





Consumer Standards Consultation

What we are proposing and how to have your say

About the consultation

The Regulator of Social Housing is creating a set of four consumer standards and a Code of Practice to go with them.

We are are being given new powers to help improve the quality of housing and services for social housing tenants in a way that lasts. To help make this happen, the standards set expectations that social housing landlords have to meet and that we will seek assurance against. The Code of Practice gives examples of the sorts of things landlords should think about to make sure they meet the standards.

These standards are building on and replacing five existing consumer standards. We want to know what people think about our proposed consumer standards and Code of Practice.

This document summarises what we are proposing and tells you how to share your views with us.

Another document, Consumer standards consultation: reshaping consumer regulation, contains all the details of our proposals and the thinking behind them, including information that is not in this summary. That document is our statutory consultation document. We encourage you to read the consultation document as well as this summary, especially if you want to share your views with us.

Why are these changes happening?

In 2020, the government published The charter for social housing residents: social housing white paper, which describes ways to improve things for people living in social housing.

Our documents Reshaping consumer regulation: our principles and approach and Reshaping consumer regulation: our implementation plan explain how we are meeting these expectations.

Among other things, the white paper says we should use our powers to make sure landlords are accountable for:



providing their tenants with good quality homes and services



prioritising tenants' safety



treating tenants with respect



being open and honest with tenants.

In July 2023, the Social Housing (Regulation) Act 2023 became law. This Act updates our responsibilities and our powers. It means we can strengthen how we regulate landlords. We can already investigate landlords when someone refers them to us, and take action if they fail to meet our standards in a way that seriously harms (or could seriously harm) tenants. The Act means that starting in April 2024, we can assess landlords more routinely and proactively, and take action in a wider range of circumstances.

All these changes mean it is important to take another look at the standards social housing landlords have to meet. We need a revised set of consumer standards that work for tenants, landlords and us.

We are interested in your opinion on whether:

- the consumer standards we are proposing would set the right expectations for landlords
- the Code of Practice we are proposing gives helpful examples of how to meet the standards.

What has happened so far and our next steps

November 2020: The We started work We spoke with a government published on revising and range of stakeholders, including over The charter for social strengthening the housing residents: consumer standards 2,000 tenants, to social housing and developing a Code understand what is white paper of Practice important to them Now: We invite landlords, tenants Autumn 2023: We will consider these and anyone with an interest in social views to help us make the consumer housing to give their views about our standards and Code of Practice proposed consumer standards and work as well as possible for tenants, Code of Practice landlords and us Early 2024: We will publish the final 1 April 2024: The revised consumer standards will come into force along consumer standards and Code of Practice along with a summary of with the changes to strengthen how the views we received in step 4 we regulate

More detailed information

Consumer standards consultation: reshaping consumer regulation

- Regulator of Social Housing

Social Housing (Regulation) Act 2023

– UK Parliament

Reshaping consumer regulation: our implementation plan

- Regulator of Social Housing

Reshaping consumer regulation: our principles and approach

- Regulator of Social Housing

The charter for social housing residents: social housing white paper

- Ministry of Housing, Communities

& Local Government

How to share your views



You can find our consultation questions on pages 22-24 of this document.



To answer any of our consultation questions, please respond online.





We need to hear from you by 17 October 2023.

Other ways to respond

If you cannot use the website, you can also email or post your responses.

Please only respond to the consultation once. For example, if you respond online, you do not need to email us your responses as well.

Email: consultation@rsh.gov.uk

Please write "Consumer standards consultation" in the subject line.

Post:

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

Please make it clear which questions you are responding to, and include:

- your name
- a contact email address (if possible)
- whether you are responding as an individual and, if you are, whether you are a social housing tenant in rental accommodation, a shared owner in social housing, or someone else (please give details)
- whether you are responding on behalf of an organisation and, if you are, whether it is a large (1,000 or more social housing units) or small (fewer than 1,000 social housing units) private registered provider or local authority registered provider, a stakeholder organisation, or something else (please give details).

Registered providers

The proposed standards talk about "registered providers". A registered provider is an organisation registered with us to provide social housing. They can include:

- private registered providers (including profit-making organisations, and non-profit organisations like housing associations and co-operatives)
- local authority registered providers.

