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Key Decision:	No
Report Track:	Cabinet: 08/11/18

CABINET
8 NOVEMBER 2018
HOUSING GREEN PAPER – ‘A NEW DEAL FOR SOCIAL HOUSING’

1 Purpose of Report

- 1.1 To consider the proposals outlined in the Ministry of Housing, Communities & Local Government (MHCLG) Housing Green Paper, ‘A new deal for social housing’.
- 1.2 To note and endorse the Council’s response to the consultation questions contained within the Housing Green Paper.

2 Recommendations

- 2.1 That the proposals and implications of the Housing Green Paper, ‘A new deal for social housing’ are noted.
- 2.2 That Cabinet notes and endorses the response to the Ministry of Housing, Communities & Local Government consultation questions regarding the Housing Green Paper, ‘A new deal for social housing’ as set out in Appendix 2 and agreed by the Housing Portfolio Leader.
- 2.3 That as the Council needed to submit its consultation paper response by 6 November 2018 call-in procedures in relation to recommendation 2.2 shall not apply.
- 2.4 That if required, the Head of Housing and Partnerships, following consultation with the Housing Portfolio Leader, is given retrospective authorisation to make amendments to the Consultation Document prior to submission on 6 November 2018.

3 Key Issues and Reasons for Recommendation

- 3.1 The MHCLG have published a Housing Green Paper which ‘proposes a rebalancing of the relationship between residents and landlords’. The

consultation was open to everyone to gather evidence and seek views on the proposals contained within the document.

- 3.2 A response to the consultation questions has been submitted to MHCLG following consultation with the Housing Portfolio Leader and is attached as Appendix 2. Views on the consultation paper needed to be received by 6 November 2018 and as a result it is proposed that call-in procedures in relation to this do not apply.

4 Relationship to Corporate Priorities

- 4.1 The Housing Green Paper has implications for the service aims to increase housing choice, including delivering additional Council housing which form part of the “Promoting Prosperity” Priority Delivery Plan 2018-19.

5 Report Detail

- 5.1 The Government on 14 August 2018 published the Green Paper, ‘A new deal for social housing’, outlining their proposals and seeking consultation responses. As this document is some 78 pages in length, it has not been appended to this report but can be viewed on the Government’s website www.gov.uk. A hard and the executive summary is attached as Appendix 1. The Council’s consultation response is attached at Appendix 2. The deadline for submission was 6 November 2018, so the Council’s response has already been submitted following consultation with the Housing Portfolio Leader.
- 5.2 In a foreword to the document the Secretary of State for Housing, Communities and Local Government states:
- “Everyone deserves a decent, affordable and secure place to live. It’s the most fundamental of human needs. And while we have made important strides to build the homes we need in recent years, I recognise we have much further to go when it comes to making our housing market work for all parts of our society – not least for residents in social housing. Our Green Paper is an important step towards this. It is a reaffirmation of that idea of housing as our ‘first social service’. It outlines our desire to rebalance the relationship between residents and landlords, to tackle stigma and ensure social housing can be both a safety net and a springboard to home ownership”.*
- 5.3 A summary of the proposals identified within each of the 5 chapters is presented in the paragraphs below.
- 5.4 Introduction – The Green Paper considers the issues facing all residents of social housing, including those who rent, leaseholders and shared owners, and uses the term “residents” to refer to all three, reserving “tenants” for issues that are only relevant to those who rent from a social landlord. The Green Paper sets out 5 principles which it says will underpin a new, fairer deal for social housing residents:

- (a) A safe and decent home which is fundamental to a sense of security and our ability to get on in life;
 - (b) Improving and speeding up how complaints are resolved;
 - (c) Empowering residents and ensuring their voices are heard so that landlords are held to account;
 - (d) Tackling stigma and celebrating thriving communities, challenging the stereotypes that exist about residents and their communities, and
 - (e) Building the social homes that we need and ensuring that those homes can act as a springboard to home ownership.
- 5.5 Chapter 1 (“Ensuring homes are safe and decent”). This chapter begins by summarising the action the Government has already taken in response to the Grenfell tragedy.
- (a) Government are seeking to bring forward the implementation of the recommendations on tenant involvement from the Hackitt’s Review of Building Regulations and Fire Safety.
 - (b) The paper proposes piloting, with a small group of social landlords, new approaches to communicating with and engaging residents on safety issues.
 - (c) The paper also calls for a review of the Decent Homes Standards: Government will consider whether the Decent Homes Standard provides adequate safety and standards for social tenants.
 - (d) The paper is seeking views on whether minimum standards recently introduced for privately rented housing should also apply to social homes.
- 5.6 Chapter 2 (“Effective resolution of complaints”). Consultation that was undertaken with tenants by the Government revealed serious dissatisfaction with complaints handling by social landlords, coupled with a lack of awareness of existing remedies.
- (a) The paper is seeking views on strengthening local mediation for disputes and on the value of the requirement for a designated person (a tenant panel, MP or Councillor) to consider a case before it can be escalated to the Ombudsman.
 - (b) The paper seeks views on the ‘democratic filter’ stage of the complaints process, exploring whether this should be abolished or retained with a reduced waiting period, if the filter is not used, from eight weeks to four.
 - (c) The paper is also seeking views on how to ensure complaints are resolved swiftly and effectively, and whether landlords’ reporting of complaints handling can be improved.

