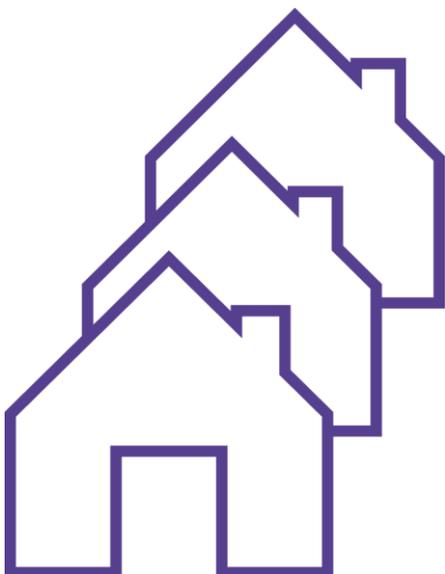




Regulator of
Social Housing

Consultation on the introduction of Tenant Satisfaction Measures

December 2021



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Annexes to Consultation on the introduction of Tenant Satisfaction Measures

These can be found on the regulator's consultation webpage on the introduction of Tenant Satisfaction Measures.

- Annex 1 Draft Tenant Satisfaction Measures Standard
- Annex 2 Draft Tenant Satisfaction Measures: Technical Requirements
- Annex 3 Draft Tenant Satisfaction Measures: Tenant Survey Requirements
- Annex 4 Draft guidance about the submission of Tenant Satisfaction Measures data to the regulator
- Annex 5 Draft Tenant Satisfaction Measures in the Social Housing White Paper
- Annex 6 Draft Regulatory Impact Assessment
- Annex 7 Draft Equality Impact Assessment
- Annex 8 TSM consultation questions
- Annex 9 Statutory consultees

Foreword

In November 2020, the Government published its Social Housing White Paper, setting out plans for a new consumer regulation regime. One element was the requirement that the Regulator of Social Housing develop clear and comparable tenant satisfaction measures (TSMs). These measures should apply to all social landlords and cover the areas that matter to their tenants.

The White Paper recommends that TSMs should give tenants meaningful information about their landlord and help the regulator ensure that landlords meet the new consumer standards. We need legislation to introduce the new consumer regulation regime, but in advance of that we think it's right to consult on our TSM proposals because of the significant lead time for their implementation.

We have taken the White Paper as our starting point, and have spoken to tenants, landlords and sector representatives to help us develop our proposals. We aim to arrive at TSMs that are comparable between landlords but also allow the right amount of flexibility so that landlords can ensure their information is relevant to them and their tenants and will help them manage their own performance.

We have recently published [Reshaping consumer regulation: our principles and approach](#). This sets out our vision for our future consumer regulation role and the part that TSMs will play. We expect TSMs to tell us a lot about how landlords are performing but we also know that alone they can't provide a full picture. Therefore, we will consider a landlord's TSMs alongside other evidence to get a rounded view of their performance.

We want TSMs to be a valuable source of information for tenants, local communities, and landlords themselves. We are keen to hear a wide range of responses to our proposals and have published a summary which can be found on our website consultation page to help with this. We very much hope you will share your views with us so that they can shape the outcome of this consultation.

Simon Dow
Interim Chair

1. Scope of the consultation

<p>Topic of this consultation</p>	<p>The Government's '<i>The Charter for Social Housing Residents: Social Housing White Paper</i>', sets out an expectation that the Regulator of Social Housing (the regulator) will bring in a set of tenant satisfaction measures.</p> <p>To introduce a set of TSMs, the regulator is proposing to:</p> <ul style="list-style-type: none"> • set a new consumer standard (the TSM Standard) which would include specific expectations applicable to all registered providers of social housing in relation to TSMs set by the regulator • set TSMs, together with related requirements which all registered providers of social housing would be expected to comply with under the TSM Standard. These are set out in the following documents: <ol style="list-style-type: none"> a. 'Tenant Satisfaction Measures: Technical Requirements'; and b. 'Tenant Satisfaction Measures: Tenant Survey Requirements', • publish guidance about the submission of TSM information to the regulator. <p>The regulator will review its proposals, including the content of the above documents, in the light of the responses received to this consultation.</p> <p>It is proposed that the above documents, incorporating any changes that may be made following responses to this consultation, will be published in advance of coming into force on 1 April 2023.</p> <p>This document sets out detailed information about the regulator's proposals. The regulator has published a summary of this consultation document and will also publish an 'Easy read' version, both of which can be found on the website consultation page.</p>
<p>Scope of this consultation</p>	<p>This consultation relates to the draft TSM Standard, TSMs and related requirements that the regulator is proposing to set, and the draft guidance that the regulator is proposing to publish. It represents an opportunity for interested persons, bodies and organisations to influence those documents.</p>

	<p>The regulator is also using this consultation to meet the following consultation requirements, and we have written to the statutory consultees listed in Annex 9 regarding this consultation:</p> <ul style="list-style-type: none"> • section 196 of the Housing and Regeneration Act 2008¹ (the Act) requires that before setting standards, the regulator must consult with certain parties, or ensure that they have been consulted, as set out in that section. These include the Charity Commission if the standard would apply to charities; and • section 216 of the Act requires that the regulator must consult the parties set out in that section before giving guidance under section 215 of the Act. <p>It is a requirement under section 215 of the Act for the regulator to publish guidance about the submission of information to the regulator about the performance of registered providers.</p> <p>Following the conclusion of this consultation, we intend to publish an Equality Impact Assessment and a Regulatory Impact Assessment alongside the final TSM documents. We are sharing drafts of these assessments as part of this consultation and we also welcome comments on these.</p>
Geographical scope	These proposals relate to England only.
Impact assessments	We have carried out a Regulatory Impact Assessment and an Equality Impact Assessment in relation to our proposals. These assessments are reflected in the draft Regulatory Impact Assessment (Annex 6) and the draft Equality Impact Assessment (Annex 7) referred to above.
Basic information	
To	The statutory consultees listed in Annex 9, private registered providers and local authority registered providers, tenants and residents of registered providers, lenders and any other stakeholders who have an interest in social housing in England.
Body responsible for the consultation	The Regulator of Social Housing
Duration	This consultation will last for 12 weeks from 9 December 2021. The closing date is 3 March 2022.
Enquiries	For any enquiries about the consultation please contact our Referrals and Regulatory Enquiries team on 0300 124 5225 or enquiries@rsh.gov.uk who will be pleased to help.

¹ Housing and Regeneration Act 2008 (legislation.gov.uk)

2. How to respond to this consultation

Please send your response by 3 March 2022 – if you respond after this date, your response may not be considered.

Respondents are encouraged to answer as many questions as possible, but you do not have to respond to every question.

Online

Where possible, please respond to the questions in this [consultation](#)² on our website.

Email or post

If, for example, you are unable to complete an online response, you can email your response to: consultation@rsh.gov.uk. Please include “Tenant Satisfaction Measures” in the subject heading.

Alternatively, you can send a written response to:

The Regulator of Social Housing
Referrals and Regulatory Enquiries team
Level 2
7-8 Wellington Place
Leeds LS1 4AP

Please mark the envelope “Tenant Satisfaction Measures”.

If you are responding by email or post, please make it clear which questions in this consultation you are responding to. The questions are set out in Annex 8.

If you wish us to include your name in the list of respondents that we intend to publish, please include a statement in your submission that you are happy for us to do this. If you do not tell us that you are happy for your name to be published, we won't be able to publish your name.

Please respond using only one means e.g., if you respond online, you do not need to email or post your response to us.

² https://online1.snapsurveys.com/RSH_TSM_Consultation

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To help us to understand who responds to this consultation and the context of their answers, please include:

- your name
- whether you are responding as an individual or on behalf of an organisation
- whether you are a (please select one):
 - social housing tenant in rental accommodation
 - shared owner in social housing
 - private registered provider
 - local authority registered provider
 - stakeholder organisation
 - other (please specify)
- the name of the organisation (if applicable), and
- a contact email address (if possible)

If you are responding on behalf of a representative group, please give a summary of the people and organisations your group represents, and where relevant, who else you have consulted in writing the response.

Please do not share any information in your response which you would not be happy for us to make publicly available. Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with access to information regimes. Please see Chapter 15 for further details and see our [privacy notice](#) for information about how the regulator processes and protects personal data.

After the closing date of this consultation, we intend to publish an analysis of the responses we receive and anonymised responses (i.e., responses where we will remove any information that could identify the respondent). We will also publish a list of all respondents to the consultation who have told us that they are happy for their name to be published. Individual responses will not be acknowledged.

If you need this consultation document in an alternative format, you may make a request using any of the contact details above.

The regulator has published a summary of this consultation document and will also publish an 'Easy read' version, both of which can be found on the website consultation page.

3. Equalities Statement

- 3.1 Section 149 of the Equality Act 2010 sets out the public sector equality duty³ (also known as the general equality duty) which, in summary, places a duty on public bodies to have due regard in exercising their functions to the need to:
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010,
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it,
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 3.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation, and marriage and civil partnership.⁴
- 3.3 As a regulator, we are mindful of our public sector equality duty. Following the conclusion of this consultation, we intend to publish an Equality Impact Assessment alongside the final TSM documents, and a draft of this Impact Assessment can be found at Annex 7.
- 3.4 Comments on our draft Equality Impact Assessment are welcome, as further explained in Chapter 14 of this document.

³ Public sector equality duty - GOV.UK (www.gov.uk)

⁴ The definition of 'relevant protected characteristic' for the purposes of section 149 of the Equality Act 2010 does not include marriage and civil partnership, however, this is a protected characteristic for the duty to have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010.

4. Executive summary

- 4.1 As the Regulator of Social Housing, we regulate registered providers of social housing in England to promote a viable, efficient and well-governed social housing sector able to deliver homes that meet a range of needs. Registered providers include non-profit organisations such as housing associations and co-operatives, profit-making registered providers, and local authorities.
- 4.2 We have both an economic and a consumer role. Our consumer regulation role applies to all registered providers, whereas our economic role does not apply to local authorities, with the exception of the Rent Standard. Our consumer role is currently limited by what is called the serious detriment test. However, as set out in the Government's '*The Charter for Social Housing Residents: Social Housing White Paper*⁵' (the White Paper), the Government is seeking to legislate as soon as is practical to remove the serious detriment test and put our economic and consumer roles on an even footing.
- 4.3 The White Paper commits to strengthening our consumer role, with the introduction of a proactive consumer regulation regime. An important part of this will be reviewing and amending our consumer standards. These set the expectations that all registered providers must meet and are the foundation of our regulation. We will be undertaking this review and consulting on changes to our consumer standards in due course once legislation has passed.
- 4.4 The White Paper also tasks the regulator with designing and implementing a set of clear and comparable TSMs that all registered providers must report. The White Paper aims that the TSMs should both be a useful tool for tenants to use to hold their landlord to account and a tool for us to use in our consumer regulation. In developing our proposals for the TSMs we have developed a set of principles that we have considered throughout our work. These principles are set out in Chapter 6. This consultation puts forward proposals for a suite of TSMs as well as proposals for their introduction.

⁵ The charter for social housing residents: social housing white paper - GOV.UK (www.gov.uk)

- 4.5 The regulator does not propose that the TSMs would be used as a regulatory tool in isolation. The proposed TSMs would be one source of assurance, amongst a range of other sources that the regulator would be able to use to gather assurance about a provider's compliance with the consumer standards. We do not envisage using the TSMs in isolation to ensure compliance with our consumer standards.

Proposed TSM Standard

- 4.6 We are proposing to introduce a new consumer standard (Annex 1) which would require registered providers to, among other things, collect, publish and submit information about their performance against the TSMs in accordance with requirements set out by the regulator. In order to comply with the TSM Standard, registered providers would need to ensure they meet the more detailed requirements set out in *Tenant Satisfaction Measures: Technical Requirements* as well as in *Tenant Satisfaction Measures: Tenant Survey Requirements*. Drafts of these documents are presented in Annexes 2 and 3. The proposed TSM Standard would apply to all registered providers.