For simplicity, in this summary we mostly say "social housing landlords" or "landlords" instead of "registered providers".

Alternative formats

We have also published an accessible Easy Read summary of the consultation document.

If you need the information in this document in a different format, please:

• Email: enquiries@rsh.gov.uk

• Call: 0300 124 5225

Write to us.

Your privacy

Please do not share sensitive personal data (e.g. health information), information that identifies other individuals, or 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 data, may be published or disclosed in accordance with legislation (e.g. the Freedom of Information Act 2000).

We intend to publish a summary of the responses we receive. We also intend to publish a list of all individual respondents to the consultation, who have told us that they are happy for their name to be included. If you would like your name to appear on the list, please say this in your response.

Please see the privacy notice on our website for information about how we process and protect personal data and for information on exercising your rights over your data. We are using the platform Snap Surveys to gather responses to the consultation. Responses will be held on this platform for no longer than nine months from the consultation closing date. You can read Snap Surveys' privacy information here.

Please read the Survey Introduction and see chapter 12 of the statutory consultation document and the privacy notice on our website for information about how we process and protect personal data.

Our aims

We want the changes we are making to the consumer standards to:

- make a meaningful difference to tenants
- be possible for landlords to achieve
- be something we can regulate.

You might find it helpful to keep these aims in mind when thinking about our proposals and responding to the consultation.

Informing our thinking

As part of drafting our proposed standards, we spoke to people they would affect, including more than 2,000 tenants.

We listened and reflected on what they said is important to them. These insights helped to shape our proposals, making sure they are stronger and more meaningful.

How we regulate

We want our proposed standards to be suitable for our approach to regulating social housing, where:

- we set the standards
- · landlords (and their boards and councillors) have to make sure they are meeting the standards

- landlords have to make sure they can show tenants – and us – how they are meeting the standards
- landlords help tenants understand how they are performing, so tenants can hold their landlords to account.

We have developed our proposed consumer standards to work with this approach.

Our standards are outcome-focused. This means they say what outcomes landlords have to achieve. It is then up to each landlord to decide the best way to achieve those outcomes for tenants and their organisation.

Changes introduced in the Social Housing (Regulation) Act 2023 mean we can also create a Code of Practice to go with our consumer standards. We have created a draft Code of Practice which gives examples of the sorts of things landlords should think about to make sure they meet the standards.

Fulfilling our responsibilities

We want our proposed standards to help us meet the government's expectations and fulfil our new responsibilities.

The charter for social housing residents: social housing white paper says landlords must be accountable for:

- providing their tenants with good quality homes and services
- prioritising tenants' safety
- treating tenants with respect
- being open and honest with tenants.

The Social Housing (Regulation) Act 2023 updated our responsibilities to put more emphasis on the safety and energy efficiency of social housing, and the transparency of landlords. We think our proposed standards will help us fulfil these responsibilities.

We have assessed the current five consumer standards and our proposed standards to see what impact they would have on equality. We have had these assessments in mind from a very early stage. They have helped shape our proposed standards.

Directions from the government

The government has officially instructed (or 'directed') us to include certain things in the consumer standards.

So far, the government's directions cover tenure, quality of accommodation, tenant involvement and mutual exchange. The government recently updated the directions covering tenant involvement and mutual exchange. Our proposed standards follow the government's latest directions in these four areas.

We are not asking for your views on whether these parts of the standards should be included or not (because we have been directed to include them).

We are still interested to know if you think our proposed standards properly follow the government's directions on tenant involvement and mutual exchange, as these have been revised.

Directions to the Regulator of Social Housing: Tenant involvement and mutual exchange (updated)

The Social Housing (Regulation) Act 2023 says the government has six months to give us a direction, covering:

- landlords giving their tenants information about their rights
- how tenants can complain about their landlord.

The Act also says the government can direct us on landlords' competency and conduct, and tenants' access to information.

This means the standards we are proposing will probably change in the future, when we get new directions from the government.

Summary



Building on and replacing the existing Home Standard

This standard would mean landlords have to provide their tenants with safe, good quality homes and effective landlord services.

For details, see:

- This document pages 11-12
- Consultation document paragraphs 6.1-6.20



Building on and replacing the existing Tenant Involvement and Empowerment Standard and Tenant Satisfaction Measures Standard

This standard would mean landlords have to be open with their tenants and treat them with fairness and respect.