5.7 Chapter 3 (“Empowering residents and strengthening the regulator”).

- (a) Government suggests league tables based on key performance indicators.
- (b) The paper proposes a requirement for all landlords to provide data on the key performance indicators to the regulator for regular publication covering matters such as repairs, safety, handling complaints, engagement with residents and neighbourhood management. It calls for data on landlord performance to be made available and accessible to residents. Performance could then be taken into account when government funding is being allocated to individual landlords e.g. to support new housing development.
- (c) A separate call for evidence has been published to consider a number of potential changes to the system of regulation for social landlords. Potential changes could include:
 - Enabling the regulator to take a more proactive approach to enforcing the ‘consumer standards’ (covering tenant involvement and empowerment, homes, tenancies and neighbourhood and communities).
 - Giving the regulator more powers to scrutinise the performance of local authority landlords.
- (d) Options are proposed to give tenants a voice on policy issues at the national level, including potentially establishing a representative body.
- (e) Views are sought on a variety of options to promote more community ownership, or community leadership of social landlords.
- (f) The paper also asks whether the regulator should provide a ‘consumer’ rating alongside existing ratings on governance and financial viability.
- (g) It is proposed that the regulator be given stronger ‘teeth’ to ensure consumer standards are met. It seeks views on achieving a more proactive role for the regulator on consumer matters, including the modification or abolition of the ‘serious detriment’ test.

5.8 Chapter 4 (“Tackling stigma and celebrating thriving communities”)

- (a) The most consistent theme raised during the Government consultation on residents was the perceived stigma of being a social housing tenant. The Paper looks at ways of overcoming this and refers to a number of initiatives by housing associations including the ‘See the Person’ campaign which challenges common misrepresentations of people living in social housing.
- (b) The Government proposes providing support for community events and initiatives.
- (c) The Government proposes publishing further guidance through the National Planning Policy Framework to encourage new affordable homes

to be designed to the same standards as other tenures and ensuring these are well integrated within developments.

5.9 Chapter 5 (“Expanding supply and supporting home ownership”)

- (a) The paper acknowledges the need for new social housing. However, it does not offer the prospect of additional affordable homes grant beyond the £2bn announced in 2017.
- (b) There is no proposal for further lifting of Housing Revenue Account debt caps to allow local authorities to borrow prudentially against their assets and future rental income streams.
- (c) Government proposes to give local authorities new flexibilities to spend the money raised from Right to Buy sales on new homes and there is a separate consultation to look at this issue (‘Use of receipts from Right To Buy sales - August 2018).
- (d) Government proposes to enter into deals with Housing Associations to provide certainty of government funding over a longer period than is currently possible.
- (e) Views are sought on how to boost community led housing, developing new community owned homes and enabling resident led estate regeneration. There is also the potential introduction of a new stock transfer programme from local authorities to ‘community-led’ housing associations.
- (f) The Government has confirmed its support for the voluntary Right to Buy pilot which will commence in the West Midlands in Autumn 2018.

5.10 There were a number of policy ideas developed under the David Cameron government that will now **not** proceed into practice. The following paragraphs identify the policies that have now been abandoned:

- (a) The Government does not intend to require Councils to implement the Higher Value Assets Levy and forced sale of higher value Council housing proposed under the Housing and Planning Act 2016 and has promised to repeal the relevant legislation when Parliamentary time allows.
- (b) The Government has decided not to implement ‘at this time’ the provisions in the Housing and Planning Act 2016 to make fixed term tenancies mandatory for local authority tenants.
- (c) The proposed Local Housing Allowance (LHA) cap on social housing benefit has been scrapped.
- (d) The plan to build 200,000 Starter Homes (to be sold at 80% of market value) was a headline pledge of the Government’s manifesto in 2015. Following criticism of the initiative from many sectors, the funds which would have gone to Starter Homes has now been redirected to rented products and not a single Starter Home has been built.

- (e) Pay to Stay which would have made social housing tenants with a household income of more than £30,000 nationally pay market rents was proposed in July 2015 but was never introduced.
- (f) The removal of housing benefit for under 21s. The policy was proposed in 2014, introduced in 2017 and was abandoned in March 2018 amid fears that the policy would drive an increase in youth homelessness.

6 Implications

6.1 Financial

The areas which could potentially have a financial impact arising from this green paper relate to the review of the Decent Homes standard and the proposal of greater flexibility on spending of Right to Buy receipts. At this time as these are draft proposals it is difficult to identify if there will be any financial impact on the Council.

6.2 Legal

None

6.3 Human Resources

None

6.4 Section 17 (Crime Prevention)

None

6.5 Human Rights Act

None

6.6 Data Protection

None

6.7 Risk Management

Green Papers set out for discussion, proposals which are still at a formative stage. Risk to the Council would need to be assessed when a White Paper is issued by government that is a statement of policy and sets out proposals for legislative changes.

