

Ministry of Housing, Communities and Local Government, August 2018

A new deal for social housing: consultation questions

Chapter one - Ensuring homes are safe and decent

1. How can residents best be supported in the important role of working with landlords to ensure homes are safe?
2. Should new safety measures in the private rented sector also apply to social housing?
3. Are there any changes to what constitutes a decent home that we should consider?
4. Do we need additional measures to make sure social homes are safe and decent?

Chapter two - Effective resolution of complaints

5. Are there ways of strengthening the mediation opportunities available for landlords and residents to resolve disputes locally?
6. Should we reduce the eight week waiting time to four weeks? Or should we remove the requirement for the 'democratic filter' stage altogether?
7. What can we do to ensure that "designated persons" are better able to promote local resolutions?
8. How can we ensure that residents understand how best to escalate a
9. How can we ensure that residents can access the right advice and support when making a complaint?
10. How can we best ensure that landlords' processes for dealing with complaints are fast and effective?
11. How can we best ensure safety concerns are handled swiftly and effectively within the existing redress framework?

Chapter three - Empowering residents and strengthening the Regulator

We consider that key performance indicators should be focused on issues of key importance to residents, covering those identified through our engagement, such as:

- *Keeping properties in good repair;*
- *Maintaining the safety of buildings;*

- *Effective handling of complaints;*
- *Respectful and helpful engagement with residents; and,*
- *Responsible neighbourhood management, including tackling anti-social behaviour.*

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

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

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

15. What more can be done to encourage landlords to be more transparent with their residents?

16. 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?

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

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

19. 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?

20. Are current resident engagement and scrutiny measures effective? What more can be done to make residents aware of existing ways to engage with landlords and influence how services are delivered?

21. Is there a need for a stronger representation for residents at a national level? If you answered yes, how should this best be achieved?

22. Would there be interest in a programme to promote the transfer of local authority housing, particularly to community-based housing associations?

23. Could a programme of trailblazers help to develop and promote options for greater resident-leadership within the sector?

24. Are Tenant Management Organisations delivering positive outcomes for residents and landlords? Are current processes for setting up and disbanding Tenant

Management Organisations suitable? Do they achieve the right balance between residents' control and local accountability?

25. Are there any other innovative ways of giving social housing residents greater choice and control over the services they receive from landlords?

26. Do you think there are benefits to models that support residents to take on some of their own services?

27. How can landlords ensure residents have more choice over contractor services, while retaining oversight of quality and value for money?

28. What more could we do to help leaseholders of a social housing landlord?

Parliament has set the Regulator of Social Housing a consumer objective, which is:

- *to support the provision of social housing that is well-managed and of appropriate quality;*
- *to ensure that actual or potential tenants of social housing have an appropriate degree of choice and protection;*
- *to ensure that tenants of social housing have the opportunity to be involved in its management and to hold their landlords to account; and,*
- *to encourage registered providers of social housing to contribute to the environmental, social and economic well-being of the areas in which the housing is situated.*

The Regulator has published four outcome-based consumer standards to deliver the consumer regulation objective. These are:

1. *The Tenant Involvement and Empowerment Standard (July 2017) which includes a requirement for landlords to provide choices and effective communication of information for residents on the delivery of all standards, and to have a clear, simple and accessible complaints procedure.*
2. *The Home Standard (April 2012) which requires homes to be safe, decent and kept in a good state of repair.*
3. *The Tenancy Standard (April 2012) which requires registered providers to let their home in a fair, transparent and efficient way, and enable tenants to gain access to opportunities to exchange their tenancy.*
4. *The Neighbourhood and Community Standard (April 2012) which requires registered providers to keep the neighbourhood and communal areas associated with the homes that they own clean and safe; help promote social, environmental and economic well-being in areas where they own homes; and work in partnership with others to tackle anti-social behaviour in neighbourhoods where they own homes.*

29. 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?

30. Should the Regulator be given powers to produce other documents, such as a Code of Practice, to provide further clarity about what is expected from the consumer standards?

Where a landlord breaches a consumer standard, the Regulator can only use its regulatory and enforcement powers if there is or may be a “serious detriment” to existing or potential residents. The Regulator interprets this as meaning where there is “serious actual harm or serious potential harm to tenants.”

31. Is “serious detriment” the appropriate threshold for intervention by the Regulator for a breach of consumer standards?

32. 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?

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

Where a breach of the consumer standards meets the “serious detriment” test, the Regulator will publish a regulatory notice and consider the most appropriate course of action.

The Regulator is able to use a number of regulatory and enforcement powers where necessary to ensure compliance with the standards. The Regulator has different tools available depending on the landlord, and has published guidance setting out how it will use its powers. The key powers include:

Powers applicable to all landlords :

- *Survey to assess the condition of stock*
- *Inspection to establish compliance with the regulatory requirements*
- *Hold an Inquiry where it suspects landlord mismanagement*
- *Issue an Enforcement Notice*
- *Requirement to tender some or all of its management functions*
- *Requirement to transfer management of housing to a specified provider*

Powers applicable only to private registered providers:

- *Issue Fines*
- *Order payment of compensation to a resident*

- *Appointment of manager to improve performance of the landlord*
- *Transfer land to another provider to improve management of land (following an Inquiry)*
- *Suspension and removal of officers in cases of mismanagement (during or after Inquiry)*
- *Appoint a new officer to address service failure and improve management of company*

Power applicable only to local authority landlords:

- *Appoint an adviser to improve performance*

34. Are the existing enforcement measures described above adequate?

35. Is the current framework for local authorities to hold management organisations such as Tenant Management Organisations and Arms Length Management Organisations to account sufficiently robust?

36. What further steps, if any, should Government take to make the Regulator more accountable to Parliament?

Chapter Four - Tackling stigma and celebrating thriving communities

We want to celebrate residents' role in shaping fantastic places by recognising the best neighbourhoods.

37. How could we support or deliver a best neighbourhood competition?

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

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

40. What key performance indicator should be used to measure whether landlords are providing good neighbourhood management?

41. What evidence is there of the impact of the important role that many landlords are playing beyond their key responsibilities? Should landlords report on the social value they deliver?

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

We want to ensure that the revised National Planning Policy Framework is applied to social housing in the right way. In particular we will:

- *Strengthen planning guidance to take into account the principles of Secured by Design: to ensure that external spaces, parks, streets and courts are well-lit and well maintained so they are safe from crime and the fear of crime.*
- *Strengthen guidance to encourage healthy and active communities: building on the NPPF's healthy and safe communities chapter.*
- *Strengthen guidance to encourage new affordable homes to be designed to the same high-quality as other tenures and well-integrated within developments.*
- *Encourage design that reflects changing needs: for example, inclusive design for an ageing population and family housing at higher densities for effective use of land.*

43. What other ways can planning guidance support good design in the social sector?

44. How can we encourage social housing residents to be involved in the planning and design of new developments?

Chapter Five: Expanding supply and supporting home ownership

45. 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

46. How we can boost community led housing and overcome the barriers communities experience to developing new community owned homes?

47. What level of additional affordable housing, over existing investment plans, could be delivered by social housing providers if they were given longer term certainty over funding?

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