Proposed TSMs

- 4.7 We are proposing to introduce 22 TSMs which reflect the themes and issues set out in the White Paper. They are intended to be a core set of comparable measures that all registered providers would have to report. We have sought to strike a balance between ensuring comparability of the TSMs, being clear about definitions and giving providers flexibility to ensure the approach is appropriate for their business and their tenants.
- 4.8 We think it is appropriate that the proposals include a mix of both tenant perception measures, which would allow the views of tenants to be heard, and measures which would be collected through registered providers' management information.
- 4.9 There are 12 tenant perception measures proposed (those with a code prefix TP) and 10 which would be collected through registered providers' management information (those with a code prefix RP, BS, CH or NM). The areas that the proposed TSMs cover are set out in Table E1 below:

Table E1: Summary of proposed TSMs

Theme	Code	Issue
Overall satisfaction	TP01	Overall satisfaction
Keeping Properties in Good Repair	RP01	Homes that do not meet the Decent Homes Standard
	RP02	Repairs completed within target timescale
	TP02	Satisfaction with repairs
	TP03	Satisfaction with time taken to complete most recent repair
Maintaining Building Safety	BS01	Gas safety checks
	BS02	Fire safety checks
	BS03	Asbestos safety checks
	BS04	Water safety checks
	BS05	Lift safety checks
	TP04	Satisfaction that the home is well maintained and safe to live in
Effective Handling of Complaints	CH01	Complaints relative to the size of the landlord
	CH02	Complaints responded to within Complaint Handling Code
	TP11	Satisfaction with the landlord's approach to handling of complaints
	TP12	Tenant knowledge of how to make a complaint
Respectful and Helpful Engagement	TP05	Satisfaction that the landlord listens to tenant views and acts upon them
	TP06	Satisfaction that the landlord keeps tenants informed about things that matter to them
	TP07	Agreement that the landlord treats tenants fairly and with respect
Responsible neighbourhood management	NM01	Anti-social behaviour cases relative to the size of the landlord
	TP08	Satisfaction that the landlord keeps communal areas clean, safe and well maintained
	TP09	Satisfaction that the landlord makes a positive contribution to neighbourhoods
	TP10	Satisfaction with the landlord's approach to handling of anti-social behaviour

- 4.10 We are mindful that there are two TSMs proposed in the White Paper where Government has plans to consult on matters they relate to. This includes requirements on electrical safety and required standards for communal areas which is being looked at as part of the Decent Homes Standard review. We will therefore decide on the most appropriate action to take in relation to introducing TSMs in both areas once Government has concluded its work.
- 4.11 The proposed TSMs as well as our rationale for our proposals are summarised in Chapter 8 of this consultation document. The proposed TSMs are set out in full in *Tenant Satisfaction Measures: Technical Requirements* (Annex 2). We are seeking feedback on our proposed TSMs, including how the suite works as a whole. The full list of consultation questions can be found in Annex 8.

General TSM requirements

- 4.12 *Tenant Satisfaction Measures: Technical Requirements* (Annex 2) sets out proposed detailed requirements for the TSMs. Key points are covered in Chapter 9 of this consultation document. As set out above, in order to comply with the proposed TSM Standard, registered providers would need to ensure they meet the more detailed requirements set out in *Tenant Satisfaction Measures: Technical Requirements* as well as in *Tenant Satisfaction Measures: Tenant Survey Requirements* (Annexes 2 and 3). Some of the key points are set out below.
- 4.13 We propose that registered providers must report the TSMs on a registered group basis. This is in line with our current regulatory approach. We recognise that tenants may find data at different reporting levels useful. Our proposals do not prevent registered providers from also providing tenants with TSM data at a level that is appropriate to the needs of their organisation and their tenants.

- 4.14 Where relevant, TSM data must be collected for low cost rental accommodation (LCRA) and low cost home ownership accommodation (LCHO). These terms are defined in the Housing and Regeneration Act 2008 (the Act)⁶. Due to our regulatory remit, we propose that leasehold⁷ homes are not included within the TSM data. We are also proposing that any homes that are non-social housing, or only social housing by virtue of legacy⁸ provisions in the Act, are not included in the TSMs. For the purposes of this document, the term ‘tenant’ refers to any resident of LCRA or LCHO homes owned by a provider.
- 4.15 We propose that registered providers that own 1,000 or more relevant homes be required to collect, report and publish the TSMs annually according to a reporting year 1 April to 31 March. We are mindful of our statutory duty to be proportionate and minimise interference. We therefore propose that registered providers that own fewer than 1,000 relevant homes be permitted to collect and report TSMs annually according to a reporting year other than 1 April to 31 March.
- 4.16 We propose to publish TSM data of providers that own 1,000 or more relevant homes on an annual basis. We will seek views in due course on how we do this in order that the information is accessible to a range of audiences.

Tenant perception survey requirements

- 4.17 The *Tenant Satisfaction Measures: Tenant Survey Requirements* are set out in Annex 3. This document covers the precise questions that registered providers would have to ask, the response options and proposed requirements of registered providers when surveying tenants. Key points are also set out in Chapter 10 of this document. In order for the outputs of the tenant perception survey to be comparable across landlords, there needs to be sufficient consistency in landlords’ approaches. We think that our proposals strike the right balance between ensuring a consistent approach to key aspects of survey methodology, while allowing sufficient flexibility for providers to meet requirements in a way that fits with wider objectives and a range of operating models.

⁶ Housing and Regeneration Act 2008 (legislation.gov.uk)

⁷ Leasehold homes are homes for which a leasehold interest has been sold to an occupier, where the provider retains a freehold interest or a superior leasehold interest, but that does not fall under the definition of LCRA or LCHO.

⁸ Legacy provisions are those set out in section 77 of the Housing and Regeneration Act 2008.

- 4.18 We propose that the data for the TSMs that are tenant perception measures must be generated from tenant perception surveys rather than transactional surveys. We recognise that a number of providers may carry out transactional surveys, for example on the completion of a repair, however we consider that comparability of the data is important and that requiring registered providers to carry out tenant perception surveys (i.e., surveys carried out periodically, and not triggered by a recent interaction with the landlord) is the best way to achieve this.
- 4.19 *Tenant Satisfaction Measures: Tenant Survey Requirements* (Annex 3) sets out our expectations for surveying tenants. This document covers several areas including:
- questionnaire structure
 - who should be surveyed
 - the timings of surveys
 - the survey collection method
 - sampling methodology
 - whether it is carried out in-house or outsourced.
- 4.20 We propose that registered providers would have to publish a summary of the methodology they have used to generate tenant perception survey data for the TSMs, alongside their published TSM data. We think this is an important aspect of being transparent about how the data has been collected.

Registered providers of different sizes

- 4.21 In order to reflect our risk-based approach, and in line with our duty to exercise our functions in a way that minimises interference and (as far as is possible) is proportionate, we propose to tailor some of our requirements for registered providers that own fewer than 1,000 relevant homes. Our proposals are set out in Chapter 11.
- 4.22 Our proposals include that registered providers that own fewer than 1,000 relevant homes would not be required to submit the TSM data to the regulator but would be required to publish the TSMs to their tenants. We recognise issues with sample sizes and accuracy of data for such providers and have refined our proposals accordingly. Our proposals include allowing a census of tenants where appropriate, allowing different annual reporting periods and allowing tenant perception surveys to be carried out once every two years rather than annually.

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4.23 We view transparency as being of fundamental importance in a co-regulatory regime and would still require all providers to communicate with us in a timely manner on material issues that relate to non-compliance or potential non-compliance with our regulatory standards.

Timescales

4.24 Table 1 in the next chapter (Chapter 5) summarises our current intended plan and timetable for the introduction of the TSMs, which may be subject to change.

5. Introduction

About the Regulator of Social Housing

- 5.1 We regulate registered providers of social housing in England to promote a viable, efficient and well-governed social housing sector able to deliver homes that meet a range of needs. Registered providers include non-profit organisations such as housing associations and co-operatives, profit-making registered providers, and local authorities.
- 5.2 We undertake economic regulation, focusing on governance, financial viability and value for money. We also set consumer standards for all registered providers and in certain circumstances we may take action if these standards are breached.
- 5.3 The objectives of the regulator are set out in legislation. We have two statutory fundamental objectives: an economic regulation objective and a consumer regulation objective. These are set out in section 92K of the Act. We have also set these out below.
- 5.4 The economic regulation objective is:
- to ensure that registered providers of social housing are financially viable and properly managed, and perform their functions efficiently and economically
 - to support the provision of social housing sufficient to meet reasonable demands (including by encouraging and promoting private investment in social housing)
 - to ensure that value for money is obtained from public investment in social housing
 - to ensure that an unreasonable burden is not imposed (directly or indirectly) on public funds
 - to guard against the misuse of public funds.

- 5.5 The consumer regulation objective 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
 - 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.
- 5.6 We have a statutory duty to exercise our functions in a way that minimises interference, and (so far as is possible) is proportionate, consistent, transparent and accountable.
- 5.7 Mindful of our duty to minimise interference and our commitment to proportionate regulation, we take a co-regulatory, risk-based approach.
- 5.8 Further information about the regulator can be found on our website⁹, including '*Regulating the Standards*'¹⁰, in which we set out the broad principles which underpin our regulatory approach.

Background to the TSMs

- 5.9 On 17 November 2020 the Government published 'The Charter for Social Housing Residents: Social Housing White Paper' (the White Paper). In the White Paper, the Government sets out a commitment to strengthen the regulator's consumer regulation role to enable us to proactively monitor registered providers' compliance with a set of revised consumer standards. Legislation to enable this to happen is expected to come forward in due course.

⁹ About us - Regulator of Social Housing - GOV.UK (www.gov.uk)

¹⁰ Guidance overview: Regulating the Standards - GOV.UK (www.gov.uk)

- 5.10 One of the expectations set out in the White Paper is that the regulator will bring in a set of TSMs for all registered providers. While legislation is required to implement our enhanced consumer regulation role, we are bringing forward our work to introduce a set of TSMs, in advance of developing our enhanced consumer regulation role. We think that it is right that we prepare for the introduction of TSMs at this point, partly to reflect the time registered providers would need to prepare for the collection of the required performance information.
- 5.11 The White Paper states that TSMs should include both objective quantitative measures and tenant perception measures and follow the themes set out in the Social Housing Green Paper¹¹, which are
- Keeping properties in good repair
 - Maintaining building safety
 - Effective handling of complaints
 - Respectful and helpful engagement
 - Responsible neighbourhood management, including measures on anti-social behaviour.
- 5.12 The White Paper emphasises the importance of careful design of TSMs, in order to achieve clarity and comparability, and has tasked the regulator with undertaking further work to deliver this.
- 5.13 The White Paper expects TSMs to have two aims:
- to provide tenants with greater transparency about their landlord's performance
 - to inform the regulator about how a registered provider is complying with the consumer standards under a proactive consumer regulation regime.
- 5.14 In developing our proposals, we have sought to achieve these aims, as well as other aims and principles which we have summarised in Chapter 6.
- 5.15 To test some elements of our proposals, as we developed them, we have worked with the members of the TSM Sounding Board¹², and other

¹¹ Social housing green paper: a 'new deal' for social housing - GOV.UK (www.gov.uk)

¹² Members are Tenant Participation Advisory Service (TPAS), TAROE Trust, G15, G320, Chartered Institute of Housing (CIH), National Housing Federation (NHF), Placeshapers, Northern Housing Consortium (NHC), The Housing Ombudsman Service (HOS), Association of Retained Council

stakeholders including tenants. Their input has helped us to identify a number of key areas, including in relation to the survey methodology and question design which we are seeking views on in this consultation.

- 5.16 In preparing *Tenant Satisfaction Measures: Tenant Survey Requirements* (Annex 3), we have also drawn on advice commissioned from BMG Research. We would like to thank everyone for their input.

Draft timetable for the introduction of TSMs

Table 1: Our current intended plan and timetable for the introduction of the TSMs, (which may be subject to change)

Proposed timing	Anticipated activity
3 March 2022	TSM consultation closes. Responses submitted after that date may not be considered.
March 2022 – Summer 2022	The regulator analyses and considers consultation responses. Any drafting changes to the TSM documents would be made at this stage ¹³ .
Summer 2022	The regulator publishes a decision statement, ¹⁴ together with a final version of the regulatory
Autumn 2022 - Spring 2023	Registered providers prepare systems for the collection of TSM data.
1 April 2023	Regulator’s requirements (i.e., the TSM documents) come into force.
April 2023 - March 2024	Registered providers collect first year of TSM data.
Summer 2024	Registered providers submit their TSM data to the regulator for the first year.
Autumn 2024	The regulator aims to publish registered providers’ TSM data.

Housing (ARCH), Local Government Association (LGA), Councils with ALMOs Group (CWAG), National Federation of ALMOs (NFA).

¹³ The TSM documents being the TSM Standard, the TSMs, the TSM technical and tenant survey requirements, and the guidance about the submission of TSM information to the regulator.

¹⁴ The decision statement would be intended to provide a summary of the key areas of feedback from the consultation, and to set out our decision on the final form of the TSM documents.

6. Key principles

- 6.1 In developing our proposals, we have carefully considered a number of principles which we think are important to designing TSMs and related requirements. We will continue to be mindful of these principles in considering the responses to this consultation, and in deciding if and how to change any of the draft TSMs and related documents in the light of those responses.
- 6.2 In this chapter we have summarised the main principles referred to in the previous paragraph. We have also summarised a number of key overarching statutory duties on the regulator relevant to our proposals. For ease, in this document we refer to these principles and statutory duties together as ‘key principles’.
- 6.3 It may be helpful for consultees to consider these key principles when thinking about and responding to the proposals in this consultation.
- 6.4 Key overarching statutory duties that are relevant to our proposals, and which we must meet as the regulator, include:
- we must perform our functions with a view to achieving (so far as is possible) our two statutory fundamental objectives: the economic regulation objective and the consumer regulation objective. These are set out in section 92K of the Act and in Chapter 5 of this document,
 - we must exercise our functions in a way that minimises interference, and (so far as is possible) is proportionate, consistent, transparent and accountable (section 92K(5) of the Act),
 - in setting consumer standards, we must have regard to the desirability of registered providers being free to choose how to provide services and conduct business (section 193(3) of the Act),
 - our public sector equality duty, which is summarised in Chapter 3 of this document.
- 6.5 As a regulator, we operate within the provisions of the Government’s Regulators’ Code¹⁵ and have due regard to it when developing policies and procedures that guide our regulatory activities. This includes in relation to proposals set out in this consultation.