6.8 Equality & Diversity

The purpose of the consultation is to gather evidence and seek views on the proposals. Any policy changes brought forward as a result of the consultation would be subject to appropriate assessment by the Government.

6.9 Best Value

None

7 Appendices to the Report

Appendix 1: Housing Green Paper: 'A New Deal for Social Housing'
Executive Summary

Appendix 2: Cannock Chase Council Consultation Response

Previous Consideration

None

Background Papers

Ministry of Housing, Communities and Local Government – Housing Green Paper
'A new deal for social housing'

ITEM NO. 13.

'A new deal for social housing' - Executive summary

This Green Paper, '*A new deal for social housing*', proposes a rebalancing of the relationship between residents and landlords. We will ensure our social homes are safe and decent, that issues are resolved and residents' voices are heard. We will begin to tackle the stigma which for too long has been associated with social housing. And we will ensure we build the good quality social homes that we need.

This Green Paper sets out a new vision for social housing. A vision which values and respects the voices of residents, with landlords treating them with decency and respect, backed up by clear consequences when they do not. A vision centred on how social housing can support people to get on in life, making it more likely, not less, they will go on to buy their own home, as well as providing an essential, good quality and well run safety net for those who need it most.

The tragedy at Grenfell Tower on 14 June 2017 brought the significance of social housing to the attention of the nation. It should never have happened and must mark a turning point in how the country thinks and talks about social housing.

Successive governments, of all political colours, have failed to consider sufficiently the role social housing plays in a modern mixed tenure housing market. We are determined to renew our commitment to social housing and this Green Paper will kick-start a national conversation about its future.

To shape this Green Paper, Ministers from the Ministry of Housing, Communities and Local Government met and talked with almost 1,000 residents of social housing at events across England. Over 7,000 people also contributed their views online, sharing their thoughts and ideas about social housing. These views and suggestions have informed and shaped this Green Paper from the beginning.

We heard from people about the stigma they experienced as social housing residents, they want more accountability from their landlords, and want to see government tackle the sense of 'institutional indifference' which they experienced all too often.

This Green Paper represents a fundamental shift in the state's approach to social housing and the people who call it home.

Residents spoke of the need for important changes in how social housing is run, managed and viewed in this country. They wanted a renewed pride in social housing and quite simply to be treated with respect. Whether you rent or own your home, the housing market should offer you dignity and security.

A new deal for social housing

Five principles will underpin a new, fairer deal for social housing residents:

- a safe and decent home which is fundamental to a sense of security and our ability to get on in life;
- improving and speeding up how complaints are resolved;

- empowering residents and ensuring their voices are heard so that landlords are held to account;
- tackling stigma and celebrating thriving communities, challenging the stereotypes that exist about residents and their communities; and,
- building the social homes that we need and ensuring that those homes can act as a springboard to home ownership.

Delivering good quality and safe social homes with the right services from landlords relies on a robust regulatory framework. It is nearly eight years since the last review of social housing regulation, and the proposals in this Green Paper present the opportunity to look afresh at the regulatory framework.

Alongside this Green Paper, we are publishing a Call for Evidence which seeks views on how the current regulatory framework is operating. This Call for Evidence, along with questions about regulation in the following chapters, will inform what regulatory changes are required to deliver regulation that is fit for purpose.

We have a collective responsibility to tackle the stigma associated with social housing and treat everyone with respect, regardless of where they live or the type of home they live in. This Green Paper marks an important step towards that goal by celebrating social housing, encouraging professionalisation in the sector and supporting good quality design.

To deliver the social homes we need we will support local authorities to build by allowing them to borrow, exploring new flexibilities over how they spend Right to Buy receipts, and not requiring them to make a payment in respect of their vacant higher value council homes. We will support housing associations to build by providing funding certainty through strategic partnerships. We are also considering how to help people buying shared ownership properties to build up more equity in their homes. Having listened to the concerns of residents, we have decided not to implement at this time the provisions in the Housing and Planning Act to make fixed term tenancies mandatory for local authority tenants.

The ‘first social service’

The 1951 Conservative manifesto referred to housing as the ‘first social service’. While we live in very different times that real long term need for social housing persists. For many people, particularly those living in areas of acute affordability pressure, the reality of the cost of housing makes renting in the private sector or saving for a deposit difficult. *‘A new deal for social housing’* will play a vital role in delivering the homes this country needs.

This Green Paper explains the important role social housing plays in the housing market. It is an integral part of thriving and diverse communities and Government wishes to protect and grow this contribution. That place you call home, no matter where or what type it is, should offer you security and dignity.

We know that to deliver this change we need everyone to play their part – whether it is landlords, representative groups, the wider public or residents themselves. We are determined to work with everyone who shares our vision to deliver a new deal for social housing.

Cannock Chase Council Consultation Response



Ministry of Housing,
Communities &
Local Government

A new deal for social housing

A Consultation



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A new deal for social housing

Introduction

This consultation seeks views on making sure that social housing provides safe and secure homes that help people get on with their lives. The consultation is open to everyone. We are interested to hear from a wide range of interested people including residents, landlords and lenders.