This means tenants should be able to:

- make use of their landlord's services, in a way that meets their needs
- make complaints when necessary
- influence their landlord's decision-making
- understand how their landlord is performing
- hold their landlord to account.

For details, see:

- This document pages 13-15
- Consultation document paragraphs 7.1-7.19



Building on and replacing the existing Neighbourhood and Community Standard

This standard would mean landlords have to work with other organisations to help make sure tenants can live in safe and well maintained neighbourhoods.

For details, see:

- This document pages 16-17
- Consultation document paragraphs 8.1-8.8



The Tenancy Standard

Building on and replacing the existing Tenancy Standard

This standard would mean landlords have to allocate and let homes fairly. It also sets requirements for how landlords manage and end tenancies.

For details, see:

- This document pages 18-19
- Consultation document paragraphs 9.1-9.11

Safety and **Quality Standard**



Providing safe, good quality homes is the main purpose of a landlord. The quality of a tenant's home has a big effect on their quality of life.

The Safety and Quality Standard would mean landlords have to provide their tenants with safe, good quality homes and effective services.

We are proposing a standard with five main requirements that landlords have to meet.

Requirement 1

Quality of homes

Registered providers must have an accurate, up-to-date and evidenced understanding of the condition of their homes that reliably informs their provision of good quality, well maintained and safe homes for tenants.

To maintain the required safety and quality of their tenants' homes, landlords need to know what state they are in. With that in mind, this requirement says landlords need to know the condition of their homes.

Our proposed standard requires landlords to do physical assessments of their homes, keep accurate records of the results for each individual home, and use the results (along with other information) to keep homes in a good condition.

Requirement 2

Decent homes

Registered providers must ensure that tenants' homes meet the standard set out in section five of the Government's Decent Homes Guidance and continue to maintain their homes to at least this standard unless exempted by the regulator.

The government directed us to include this requirement on quality of accommodation and has not updated its direction yet, so we have not made any big changes here - only simplified the requirement. With that in mind, we are not asking a question about whether it follows the government's direction accurately.

Requirement 3

Health and safety

When acting as landlords, registered providers must take all reasonable steps to ensure the safety of tenants in their homes and associated communal areas.

This requirement makes landlords' health and safety responsibilities clearer - for example, by saying they should act on the results of health and safety checks in a reasonable amount of time and consider tenants' safety when designing and delivering their services.

Requirement 4

Repairs, maintenance and planned improvements

Registered providers must provide an effective, efficient and timely repairs, maintenance and planned improvements service for the homes and communal areas for which they are responsible.

This requirement says landlords need to maintain and repair their tenants' homes promptly and properly.

We are proposing strengthening the standard by saying landlords also need to:

- make it easy for tenants to report a repair or a maintenance issue
- keep tenants updated about work on their homes
- understand what they are responsible for in communal areas, and fulfil those responsibilities.

The current Home Standard says landlords should get repairs right first time. This means different things to different landlords, so instead, our proposed Safety and Quality Standard says landlords should listen to tenants and use their views to set schedules for repairs, maintenance and planned improvements.

Requirement 5

Adaptations

Registered providers must assist tenants seeking housing adaptations to access appropriate services.

For tenants who need them, home adaptations mean they can live safely and independently in their home. This requirement says landlords need to help tenants who need adaptations in their homes to find and make use of relevant services, and clearly communicate how they will do this.

Transparency, Influence and Accountability Standard



To improve tenant-landlord relationships, tenants need to be able to get relevant information from their landlords, and landlords need to listen to their tenants and act on their views.

The requirements in our proposed Transparency, Influence and Accountability Standard would help landlords achieve this.

We are proposing a standard with seven main requirements that landlords have to meet

Requirement 1

Fairness and respect

Registered providers must treat all tenants with fairness and respect.

Fairness and respect should be at the heart of how landlords provide their services.

Requirement 2

Diverse needs

Registered providers must take action to deliver fair access to, and equitable outcomes of, housing and landlord services for all tenants.

This requirement says landlords need to understand tenants' needs and take action to meet those needs, so their tenants have fair access to their services, and the outcomes of those services are equitable for tenants. It also says landlords need to allow advocates or other representatives to support their tenants.