¹⁵ Statutory guidance overview: Regulators’ Code - GOV.UK (www.gov.uk)

Our regulatory approach

- 6.6 Broad principles which underpin our regulatory approach are set out in '*Regulating the Standards*'.¹⁶
- 6.7 Our approach is outcome-focussed, co-regulatory, proportionate, risk-based and assurance based. These principles will continue to be central to our regulatory approach following the implementation of our strengthened consumer regulatory role.
- 6.8 As also explained in Chapter 5, the Government plans to legislate to implement our strengthened consumer regulation role. We expect to develop other elements of our approach to our enhanced consumer regulation role in due course. We intend that TSM data will be one source of assurance alongside a number of other sources, and we do not intend to use TSM data in isolation to enforce compliance with the consumer standards. As part of our work to develop our enhanced consumer regulation role, we have recently published [Reshaping consumer regulation: our principles and approach](#)¹⁷ to provide further context.
- 6.9 The TSMs are not intended to cover all aspects of a registered provider's performance.
- 6.10 The TSM Standard, and related requirements, would apply along with our other standards and requirements. This includes paragraph 2.2.1c of the Tenant Involvement and Empowerment Standard, which currently requires registered providers to provide timely and relevant performance information to support effective scrutiny by tenants of their performance in a form which they seek to agree with their tenants. The existing consumer standards will continue to apply until the regulator amends them or replaces them with any new standards.

¹⁶ Guidance overview: Regulating the Standards - GOV.UK (www.gov.uk)

¹⁷ Policy paper overview: Reshaping consumer regulation: our principles and approach - GOV.UK (www.gov.uk)

Our three tests for the new consumer regulation regime

6.11 Following publication of the White Paper, we set three tests for the implementation of the new consumer regulation regime. We consider that the changes introduced should:

- make a meaningful difference to tenants
- be deliverable by registered providers
- be capable of being regulated by the regulator.

Principles we have developed for TSMs

6.12 We have also developed a set of more specific principles that have helped to shape the design of the TSMs:

- **Link to statutory objectives:** There should be a clear link between TSMs and our statutory objectives; the data we require registered providers to submit to us should support us in meeting those objectives
- **Relevant:** TSMs should meet the dual aims set out in the White Paper where possible. These aims are that TSMs should provide tenants with greater transparency about their landlord's performance and inform the regulator about how a registered provider is complying with the consumer standards
- **Accurate:** TSMs should ensure comparability of performance so far as is possible, limit the scope for gaming, be well defined and verifiable
- **Responsive:** TSMs should measure performance which is attributable to the registered provider. They should also be timely and avoid perverse incentives. We want to avoid, as far as is possible, creating measures that could encourage registered providers to act in a way that would improve their 'score' but may worsen underlying outcomes for tenants

- **Deliverable:** TSMs should be cost effective for both the regulator and registered providers, and reasonably straightforward to collect. We recognise that there are a range of different practices within the sector for collecting and measuring performance information and, where reasonably possible, we want TSMs to avoid requiring disproportionately complex changes to registered providers' systems and processes. However, a need for registered providers to make some changes to their systems and processes is likely to be unavoidable or may simply be appropriate.

6.13 We recognise that a number of the above aims and principles may compete with each other. We expect that some TSMs, or certain aspects of our related requirements, may achieve some aims better than others, but we consider that they are all important. Our intention is to strike an appropriate balance between these competing aims.

7. The proposed Tenant Satisfaction Measures Standard

Proposed introduction of a TSM Standard

- 7.1 Under section 193 of the Housing and Regeneration Act 2008, we can set consumer standards for registered providers. These are about the nature, extent and quality of accommodation, facilities or services provided by registered providers connected with social housing, as further detailed in section 193 of the Act.
- 7.2 We may act if these standards are breached.¹⁸ This is subject to our statutory duties, such as our duty to exercise our functions in a way that minimises interference, and (so far as is possible) is proportionate, consistent, transparent and accountable.
- 7.3 To incorporate TSMs into our regulatory framework, and to set clear expectations of registered providers, we propose to introduce a new consumer standard which would require registered providers to, among other things, collect, publish and submit information about their performance against published TSMs in accordance with requirements set out by the regulator. This is the proposed TSM Standard.
- 7.4 The proposed TSM Standard would apply to all registered providers. This would include both local authority registered providers and private registered providers of all sizes. This also means that it would apply equally to both non-profit and profit-making private registered providers.
- 7.5 In considering the draft TSM Standard, it is important to bear in mind that we are proposing to implement this new standard in advance of the wider regulatory regime changes to bring about our enhanced consumer regulation role.

¹⁸ At present the Housing and Regeneration Act 2008 limits the regulator's powers in relation to the consumer standards, except where we think that a registered provider has failed to meet a consumer standard and there are reasonable grounds to suspect that the failure has resulted in a serious detriment to tenants (or potential tenants), or there is a significant risk that, if no action is taken by the regulator, the failure will result in a serious detriment to the provider's tenants (or potential tenants). This is referred to as the 'serious detriment test' which the White Paper states that the Government will legislate to remove.

- 7.6 Following legislative change, we intend to review all our consumer standards, which would include the TSM Standard introduced following this consultation.
- 7.7 All our existing consumer standards will continue to apply until we amend them or replace them with any new standards. As also explained in paragraph 6.10, the TSM Standard would apply in addition to the regulator's other standards and would not in any way amend or replace them. This means that registered providers would need to ensure that they meet the TSM Standard, while also ensuring that they meet all other standards.

Proposed content of the TSM Standard

- 7.8 The proposed TSM Standard is at Annex 1. We think that this standard sets clear expectations which would support the regulator in helping to ensure that the TSMs meet their aims as set out in the White Paper. We have set out below the required outcome and specific expectations in the draft TSM Standard, and we have summarised our rationale.

1. Required outcome

1.1 Registered providers must collect and provide information to support effective scrutiny by tenants of their landlord's performance in managing their homes and neighbourhoods.

- 7.9 We think that this required outcome reflects an underlying principle in the White Paper that providers should help tenants to understand how their landlord is performing so that they are able to hold them to account.

2. Specific expectations

2.1 Registered providers must meet the regulator's requirements in relation to the TSMs set by the regulator as set out in Tenant Satisfaction Measures: Technical Requirements and Tenant Satisfaction Measures: Tenant Survey Requirements.

- 7.10 We consider that our proposed detailed requirements in relation to TSMs, which all registered providers would have to meet, would be critical to help ensure the collection, publication and reporting of good quality data, which is as comparable, accessible and reliable as is reasonably possible.

- 7.11 In view of this, we think it is important to make clear that in order to comply with the TSM Standard, registered providers would need to meet the more detailed requirements set out in *Tenant Satisfaction Measures: Technical Requirements* and *Tenant Satisfaction Measures: Tenant Survey Requirements*. We are also consulting on drafts of these documents, which are discussed further in Chapters 9 and 10.

2.2 Registered providers must:

- a. collect information specified by the regulator relating to their performance against the TSMs. The information must be collected within a timeframe set by the regulator and must meet the regulator's requirements in Tenant Satisfaction Measures: Technical Requirements and Tenant Satisfaction Measures: Tenant Survey Requirements.*
- b. annually publish their performance against the TSMs. This should include information about how they have met the regulator's requirements set out in Tenant Satisfaction Measures: Technical Requirements and Tenant Satisfaction Measures: Tenant Survey Requirements. This information must be published in a manner that is timely, clear and easily accessed by tenants.*
- c. annually submit to the regulator information specified by the regulator relating to their performance against those measures. The information must be submitted within a timeframe and in a form determined by the regulator.*

- 7.12 To deliver the aims of TSMs we think it is essential that all registered providers be required to meet the requirements of the regulator as to what information to collect in relation to their performance against TSMs, and when to collect it. Paragraph 2.2.a would make this a clear expectation of the TSM Standard and would emphasise that the information collected would need to meet our requirements as set out in *Tenant Satisfaction Measures: Technical Requirements* and in *Tenant Satisfaction Measures: Tenant Survey Requirements*.
- 7.13 In relation to 2.2.b we consider that expecting all registered providers to publish their performance against TSMs annually would be an important aspect of achieving the expectations of the White Paper, in order that registered providers are transparent to tenants about their performance. Registered providers would be able to publish their TSM performance more frequently if they wish to do so, or if they agree more frequent publication with their tenants.

- 7.14 We consider the expectation in 2.2.b for registered providers to publish information about how they have met the regulator's requirements would be important to provide tenants with confidence that their landlord is meeting these requirements, and also transparency in relation to how they are doing so.
- 7.15 To help ensure that TSMs would also serve as a regulatory tool, we think it is important that registered providers be expected to meet requirements we specify in relation to what information they submit to us about their performance against TSMs, including when to submit the information, and in what form to report it. Paragraph 2.2.c sets out this expectation and that the submissions would need to be made annually. This is also important because it would enable the regulator to publish consolidated TSM performance information and would therefore support tenants in comparing TSM performance.
- 7.16 We propose that our requirements regarding the annual submission of TSM information to the regulator for the purposes of paragraph 2.2.c would be specified through the issuing of a data submission form which registered providers would be required to complete and submit to us. We intend to develop a submission form following the conclusion of this consultation, and in good time before providers would be required to submit their data to us for the first year.

<p>2.3 <i>In meeting paras 2.1 and 2.2 above, registered providers must ensure that the information is an accurate, reliable, valid, and transparent reflection of their performance against the TSMs.</i></p>
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- 7.17 To deliver the aims of TSMs, it is important that TSM information collected, published and submitted by registered providers is robust. Through the work we carried out with stakeholders to help inform our proposals, we heard concerns about the risk of gaming associated with performance measures, which could make TSM data unreliable and difficult to compare, whether between different registered providers or for the same registered provider year on year. Paragraph 2.3 of the draft TSM Standard would place explicit expectations on all registered providers with respect to the accuracy, reliability and validity of their data to help mitigate this risk. We acknowledge that this risk cannot be entirely removed from any performance management regime, however, we think the expectations in paragraph 2.3, together with the requirements in *Tenant Satisfaction Measures: Technical Requirements* and in *Tenant Satisfaction Measures: Tenant Survey Requirements* would be important for mitigating this risk so far as is reasonably possible.

Consultation question 1 – the Draft TSM Standard

Do you agree that the proposed TSM Standard

- a) sets clear expectations for registered providers?
- Agree.
 - Disagree – please explain and provide any alternative suggestions where relevant.
- b) supports the regulator in ensuring that the TSMs provide tenants with greater transparency about their landlord's performance (one of the aims of the TSMs in the White Paper)?
- Agree.
 - Disagree – please explain and provide any alternative suggestions where relevant.

8. The TSMs proposed by the regulator

Overview

- 8.1 The White Paper sets out themes around which TSMs should be developed. These themes are Keeping properties in good repair, Maintaining building safety, Effective handling of complaints, Respectful and helpful engagement, and Responsible neighbourhood management, including anti-social behaviour.
- 8.2 The White Paper also states that TSMs should include both objective quantitative measures and tenant perception measures, and sets out a draft set of 23 TSMs, which follow the themes referred to above. For reference, the White Paper's draft TSMs are set out in Annex 5 of this document.
- 8.3 The White Paper is clear that the Government expects social housing landlords to give their tenants access to a set of clear and comparable measures to enable them to understand their landlord's performance and has tasked the regulator with undertaking further work to deliver this.
- 8.4 We have taken the themes and issues in the White Paper as our starting point for developing a set of TSMs we, as the regulator, are proposing to set, which aim to reflect the principles set out in Chapter 6 of this document.
- 8.5 We are proposing to introduce 22 TSMs. These reflect the themes and issues set out in the White Paper. There are 12 tenant perception measures which are to be collected through tenant perception surveys. A perception survey aims to periodically capture tenants' general views of landlord performance and is not triggered by a recent interaction with the landlord. Providers would be required not to use data from transactional surveys to calculate these TSMs.¹⁹ There are also 10 TSMs which are to be collected from providers' management information. The 22 TSMs that we are proposing to introduce are outlined in this chapter and the full definitions are set out in *Tenant Satisfaction Measures: Technical Requirements* and in *Tenant Satisfaction Measures: Tenant Survey Requirements*. The TSM areas are also summarised in Table 2 below.

¹⁹ Transactional surveys are triggered by a recent interaction with the landlord (e.g. completion of a repair, or response to a complaint).

8.6 In order to distinguish the different types of draft TSMs, we have categorised them as follows:

- Tenant perception measures, which have the prefix TP (TP01-TP12)

- Measures based on registered providers' management information, which we have given the following prefixes to:
 - RP for the repairs and stock quality TSMs (RP01-RP02)
 - BS for the maintaining building safety TSMs (BS01-BS05)
 - CH for the effective handling of complaints TSMs (CH01-CH02)
 - NM for the responsible neighbourhood management TSM (NM01).

