



# **Tenant response to: “A New Regulatory Framework for Social Housing in England”**

**Tenant Services Authority, November 2009**

**Compiled on behalf of the group by Jenny Vernon, Director,  
Good Governance Network, 20<sup>th</sup> January 2010**



## **Background:**

On 20<sup>th</sup> January 2010, 23 tenants from Exeter City, East Devon and Mid Devon Councils met at Buckerell Lodge in Exeter to consider key questions from the Tenant Services Authority document “*A New Regulatory Framework for Social Housing in England*”. This document was published in November 2009 and forms the final part in a series of consultation exercises carried out by the Tenant Services Authority prior to their new standards being introduced in April 2010.

Most of the 23 tenants had taken part in previous consultation exercises (local conversations) designed to feed their views to the Tenant Services Authority and also attended an introductory session on co-regulation and tenant scrutiny.

For this ‘final conversation’ the group focused on four questions.

- 1. Does our approach to co-regulation as expressed through our ten principles seem a reasonable basis on which to develop the new framework from 1 April 2010?**
  
- 4. Do our proposals on how we will approach the regulation of local authorities appear reasonable?**
  
- 5. Does the proposed text for the (Tenant Involvement and Empowerment) standard:**
  - **address priorities for tenants whilst taking into account our duty to have regard to the desirability of registered providers being free to choose how to provide services and conduct their business?**
  - **express requirements of providers in a way that is clear, succinct and as outcome focused as possible?**
  
- 7. Does our approach to dealing with complaints seem reasonable?**

## **Summary:**

Participants largely support and look forward to the new approach to regulation in their sector. However they are concerned about their landlord’s ability to implement this effectively, even where there is willingness, due to the historic relationship between councillors, staff and tenants and each provider’s starting point.

Having said this, they do acknowledge examples of good practice in their organisations – notable Exeter City’s RATs Team (independently run Resident Auditor Team), East Devon’s joint tenant/councillor Housing Review Board and Mid Devon’s Dreamscheme Dynamos (youth project) - and are willing to meet their landlords more than half way in implementing the best possible practice within their respective budgetary frameworks.

Devon is currently subject to a Local Government Review – and this is likely to impact on the local authorities’ approach to implementing the Tenant Services Authority’s regulatory framework.

## Consultation:

### 1. Does our approach to co-regulation as expressed through our ten principles seem a reasonable basis on which to develop the new framework from 1 April 2010?

Score/Comments:

Yes	5	<ul style="list-style-type: none"><li>• Unanimous</li><li>• We believe 1-9 statements are achievable in the time scale remaining and cover all aspects of co-regulation</li></ul>
I think so	17	<ul style="list-style-type: none"><li>• If continuous monitoring and feedback is actioned then it should work</li><li>• Not enough detail in there to know if it would work but co-operation being better than imposition</li><li>• Needs to be more self explanatory for tenants across the board</li><li>• Tenants need clear information and have shorter, more succinct ways of it being presented</li><li>• Depends on Councillors/officers and tenants agreeing. Think they might agree, but not sure</li><li>• No 6 is probably the biggest problem (governance/value for money)</li><li>• With reservations. Not published yet. Rules. Act of Parliament</li></ul>
I'm not sure	1	<ul style="list-style-type: none"><li>• Can't see how it will be in practice at this point</li></ul>
I don't think so		
Definitely not		

Summary:

*It was largely agreed that the 10 principles seem a reasonable basis on which to develop the new framework.*

Participants are very keen on the principle/theory of co-regulation and look forward to playing an active role. However, they are unsure whether Councillors/staff understand, let alone support, the principles behind this in their local authority areas. They are concerned that in practice too much time will be spent on debate and not enough in developing effective co-regulation, within the timeframes specified.

It was felt that tenants are more clued up on co-regulation than staff or councillors and this might lead to frustration after April when the process is being developed.

There was concern that because of the time frame, staff might simply go ahead and 'design' a co-regulatory approach to be 'presented' to tenants/councillors (with a promise of re-shaping later), rather than shaped in partnership.

They are keen to encourage more tenants to get involved in co-regulation but feel the language used may be off-putting.

They are concerned that the process of communication between TSA/Audit Commission/Local Authorities on governance/viability may mean issues take longer to solve.

Specific concerns around the ten principles include:

- Concern that criteria for national standards is not clear enough for poorer performers
- Lack of prescription is OK for high performing landlords but may allow for weaker performance in others
- What defines 'local' – especially in Devon with a Local Government Review pending
- Concern that three way communication between the TSA/Audit Commission and Local Authority on governance and viability will slow down improvements in these areas

**4. Do our proposals on how we will approach the regulation of local authorities appear reasonable?**

Score/Comments:

Yes	7	<ul style="list-style-type: none"> <li>• Proposals are good and cover all aspects</li> <li>• If enforced by law – the Council will do it as no way out</li> </ul>
I think so	11	<ul style="list-style-type: none"> <li>• Within the governance rules</li> <li>• Common tenancy standards should apply to all (ie introductory tenancies and assured tenancies) providers.</li> <li>• Time will tell</li> <li>• Can't make a complete decision until it is put into place</li> <li>• Need to try it out first</li> <li>• Needs to be rolled out first – but looks like a reasonable approach</li> <li>• It looks like it covers all needs required but will only be seen as the right/wrong/reasonable approach until the first round of feedback is brought in</li> <li>• Depends on individuals – don't know if they will stick to it. Councillors change their minds!</li> <li>• Local Government Review (Devon) will impact on this</li> </ul>
I'm not sure	5	<ul style="list-style-type: none"> <li>• Audit Commission (as go-between) will cloud issue</li> <li>• Not strong enough to get real results</li> <li>• Have checks been made on providers present work on this?</li> <li>• Not sure they will all work together</li> </ul>
I don't think so		
Definitely not		