How landlords design and deliver their services and communications to meet their tenants' needs is relevant to all the requirements of all standards, not just this one.

Requirement 3

Engagement with tenants

Registered providers must take tenants' views into account in their decision-making about how landlord services are delivered.

Listening to tenants helps landlords provide tenants with the good quality homes and services they need.

Our proposed standard recognises that some tenants will want to get involved directly with their landlord's decisions, and others will just want to be kept informed. It also strengthens the requirement for registered providers to consult tenants about significant proposed changes, like a change of landlord.

The government directed us to include parts of this requirement. Our statutory consultation document, Consumer standards consultation: reshaping consumer regulation, tells you exactly which parts. We would like to know whether you think our proposed standard accurately follows the government's direction, as well as whether our proposed standard sets the right expectations.

Requirement 4

Information about landlord services

Registered providers must communicate with tenants and provide information so tenants can use landlord services, understand what to expect from their landlord, and hold their landlord to account. We have heard that tenants value clear and timely communication about landlord services. It helps to show fairness and respect, and can help tenants hold their landlords to account.

This requirement means landlords need to tell tenants about things like:

- the services they provide and how tenants can access them
- the standard of safety and quality tenants can expect from their homes and communal areas
- progress, next steps and results of services the landlord is providing
- rent and service charges
- where to find relevant policies (which must be fair and reasonable and, where relevant, say how landlords make decisions and how to appeal those decisions)
- who in the organisation is responsible for making sure the landlord meets the consumer standards.

Requirement 5

Performance information

Registered providers must collect and provide information to support effective scrutiny by tenants of their landlord's performance in delivering landlord services.

This requirement says landlords have to give their tenants information about their performance. This information includes the Tenant Satisfaction Measures, which we consulted tenants, landlords and others about in 2021 and which came into force from April 2023, as well as other information.

This includes landlords sharing information with tenants about how they are spending their income. This is something the government committed to in The charter for social housing residents: social housing white paper.

Requirement 6

Complaints

Registered providers must ensure complaints are addressed fairly, effectively, and promptly.

This requirement says the way landlords handle complaints should be simple and accessible, and they should tell tenants about it.

Our proposed standard and the Housing Ombudsman Service would work alongside one another.

Requirement 7

Self-referral

Registered providers must communicate in a timely manner with the regulator on all material issues that relate to noncompliance or potential non-compliance with the consumer standards.

This requirement says landlords need to be transparent with the Regulator of Social Housing. If a landlord discovers an area where they might not be meeting our standards, they should let us know. This supports our co-regulatory approach.

Neighbourhood and Community Standard



Part of a landlord's role is to work with others to help with the upkeep and safety of the neighbourhoods and communities their homes are part of.

The proposed Neighbourhood and Community Standard would say landlords need to work with other organisations to help make sure tenants can live in safe and well maintained neighbourhoods.

We are proposing a standard with four main requirements that landlords have to meet.

Requirement 1

Maintenance of shared spaces

Registered providers must work cooperatively with tenants, other landlords and relevant organisations to contribute to the upkeep and safety of shared spaces associated with their homes.

"Shared spaces" are spaces where the landlord is not legally responsible for upkeep and safety, but can work with others to improve things for tenants. This requirement says landlords need to co-operate with tenants and other organisations on the safety and upkeep of these spaces.

Requirement 2

Local cooperation

Registered providers must co-operate with relevant partners to promote social, environmental and economic wellbeing in the areas where they provide social housing.

Landlords are not always the main organisation responsible for the neighbourhoods their homes are in. Still, they can improve things for their tenants by working with other organisations in the area. This requirement says landlords need to let tenants know how they are doing this.

Requirement 3

Domestic abuse

Registered providers must work cooperatively with other agencies tackling domestic abuse and enable tenants to access appropriate support and advice.

This requirement says landlords need to have a policy for tackling domestic abuse and related issues

Requirement 4

Safer neighbourhoods

Registered providers must work in partnership with appropriate local authority departments, the police and other relevant organisations to deter and tackle anti-social behaviour (ASB) in the neighbourhoods where they provide social housing.

