



Ministry of Housing,  
Communities &  
Local Government

# The Charter for Social Housing Residents

## Social Housing White Paper





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## **Foreword from the Prime Minister**

As a cub reporter in the 1980s, I was once despatched to a Wolverhampton council estate to call on a young family who had written in about the damp in their flat.

And what struck me most when I arrived wasn't the condensation streaming down the windows like a waterfall or the black spores of mould metastasising across the walls or even the rasping cough of the small baby, which seemed to get worse even in the short time I was there.

It was the miserable despair of the father, a man utterly bereft of hope at the problem ever being sorted out. He'd complained to the housing office, he'd complained to his local councillor, he'd complained to anyone who would listen and many who wouldn't, but nobody seemed to care, nobody seemed willing or able to do anything about it.

And while that scene unfolded more than 30 years ago, the culture and attitude that allowed it to happen – the idea that social tenants are less worthy of respect or can be ignored when their views are inconvenient – remains all too prevalent today.

Although the exhaustive independent inquiry into the causes of the Grenfell tragedy will not report its final findings for some time yet, it is already clear that the people who called Grenfell Tower home were, like that Wolverhampton father, no strangers to their voices going unheard.

If there were only a handful of social tenants in this country it would be a matter of grave concern.

In a nation where many millions rely on their local council or a housing association to help keep a roof over their head – and in the UK the social rented sector makes up a greater share of housing stock than in most other major economies – it is nothing short of a scandal. And it's one this government is going to deal with.

The proposals in this White Paper will make clear the standards that every social tenant in England is entitled to expect from their landlords.

They will ensure that people feel safe and secure in their homes, can get problems fixed before they spiral out of control, and see exactly how good their landlord is at dealing with complaints.

Above all, it will give social housing tenants a voice, and ensure that it is listened to.

We're levelling up this country, making it fairer for everyone – and that includes making sure social housing tenants are treated with the respect they deserve, so that nobody should ever again feel as hopeless as the man I met all those years ago.

**The Rt. Hon. Boris Johnson MP**  
**Prime Minister**

“We're levelling up this country, making it fairer for everyone – and that includes making sure social housing tenants are treated with the respect they deserve.”



## **Foreword from the Secretary of State**

One of the privileges of my time as Secretary of State has been meeting with the bereaved and survivors of the Grenfell Tower tragedy. Their courage and grace shone through on each encounter, however harrowing and heart breaking the stories they told.

Time and again, former residents would return to two themes: firstly, that they didn't feel listened to when they

raised concerns and complaints and could only wonder what might have been avoided if their voices had been heard. And secondly, a broader sense that they had not been treated with the dignity and respect they deserved. Indeed, the same dignity and respect they themselves have exhibited, in unimaginable grief and distress since the night of 14 June 2017.

These conversations with me and my predecessors were the genesis of this White Paper. Those most affected by the events at Grenfell Tower understandably seek answers and justice and that is what an independent public inquiry aims to provide. But, it is clear to me they also seek positive action and change for the benefit of others. I do not presume to assert that this White Paper alone answers that desire, but it is in that spirit that we publish it and will ensure its aims and ambitions are realised.

This Charter for Social Housing Residents sets out to raise the standard of social housing and meet the aspirations of residents throughout the country, today and in the future. It speaks to safety, to quality, to family, to life free from the blight of crime and anti-social behaviour, to the opportunity to move from rent to ownership, where this is possible.

I want housing associations and local councils to ensure that those who live in social housing are treated with dignity and respect. The interests and perspective of residents must be given greater prominence in service delivery. And when things go wrong, as they inevitably sometimes do, tenants should be able to seek redress and know that they will be heard. No one should accept poor service, nor show deference to those that provide it.

Landlords should welcome the views of their tenants as a route to better management.

I want tenants to feel protected and empowered by a regulatory regime and a culture of transparency, accountability, decency and service befitting of the best intentions and traditions of social housing in this country.

I hope the ideas and regulatory changes we set out in this White Paper will make a measurable difference to the experiences of those living in England's four million social homes in the years ahead.

**The Rt. Hon. Robert Jenrick**  
**Secretary of State for Ministry of Housing,**  
**Communities and Local Government**

“This Charter for Social Housing Residents sets out to raise the standard of social housing and meet the aspirations of residents throughout the country, today and in the future.”

# Executive Summary

A home should always be more than just four walls and a roof.