The consultation is divided into 5 parts:

Part 1: Ensuring homes are safe and decent

Part 2: Effective resolution of complaints

Part 3: Empowering residents and strengthening the Regulator

Part 4: Tackling stigma and celebrating thriving communities

Part 5: Expanding supply and supporting home ownership

Respondents are invited to respond to each specific part and the relevant responses to each part will be considered in taking forward that particular proposal.

This consultation begins on 14 August 2018 and runs for 12 weeks until 11.45pm on 6 November 2018.

The Ministry of Housing, Communities and Local Government will process your personal data in accordance with the law and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties. A full privacy notice is included at Annex A at the end of this survey. Individual responses will not be acknowledged.

About you**1. Are you responding:**

- On behalf of an organisation
- As a private individual

If you are responding as an individual, please tell us the following details below. It is not mandatory to answer, but it would help us understand if we need to reach out to all groups to respond to this consultation.

2. Do you live in social housing? This includes tenants, leaseholders and shared owners.

- Yes
- No

3. What age category do you belong to?

- | | |
|--------------------------------|--------------------------------------|
| <input type="checkbox"/> 16-24 | <input type="checkbox"/> 45-54 |
| <input type="checkbox"/> 25-34 | <input type="checkbox"/> 55-64 |
| <input type="checkbox"/> 35-44 | <input type="checkbox"/> 65 and over |

4. Where do you live?

- | | |
|--|---|
| <input type="checkbox"/> North East | <input type="checkbox"/> London |
| <input type="checkbox"/> North West | <input type="checkbox"/> South West |
| <input type="checkbox"/> Midlands | <input type="checkbox"/> South East |
| <input type="checkbox"/> East of England | <input type="checkbox"/> Other (please specify) |

5. We may want to contact you about your response. If you are willing for us to do this please provide an email address.

About you - organisation

6. If you are responding on behalf of an organisation, please tell us which sector your organisation is in:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Local Authority | <input type="checkbox"/> Tenant Management Organisation |
| <input type="checkbox"/> Housing Association | <input type="checkbox"/> Trade Association |
| <input type="checkbox"/> Cooperative | <input type="checkbox"/> Tenant Representation Group |
| <input type="checkbox"/> Other | |

7. If you chose 'other' please tell us the sector which your organisation is in:

8. If you are responding on behalf of an organisation, please tell us the name of your organisation:

Cannock Chase Council

In addition to completing these consultation questions have any documents to support your response please attach them to this survey

9. We may want to contact you about your response. If you are willing for us to do this please provide an email address.

A new deal for social housing

Chapter one - Ensuring homes are safe and decent

Dame Judith Hackitt's independent review of building regulation and fire safety states that residents have an important role to play in identifying and reporting issues that may impact on the safety of the building and in meeting their obligations, including co-operating with crucial safety-related works, to ensure their own safety and that of their neighbours.

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

The Council already have a comprehensive range of tools to support residents to ensure they are safe in their homes. One size does not fit all so the support available will depend on property type and the needs of the residents. Support for example at sheltered schemes will include the resources of a dedicated member of staff with responsibility for working with the residents in relation to health and safety such as fire evacuation drills. General needs housing will not require such intensive support although a range of tools are used depending on the circumstances and may include the following:

Articles in tenants' magazine to provide information and who to contact.

Undertake consultation before any works programmes explaining what works are to be carried out (pre-surveys/ literature/ letters/ resident liaison/ etc)

Give a contact name and details for liaison during the works of a person who can keep them informed and is a contact point for any concerns.

Provide details of an escalation procedure if they aren't satisfied with the service received.

Request feedback on completion and if any negative issues, someone to contact the person to discuss and if necessary resolve.

Use the feedback to improve the service.

All the way through the process, explain why we are consulting and how we will use the information given to us so that the tenants' can understand how and why their input and comments are important.

Review the quality of existing stock

Review the quality of existing services.

There have been recent changes to drive up safety that apply to the private rented sector but not the social sector. For example, in 2015, we introduced a requirement to install smoke alarms on every storey in a private rented sector home, and carbon monoxide alarms in every room containing solid fuel burning appliances. Government has recently announced that there will be a mandatory requirement on landlords in the private rented sector to ensure electrical installations in their property are inspected every five years.

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

Yes

No

Not sure

Please explain your answer further below, if you wish to.

In many respects the standards referred to for smoke detectors and carbon monoxide detectors are already part of the Social Housing culture.

Electrical Certification – Just undertaking an electrical inspection every 5 years is not adequate – this takes no consideration of remedial works undertaken or the importance of electrical safety. It would be far more important to insist on an electrical safety check prior to any new tenancy being let. In the private sector, this may be more frequently than every 5 years but at least at the point of letting there would be more certainty on the electrics being safe for the new tenant and not have been “messed with” by the previous occupier.