Social housing tenants are more likely to experience crime and anti-social behaviour than other types of tenants. This requirement says landlords need to work with others to help reduce and tackle anti-social behaviour, and to consider and communicate how they will tackle hate incidents.

It also says landlords need to support tenants affected by anti-social behaviour. This can include vulnerable people who behave anti-socially.

Tenancy Standard



The new Tenancy Standard would require landlords to allocate and let homes fairly, and set expectations for how landlords manage and end tenancies.

We are proposing a standard with four main requirements that landlords have to meet.

Requirement 1

Allocations and lettings

Registered providers must allocate and let their homes in a fair and transparent way that takes the needs of tenants and prospective tenants into account.

This requirement includes allocating adapted and purpose-built homes to tenants who need them, where possible. It says landlords should work with local authorities to help them meet local needs for social housing.

The current Tenancy Standard says landlords need to make sure homes do not stay empty too long between lettings. We have removed this requirement from our proposed standard to keep it focused on fairness and transparency.

Requirement 2

Tenure

Registered providers must offer tenancies or terms of occupation which are compatible with the purpose of the accommodation, the needs of individual households, the sustainability of the community, and the efficient use of their housing stock. In doing so, registered providers must meet all applicable legal requirements.

The government directed us to include this requirement on tenure and has not updated its direction yet, so we are not asking a question about whether it follows the government's direction accurately.

On top of what the government directed us to include, our proposed standard says that when offering a tenancy, landlords have to meet any relevant legal requirements and think about whether that tenancy is right for the tenant and the home.

Requirement 3

Tenancy sustainment and evictions

Registered providers must support tenants to maintain their tenancy or licence. Where a registered provider ends a tenancy or licence, they must offer affected tenants advice and assistance.

Our proposed standard says if it is not possible for a tenant to stay in their home, their landlord needs to give them help and advice about their options before the end of the tenancy.

Requirement 4

Mutual exchange

Registered providers must support relevant tenants living in eligible housing to mutually exchange their homes.

This requirement means that where tenants have the option, landlords need to give them the systems and support they need to swap their home with another tenant. Swapping homes, or "mutual exchange", can be complex, so we are also proposing that landlords help tenants make informed decisions: for example, by explaining what it would mean for their tenure, rent and service charges.

The government directed us to include parts of this requirement. Our statutory consultation document, Consumer standards consultation: reshaping consumer regulation, tells you exactly which parts. We would like to know whether you think our proposed standard accurately follows the government's directions.

Code of Practice

We are proposing a Code of Practice to go with the four consumer standards, which gives examples of the sorts of things landlords should think about to make sure they meet the standards. This would help tenants and landlords to understand what the standards mean for them

If a landlord breaches the standards, we have the power to take action if necessary. The Code of Practice, on the other hand, is more about helping landlords understand what is useful to think about and how they might meet the standards.

We might also refer to the Code of Practice when we need to decide whether or not a landlord meets the standards.

Our proposed Code of Practice does not cover every single requirement in the four consumer standards. Instead, it focuses on the areas where we think it is helpful to expand on the standards – by giving examples, for instance.

This does not mean the requirements covered in the Code of Practice are more important than the others. Landlords have to meet all the requirements of our standards, whether the Code of Practice specifically mentions them or not.

You can find the draft Code of Practice in annex 2 of Consumer standards consultation: reshaping consumer regulation.

Our impact assessments

We would like to know whether you agree with the conclusions in our Regulatory Impact Assessment and our Equality Impact Assessment.

The Regulatory Impact Assessment looks at the costs and benefits of introducing the consumer standards. The Equality Impact Assessment looks at what effects introducing the standards might have on members of groups that are protected by equality laws.

You can find the draft Regulatory Impact Assessment in annex 3 of Consumer standards consultation: reshaping consumer regulation. You can find the draft Equality Impact Assessment in annex 4.

Consultation questions

We encourage you to answer as many questions as possible, but you do not have to answer every question.

You may find it helpful to read our statutory consultation document, Consumer standards consultation: reshaping consumer regulation before answering these questions.

If you are responding by email or post, please make it clear which questions you are responding to.

We would like to know whether our proposed standards:

- cover the right areas
- set the right expectations of landlords
- are easy to understand for both landlords and tenants.

It would be helpful if you could tell us what you think about these points in any comments you provide.

