to invest a total of £53 billion in housing by 2021, via a mixture of grant funding, loan funding and loan guarantees. However only 21 per cent of this is intended to support the building of new affordable housing
- uses next year's planned comprehensive spending review **to significantly increase investment in new affordable rented housing**
- **suspends the right to buy**
- **reviews the impact of welfare cuts.**

Q48. How can we best support providers to develop new shared ownership products that enable people to build up more equity in their homes?

We welcome government's interest in looking at how shared ownership might be developed to allow people to increase their share more incrementally.

The barriers to this are identified in our previous research, published with Orbit, which looked at shared ownership and its capacity to become a mainstream tenure. In our first report, [Shared ownership 2.0: towards a fourth mainstream tenure](#), we recommended that providers and government should:

- look at ways to help people to increase their equity share without excessive costs
- pilot and promote models that increase choice and control such as [So Resi Plus](#).

This model enables people to purchase an extra one per cent share each year over 15 years, based on the initial market price of the home in the first year, and with an agreed uplift each year thereafter. This cuts out legal and other costs and ensures that the purchaser is aware of what the cost will be from the outset.

We recommend that this model is piloted more widely so that providers can properly evaluate the impact on their business plans. At present, it is mostly only possible in London where the Greater London Authority (GLA) has allowed sufficient flexibility in its grant conditions to support these approaches. Outside London it is only possible in certain circumstances, such as on properties acquired via section 106. We recommend that Homes England replicates the GLA's approach to enable further piloting of this model across the rest of the country.