Table 2: Summary of proposed TSMs

Theme	Code	Issue
Overall satisfaction	TP01	Overall satisfaction
Keeping properties in good repair	RP01	Homes that do not meet the Decent Homes Standard
	RP02	Repairs completed within target timescale
	TP02	Satisfaction with repairs
	TP03	Satisfaction with time taken to complete most recent repair
Maintaining building safety	BS01	Gas safety checks
	BS02	Fire safety checks
	BS03	Asbestos safety checks
	BS04	Water safety checks
	BS05	Lift safety checks
	TP04	Satisfaction that the home is well maintained and safe to live in
Effective handling of complaints	CH01	Complaints relative to the size of the landlord
	CH02	Complaints responded to within Complaint Handling Code timescales
	TP11	Satisfaction with the landlord's approach to handling of complaints
	TP12	Tenant knowledge of how to make a complaint
Respectful and helpful engagement	TP05	Satisfaction that the landlord listens to tenant views and acts upon them
	TP06	Satisfaction that the landlord keeps tenants informed about things that matter to them
	TP07	Agreement that the landlord treats tenants fairly and with respect
Responsible neighbourhood management	NM01	Anti-social behaviour cases relative to the size of the landlord
	TP08	Satisfaction that the landlord keeps communal areas clean, safe and well maintained
	TP09	Satisfaction that the landlord makes a positive contribution to neighbourhoods
	TP10	Satisfaction with the landlord's approach to handling of anti-social behaviour

- 8.7 We are mindful that for two of the TSMs in the White Paper, Government policy is currently under review and may be subject to change.
- i. The Department for Levelling Up, Housing and Communities (DLUHC) plans to consult on electrical safety in the social rented sector and has set up a Working Group to help inform that consultation. This work is underway but has not yet concluded. We will therefore decide on the most appropriate action to take in relation to introducing a TSM on electrical safety once this work is concluded.
 - ii. The Government is also leading a review of the Decent Homes Standard to consider if it should be updated, including consideration of what the Standard might say about communal areas and green spaces. We consider that the introduction of a TSM on communal areas meeting a required standard would be more practicable once the detail about any revised standard has been developed as part of the Government's review. We will therefore decide on the most appropriate action to take in relation to introducing a TSM on communal areas meeting a required standard once this review is concluded.
- 8.8 Any proposals to introduce TSMs in these two areas would be subject to a future consultation.

Rationale for the proposed TSMs

- 8.9 In Chapter 6 of this document, we have summarised key principles that we have carefully considered in designing our proposed TSMs. This chapter presents in further detail our rationale for the proposed TSMs under each theme, and some of the key factors that we have considered in developing these propositions. Given the number of proposed TSMs, we have not presented a detailed rationale, or asked a specific question, for every individual TSM proposed in this consultation document. We have focussed on those TSMs that we believe present the most complex issues, where we are proposing a lead option and a specific alternative, or where the proposed TSM is materially different from the corresponding draft TSM proposed in the White Paper (Annex 5).

- 8.10 While the rationale in this chapter focuses on specific TSMs, we also wish to hear views on our proposals in the round. Therefore, in addition to questions on specific TSMs, we are seeking general views on the TSMs proposed for each theme, and on the overall scope of the proposed TSM suite (question 12). We would be grateful for views on both whether the proposed TSMs in the round meet the aims for TSMs set out in the White Paper, in a proportionate way, and on the definitions of individual TSMs and requirements for how they should be calculated.
- 8.11 The full definitions of TSMs and proposed detailed requirements for how they would need to be collected and calculated are set out in Tenant Satisfaction Measures: Technical Requirements (Annex 2) and in Tenant Satisfaction Measures: Tenant Survey Requirements (Annex 3).

Overall satisfaction

Outline of proposed TSM		
TP01	Overall Satisfaction	<p>Proportion of respondents who report that they are very satisfied or fairly satisfied with the overall service from their landlord.</p> <p>The question used to generate this TSM would need to be asked as a perception survey using the following wording: <i>‘Taking everything into account, how satisfied or dissatisfied are you with the service provided by your landlord?’</i></p>

Keeping properties in good repair

Outline of proposed TSMs		
RP01	Homes that do not meet the Decent Homes Standard	Proportion of homes that do not meet the Decent Homes Standard.
RP02	Repairs completed within target timescale	<p>Proportion of (non-emergency) responsive repairs completed within the provider's target timescale during the reporting year.</p> <p>For context, providers must also report their target timescales for completing (non-emergency) responsive repairs used to generate this TSM.</p>
TP02	Satisfaction with repairs	<p>Proportion of respondents who have received a repair in the last 12 months who report that they are very satisfied or fairly satisfied with the repairs service.</p> <p>The question used to generate this TSM would need to be asked as a perception survey using the following wording:</p> <p>First question</p> <p><i>'Has your landlord carried out a repair to your home in the last 12 months?' Yes/No.</i></p> <p><i>If yes, Second question</i></p> <p><i>'How satisfied or dissatisfied are you with the repairs service you have received to your home from your landlord over the last 12 months?'</i></p>
TP03	Satisfaction with time taken to complete most recent repair	<p>Proportion of respondents who have received a repair in the last 12 months who report that they are very satisfied or fairly satisfied with the time taken to complete their most recent repair.</p> <p>The question used to generate this TSM would need to be asked as a perception survey using the following wording:</p> <p>First question</p> <p><i>'Has your landlord carried out a repair to your home in the last 12 months?' Yes/No.</i></p> <p><i>If yes, Second question</i></p> <p><i>'How satisfied or dissatisfied are you with the time taken to complete your most recent repair after you reported it?'</i></p>

Commentary

RP02 – Repairs completed within target timescales

- 8.12 Repairs are central to the service that social housing landlords provide and a principal theme of the White Paper. Responsive repairs in particular are the main interaction between many tenants and their landlord. In order that TSMs capture sufficiently rounded information on repairs, we think it is important that they reflect both management information as well as tenant perceptions for this key service area.
- 8.13 On balance, we consider (non-emergency) responsive repairs completed within the provider's target timescales to be the most appropriate management information measure that meets the aims of the White Paper. Timeliness of repairs is a key issue that matters to tenants, and for both the regulator and tenants it is important to understand where performance falls short of providers' own standards. This is a principle reflected across the TSMs.
- 8.14 We have carefully considered a range of alternative management information measures, including responsive repairs completed 'right first time', repairs appointments kept, or average days' completion time. In discussions to date, stakeholders have flagged the challenges in consistently defining and measuring 'right first time' across providers. Compared to these alternatives, we judge that the proposal represents a transparent, robust, and comparable measure that meets the aims of the White Paper.
- 8.15 As part of the proposed TSM, each provider would be required to publish their target timescales for completing non-emergency responsive repairs. For some providers this may include more than one target timescale, for example for urgent and other non-emergency repairs.²⁰ While many providers already record repairs performance against target timescales, we recognise that providers currently take a range of approaches to reporting repairs performance and a minority may not have established target timescales. In these cases, we do not think it is disproportionate to require a target to be

²⁰ While emergency repairs are of critical importance, we judge that it would offer limited value to seek to incorporate them into this TSM. Standard sector practice is to separate emergency repairs from non-emergency responsive repairs since they are typically subject to distinct target timelines and processes. Emergency repairs completion rates at a point in time are typically universally close to 100% (RSH CORS survey, 2020/21). Any material failure to promptly complete emergency repairs would represent significant risk of health and safety non-compliance, which providers would be required to report to the regulator in real time.

established for the purposes of transparently communicating repairs performance.

TP02 – Satisfaction with repairs

- 8.16 We propose that landlords must collect data on tenant satisfaction with their repairs service through a perception survey, rather than transactional surveys triggered following the completion of a repair, in order to generate data for this TSM. Evidence strongly suggests that the use of transactional rather than perception surveys has a significant impact on satisfaction scores and permitting a mix of approaches is likely to significantly limit comparability across providers²¹. The vast majority of tenant households are likely to have had at least one responsive repair in the last 12 months and hence would be in a position to respond to this perception survey question.²²
- 8.17 We recognise that basing satisfaction with repairs on a perception survey may represent a departure for some providers who currently use transactional surveys to generate this information. However, given that all providers are required to conduct a perception survey to generate other TSMs, we judge that incorporating repairs questions into this survey would not create significant additional burden. Further, the perception surveys would be subject to a single consistent set of requirements to ensure comparability of tenant perception measures across landlords.²³ Providers would not be prevented from using transactional surveys for repairs, for example as an operational or contract management tool.

TP03 – Satisfaction with time taken to complete last repair

- 8.18 Given that responsive repairs are the main interaction between many tenants and their landlord, we think there is merit in ensuring that tenant perception measures offer a sufficiently rounded view of performance in this service area. Timeliness of repairs is a key issue that matters to tenants, and this measure will enable management information on the timeliness of responsive repairs (RP02) to be cross-referenced against tenant perceptions on the same issue.

²¹ For example, Housemark's survey of tenants and residents in the social housing sector (STAR) (2020) suggests systematic divergence between average scores from each survey method.

²² Benchmarking from providers consistently shows there are on average more than three repairs per home a year.

²³ This includes for example requirements on statistical accuracy, representativeness and transparency over survey collection methods.

- 8.19 We have carefully considered a range of alternative question wording (e.g., satisfaction with the repair being completed ‘right first time’, quality of the repair or the ease of arranging the repair). Compared to these alternatives, we think that the proposed measure is clear, well-understood, and reflects a broad but distinct set of issues on responsive repairs that matter to tenants. Overall, this TSM would offer a more rounded view of repairs than overall satisfaction with a repairs service alone (TP02).

Consultation question 2 – TSMs about timeliness of repairs (RP02 Repairs completed within target timescale and TP03 Satisfaction with time taken to complete most recent repair)

We are proposing to introduce two TSMs about timeliness of repairs (RP02 (Repairs completed within target timescale and TP03 Satisfaction with time taken to complete most recent repair).

Do you agree that both RP02 and TP03 should be used to measure timeliness of repairs?

- Agree – please explain.
- Disagree – please explain and provide any alternative suggestions where relevant

Consultation question 3 – TSMs about Keeping properties in good repair

There are four proposed TSMs under the theme of Keeping properties in good repair (RP01 Homes that do not meet the Decent Homes Standard, RP02 Repairs completed within target timescale, TP02 Satisfaction with repairs and TP03 Satisfaction with time taken to complete most recent repair).

Overall, do you think they give a well-rounded view of performance under this theme?

- Yes.
- No – please explain and provide any alternative suggestions where relevant.

Please tell us if you have any comments on any of the individual TSMs under the theme of Keeping properties in good repair.

Maintaining building safety

Outline of proposed TSMs		
BS01	Gas safety checks	Proportion of homes for which all required gas safety checks have been carried out.
BS02	Fire safety checks	Proportion of homes for which all required fire risk assessments have been carried out.
BS03	Asbestos safety checks	Proportion of homes for which all required asbestos management surveys or re-inspections have been carried out.
BS04	Water safety checks	Proportion of homes for which all required legionella risk assessments have been carried out.
BS05	Lift safety checks	Proportion of homes for which all required communal passenger lift safety checks have been carried out.
TP04	Satisfaction that the home is well maintained and safe to live in	<p>Proportion of respondents who report that they are very satisfied or fairly satisfied that their home is well maintained and safe to live in.</p> <p>The question used to generate this TSM would need to be asked as a perception survey using the following wording: <i>‘Thinking specifically about the building you live in ... How satisfied or dissatisfied are you that your landlord provides a home that is well maintained and safe for you to live in?’</i></p>

Commentary

TSMs BS01- BS05

- 8.20 The White Paper underlines building safety as a paramount concern for residents and sets the ambitions of both raising safety standards and supporting residents to feel safe in their homes. It outlines a set of draft TSMs relating to compliance with gas, fire, electrical, asbestos, water and lift safety obligations which are intended to support these ambitions.
- 8.21 Working with stakeholders, we have carefully considered how the building safety TSMs (BS01-BS05) should be defined to meet the aims of the White Paper. We propose that these TSMs will measure the number of individual homes for which all relevant safety checks have been completed, as a proportion of all homes which required the specified safety checks (in each case in relation to the home itself and/or in relation to any communal or other relevant parts which required the specified safety check). For example, if a required fire risk assessment (FRA) on a block of 100 flats is outstanding, then the TSM would reflect that these 100 homes did not have all required FRAs in place.
- 8.22 This approach means that each building safety TSM would be measured by reference to number of homes, but would also capture (in a single measure) specified safety checks that relate to communal or other relevant parts of buildings that the registered provider's homes are in. Under our proposal this would include where the statutory obligation for carrying out such checks lies with a third party. An example of this might be where the registered provider's homes are within a building owned by a third-party landlord. We recognise that, in these circumstances registered providers can experience difficulties in obtaining evidence from the third party or otherwise to demonstrate that the specified checks have been carried out. However, the importance of registered providers ensuring that these checks have been carried out is clear, and we consider that our proposed approach is consistent with the aims of the White Paper, which emphasises the role of registered providers in supporting their tenants to feel safe.