On top of this, the frequency of an electrical check should vary for different circumstances. We currently work to a maximum 7-8 year cyclical programme for all properties to have an electrical check and address any aspects of the installation which have category 1 or 2 issues. As part of this check we also replace the smoke detectors and carbon monoxide detectors ahead of their 10-year life span. We also undertake an electrical check at every change in tenancy or mutual exchange. Thus whilst properties with the same occupier may only be checked every 7 years, high turnover properties or any properties deemed as “high risk” would have a far more frequent check and in some circumstances this would be far less than 5 years.

There should be more of a focus on the external environment not just internal components

The Decent Homes Standard requires social homes to be free of hazards that pose a risk to residents, to be in a reasonable state of repair, to have reasonably modern facilities and services such as kitchens and bathrooms and efficient heating and effective insulation.

12. Are there any changes to what constitutes a decent home that we should consider?

X Yes

No

Not sure

Please explain your answer further below, if you wish to.

The Decent Homes standard is a basic minimum acceptable standard for a residential home – this doesn't mean that an organisation should not aspire to providing properties of a higher standard.

The focus of the Decent Homes Standard is to narrow and focuses on renewing components.

Consideration should be given to an Energy Efficiency Standard – cost implications for landlords

Asset Management in the Community – Estate Regeneration

Green Renewable Energies

Consumer choice is missing

13. Do we need additional measures to make sure social homes are safe and decent?

Yes

x No

Not sure

If you answered yes, are there measures you would suggest? Please answer below.

There are already a lot of measures in place for which organisations need to ensure that they don't get complacent about those existing measures.

They need to ensure that they have the right policies and procedures in place with adequate and suitably qualified staffing resources. That staff are kept up-to-date with training and good practice and that policies and procedures are regularly reviewed and updated.

A new deal for social housing

Chapter two - Effective resolution of complaints

We want to understand whether more residents need to be able to access independent advice and potentially advocacy to support them in making a complaint.

Alternative dispute resolution and mediation services can be critical in allowing issues to be resolved swiftly and locally, while sustaining positive relationships between the parties involved. We are considering whether and how we might strengthen the mediation available for residents and landlords after initial attempts at resolution have failed.

14. Are there ways of strengthening the mediation opportunities available for landlords and residents to resolve disputes locally?

Yes

No

x Not sure

If you answered yes, you can provide suggestions below.

As a District Council our tenants and residents have the resource of a local office where tenants and residents can easily access officers directly in order to deal with their complaints.

The Council's Corporate Complaints Process has an initial officer led process, followed by a Member Panel before referral to the Ombudsman.

Officer training has been undertaken in relation to Complaints handling and Ombudsman complaints process and learning to ensure complaints are resolved at the earliest opportunity.

The Council does not feel that there is a need to introduce any additional stages into the complaints process but would be willing to consider any additional methods of complaint resolution if available.

Where a complaint is not resolved, a resident should refer their complaint to a “designated person”, such as a local MP, councillor or tenant panel, (known as the democratic filter), but if they do not want to do this or the designated person does not resolve or refer it on themselves, a resident must wait for eight weeks before the complaint can be referred to the Housing Ombudsman. There is a perception that the process of seeking redress took too long, and that the “democratic filter” contributed to delays.

15. Should we reduce the eight week waiting time to four weeks? Or should we remove the requirement for the 'democratic filter' stage altogether?

- Support the option to reduce the waiting time to four weeks
- Support the option to remove the 'democratic filter' stage altogether
- Support no change
- Not sure

Tenants and residents already have an inbuilt ‘democratic’ filter by way of the Council’s Member Panel therefore it is considered unnecessary to have a designated person to act as a “democratic filter” for submission to the Ombudsman.

Reforming the filter stage would require primary legislation. We therefore also want to explore what more could be done in the meantime to help ensure that “designated persons” better understand their role and help to deliver swift, local resolutions for residents.

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

As we’re recommending removal of the designated persons and have an inbuilt democratic filter the Council believe any action is unnecessary.

We are looking at awareness of housing dispute resolution services more widely as part of our housing redress consultation. We also want to consider if there is a case for an awareness campaign to support social residents in particular to understand their rights to seek redress and to know how to make complaints and escalate them where necessary.

17. How can we ensure that residents understand how best to escalate a complaint and seek redress?

There should be a “general code of practice” for the sector which should include a prioritisation process based on type of complaint e.g. Health & Safety to be given a higher priority than delay in housing benefit.

We want to understand whether more residents need to be able to access independent advice and potentially advocacy to support them in making a complaint.

18. How can we ensure that residents can access the right advice and support when making a complaint?

Include any requirements for advice and support in the Code of Guidance.

There are no statutory guidelines setting out time frames within which providers should handle complaints. Dissatisfaction with the length of time it takes to resolve issues was mentioned at our engagement events. We therefore want to consider how to speed up landlord complaints processes.

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

The Government should issue guidance on the timescales that complaints should be responded to.

20. How can we best ensure safety concerns are handled swiftly and effectively within the existing redress framework?

Prioritisation within Code of Practice and give tenants the opportunity to fast track serious health and safety complaints to the Ombudsman.

The Ombudsman review takes too long – 12 to 18 months

KPIs introduced for complaints handling

Local Authorities to ensure that a tenant sits on the Elected Member Panel for Housing Complaints

A new deal for social housing

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.