Summary:

*It was largely agreed that the approach to regulating local authorities seemed reasonable – with some reservations.*

The main reservations centre around:

- the effectiveness and responsiveness of the TSA to be able to respond to issues given the communication structure between the TSA/Audit Commission and Local Authority around governance/viability
- councillors acceptance of the process and willingness to engage with it
- the impact of the Local Government Review (Devon)

**5. Does the proposed text for the (Tenant Involvement and Empowerment) standard:**

- **address priorities for tenants whilst taking into account our duty to have regard to the desirability of registered providers being free to choose how to provide services and conduct their business?**
- **express requirements of providers in a way that is clear, succinct and as outcome focused as possible?**

Score/comments:

Yes	6	<ul style="list-style-type: none"> <li>• Registered providers must feed back to tenants</li> <li>• Conditional on co-operation of local councillors. Operate as individuals and avoid party politics</li> </ul>
I think so	6	<ul style="list-style-type: none"> <li>• Actively do work which covers this already</li> <li>• No jargon – plain speaking documents for outcomes to prove tenants are being listened to</li> <li>• Clear and succinct</li> </ul>
I'm not sure	9	<p>It needs to be made clear that tenant empowerment involves:</p> <ul style="list-style-type: none"> <li>• Being at the table when and where decisions are made</li> <li>• Needs to be clear – no jargon etc</li> <li>• Performance needs to be audited by TPO to make sure there is evidence</li> <li>• Council staff not <u>committed</u></li> <li>• Tenants involved in scrutiny may not want to upset landlord</li> <li>• Landlord think tenants want to take over</li> <li>• Tenants will not <u>all</u> understand the wording/meaning of this standard – too wordy</li> <li>• <u>Apathy</u> – from tenants and staff</li> <li>• <u>2.9</u> should read 'must' not 'should'. First section not strong enough, for example: 2.5 'will' and 'should' should be changed to 'must'</li> </ul>

I don't think so	2	<ul style="list-style-type: none"> <li>• I feel that there are glaring 'loopholes' in the activities such as 'communicate' this should be 'two way dialogue'</li> <li>• Financial implication (affordability) - for choice, letters are needed not just computer for various services (ie choice based lettings in Devon)</li> <li>• No real commitment for a Resource Centre for tenants ie lack of space and admin for this.</li> <li>• Funding for Inspectors and/or scrutiny panel? Depth of training?</li> </ul>
Definitely not		

Summary:

*Participants support the standard and its intention, however they have clear concerns around practical development and delivery.*

Participants are concerned that whilst the standards may reflect tenants' priorities, landlords may still employ minimum effort in providing services/conducting their business.

They believe words like 'will' and 'must' should be used throughout to avoid this.

Participants are aware that their landlords have limited funds and are already concerned at the lack of choice being offered regarding Choice Based Lettings in the county (largely computer based) and are concerned that this lack of choice/meeting need may be extended to other housing services.

They appreciate that every organisation is starting from a different point but are concerned that their views may be excluded where they differ from landlord/councillor's views.

Some concern was expressed that landlords may take more notice of councillors than tenants because this is what they are used to doing and what councillors expect.

## 7. Does our approach to dealing with complaints seem reasonable?

Score/Comments:

Yes	3	<ul style="list-style-type: none"> <li>• Guarantee of referral is the right direction if not investigated</li> <li>• Although the gas servicing is a legal requirement outside of these standards so should not be only investigated if H&amp;S issue</li> <li>• Seems sensible</li> </ul>
I think so	7	<ul style="list-style-type: none"> <li>• Document questionnaire approach needs to be simpler</li> <li>• The TSA should report to tenants what complaints have been fed to them from the Council to make sure nothing slips through</li> <li>• For elderly people they should have the right to complain to TSA where it affects their wellbeing ie time taken to fix heating in winter</li> <li>• Gas servicing should be a 'must investigate'</li> </ul>
I'm not sure	10	<ul style="list-style-type: none"> <li>• Not sure if going to get the same service as now for repairs – Exeter v good</li> <li>• Once TSA has come into operation it will need to prove effective in the way it deals with its remit</li> </ul>

		<ul style="list-style-type: none"> <li>• TSA <u>needs</u> to inform Councillors</li> <li>• Again 'must' needed to make it stronger</li> </ul>
I don't think so	3	<ul style="list-style-type: none"> <li>• 'Likely to investigate' should read 'will investigate' as law re gas servicing every 12 months</li> <li>• Not committed enough</li> </ul>
Definitely not		

Summary:

*Participants support the ability to complain to the TSA where internal avenues have been exhausted or where the landlord is disregarding their view/not involving them effectively. However they had concerns around the wording used in the examples.*

Participants voiced concerns around the wording used, preferring 'must investigate' and 'will investigate' to 'likely to investigate', giving more teeth to the TSA role.

They supported the fact that complaints could be made by an individual or organisation and that these would be logged against the provider, regardless of whether the TSA investigated or not. Previously there was concern that complaints not investigated would be deleted and the potential opportunity to see any bigger picture lost.

For further information or queries relating to this document, please contact:

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