- 8.23 We have carefully considered alternative measurement approaches for these TSMs. We are aware that legal obligations for completing health and safety checks can be complex and that providers currently take a range of approaches to reporting information on compliance. For example, we recognise that checks such as FRAs apply to communal or other relevant parts of blocks rather than individual homes. However, we do not think that TSMs based on the number of checks, communal parts, or communal blocks for example would offer transparency, consistency or the most meaningful sense of scale for both tenants and the regulator. A single safety check could affect a single home, or a large number of homes. We recognise that there could be an extra cost for some providers to report on the required basis, but overall, we judge this would be proportionate to delivering the aims of the White Paper.
- 8.24 We believe that we have defined the building safety TSMs to align with legal requirements and sector practice as far as is reasonably possible, while meeting the aims of the White Paper. For example, the proposed requirements clarify how relevant checks required on communal blocks should be reflected in the relevant TSMs.
- 8.25 Broadly speaking, the proposed building safety TSMs require providers to report on whether statutory safety checks have been completed in each area. We recognise that statutory health and safety obligations obviously extend beyond safety checks and include, for example, addressing remedial actions needed to maintain homes at required standards. We have carefully considered this issue and on balance we think seeking to incorporate remedial actions into TSMs BS01 – BS05 would be likely to increase complexity and reduce transparency. In particular, obligations relating to remedial actions can be complex and the reporting approach – for example on prioritisation of actions – varies widely across providers.
- 8.26 The proposed TSMs BS01 – BS05 aim to provide a baseline level of assurance that required safety checks have been completed. This is a necessary foundation for a robust approach to building safety compliance. These TSMs would not change the requirement for registered providers to comply with all health and safety obligations and to inform the regulator of any significant health and safety compliance issues (including any relating to outstanding remedial actions) in real time.
- 8.27 For the reason given in paragraph 8.7 we are not proposing to introduce a TSM relating to electrical safety as part of this consultation.

Consultation question 4 – Maintaining building safety TSMs BS01-BS05

Do you agree with the proposal to use the individual homes for which the relevant safety checks have been carried out as the basis for the following Maintaining building safety TSMs: BS01 Gas safety checks, BS02 Fire safety checks, BS03 Asbestos safety checks, BS04 Water safety checks and BS05 Lift safety checks?

- Agree – please explain.
- Disagree – please explain and provide any alternative suggestions where relevant.

TP04 – Satisfaction that the home is well maintained and safe to live in

8.28 The White Paper sets out the expectation that tenants should feel safe in their home and sets out a draft TSM measuring tenant satisfaction of this issue. We have carefully considered the precise wording of this proposed measure. The intention of this TSM is to understand tenants' perceptions of the landlord's maintenance and physical safety of the building they live in. In the proposed survey question for this TSM, we have included the framing statement 'thinking specifically about the building you live in' to help focus attention on the physical safety of the building itself rather than wider issues of neighbourhood safety. We have drafted the question so it does not use terms such as 'health and safety' which may not be clearly or consistently understood.

Consultation question 5 – TSMs about Maintaining building safety

There are six proposed TSMs under the theme of Maintaining building safety (BS01 Gas safety checks, BS02 Fire safety checks, BS03 Asbestos safety checks, BS04 Water safety checks, BS05 Lift safety checks and TP04 Satisfaction that the home is well maintained and safe to live in).

Overall, do you think they give a well-rounded picture of performance under this theme?

- Yes.
- No – please explain and provide any alternative suggestions where relevant.

Please tell us if you have any comments on any of the individual TSMs under the theme of Maintaining Building Safety.

Effective handling of complaints

Outline of proposed TSMs		
CH01	Complaints relative to the size of the landlord	<p>Number of:</p> <ol style="list-style-type: none"> 1. Stage one complaints received per 1,000 homes during the reporting year <p>and</p> <ol style="list-style-type: none"> 2. Stage two complaints received per 1,000 homes during the reporting year. <p>Providers must adhere to the definitions of ‘complaint’, ‘stage one’ and ‘stage two’ as set out in the Housing Ombudsman’s Complaint Handling Code.²⁴</p>
CH02	Complaints responded to within Complaints Handling Code timescales	<p>Proportion of:</p> <ol style="list-style-type: none"> 1. Stage one complaints responded to within the Housing Ombudsman’s Complaint Handling Code timescales <p>and</p> <ol style="list-style-type: none"> 2. Stage two complaints responded to within the Housing Ombudsman’s Complaint Handling Code timescales.
TP11	Satisfaction with the landlord’s approach to handling of complaints	<p>Proportion of respondents who report that they are very satisfied or fairly satisfied with their landlord’s handling of complaints.</p> <p>The question used to generate this TSM would need to be asked as a perception survey using the following wording: <i>‘How satisfied or dissatisfied are you with your landlord’s approach to complaints handling?’</i></p>
TP12	Tenant knowledge of how to make a complaint	<p>Proportion of respondents who report that they strongly agree or agree with the statement “I know how to make a complaint to my landlord if I am not happy with the service I receive”.</p> <p>The question used to generate this TSM would need to be asked as a perception survey using the following wording: <i>‘To what extent do you agree or disagree with the following’: “I know how to make a complaint to my landlord if I am not happy with the service I receive?”</i></p>

²⁴ The Housing Ombudsman's Complaint Handling Code (housing-ombudsman.org.uk)

- 8.29 The White Paper highlights prompt and effective complaints handling as a key issue that matters to tenants and the role of the Complaint Handling Code in promoting consistency across landlords' complaints procedures.
- 8.30 Reflecting the draft TSMs in the White Paper, the proposed TSMs include headline data on the numbers of complaints and the proportion of complaints responded to within target timelines. The definitions of these TSMs – including the definition of complaint, the two complaint stages, and target timescales for each stage – are aligned with those in the Complaint Handling Code published by the Housing Ombudsman Service (HOS). This is intended to minimise the burden on landlords and provide greater clarity and consistency. Headline complaints data would be reported separately for stage one and stage two complaint. This would help to provide a rounded picture of complaints performance including the extent to which stage one complaints are resolved without being escalated to stage two by the tenant.
- 8.31 We recognise that the total number of complaints in isolation is not necessarily always an indicator of poor landlord performance, especially if higher complaints are the result of a more accessible and transparent complaints process. Providers would also need to ensure that they meet all of the regulator's expectations on complaints handling, as set out in the Tenant Involvement and Empowerment Standard. However, understanding the number of complaints is fundamental to getting a rounded picture of a landlord's complaints procedures and performance.
- 8.32 Given the importance of effective complaints handling to tenants, and following the draft TSMs in the White Paper, the proposed TSMs include tenant satisfaction with landlord complaints handling.
- 8.33 The regulator has carefully considered exactly how this TSM should be calculated to best meet the aims of the White Paper. We propose that this TSM must be generated from tenant perception survey responses. This means that all tenants included in the tenant perception survey would be asked how satisfied they are with their landlord's handling of complaints. The main potential drawback of this approach is that relatively few potential respondents will have recent experience of being through their landlords' formal complaints process.²⁵ However, many tenants will have a valid view on

²⁵ Housemark data (2016) suggests the rate of new complaints registered by landlords at c. 3% of households, with an upper quartile of 5%.

this question²⁶ – for example, many tenants may have expressed some level of dissatisfaction to their landlord, but for a number of reasons, this may not have been registered as a formal complaint by their landlord.²⁷

- 8.34 Fundamentally, an approach that gives these tenants an opportunity to voice their perspectives would, in the regulator’s view, align with the broad aims set out in the White Paper. On an important technical point, a TSM based on a tenant perception survey is more likely to meet minimum levels of statistical accuracy – and other methodological requirements – necessary for valid comparison across landlords.
- 8.35 We have carefully considered the alternative option of basing this measure on transaction survey responses. This would mean providers survey tenants who have recently been through a formal complaints process. This is common practice in the sector, and has the advantage that respondents have direct recent experience to draw on in answering the question. While this may be a valid approach to managing performance, it has some significant weaknesses in terms of providing the basis for a comparable measure across providers. Given only a small minority of tenants make a formal complaint each year, and only a proportion of those complainants reply to a transactional survey, for most providers, such a measure would not meet minimum standards of statistical accuracy to enable comparability.²⁸

²⁶ For the avoidance of doubt, tenants who do not know or have no opinion will have the option of a “don’t know/ not applicable” response which will not affect the calculated satisfaction score.

²⁷ The definition of a complaint in the Complaint Handling Code is ‘an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff or those acting on its behalf, affecting an individual resident or group of residents’. The White Paper highlights that many tenants experience barriers to raising a formal complaint with their landlord.

²⁸ For example, a provider with 10,000 units which registers 30 complaints/1,000 households per annum, and surveys all these complainants on closure, would typically generate a satisfaction score with a margin of error of +/- 9% (regulator’s estimates, assuming a 30% response rate). For smaller providers, margins would be considerably wider. Beyond this fundamental issue of statistical accuracy, there are likely to be a range of methodological issues that critically impact on the comparability of scores from transaction surveys (e.g. survey timing, collection method, potential exclusions of some complainants).

Consultation question 6 – TP11 Satisfaction with the landlord’s approach to handling of complaints

Do you agree with the proposal that TP11 Satisfaction with the landlord’s approach to handling of complaints is measured by a perception survey?

- Agree – please explain
- Disagree – please explain and provide any alternative suggestions where relevant.

TP12 – Tenant knowledge of how to make a complaint

- 8.36 We propose to introduce an additional tenant perception measure which asks about a tenant’s knowledge of how to make a complaint to their landlord if they are not happy with the service they receive. Ensuring landlords clearly and effectively communicate how to complain is an explicit expectation set out in the White Paper.
- 8.37 The Tenant Involvement and Empowerment Standard sets out our expectations of registered providers in relation to complaints and the Housing Ombudsman sets out its requirements of member landlords in relation to complaints in their Complaint Handling Code. Stakeholders have highlighted that the total number of complaints recorded can be influenced by the accessibility and transparency of a landlord’s complaints process. As well as directly reflecting landlords’ communication about how to complain, this measure would provide important context to understand wider complaints TSMs.
- 8.38 We have carefully considered alternative question wording (e.g., seeking tenant views on the landlords’ communication of complaints, or on the perceived ease of making complaints). We consider the proposed wording the most appropriate ‘plain English’ option that reflects the aims of the White Paper and the Complaint Handling Code.

Consultation question 7 – TSMs about Effective handling of complaints (CH01-CH02 and TP11 – TP12)

There are four proposed TSMs under the theme of Effective handling of complaints (CH01 Complaints relative to the size of the landlord, CH02 Complaints responded to within Complaint Handling Code timescales, TP11 Satisfaction with the landlord’s approach to handling of complaints and TP12 Tenant knowledge of how to make a complaint).

Overall, do you think they give a well-rounded picture of performance under this theme?

- Yes
- No – please explain and provide any alternative suggestions where relevant.

Please tell us if you have any comments on any of the individual TSMs under the theme of Effective Handling of Complaints.

Respectful and helpful engagement

Outline of proposed TSMs

TP05	Satisfaction that the landlord listens to tenant views and acts upon them	Proportion of respondents who report that they are very satisfied or fairly satisfied that their landlord listens to tenant views and acts upon them. The question used to generate this TSM would need to be asked as a perception survey using the following wording: <i>‘How satisfied or dissatisfied are you with the extent to which your landlord listens to your views and acts upon them?’</i>
TP06	Satisfaction that the landlord keeps tenants informed about things that matter to them	Proportion of respondents who report that they are very satisfied or fairly satisfied that their landlord keeps tenants informed about things that matter to them as a tenant. The question used to generate this TSM would need to be asked as a perception survey using the following wording: <i>‘How satisfied or dissatisfied are you with the way your landlord keeps you informed about things that matter to you as a tenant?’</i>
TP07	Agreement that the landlord treats tenants fairly and with respect	Proportion of respondents who report that they strongly agree or agree that their landlord treats them fairly and with respect. The question used to generate this TSM would need to be asked as a perception survey using the following wording: <i>‘To what extent do you agree or disagree with the following “my landlord treats me fairly and with respect”?’</i>

Commentary

TP05 – Satisfaction that the landlord listens to tenant views and acts upon them

8.39 Ensuring that tenant views are listened to by landlords is a key aim of the White Paper, and this proposed perception question takes the draft TSM in the White Paper as a starting point. We propose to use the wording acted upon' rather than 'takes notice' in this question. Both tenants and landlords we have engaged with said they felt that it is important to capture a sense of whether the landlord actively acts on feedback, as opposed to the more passive 'takes notice of', which implies that a landlord may not necessarily do anything in response.

TP06 – Satisfaction that the landlord keeps tenants informed about things that matter to them

8.40 The White Paper underlines the importance of effective landlord engagement with tenants. It also recognises that this engagement can take many forms. This proposed question aims to reflect the aims of the White Paper, be appropriate for a tenant perception survey, and sit logically with the other proposed perception questions. Our proposed question wording seeks to ensure a clear distinction between measures by having one question about how the landlord listens to and acts on feedback from tenants (TP05) and this TSM which is about the quality of communication from the landlord to its tenants. Overall, we think that this TSM should work well in combination with TP05 to give a rounded view of overall satisfaction with the landlord's general communication and engagement with tenants.