21. Do the proposed key performance indicators cover the right areas?

- Yes
- No
- Not sure

22. Are there any other areas that should be covered?

- Yes
- No
- Not sure

Please explain your answer further below, if you wish to.

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

- Yes
- No
- Not sure

We already report performance annually and in our Annual Report to tenants.

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

- Yes
- No
- Not sure

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

Landlords already have a requirement to produce Annual reports against standards.

The Regulator already expects landlords to publish information about complaints each year, but approaches vary. We are considering setting out a consistent approach on how landlords should report their complaint handling outcomes, by asking them to report how many complaints were resolved, how many were resolved after repeated complaints and how many were referred to the Ombudsman.

26. 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?

- Yes
- No
- Not sure

If yes, how can this be made as clear and accessible as possible for residents?.

Lessons learnt from complaints published

Policy changes made following a complaint published

Publish number of formal complaints received; responded to in time; resolved / unresolved

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

- Yes
- No
- Unsure

Please explain your answer further below, if you wish to.

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

Benchmarking with comparable organisations and reporting through annual reports to tenants.

Local Authorities – have restricted resources to capture and record an array of KPIs

We want to consider the role of financial incentives and penalties to promote the best practice and deter the worst performance. For example, whether key performance indicators should help inform or influence the extent to which landlords receive funding and link the Affordable Homes Programme funding to the Regulator's governance rating as well as the viability rating.

29. Should we introduce a new criterion to the Affordable Homes Programme that reflects residents' experience of their landlord?

Yes

x No

Not sure

Please explain your answer further below, if you wish to.

As a Local Authority we would caution against this as the major impact of potential restrictions on new-build housing would be on the prospective tenants in need of affordable housing.

30. 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 want to understand more about whether the regulatory framework is setting the right expectations on how landlords should engage with residents, and how effective current resident scrutiny measures are. Landlords are required to consult residents at least once every three years on the best way of involving them in the governance and scrutiny of the housing management service, and demonstrate how they respond to tenants' needs in the way they provide services and how they communicate.

31. Are current resident engagement and scrutiny measures effective?

x Yes

No

Not sure

32 What more can be done to make residents aware of existing ways to engage with landlords and influence how services are delivered?

We publicise how our residents can engage through a variety of channels including website, self service portal, hard copy tenant magazines.. Residents 'influencing services' doesn't correlate to the impact of the Government imposed 4 year rent reduction (without consultation) which impacted on the level of service housing providers can provide.

A number of national tenant and resident organisations in the sector have been exploring the option of an independent platform for tenants, based on widespread engagement with tenants, to enable them to have their voices heard more effectively at a national level.

33. Is there a need for a stronger representation for residents at a national level?

Yes

No

Not sure

If you answered yes, how should this best be achieved?

The Council would support this provided that a robust structure which feeds directly into Government in order that tenants directly influence policy is agreed.

We want to offer residents greater opportunity to exercise more choice and influence over the day to day housing services. We are exploring options to demonstrate how community leadership can be embedded in the governance and culture of mainstream landlords.

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

Yes

No

Don't know

If you answered yes, what would it need to make it work?

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

- Yes
x No
 Not sure

36. Are Tenant Management Organisations delivering positive outcomes for residents and landlords?

- Yes
 No
x Don't know

Please explain your answer further below if you wish to.

37. Are current processes for setting up and disbanding Tenant Management Organisations suitable? Do they achieve the right balance between residents' control and local accountability?

- Yes – the current processes are suitable and achieve the right balance.
 Yes – the current processes are suitable but do not achieve the right balance
 No – the current processes are not suitable and do not achieve the right balance
x Not sure

Please explain your answer further below, if you wish to.

The Council has no direct experience of TMO.

There have been schemes, such as Local Management Agreements and Community Cashback (called Give it a Go grants) which have been designed to support social residents to take responsibility for a service within their local community.

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

The Council considers that there is a comprehensive range already available for providing choice and control to tenants.

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

- Yes
x No
 Not sure

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

Previously we have involved tenants in procurement processes and for ongoing monitoring of major contracts. We are in the process of setting up a tenant scrutiny panel who we intend to consult with and report back to on the content, progress and delivery of the contracts. For the wider tenant audience, articles about our contract programmes of work are placed in the tenant magazine "Hometalk", which is delivered to tenants and leaseholders free of charge three times per annum.

Where possible we offer colour choices. A few years ago there was a change in kitchen specification and a colour choice board was sited in the housing office for all visiting tenants to complete a survey detailing which products they preferred. This process enabled a wider audience to have an input.

Leaseholders are consulted regarding all contract services which affect them prior to the contracts being let.

The Government has recently announced a significant programme of leasehold reform which will benefit all leaseholders, both in the private and social sectors.

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

Part of the leasehold reform relates to high-rise blocks of which we have none, so our service charges are much more reasonable than for the high-rise blocks.

We already undertake formal consultation prior to works on communal areas taking place, giving our leaseholders the opportunity to comment on the Council's proposals and to nominate a Contractor, where appropriate.