→ Question 1

Overall, do you agree that the proposed Safety and Quality Standard sets the right expectations of landlords, as set out in chapter 6 of the consultation document?

Please state if you agree or disagree. Please provide comments if you wish to explain your response.

For information to help you answer this question, see pages 11-12 of this document.

→ Question 2

Overall, do you agree that the proposed Transparency, Influence and Accountability Standard sets the right expectations of landlords, as set out in chapter 7 of the consultation document?

Please state if you agree or disagree. Please provide comments if you wish to explain your response.

For information to help you answer this question, see pages 13-15 of this document.

→ Question 3

Do you agree that the proposed Transparency, Influence and Accountability Standard accurately reflects the government's 'tenant involvement direction' to the regulator?

Please state if you agree or disagree. Please provide comments if you wish to explain your response.

For information to help you answer this question, see:

- This document page 14
- Consultation document paragraphs 7.7 to 7.10
- Updated direction to the Regulator of Social Housing on tenant involvement

→ Question 4

Overall, do you agree that the proposed Neighbourhood and Community Standard sets the right expectations of landlords, as set out in chapter 8 of the consultation document?

Please state if you agree or disagree. Please provide comments if you wish to explain your response.

For information to help you answer this question, see pages 16-17 of this document.

→ Question 5

Overall, do you agree that the proposed Tenancy Standard sets the right expectations of landlords, as set out in chapter 9 of the consultation document?

Please state if you agree or disagree. Please provide comments if you wish to explain your response.

For information to help you answer this question, see pages 18-19 of this document.

→ Question 6

Do you agree that the proposed Tenancy Standard accurately reflects the government's 'mutual exchange direction' to the regulator?

Please state if you agree or disagree. Please provide comments if you wish to explain your response.

For information to help you answer this question, see:

- This document page 19
- Consultation document paragraphs 9.10 to 9.11
- Updated direction to the Regulator of Social Housing on mutual exchange

→ Question 7

The proposed Code of Practice is designed to help landlords understand how they can meet the requirements of the standards. Do you agree that the proposed Code of Practice meets this aim? Please see chapter 10 of the consultation document for more information on the Code of Practice.

Please state if you agree or disagree. Please provide comments if you wish to explain your response.

For information to help you answer this question, see page 20 of this document.

→ Question 8

A draft Regulatory Impact Assessment has been produced to help in understanding the costs, benefits and risks of introducing a revised set of consumer standards and Code of Practice. Do you agree with our conclusions in the draft Regulatory Impact Assessment? Please see chapter 11 of the consultation document for more information on the Regulatory Impact Assessment.

Please state if you agree or disagree. Please provide comments if you wish to explain your response.

For information to help you answer this question, see page 21 of this document.

→ Question 9

The draft Equality Impact Assessment looks at what effects introducing the consumer standards might have on members of groups that are protected by equality laws. Do you agree with our conclusions in the draft Equality Impact Assessment? Please see chapter 11 of the consultation document for more information on the Equality Impact Assessment.

Please state if you agree or disagree. Please provide comments if you wish to explain your response.

For information to help you answer this question, see page 21 of this document.

About us

The Regulator of Social Housing regulates registered providers of social housing in England. We want the social housing sector to be viable, efficient, well governed, and able to deliver homes that meet a range of needs.

Registered providers of social housing include:

- housing associations, co-operatives and other non-profit organisations
- profit-making organisations
- local authorities.

Our work helps to make sure social housing tenants have:

- appropriate quality homes that are well managed, safe and energy efficient
- choice
- protection
- ways to get involved with how their homes are managed
- landlords that act transparently.

We set standards that all registered providers of social housing must meet. In certain circumstances, we may take action if a provider breaches these standards.

We have a duty to work in a way that minimises interference and, as far as possible, is proportionate, consistent, transparent and accountable.

Contact us

If you want to respond to this consultation, see page 5 of this document.

We encourage you to read the statutory consultation document as well as this summary, especially if you want to share your views with us.

If you have a more general query:

Email: enquiries@rsh.gov.uk

Call: 0300 124 5225

Post to:

Regulator of Social Housing Level 2 7-8 Wellington Place Leeds IS14AP

Thank you for taking the time to read this summary and share your responses to our proposals. Your opinions are important to us.