A home should provide safety, security and dignity. An opportunity to put down roots and contribute to our community so we can enjoy social and civic lives. Regardless of who you rent from, your landlord should treat you fairly and with respect. And if things go wrong there should be a swift and effective means of redress.

We all have these expectations, but for some social housing residents they have not always been met. This White Paper seeks to change that, establishing a new Charter for social housing residents.

This country has a long tradition of providing homes for those most in need, going back many centuries. The first recorded almshouse was founded in York by King Athelstan. The oldest still in existence is the Hospital of St Cross in Winchester, dating to about 1132. During the nineteenth century and early twentieth century, great philanthropists and social reformers changed the face of housing. They recognised that good quality homes with open space and amenities were essential to overcoming the chronic public health challenges of the time. Model villages such as George Cadbury's Bournville in Birmingham, Joseph Rowntree's New Earswick in York, and George Peabody's and Octavia Hill's developments in inner city London were born. Octavia Hill said her aim was to 'make lives noble, homes happy and family life good'.

From the 1890s, some local councils started to build social housing. This was given a huge boost by the Addison Act of 1919, which provided central government funding to local authorities to build “homes fit for heroes” as troops returned from World War 1. Ever since, local councils have played a significant role in providing good homes to working people and creating strong communities, particularly rebuilding the country after the devastation of World War 2 when the country lost over a million homes and 4 million more were damaged.

As of 2018, local councils provided homes to over 1.6 million households<sup>1</sup>. This Government has been clear that we want to see councils build more homes and has made this possible through removing restrictions on their borrowing so they can invest.

Since the 1970s we have also seen the tremendous growth of housing associations, which has transformed how social housing is delivered now. Many housing associations began in that decade from community roots, often from local churches or communities coming together in response to homelessness. Several of those small charities have become the large housing associations we know today. Housing associations own approximately 60% of our social housing. The 1974 Housing Act enabled the charitable housing association sector to access funding to build new homes. In the 1980s, housing associations were given freedom to access private borrowing, seeking to blend charitable aims with commercial acumen to build more homes and take on homes from local authorities. We

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<sup>1</sup> ‘Live Table 104’ <https://www.gov.uk/government/statistical-data-sets/live-tables-on-dwelling-stock-including-vacants>

want housing associations to build yet more homes and to deliver their mission of charitable purpose combined with the best customer service of the private sector.

From the 1980s, social housing became not only a crucial safety net for those in need, but also, for many, a vital step on the ladder towards home ownership. The introduction of the Right to Buy and shared ownership enabled millions of social tenants to buy a home of their own. We want to support even more social housing residents to own a home. This is why we are introducing a simpler and fairer shared ownership offer, allowing people to get on the first rung by buying only 10% of their home – and why we have introduced the Right to Shared Ownership, which will enable people living in rental homes built under the new Affordable Homes Programme to purchase their own home through shared ownership.

Today, the sector provides homes to 4 million households. Many landlords provide a good service to their residents. They provide a decent and safe home. They support thriving neighbourhoods and communities. They are open with their residents, listen to them and treat them with respect.

But this is not true of all landlords.

The tragedy at Grenfell Tower in June 2017 raised critical questions for everyone involved in social housing, including residents, landlords, developers, and local and national government. We are committed to learning the lessons of the Grenfell tragedy and have already taken significant action. We have supported the bereaved and survivors, established an independent public inquiry and

started implementing the recommendations of its Phase 1 findings. And through the Building Safety Bill we are undertaking the biggest change in building safety for a generation.

We have also been listening intensely to social housing residents across the country about the change that they want to see. The social housing Green Paper in 2018 sought views on a wide range of potential changes, and alongside it we launched a Call for Evidence about how social housing is regulated. We received over 1,000 responses to the social housing Green Paper and over 100 to the Call for Evidence. Many residents reported positive experiences, but others did not. We heard concerns about safety and quality; of complaints being handled slowly or poorly; and about residents feeling they were not listened to, or not treated with respect.

The COVID-19 pandemic has reinforced the importance of people's homes, communities and neighbourhoods – including access to green spaces. Good landlords have ensured that their vulnerable residents have not been left alone, and have gone the extra mile to support them. It remains important for people to have access to open green spaces and playgrounds to promote exercise and mental wellbeing. And it is critical that those in social housing, as elsewhere, can live free from the blight of crime, drugs and anti-social behaviour, in developments well designed to protect them and with law enforcement there to take decisive action where necessary.

