

17 October 2011

Open Data Consultation  
Transparency Team  
Efficiency and Reform Group, Cabinet Office  
1 Horse Guards Road  
London SW1A 2HQ

Dear Sir/Madam

## **Making Open Data Real**

### Introduction:

Southern Housing Group owns and manages 25,000 homes for more than 66,000 residents. We employ more than 900 people and work with more than 70 local authorities. Our mission is to unlock the potential of people and places. We do this by improving the neighbourhoods where our residents live, developing quality affordable housing, offering a range of rent and homeownership opportunities and investing in our residents and our staff.

For some time now, many in the housing association sector have harboured the belief that the sector is at risk of reclassification from its present independent status to that of public sector bodies.

Our fears are grounded in the cumulative effect of regulation and legislation over a prolonged period, for example:

- The decision in 1987 to cease funding for local authorities for the provision of new social housing in favour of housing associations undertaking this role.
- The insistence upon nomination rights for local authorities to let the new homes produced since this date.
- The powers in default available to the sectors regulator when a housing association fails.
- The imposition of European Procurement rules upon the sector under the OJEU process.
- The setting of housing association rents by Government formula for the past ten years.

We feel this consultation paper, as presently drafted, would move the sector even closer to reclassification.

The most contentious assertion in the consultation paper is the new definition of public service:

**“Where we refer to Public Services, we mean public bodies, and those funded commissioned, or entrusted by Parliament to deliver a service”.**

This disingenuous drafting flies in the face of other government definitions of public service, including those published by ONS, CLG and HM Treasury.

Alongside this we have recently had the unhelpful suggestion from the Minister of Housing, Grant Shapps MP, that the scope of the Freedom of Information Act (FoIA) should be extended to include the work of housing associations (CIH Conference 23 June 2011), thus increasing reclassification risk with the unwanted outcome that the sector's £70bn of private borrowings would become part of the Public Sector Borrowing Requirement (PSBR).

The tone and content of the consultation paper serves to further reinforce our concerns regarding reclassification risk. In the Executive Summary (3.3) you explain:

**“How public bodies and providers of public services might be held to account for delivering Open Data”.**

Widely accepted definitions of public body status refer to “business and industries that are owned or controlled by government”. Holding providers to account clearly constitutes control by government.

We strongly recommend that you both reconsider your definition of public bodies and make it very clear that these proposals do not include the housing association sector, which are independent bodies, and not public sector organisations.

Yours faithfully



**Tom Dacey**  
**Group Chief Executive**