We already offer our Leaseholders a number of different ways to pay their service charge bills. All leaseholders have the opportunity to pay by instalments, interest free and those experiencing difficulties in paying are signposted to the Department for Work and Pensions, Citizens Advice Bureau and the Money Advice Service.

We don't currently have any capacity for creating sinking funds towards replacement of major elements (e.g. re-roofing as opposed to patched maintenance repairs). This approach would even out the bills for our leaseholders helping them to manage their finances.

A new deal for social housing

Chapter three continued - Empowering residents, making sure their voices are heard

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.

42. Does the Regulator have the right objective on consumer regulation?

- Yes
- No
- Not sure

Please explain your answer further below, if you wish to.

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.

43. 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?

- Yes
x No
 Not sure

If yes, how?

We also want to know whether landlords and residents would benefit from further guidance on what good looks like, without being overly prescriptive.

44. 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?

- x Yes
 No
 Not sure

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.”

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

- x Yes
 No
 Not sure

If no, what would be an appropriate threshold for intervention?

To support a more proactive approach to enforcing the consumer standards we are considering arming residents with information through the introduction of a number of key performance indicators and for landlord performance to be published. Our current thinking is that the Regulator should monitor the key performance indicators to identify where there may be issues of concern with performance. The Regulator would then be able to make a risk-based assessment of how and where to intervene, including through more regular or phased interventions.

46. Should the Regulator adopt a more proactive approach to regulation of consumer standards?

- Yes
- No
- Not sure

47. Should the Regulator use key performance indicators and phased interventions as a means to identify and tackle poor performance against these consumer standards?

- Yes
- No
- Not sure

If yes, how should this be targeted?

It has been suggested that a code of practice together with a prioritisation system for complaints should be in use to target interventions..

We want to make sure that regardless of whether someone is a resident of a housing association or a local authority, the same minimum standards of service apply. The Government respects the democratic mandate of local authorities, but this must be balanced against the need to ensure that residents are protected.

48. Should the Regulator have greater ability to scrutinise the performance and arrangements of local authority landlords?

- Yes
- No
- Not sure

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

49. Are the existing enforcement measures described above adequate?

Yes

No

Not sure

If you answered no, what other enforcement powers should be considered?

As part of examining the scope of the Regulator's role we want to consider the case for extending its remit to other organisations that manage social housing. The Regulator will hold the local authority landlord to account for the way services are delivered so it is vital that the local authority has good oversight arrangements in place to ensure that management organisations provide a good service.

50. 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?

Yes

No

x Not sure

If you answered no, what more is needed to provide effective oversight of these organisations?

We want to be clear and transparent about how the Regulator is accountable to Parliament for meeting its statutory objectives. Upcoming legislative changes will shortly establish it as a standalone Non-Departmental Public Body. As such it will be accountable to Parliament in the same way as other Non-Departmental Bodies.

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

A New Deal for Social Housing

Chapter Four - Tackling stigma and celebrating thriving communities

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

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

There's no need for this initiative as this is divisive to communities and creates stigma to those areas that don't 'win'. Effort and focus should be on neighbourhood services.

Impact on reducing budgets has resulted in Housing Providers scaling back on resident involvement activities.

There is an emphasis on maintaining tenancies for tenants impacted by Welfare Reform and the Bedroom Tax.

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

There will remain a stigma about social housing as long as the Government talk about social housing being a springboard to home ownership. Social housing should be treated as of equal worth to home ownership and this should be reflected in government policies.

Good quality social housing reduces stigmatisation. Good quality housing can only be provided through proper investment not only in bricks and mortar but good quality neighbourhood and public services. Reduction in services resulting from the 1% rent reduction together with withdrawal of other services particularly supporting people contribute to the stigmatisation of estates.

Community Regeneration – not just have a focus on bricks and mortar

We want to embed a customer service culture and attract, retain and develop the right people with the right behaviours for the challenging and rewarding range of roles offered by the sector.

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

No evidence has been produced which supports the accusation that housing management staff are any more or any less professional than other occupations. Continuous attacks on Local Government funding resulting in pay freezes do not help

local government employees to feel valued when overstretched and over burdened dealing with ever more complex cases.

Professional standards require professional training. Training budgets have come under attack following the imposed 1% rent reduction. In addition, the introduction of university fees resulted in a number of universities no longer providing housing courses.

Introduce Housing Apprentices; technical knowledge; skills set – jobs fairs – colleges promote housing as a career of choice.

We are minded to introduce a key performance indicator that will capture how well landlords undertake their neighbourhood management responsibilities.

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

Households requiring intervention with tenancy sustainment

Tenancy Audit Visits – getting to know customers

Anti-social Behaviour resolved and unresolved cases

Legal and non legal tools used for ASB/Tenancy Management

Environmental fly tipping statutory indicators

Minor Works Environmental improvements

56. What evidence is there of the impact of the important role that many landlords are playing beyond their key responsibilities?

Tenancy Sustainment Service; Budgeting Advice; Emotional Support; tackling anti social behaviour; dealing with tenancy fraud.