Alongside the challenges posed by COVID-19, social landlords are seeking to increase energy efficiency, and are working to improve the safety of their buildings. We

recognise that these pose very significant challenges and are assisting through targeted grants and support.

Many landlords have made positive changes since the publication of the social housing Green Paper. And there have been welcome initiatives to support sector-wide culture change, such as the National Housing Federation's Together with Tenants<sup>2</sup> programme and the resident-led guide on how to engage with residents by See the Person and the Chartered Institute of Housing.<sup>3</sup>

But there is more to do to ensure that all social housing residents have the experience we expect for them. This White Paper sets out how we will achieve this, through our new Charter for social housing residents.

Building on the commitments we have already made on building safety, to the highest single funding commitment to affordable housing in a decade, and to establishing more routes for tenants to own their own home, this White Paper will deliver transformational change for social housing residents.



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<sup>2</sup> <https://www.housing.org.uk/our-work/together-with-tenants/>

<sup>3</sup> *It's Not Okay: a guide to tackling stigma in social housing* <https://www.cih.org/publications/its-not-okay-a-guide-to-tackling-stigma-in-social-housing>



“A home should provide safety, security and dignity. An opportunity to put down roots and contribute to our community so we can enjoy social and civic lives. Regardless of who you rent from, your landlord should treat you fairly and with respect. And if things go wrong there should be a swift and effective means of redress.”

# A new Charter for social housing residents

Our new Charter sets out what every social housing resident should be able to expect:

- 1. To be safe in your home.** We will work with industry and landlords to ensure every home is safe and secure.
- 2. To know how your landlord is performing,** including on repairs, complaints and safety, and how it spends its money, so you can hold it to account.
- 3. To have your complaints dealt with promptly and fairly,** with access to a strong Ombudsman who will give you swift and fair redress when needed.
- 4. To be treated with respect,** backed by a strong consumer regulator and improved consumer standards for tenants.
- 5. To have your voice heard by your landlord,** for example through regular meetings, scrutiny panels or being on its Board. The Government will provide help, if you want it, to give you the tools to ensure your landlord listens.
- 6. To have a good quality home and neighbourhood to live in,** with your landlord keeping your home in good repair.
- 7. To be supported to take your first step to ownership,** so it is a ladder to other opportunities, should your circumstances allow.

# How we will ensure this Charter is met

This White Paper sets out what we will do to ensure landlords live up to this new Charter. Our package of measures is summarised below. The most important step we will take is to work with the Regulator of Social Housing (“the regulator”) to create a strong, proactive consumer regulatory regime, strengthening the formal standards against which landlords are regulated and requiring them to:

- be transparent about their performance and decision-making – so that tenants and the regulator can hold them to account;
- put things right when they go wrong; and
- listen to tenants through effective engagement.

## Summary of the policy measures in this White Paper

### To be safe in your home

Building and fire safety is a paramount concern for residents. We are committed to ensuring that all homes are safe to live in, and have identified ways both to raise safety standards and to help residents feel safer in their homes. Chapter 1 sets out that we will:

- Legislate to strengthen the Regulator of Social Housing’s consumer regulation objectives to explicitly include safety.
- Legislate to require social landlords to identify a nominated person responsible for complying with their health and safety requirements.
- Expect the Regulator of Social Housing to prepare a Memorandum of Understanding with the Health and Safety Executive to ensure effective sharing of information with the Building Safety Regulator.

- Launch a consultation on requiring smoke alarms in social housing and introducing new expectations for carbon monoxide alarms.
- Consult on measures to ensure that social housing residents are protected from harm caused by poor electrical safety.
- Continue to work with the Social Sector (Building Safety) Engagement Best Practice Group and the Building Safety Regulator to ensure resident voices are heard.

## **To know how your landlord is performing**

If tenants are to be able to hold their landlord to account, they need to know how it is performing and what decisions it is making. This will allow them to challenge their landlord when things are not working as they should, and to compare its performance with that of other social landlords. Chapter 2 sets out how we will:

- Create a set of tenant satisfaction measures for landlords on things that matter to tenants.
- Introduce a new access to information scheme for social housing tenants of housing associations and other private registered providers of social housing, so that information relating to landlords is easily available.
- Ensure landlords provide a clear breakdown of how their income is being spent.
- Require landlords to identify a senior person in their organisation who is responsible for ensuring they comply with the consumer standards set by the Regulator of Social Housing.