8.41 We have carefully considered alternative question wording. Feedback from stakeholders to date is that the term 'engagement' is not clear and can mean different things to different people. We recognise that the proposed TSM does not reflect more intensive forms of engagement, for example the involvement of tenant oversight of their landlord's policies or decision making. However, because typically only a small minority of tenants choose to work with their landlord in this way, we judge that a tenant perception survey is not the most appropriate tool to understand this type of tenant engagement.

TP07 – Agreement that the landlord treats tenants fairly and with respect

8.42 The White Paper underlines the expectations that landlords treat tenants fairly and with respect. The proposed perception question would allow all surveyed tenants to give their view on whether they are treated with fairness and respect by their landlord.

- 8.43 We have carefully considered alternative approaches to capturing tenant perspectives on fairness and respect. Stakeholders have flagged problems of seeking to record the number of complaints relating to fairness and respect. Given these are highly subjective concepts, it is likely to be challenging to ensure such complaints are sufficiently well defined and recorded consistently by providers. Fundamentally, we think that it is more consistent with the aims of the White Paper that tenants are given the opportunity to give their own perspectives on these issues.
- 8.44 We recognise that the proposed wording combines the slightly different concepts of fairness and respect in the same question. However, the question is seeking to capture tenant views about the way they are treated by their landlord and – given that there is likely to be a high degree of correlation between views on ‘fairness’ and ‘respect’ – we do not consider that it would be proportionate to create two TSMs to measure these concepts separately.

Consultation question 8 – TSMs about Respectful and helpful engagement

There are three proposed TSMs under the theme of Respectful and helpful engagement (TP05 Satisfaction that the landlord listens to tenant views and acts upon them, TP06 Satisfaction that the landlord keeps tenants informed about things that matter to them and TP07 Agreement that the landlord treats tenants fairly and with respect).

Overall, do you think they give a well-rounded picture of performance under this theme?

- Yes.
- No – please explain and provide any alternative suggestions where relevant.

Please tell us if you have any comments on any of the individual TSMs under the theme of Respectful and helpful engagement.

Responsible neighbourhood management

Outline of proposed TSMs

NM01	Anti-social behaviour (ASB) cases relative to the size of the landlord	Number of ASB cases opened per 1,000 homes by or on behalf of the registered provider during the reporting year.
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Outline of proposed TSMs		
<p>TP08</p>	<p>Satisfaction that the landlord keeps communal areas clean, safe and well maintained</p>	<p>Proportion of respondents who report that they are very satisfied or fairly satisfied that their landlord keeps communal areas clean, safe and well maintained.</p> <p>The question used to generate this TSM would need to be asked as a perception survey using the following wording:</p> <p>First question:</p> <p><i>‘Do you live in a building with communal areas, either inside or outside, that you share with other people who live in the building?’ Yes/No.</i></p> <p>If yes, Second question</p> <p><i>‘How satisfied or dissatisfied are you that your landlord keeps these communal areas clean, safe and well maintained?’</i></p>
<p>TP09</p>	<p>Satisfaction that the landlord makes a positive contribution to neighbourhoods</p>	<p>Proportion of respondents who report that they are very satisfied or fairly satisfied with the extent to which their landlord makes a positive contribution to the neighbourhood.</p> <p>The question used to generate this TSM would need to be asked as a perception survey and our lead option for the wording is:</p> <p><i>‘Thinking about what your landlord does to improve your neighbourhood as a place to live... How satisfied or dissatisfied are you with the extent to which your landlord makes a positive contribution to your neighbourhood?’</i></p> <p>We are also seeking views on the following alternative perception survey wording on responsible neighbourhood management:</p> <p><i>‘How satisfied or dissatisfied are you with your neighbourhood as a place to live?’</i></p>
<p>TP10</p>	<p>Satisfaction with the landlord’s approach to handling of anti-social behaviour</p>	<p>Proportion of respondents who report that they are very satisfied or fairly satisfied with their landlord’s handling of anti-social behaviour.</p> <p>The question used to generate this TSM must be asked as a perception survey using the following wording:</p> <p><i>‘How satisfied or dissatisfied are you with your landlord’s approach to handling anti-social behaviour?’</i></p>

Commentary

NM01 Anti-social behaviour cases relative to the size of the landlord

- 8.45 The White Paper highlights ASB as a key issue affecting tenants and sets the specific aim that the TSMs will improve transparency on how landlords are performing in this area.
- 8.46 After careful consideration, we propose that the TSMs would include the numbers of new ASB cases registered by landlords (i.e., ASB cases opened by or on behalf of the provider during the reporting year). On balance we consider that this is the most appropriate measure to increase transparency over landlords' performance alongside the tenant satisfaction with the landlord's handling of ASB (TP10).
- 8.47 We have carefully considered alternative definitions of this TSM. We have opted for a definition based on cases of ASB (including cases relating to domestic abuse and/or hate crime) rather than reports of ASB since this better reflects standard terminology in the sector and reduces the complexity from repeated reports of the same ASB incident. Stakeholders flagged that 'complaints about ASB' could suggest complaints about the provider's handling of ASB rather than incidences of ASB and may cause confusion with other complaints measures.
- 8.48 We recognise that the total number of ASB cases in isolation will not necessarily be a clear indicator of landlord performance. The White Paper recognises that there can be complexities over the roles of landlords and agencies involved in tackling ASB. Case numbers are likely to be driven by socio-economic factors, the accessibility of a landlord's ASB process, as well as how effective landlords and agencies are in addressing ASB over time. However, case numbers are a fundamental component of a rounded picture of landlords' performance in this area.
- 8.49 We are not proposing a measure on complaints relating to communal areas, as proposed in the White Paper. This is chiefly because the proposed TSM suite already contains a measure on satisfaction with communal areas (TP08), and we will decide on the most appropriate action to take in relation to introducing a management information measure on providers' compliance with the required standard on communal areas (following completion of the Decent Homes Standard review). Further, we think that this measure would only be meaningful when considered alongside the number of communal areas a registered provider owns, which is likely to vary materially from one organisation to another depending on the nature of their stock. We think

therefore that having a third measure on communal areas, based on a very small sample of tenants, is unlikely to add a material amount to our, or tenants', understanding of performance on this issue.

TP09 – Satisfaction that the landlord makes a positive contribution to neighbourhoods

- 8.50 The White Paper sets an expectation that all tenants should have good quality neighbourhoods and proposes a draft TSM on tenant satisfaction with landlord contribution to their neighbourhood.
- 8.51 Stakeholder discussions to date have highlighted challenges in determining the best approach to this measure. The role of landlords in managing neighbourhoods – whether this involves maintaining communal areas, working with agencies to address ASB, or other community initiatives – can be complex, and tenants may not always be clear about the responsibilities or contribution of their landlord. Moreover, the number and density of homes a landlord owns in an area can vary widely. Some landlords may own entire housing estates, including local amenities, and so are likely to be able to exercise a strong degree of influence in those areas either directly or through their partners. Other landlords may only own a handful of homes in an area and have a more limited role.
- 8.52 Notwithstanding the issues above, our lead proposal is to ask tenants how satisfied they are with their landlord's contribution to the neighbourhood. This has the advantage of focusing on the landlord's specific contribution to the neighbourhood, rather than that of other parties. However, reported TSM data would need to be interpreted with significant care given that satisfaction scores may be heavily influenced by the stock profile of different landlords.
- 8.53 An alternative option for this TSM would be to ask tenants how satisfied they are with the quality of their neighbourhood in general. This measure is likely to be more clearly and consistently understood by tenants and would directly gauge performance against the White Paper expectation that all tenants live in good quality neighbourhoods. This option has a disadvantage that it would not make a direct link to the actions of the landlord, and hence would not meet the principle we have borne in mind in designing TSMs that ideally the results should be attributable to the actions of the landlord.
- 8.54 The final alternative option considered is not to include any perception measure on neighbourhoods beyond those included elsewhere in the TSM

suite. For example, landlords' contribution to neighbourhood management is reflected in measures on communal areas (internal and external to buildings) and anti-social behaviour. Compared to the draft TSMs in the White Paper, however, this would narrow the scope of tenants to offer their perceptions on neighbourhood management.

Consultation question 9 – TP09 Satisfaction that the landlord makes a positive contribution to neighbourhoods

For the TSM relating to satisfaction with the neighbourhood, we have presented a lead proposal and an alternative option. Do you agree with the lead proposal that TP09 is Satisfaction that the landlord makes a positive contribution to neighbourhoods?

- Yes – I agree with the lead proposal for TP09 which is Satisfaction that the landlord makes a positive contribution to neighbourhoods.
- No – I prefer the alternative option for TP09 which is Satisfaction with your neighbourhood as a place to live – please explain.
- No – I don't agree with either option – please explain and tell us your suggestion for an alternative TSM.
- I don't think there should be a TSM about satisfaction with the neighbourhood in the suite of TSMs – please explain.

TP10 – Satisfaction with the landlord's approach to handling of anti-social behaviour

8.55 The White Paper highlights ASB as a key issue affecting tenants, and following the draft TSMs in the White Paper, the proposed TSMs includes a measure of tenant satisfaction with the landlord's handling of anti-social behaviour.

8.56 We propose that this measure is generated from a perception survey question. The key advantage of this approach is that it would ensure that the measure does not solely reflect the views of a small minority of tenants who have raised a formal ASB case with their landlord. This approach means that responses would be invited from all surveyed tenants, many of whom could be expected to have a view about their landlord's approach to ASB. Tenants who genuinely have no view would be able to answer 'don't know/ not applicable' to this question. Compared to alternatives, the proposed approach should be more likely to meet minimum standards of statistical accuracy necessary for comparability. However, the drawback is that many respondents may lack direct recent experience of their landlord's approach to handling ASB and responses may be coloured by more general perceptions on ASB.

8.57 We have carefully considered the alternative option of basing this measure on a transactional survey question. This would only capture the views of those tenants who have registered a formal ASB case with their landlord. This has the advantage that these tenants would have first-hand knowledge of their landlord's approach to ASB. However, for most providers small numbers of ASB cases each year mean that this measure would not meet minimum standards of statistical accuracy to enable reliable comparison across providers.²⁹ Stakeholders raised concerns about measures that depend on a 'gatekeeper' role for landlords. This option would exclude the views of a wider group of tenants who have not registered a formal ASB case but nevertheless may have legitimate views about their landlord's approach to ASB.

Consultation question 10 – TP10 Satisfaction with the landlord's approach to handling of anti-social behaviour

Do you agree with the proposal that TP10 about satisfaction with the landlord's approach to handling of anti-social behaviour is measured by a perception survey?

- Agree – please explain.
- Disagree – please explain and provide any alternative suggestions where relevant.

Consultation question 11 – TSMs about Responsible Neighbourhood Management

There are four proposed TSMs under the theme of Responsible Neighbourhood Management (NM01 Anti-social behaviour cases relative to the size of the landlord, TP08 Satisfaction that the landlord keeps communal areas clean, safe and well maintained, TP09 Satisfaction that the landlord makes a positive contribution to neighbourhoods and TP10 Satisfaction with the landlord's approach to handling of anti-social behaviour).

Overall, do you think they give a well-rounded picture of performance under this theme?

- Yes.
- No – please explain and provide any alternative suggestions where relevant.

Please tell us if you have any comments on any of the individual TSMs under the theme of Responsible Neighbourhood Management.

²⁹ Further, there are likely to be a range of methodological issues that impact on the comparability of scores from transaction surveys (e.g. timing, collection method, potential exclusions of some complainants).

Overall scope of the TSMs

- 8.58 As well as developing TSMs that are individually robust, clear and comparable we want to ensure that the suite of measures is proportionate and works effectively as a whole. The proposed TSMs aim to provide a sufficiently rounded view of landlord performance, across the themes set out in the White Paper, for tenants to use to hold their landlord to account and for us to use in our consumer regulation. At the same time, we have been mindful that the TSMs should be deliverable.
- 8.59 A particular consideration has been the number and scope TSMs we require landlords to collect through a survey. The range of proposed TSMs reflects the themes set out in the White Paper and the expectation that tenants are given opportunity to voice their perspectives on issues that matter to them. For many of these issues, tenant perception surveys are likely to be the only viable method to generate robust data. We are conscious, however, that a more extensive set of survey questions can risk survey fatigue among respondents, reduce response rates, and make some survey formats more difficult to deliver - this would be a risk for providers to manage as they seek to incorporate the proposed questions into wider surveys. Overall, we judge that the scope of the proposed tenant perception measures is proportionate to the aims of the White Paper. However, this is a particular issue on which we would welcome views from tenants, landlords and other stakeholders.

Consultation question 12 – the TSM suite

A. Please tell us your views on the number of TSMs by selecting one of the following options:

- There are too many TSMs in the suite – please explain.
- There is the right number of TSMs in the suite.
- There are too few TSMs in the suite – please explain.

B. Do you think there are any TSMs that should be added to or removed from the final suite of TSMs?

- Yes – please tell us what they are and why.
- No.