57. Should landlords report on the social value they deliver?

Yes

No

x Not sure

Please explain your answer further below, if you wish to.

More explanation required – what is the purpose, what will government do with this information?

We are proposing to introduce a key performance indicator to help tackle anti-social behaviour, but we will want to consider how this could impact on areas, and whether it could lead to some people feeling more stigmatised.

58. How are landlords working with local partners to tackle anti-social behaviour?

The Council as landlord works with a vast array of partners and has adopted a number of approaches including: Victim lead approach, Multi-Agency working, attendance at weekly multi-agency Hub Meetings, Multi-agency Case Conferences, Links with Troubled Families Programme (Staffordshire County Council Building Resilient Families and Communities).

The Housing Department works particularly closely with the Community Safety Partnership utilising the range of tools available from early and informal interventions such as mediation, Community Protection Warnings through to the legal actions including possession proceedings.

59. What key performance indicator could be used to measure this work?

*Safe as Houses (domestic violence initiative)– target hardening, security measures
Interventions from Partners such as Environmental Health, Social Services/Police
District Performance Data*

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.

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

Clear guidance on minimum space standards and creating tenure blind communitiies.

Neighbourhood planning gives communities power to agree and implement a shared vision for their neighbourhood. However, we are aware that too often local people hear about schemes after a planning application has been submitted.

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

Social housing developments are complex, often with viability issues and are consulted on as part of the planning process.

A new deal for social housing

Chapter Five: Expanding supply and supporting home ownership

62. 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

- Yes, current arrangements strike the right balance
- x No, they don't strike the right balance
- Not sure

Please explain your answer further below if you wish to.

Local authorities need to be given the flexibility to increase their borrowing capacity in order to directly meet the housing need within their communities. Other partners do not always meet the needs of the more difficult complex cases.

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

No local knowledge on this issue.

We want to give housing associations and others the certainty they require to develop ambitious plans to deliver the affordable homes this country desperately needs

64. 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?

You need to define 'longer term certainty' and ask providers for their business plans. Impossible to say what level but would assume an increase.

We are determined to remove the barriers that many shared owners face. We want everyone who enters shared ownership to have the opportunity to increase equity in their home.

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

Registered Providers are best placed to respond to this.

THANK YOU FOR TAKING THE TIME TO SHARE YOUR THOUGHTS

About this consultation

This consultation document and consultation process have been planned to adhere to the Consultation Principles issued by the Cabinet Office.

Representative groups are asked to give a summary of the people and organisations they represent, and where relevant who else they have consulted in reaching their conclusions when they respond.

Information provided in response to this consultation, , may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA), the EU General Data Protection Regulation, and the Environmental Information Regulations 2004.

If you want the information that you provide to be treated as confidential, please be aware that, as a public authority, the Department is bound by the Freedom of Information Act and may therefore be obliged to disclose all or some of the information you provide. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Ministry of Housing, Communities and Local Government will process your personal data in accordance with the law and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties. A full privacy notice is included at Annex A.

Individual responses will not be acknowledged unless specifically requested.

Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

Are you satisfied that this consultation has followed the Consultation Principles? If not or you have any other observations about how we can improve the process please contact us via the complaints procedure at <https://www.gov.uk/government/organisations/department-for-communities-and-local-government/about/complaints-procedure>.

Annex A

Personal data

The following is to explain your rights and give you the information you are entitled to under the Data Protection Act 2018.

Note that this section only refers to your personal data (your name, address and anything that could be used to identify you personally) not the content of your response to the consultation.

1. The identity of the data controller and contact details of our Data Protection Officer

The Ministry of Housing, Communities and Local Government (MHCLG) is the data controller. The Data Protection Officer can be contacted at dataprotection@communities.gsi.gov.uk

2. Why we are collecting your personal data

Your personal data is being collected as an essential part of the consultation process, so that we can contact you regarding your response and for statistical purposes. We may also use it to contact you about related matters.

3. Our legal basis for processing your personal data

The Data Protection Act 2018 states that, as a government department, MHCLG may process personal data as necessary for the effective performance of a task carried out in the public interest. i.e. a consultation.

3. With whom we will be sharing your personal data

Your data will not be shared with anyone outside MHCLG.

4. For how long we will keep your personal data, or criteria used to determine the retention period.

Your personal data will be held for two years from the closure of the consultation

5. Your rights, e.g. access, rectification, erasure

The data we are collecting is your personal data, and you have considerable say over what happens to it. You have the right:

- a. to see what data we have about you
- b. to ask us to stop using your data, but keep it on record
- c. to ask to have all or some of your data deleted or corrected
- d. to lodge a complaint with the independent Information Commissioner (ICO) if you think we are not handling your data fairly or in accordance with the law. You can contact the ICO at <https://ico.org.uk/>, or telephone 0303 123 1113.

6. Your personal data will not be used for any automated decision making.

7. The data you provide will be directly stored by Survey Monkey on their servers in the United States. We have taken all necessary precautions to ensure that your rights in terms of data protection will not be compromised by this. Your data will also be stored in a secure government IT system.