## **To have your complaints dealt with promptly and fairly**

Residents should get swift and effective resolution of complaints. But we heard from some residents that making a complaint can be difficult and take too long – and that it can sometimes take months for the complaint to be resolved, or for the resident to be able to access the Housing Ombudsman. Chapter 3 sets out how we have recently:

- Acted to speed up access to the Housing Ombudsman by removing (through the Building Safety Bill) the need for residents to either go to a ‘designated person’ or wait eight weeks before approaching the Ombudsman directly.
- Expanded the Housing Ombudsman service, and increased its powers, so it will make decisions more quickly and can take stronger action against landlords where needed.

Chapter 3 also sets out how we will do more to:

- Provide residents with consistency across landlord complaint handling by ensuring landlords self-assess against the Housing Ombudsman’s Complaint Handling Code by 31 December 2020.
- Ensure tenants know how to raise complaints and have confidence in the system by launching a communications campaign. We will expect landlords, the Housing Ombudsman and the Building Safety Regulator to ensure residents have clear and up to date information on how to complain.
- Legislate to ensure clear co-operation between the Housing Ombudsman and the Regulator of Social

Housing to hold landlords to account more effectively when things go wrong.

- Make landlords more accountable for their actions by publicising the details of cases determined and published by the Housing Ombudsman.

## **To be treated fairly and with respect, backed by a strong consumer regulator for tenants**

Transformation of consumer regulation is needed to further drive the right behaviours and hold landlords to account when they fail. This will complement the robust economic regulation already in place, which will be maintained.

Chapter 4 sets out our commitment to:

- Transform the consumer regulation role of the Regulator of Social Housing (“the regulator”) so it proactively monitors and drives landlords’ compliance with improved consumer standards.
- Remove the ‘serious detriment test’ and introduce routine inspections for the largest landlords (those with over 1,000 homes) every four years.
- Change the regulator’s objectives to explicitly cover safety and transparency, and work with it to review its consumer standards to ensure they are up to date and deliver its revised objectives.
- Give the regulator the power to publish a Code of Practice on the consumer standards to be clear what landlords are required to deliver.
- Strengthen the regulator’s enforcement powers to tackle failing landlords and to respond to new challenges facing the sector.

- Hold local authorities to account as landlords, including how they manage Arms Length Management Organisations and Tenant Management Organisations, to make sure they deliver a good service to tenants.
- Require the regulator to set up an Advisory Committee to provide independent and unbiased advice on discharging its functions.

## **To have your voice heard by your landlord**

Stronger resident engagement by landlords will give residents a clearer voice so that they can hold landlords to account. In Chapter 5 we set out how we will:

- Expect the regulator to require landlords to seek out best practice and consider how they can continually improve the way they engage with social housing tenants.
- Deliver a new opportunities and empowerment programme for social housing residents, to support more effective engagement between landlords and residents, and to give residents tools to influence their landlords and hold them to account.
- Review professional training and development to ensure residents receive a high standard of customer service.

## **To have a good quality home and neighbourhood to live in**

We heard that tenants are proud of their communities and want greater investment in them. We want to ensure social tenants have good quality, decent homes and

neighbourhoods, including access to green space and support for wellbeing. Chapter 6 sets out that we will:

- Review the Decent Homes Standard, including access to and the quality of green spaces.
- Tackle anti-social behaviour by enabling tenants to know who is responsible for action and who can support and assist them if they are faced with anti-social behaviour.
- Consider the results of the allocations evidence collection exercise findings to ensure that housing is allocated in the fairest way possible and achieves the best outcomes for local places and communities.

### **To be supported to take your first step to ownership**

We are continuing to increase the supply of good quality social homes, and working to give as many residents as possible the right to purchase their own home. Chapter 7 explains how we are:

- Investing £11.5 billion to build up to 180,000 affordable homes – the highest single funding commitment to affordable housing in a decade. Around half of these new homes will be for affordable home ownership.
- Implementing a new, fairer and more accessible model for Shared Ownership.
- Implementing a new Right to Shared Ownership for tenants of housing associations and other private registered providers who live in new grant funded homes for rent.
- Emphasising through our new National Design Guide the importance of building beautiful and well-designed social homes.

- Introducing a new Affordable Homes Guarantee Scheme.
- Encouraging local authorities to take advantage of our removal of the borrowing cap to build more council homes.