C. Overall, do you think the suite of TSMs works well as a whole in providing rounded information to tenants about their landlord's performance?

- Yes – please explain.
- Partially – please explain and provide any alternative suggestions where relevant.
- No – please explain and provide any alternative suggestions where relevant.
- Don't know.

9. General TSM requirements

9.1 Below is a summary of our proposed general technical requirements which all providers would need to meet when generating data for the TSMs. These can be found in full in section 1 of *Tenant Satisfaction Measures: Technical Requirements* (Annex 2).

Level of reporting

9.2 All registered providers that own relevant social housing-homes would be required to collect information and report on the TSMs in *Tenant Satisfaction Measures: Technical Requirements*, subject to tenant confidentiality considerations. For the purposes of reporting TSMs, a provider owns a home when it: (a) holds the freehold title or a leasehold interest in that home; and (b) is the body with a direct legal relationship with the occupants of the home (this body is often described as the landlord).

9.3 We propose that the TSMs would be reported on a registered group basis. This means:

- Registered group parents would report their consolidated TSM data for the group, which would include all relevant stock owned by all subsidiary registered providers
- Registered group parents would not be required to report TSMs separately for each individual registered provider within their group. Neither would those individual registered providers be required to report TSMs for themselves separately (in addition to consolidated TSM data for their group)
- A registered provider that is a member of a group structure, whose parent company is not a registered provider, and which does not have a subsidiary that is a registered provider, would report TSMs in respect of itself only
- A registered provider not in a group structure would report TSMs for their own organisation only.

- 9.4 This would be consistent with our approach to regulation which is at the group level. In addition, requiring TSM data to be reported at an individual registered provider level would require a higher sample size to achieve statistical significance for tenant surveys. This is likely to make data at this level less reliable than group level data for a number of registered providers as well as it being more costly.
- 9.5 We recognise that tenants may wish to see TSM data reported at levels other than the group level e.g., at a local authority or neighbourhood level. The proposals do not prevent registered providers also providing tenants with TSM data at a level that is appropriate to the needs of their organisation and their tenants.

Relevant homes

- 9.6 In designing the TSMs, we have considered which homes the TSMs would apply to. Our proposal is that data for the proposed TSMs contained in this document would have to be collected for the following property types (where relevant):
- Low cost rental accommodation. This includes for example general needs, supported housing, intermediate rent and temporary social housing
 - Low cost home ownership (LCHO). This includes, for example, shared ownership homes (which have not been fully staircased)
 - The definition of LCRA and LCHO homes is given in the Act.
- 9.7 Many of the TSMs are defined in terms of numbers of dwelling units owned by provider. For the purposes of the TSMs, each of the following is a single dwelling unit
- self-contained residential homes; *plus*
 - bedspaces in a non-self-contained property.

9.8 We are proposing that the following property types must not be included in registered providers' TSM data collection:

- Non-social homes e.g., market rent homes
- Legacy social housing which is social housing only by virtue of legacy provisions in the Act³⁰
- Leasehold homes including 100% owned LCHO homes where the resident has fully staircased.³¹

9.9 We propose that providers would have to report TSM data based on the relevant homes they own. Relevant homes would not be included in the reporting of TSM data by more than one registered provider. Relevant homes owned by one registered provider but managed by another would be included in the TSM data reported by the owner.

9.10 Our main rationale for excluding non-social homes, such as market rent, is that they fall outside of the scope of our regulatory remit.

9.11 We also consider it appropriate to exclude any legacy social housing that otherwise would not fall within the definition of social housing (i.e. legacy social housing that is not LCRA or LCHO accommodation) from the TSMs. This is stock where it is social housing only by virtue of legacy provisions in the Act. We do not consider that collecting information on this property type meets the aims of the TSMs as set out in the White Paper, and so we think it is appropriate that this type of property would not be included within the data collected for TSMs.

The consumer standards do not apply to 100% owned LCHO homes and therefore we do not propose that the TSMs would be applicable to these homes.

³⁰ Legacy provisions are those set out in section 77 of the Housing and Regeneration Act 2008.

³¹ Leasehold homes in this context are those for which a leasehold interest has been sold to a resident, for example through fully staircasing a shared ownership home or repaying an equity loan on a shared equity property in full or through the Right to Buy, and which are not classed as LCHO or LCRA. While the provider retains some legal interest in the home (e.g. a freehold), the leasehold interest typically gives the owner the right to sell or let the home on the housing market. Many leasehold homes are non-social, but some may be social housing due to legacy provisions in the HRA 2008, section 77.

Reporting dates and periods

- 9.12 We propose that registered providers with 1,000 or more relevant homes would be required to collect information and report TSMs annually according to a reporting year that runs from 1 April to 31 March. Where we require information to be calculated as at 'year end', we propose that such registered providers would report information as at 31 March. We are proposing this because it is consistent with the existing approach to submission of providers' housing stock data through the Statistical Data Return and Local Authority Data Return. It also aligns with the reporting year adopted by the majority of large providers.
- 9.13 As regulator, we are mindful of our statutory duty to be proportionate and minimise interference. We therefore propose that registered providers with fewer than 1,000 relevant homes would be permitted to collect and report TSMs annually according to a reporting year other than 1 April to 31 March. For example, providers with fewer than 1,000 relevant homes might wish to use a reporting year for TSMs which aligns with their particular financial reporting year. Similarly, where we require information to be calculated at 'year end' providers with fewer than 1,000 relevant homes would be permitted to report information at a date other than 31 March. In reporting TSMs, such providers would have to be clear as to which reporting year TSMs relate. Such providers would also be required to use the same reporting start and end dates year on year, except where there is a compelling reason not to do so (e.g., the provider adopts a new reporting year).

Data protection

- 9.14 In meeting regulatory requirements with respect to TSMs, registered providers would need to ensure they and any contractors are compliant with the relevant privacy and data protection legislation when processing personal data.
- 9.15 As well as being a legal duty which protects tenants, it is important that registered providers protect respondent's confidentiality in order that respondents feel confident to give honest feedback in tenant perception surveys. This includes ensuring that identifiable individual responses are not shared internally or externally beyond those who require the information to produce the TSMs, unless the respondents give explicit consent, and this is managed appropriately. This applies to both the conduct of the survey itself, and the publication of results.

- 9.16 Mindful of our duty to be proportionate we are aware that some providers with fewer than 1,000 relevant homes might face issues in protecting the anonymity of individual tenants. As a result, we propose that providers with fewer than 1,000 relevant homes would be required to take a proportionate approach to protecting tenant confidentiality. We propose that it would be permissible for the data for at least some TSMs to be omitted from published information if registered providers judge this issue to be a material risk.

Data accuracy

- 9.17 It would ultimately be the responsibility of Boards of private registered providers and governing bodies of local authority registered providers to ensure that reported TSMs had been calculated accurately and in accordance with regulatory requirements.

Consultation question 13 – General TSM requirements

Chapter 9 of the consultation document covers some general requirements that apply to all TSMs, which are addressed in more detail in Annex 2 *Tenant Satisfaction Measures: Technical Requirements*. These include how providers should collect and report the TSMs, the types of homes that should be included, as well as the time period over which data should be reported.

Do you agree with these proposals?

- Agree – please explain.
- Disagree – please explain and provide any alternative suggestions where relevant.

10. Tenant perception survey requirements

Introduction

- 10.1 Below is a summary of our proposed additional requirements that providers would be required to meet when generating data for a subset of the TSMs which are referred to as tenant perception measures (TP01-TP12). These can be found in full in our *Tenant Satisfaction Measures: Tenant Survey Requirements document* (Annex 3).
- 10.2 The proposed requirements set out in Annex 3 aim to establish a robust basis for generating comparable tenant perception measures across providers. We think that they strike the right balance between ensuring a consistent approach to key aspects of survey methodology, while allowing sufficient flexibility for providers to meet requirements in a way that fits with wider objectives and a range of operating models.

Survey type

- 10.3 We propose that registered providers must generate data for the tenant perception measures TP01 – TP12 using data from tenant perception surveys only i.e., surveys which periodically capture tenants' general views of landlord performance and which are not triggered by a recent interaction with the landlord. A perception survey would allow tenants to directly express their views of their landlord's performance on a range of issues.
- 10.4 We are aware that some registered providers currently use transactional surveys to measure tenant satisfaction with a service following an interaction. Having considered transactional surveys, we believe there are complexities associated with them that risk the data being less comparable between different organisations. These include the use of differing survey collection methods, agreeing the timing for carrying out any survey after the transaction has been completed and defining when the transaction has been completed. The use of transactional surveys would also set a significant challenge for some registered providers to achieve minimum levels of statistical accuracy. This is because transactional surveys are only carried out with those tenants who have experienced a particular service (e.g., reported a repair or made a complaint) and so are very likely to be asked of a smaller number of tenants than if a sample of all tenants was being surveyed.

- 10.5 For the reasons given, it is proposed that transactional surveys would not be permitted for the calculation of these TSMs. We understand that some registered providers find value in carrying out transactional surveys for their own information and we think it is important to make clear that they would remain free to collect in this way for their own use.

Survey questions and response options

- 10.6 We propose that registered providers would be required to use the prescribed question wording and response options for each survey question as specified in *Tenant Satisfaction Measures: Tenant Survey Requirements (Annex 3)*. We consider that consistency in question wording and response scale is necessary to be able to compare results between providers.

Questionnaire structure

- 10.7 We propose that registered providers would have to inform respondents that the survey will be used to calculate annual TSMs, and approximately how long the survey would take them to complete at the start of the survey.
- 10.8 In addition to the prescribed questions, registered providers would be able to include other questions in the same tenant perception survey questionnaire.
- 10.9 We propose to require that the overall satisfaction question to generate the overall satisfaction TSM must be the first question in a perception survey questionnaire used to generate TSMs. Questions to generate the other TSMs would be required to come before any other question(s) that a registered provider chooses to include on the same topic. This means that the questions to generate these TSMs may appear together at the start of a survey or separately at the start of relevant sections with related questions. For example, if the survey includes a section with several questions on repairs and maintenance, the TSM questions on repairs for TP02 and TP03 would have to appear before any other questions on repairs and maintenance.

Relevant tenant population for the tenant perception measures

10.11 The regulator proposes that registered providers would be required to use the relevant tenant population as set out in Table 3 of *Tenant Satisfaction Measures: Tenant Survey Requirements* as a basis for the tenant perception measures.

10.12 It is proposed that a registered provider that owns 1,000 or more LCRA homes would have to report tenant perception measures for LCRA separately. Similarly, providers that own 1,000 or more units of LCHO would have to report tenant perception measures for LCHO separately. Our rationale for this is:

- registered providers have different responsibilities in relation to LCHO homes e.g., repair obligations, and
- evidence suggests that satisfaction levels are systematically different between tenants in LCRA and LCHO homes, and so allowing them to be combined is likely to significantly reduce comparability between organisations with different proportions of LCRA and LCHO homes.

10.13 Registered providers with fewer than 1,000 homes of LCRA and fewer than 1,000 homes of LCHO would be able to either calculate and report perception measures for LCRA (only), LCHO (only), both property types separately, or both property types combined.

10.14 Providers that own 1,000 or more LCRA homes but fewer than 1,000 LCHO homes, would only be required to report tenant perception measures for LCRA (and vice versa).

Survey timings

10.15 We propose that the actual perception survey could take place at a single point in time, be spread out across a period of time, or be carried out on a rolling basis (e.g., quarterly or monthly). It would however have to be a single exercise, so for example the same tenant could not provide two responses in the same survey period.

10.16 Registered providers that own a total of 1,000 or more relevant homes (LCRA and LCHO) would be required to carry out a tenant perception survey at least annually to generate data for the tenant perception measures. This would mean that tenant perception measures for these providers could only be

calculated using responses from surveys conducted within the reporting year the TSMs relate to.

- 10.17 Registered providers that own fewer than 1,000 relevant homes, would be required to carry out a perception survey at least once every two years. Registered providers that own fewer than 1,000 relevant homes would be allowed to collect and report annual TSMs according to a reporting year other than 1 April to 31 March. For example, providers with fewer than 1,000 relevant homes would be allowed to use a reporting year for TSMs which aligns with their particular financial reporting year.
- 10.18 We consider that these timeframes are reasonable and proportionate and strike a good balance. They would ensure that the data is reasonably recent and therefore meaningful, whilst not placing an unreasonable burden on registered providers, and not leading to survey fatigue among tenants.

Survey collection method

- 10.19 Registered providers would be allowed to use any collection method including face-to-face, telephone, postal, or email/online, and they would be allowed to use more than one collection method. This would help to enable registered providers to tailor their survey collection methods to meet the different needs of their tenant profile. Different survey methods have their own merits, and some can be more effective than others at increasing the participation of tenants who share different protected characteristics. We believe that excluding certain collection methods could be problematic for a number of reasons, in particular because it could result in tenants with specific communication needs finding it harder to take part in the survey. We therefore consider that it would be challenging to reach a consensus on one survey method that would meet the needs of all tenants.
- 10.20 There is evidence that potential differences in scores can be driven by different collection methods e.g., face-to-face and telephone surveys are more likely to produce higher levels of satisfaction than 'self-completed' methods such as paper and online surveys. To help address this issue, we propose requiring registered providers to publish a summary of the survey method(s) they have used (see publication of survey approach in paragraphs 10.26 – 10.28 below) so that tenants would be able to see this alongside the published satisfaction scores.

Consultation question 14 on the proposed survey method

We propose to allow providers to choose the most appropriate survey collection method (e.g. postal, by phone, online etc.) to obtain data for the tenant perception measures TP01-TP12.

Do you agree with this proposal?

- Agree – please explain.
- Disagree – please explain and provide any alternative suggestions where relevant.

Sampling and representativeness

10.21 We propose that registered providers would be required, as far as possible, to generate a sample size for overall satisfaction (TP01) that meets our proposed minimum level of statistical accuracy (set out in Table 4 of the *Tenant Satisfaction Measures: Tenant Survey Requirements* document (Annex 3)). This is to allow meaningful comparisons between providers and is standard practice when producing a robust sample to estimate tenant satisfaction scores.

10.22 The sample size refers to the total number of responses to the tenant perception survey. It is not the number of surveys issued or contacts attempted but the number of responses received.

10.23 It is proposed that registered providers must ensure that as far as reasonably possible the calculated satisfaction scores are representative of their tenant population. Registered providers would be expected to undertake reasonable checks for differences between the achieved sample and their tenant population in terms of characteristics associated with different average satisfaction scores and weighting (where appropriate and reasonable) in order to balance any under-representation or over-representation in the sample. We judge that requiring that responses are (so far as reasonably possible) representative of the tenant population is a standard and fundamental requirement. This is both necessary to ensure robust and comparable tenant perception measures and to ensure that the results are a fair reflection of the views of all tenants (including under-represented groups).

10.24 Registered providers would be expected to take reasonable steps to assess and remove barriers that may exist for specific groups of tenants participating in surveys, which should have a positive impact on equality considerations, including advancing equality of opportunity between people who share a protected characteristic and those who do not³².

In-house or outsourced

10.25 Being mindful of our duty to be proportionate, we consider it appropriate that registered providers would be able to choose to conduct tenant perception surveys and calculate the perception measures either in-house or through an external contractor. As with other regulatory data and requirements, in either case it would be the responsibility of Boards of private registered providers and governing bodies of local authority registered providers to ensure that the regulator's requirements relating to the TSMs are met.

Publication of survey approach

10.26 Registered providers would be required to publish a summary of their tenant survey methodology used to generate tenant perception survey data for the TSMs, alongside their published TSM data.

10.27 This would include a summary of achieved sample size (number of responses), timing of survey, collection method, sample method, assessment of representativeness of the sample against the relevant tenant population, any weighting applied to generate the reported perception measures, and any other methodological issues likely to have a material impact on the tenant perception measures reported.

10.28 We believe that a requirement to publish the summary outlined in the paragraph above would increase transparency, as it would help tenants in particular to better understand the context of their landlord's results and the process that they have followed to achieve the results. We think that it would also help provide Boards and governing bodies with assurance that their results are an accurate, reliable, valid, and transparent reflection of performance.

³² In relation to protected characteristics, please see Chapter 3 of this document (Equalities Statement).

Consultation question 15 – Tenant perception survey requirements

Chapter 10 of the consultation document covers some requirements that apply to the TSMs which are tenant perception measures (TP01-TP12). These requirements are addressed in more detail in Annex 3 *Tenant Satisfaction Measures: Tenant Survey Requirements*. The requirements include survey type, survey timing, response options and who is to be surveyed.

Do you agree with these requirements?

- Agree – please explain.
- Disagree – please explain and provide any alternative suggestions where relevant.

11. Registered providers of different sizes

11.1 It is proposed that registered providers that own 1,000 or more relevant homes (LCRA and LCHO units combined) will be expected to meet the requirements as set out in *Tenant Satisfaction Measures: Technical Requirements* (Annex 2) and in *Tenant Satisfaction Measures: Tenant Survey Requirements* (Annex 3).

Providers with fewer than 1,000 relevant homes

11.2 In order to reflect our risk-based approach and in line with our duty to exercise our functions in a way that minimises interference and (as far as is possible) is proportionate, we propose to tailor our approach to registered providers that own fewer than 1,000 relevant homes in relation to the TSM proposals as follows:

- Such providers would not be required to make annual submissions of performance data for the TSMs to the regulator. We think that this would reduce the regulatory burden on those providers, while ensuring that their tenants can hold their landlord to account. Our analysis suggests that the TSM results from providers with fewer than 1,000 homes would not be as comparable as those of larger providers.³³
- Such providers would be permitted to collect and report TSMs annually according to a reporting year other than 1 April to 31 March. Where we require information for the TSMs to be calculated at ‘year end,’ registered providers that own fewer than 1,000 relevant homes would be permitted to report information at a date which aligns with their financial reporting year. In reporting TSMs, such providers would have to be clear as to which reporting year TSMs relate to and such providers would also be required to use the same reporting start and end dates year on year, except where there is a compelling reason not to do so (e.g., the provider adopts a new financial reporting year).

³³ For example providers may be presenting information covering different periods, the use of a census may create wide areas of uncertainty between different calculated results and occasional/rare events will, on average, have a bigger impact.

11.3 For the tenant perception measures, registered providers with fewer than 1,000 relevant homes would:

- be able to undertake a census survey (i.e., inviting all tenants to participate) as a means of meeting our requirements in relation to sample size. This is to reflect the greater difficulty these providers are likely to face in achieving a sample size that will meet our requirements for statistical accuracy (which are consistent with conventional levels of statistical accuracy)
- be permitted to undertake perception survey less frequently than large providers. We are proposing that, for providers with fewer than 1,000 relevant homes, tenant perception surveys must be undertaken at least once every two years. This means that tenant perception measures for these providers must only be calculated using responses from surveys conducted within the past two reporting years
- be permitted to report tenant perception measures for LCRA (only), LCHO (only), both property types separately, or both property types combined, where relevant
- only be expected to undertake a high-level assessment of representativeness of the achieved sample and would not be expected to weigh responses unless there was clear evidence of significant bias
- be permitted to leave out data for at least some tenant perception measures from TSM data that they would be required to publish if the registered provider judges it is necessary in order to protect tenant confidentiality. This is because for the smallest providers, it may be difficult to protect the anonymity of individual tenants if tenant perception information is published in full.

11.4 Notwithstanding these specific provisions, providers with fewer than 1,000 relevant homes would still be required to comply with the TSM Standard and the regulator's requirements for calculating TSM data, so the Boards and governing bodies of those providers would still need to have adequate assurance of the accuracy and validity of TSM data.

- 11.5 We view transparency as being of fundamental importance in a co-regulatory regime and would still require such providers to communicate with us in a timely manner on material issues that relate to non-compliance or potential non-compliance with the standards.

Consultation question 16 – Registered providers that own fewer than 1,000 relevant homes

We propose to tailor our TSM requirements for registered providers that own fewer than 1,000 relevant homes. This includes not requiring them to submit TSM data to the regulator, allowing them to collect and report TSMs annually according to a reporting year other than 1 April to 31 March and allowing them to undertake a census tenant perception survey.

Do you agree with this approach?

- Agree – please explain.
- Disagree – please explain.

12. Publication of registered providers' TSM data by the regulator

- 12.1 In the White Paper, the Government states that the regulator is expected to consider the best way of publishing TSM data so that it is clear and accessible for all tenants.
- 12.2 We propose to publish TSM data of providers that own 1,000 or more relevant homes on an annual basis, following a period of data validation by the regulator. We think that a key reason for the regulator to publish TSM data is to support comparison of TSM performance across different providers, and our analysis suggests that the TSM data from providers with fewer than 1,000 relevant homes would not be as comparable as those of larger providers.
- 12.3 We are committed to seeking views, including those of tenants, about how we would publish providers' TSM data, and we intend to seek views on this matter in due course.

13. Draft guidance about the submission of Tenant Satisfaction Measures information to the regulator

- 13.1 Following the conclusion of this consultation we propose to publish, alongside the other final TSM documents, guidance about the submission of TSM information to the regulator.
- 13.2 Publication of such guidance would meet our statutory duty under section 215(1)(a) of the Act, which requires the regulator to publish guidance about the submission of information to the regulator about the performance of registered providers. Section 215(2) of the Act provides that this guidance must, in particular, specify how the regulator will deal with the submissions it receives, and section 215(3) provides that the regulator must have regard to this guidance.³⁴
- 13.3 The draft guidance about the submission of information to the regulator in relation to the TSMs is at Annex 4.
- 13.4 We think that the draft guidance is in keeping with the key principles set out in Chapter 6 of this document. Consistent with these principles, we consider it particularly important for the guidance to make clear that:
- registered providers with fewer than 1,000 relevant homes would not be required to annually submit their TSM information to the regulator (as further explained in Chapter 11 of this document)
 - in good time before registered providers are required to make their annual submission of TSM information to us, we will specify the TSM information they are required to submit, the form in which that information must be submitted, and by when
 - on an annual basis, the regulator will collate TSM information submitted to us by registered providers that own 1,000 or more relevant homes and publish the results (as further explained in Chapter 12 of this document)

³⁴ There is also a requirement, under section 215(1)(b) of the Housing and Regeneration Act 2008, for the regulator to publish guidance about how it uses and intends to use powers under Chapters 6 and 7 of that Act. For the avoidance of any doubt, the regulator is not proposing, as part of this consultation, to amend its existing guidance under section 215(1)(b) (which is set out in '*Guidance on the regulator's approach to intervention, enforcement and use of powers*'), but reserves its right to do so in the future.

- we would not generally use TSM information as a source of regulatory intelligence in isolation, but rather use it as a source of information we may have regard to alongside other sources
- TSM information could be used to help the regulator to identify particular areas where we might wish to seek further assurance from a registered provider about meeting our standards
- the submission of late, incomplete or inaccurate TSM information may be indicative of a weak control environment. Given this, failure to provide accurate and timely TSM information could, where appropriate, be reflected in our judgement of a registered provider's compliance with the regulatory standards.

Consultation question 17 – draft guidance about the submission of TSM information

Chapter 13 of the consultation document covers our proposed guidance about the submission of information to the regulator in relation to the TSMs, which is set out in more detail in Annex 4. This includes generally not using TSM information as a source of regulatory intelligence in isolation, but rather as information we may take into account alongside other sources.

Do you agree with this proposed approach?

- Agree – please explain.
- Disagree – please explain.

14. Impact Assessments

Regulatory Impact Assessment

14.1 We have carried out a draft Regulatory Impact Assessment of the introduction of the TSMs because we think that it is useful to understand the costs and benefits to providers, tenants and the regulator of their introduction. This assessment is reflected in the draft of the Regulatory Impact Assessment (Annex 6). We intend to publish the Regulatory Impact Assessment alongside the final TSM documents.

Consultation question 18 – Draft Regulatory Impact Assessment

Do you agree with our conclusions in the draft Regulatory Impact Assessment?

- Yes – please give details. You are invited to include evidence to support your view.
- No – please give details. You are invited to include evidence to support your view.

Equality Impact Assessment

14.2 In meeting our public sector equality duty, we have considered whether any of our proposals relating to the TSMs might impact (positively or negatively) on people who share one or more protected characteristics.³⁵ Our assessment of equality impacts is reflected in the draft of the Equality Impact Assessment (Annex 7). We intend to publish the Equality Impact Assessment alongside the final TSM documents.

14.3 We have used these impact assessments to help shape our proposals relating to the TSMs.

³⁵ In relation to our public sector equality duty and protected characteristics, please see Chapter 3 of this document (Equalities Statement).

Consultation question 19 – Draft Equality Impact Assessment

Do you agree with our conclusions in the draft Equality Impact Assessment? The regulator particularly welcomes views on whether the proposals will have a positive or negative impact on people who share one or more protected characteristics (as set out in the Equality Act 2010).

- Yes – please give details. You are invited to include evidence to support your view. Please do not provide any sensitive personal information in your response.
- No- please give details. You are invited to include evidence to support your view. Please do not provide any sensitive personal information in your response.

Consultation question 20 – TSM proposals overall

Finally, if you have anything else that you would like to tell us about the proposals relating to the TSMs, including the detailed requirements set out in Annexes 2 and 3, please tell us.

15. About this consultation

- 15.1 This consultation document and consultation process have been developed to adhere to the Consultation Principles issued by the Cabinet Office.
- 15.2 Information provided in response to this consultation, including personal information, 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), UK GDPR and the Environmental Information Regulations 2004).
- 15.3 The information you provide will be used for the purposes of this consultation and is collected on the basis of our public task to regulate the provision of social housing.
- 15.4 For more information about how we process and protect personal data see our [privacy notice](#).
- 15.5 If you believe that the information that you are submitting is sensitive, please say so when submitting your consultation response and explain why you believe that the information should not be disclosed in response to an information request. 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 the information will not be disclosed. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the regulator.
- 15.6 Thank you for taking the time to read this document and respond. Your opinions are valuable to us.



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