The measures in this White Paper apply to social housing landlords and residents in England. Separate arrangements apply in the devolved administrations of Scotland, Wales and Northern Ireland.

### **Key terms used in this White Paper:**

**Residents** – This White Paper considers the issues facing all residents of social housing, including those who rent, leaseholders and shared owners. We have referred throughout to “residents” to include all those living in social housing, except where an issue is only relevant to those who are renting from a social housing landlord, in which case we refer to “tenants”.

**Landlords** – Generally throughout this White Paper we use the term “landlord” to cover anyone who rents social homes to people. It also covers social landlords of leaseholders and shared owners.

Changes to the Regulator of Social Housing and its powers will apply to tenants.<sup>4</sup>

There is a full glossary of terms used at the end of this White Paper.

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<sup>4</sup> Some of the regulator’s Standards do not apply to shared owners as set out at: <https://www.gov.uk/guidance/regulatory-standards>



# Chapter 1:

## To be safe in your home



Ensuring good health through good quality, safe and decent homes has been at the cornerstone of developing social housing over the past century, led by the vision shown by the pioneering work of Octavia Hill, George Peabody and others.

The tragedy at Grenfell Tower shook public trust in building safety and revealed significant failings. Our renewed drive in this White Paper puts residents back at the heart of building safety and goes further in delivering changes to ensure that every social housing resident is safe in their home.

### **We have already:**

- Made up to £400 million available to social sector landlords to fund the removal and replacement of unsafe cladding of aluminium composite materials on residential social housing buildings over 18 metres, and announced a further £1 billion of grant funding to cover the costs of remediating unsafe non-aluminium composite materials on residential buildings over 18 metres.
- Published a Building Safety Bill, which sets out an enhanced regulatory regime for all buildings, including a more stringent fire and structural safety regime for higher-risk buildings, with residents having a strong voice in the system.

- Published a Fire Safety Consultation on Government proposals to implement the recommendations in the Grenfell Tower Inquiry's Phase 1 report that require changes to the law.
- Supported a Social Sector (Building Safety) Engagement Best Practice Group, bringing together social landlords and residents from across the country to test approaches to engagement on building safety.
- Published a Fire Safety Bill which will clarify the scope of the Fire Safety Order in its application to the structure, external walls and flat entrance doors in multi-occupied residential buildings.

### **We will:**

- Legislate to strengthen the Regulator of Social Housing's consumer regulation objectives to explicitly include safety.
- Legislate to require social landlords to identify a nominated person responsible for complying with their health and safety requirements.
- Expect the Regulator of Social Housing to prepare a Memorandum of Understanding with the Health and Safety Executive to ensure effective sharing of information with the Building Safety Regulator.
- Launch a consultation on mandating smoke and carbon monoxide alarms in social housing.

- Consult on measures to ensure that social housing residents are protected from harm caused by poor electrical safety.
- Build on the work of the Social Sector (Building Safety) Engagement Best Practice Group, supporting the development of statutory and good practice guidance on engaging residents in all tenures on safety issues.



# Ensuring buildings are safe

1. Building safety is a top priority for the Government. We have already made up to £400 million available to social sector landlords to fund the removal and replacement of unsafe cladding of aluminium composite materials (ACM) on residential social housing buildings over 18 metres. At Budget 2020 we went further, announcing an additional £1 billion to accelerate the remediation of unsafe non-ACM on residential buildings over 18 metres. At the end of October 2020, 151 (97%) of the 155 social sector buildings identified with ACM cladding systems unlikely to meet Building Regulations had either completed or started remediation, with 90 (58%) having now completed remediation and 74% in total having de-risked the building by removing the ACM cladding. Plans are in place to remediate the remaining four buildings.<sup>5</sup>
2. In July 2020, we published our Building Safety Bill, which brings forward measures to put in place an enhanced regulatory regime for all buildings, including a more stringent regime for the design, construction, day-to-day management and maintenance of higher-risk buildings, with residents having a strong voice in the system. The new regimes will deliver stronger enforcement and sanctions to ensure homes are safe. These will ensure the right people are held to account and will drive a culture change to put safety first. Local enforcement agencies and

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<sup>5</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/934661/Building\\_Safety\\_Data\\_Release\\_October\\_2020.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/934661/Building_Safety_Data_Release_October_2020.pdf)

national regulators, including a new Building Safety Regulator, will work together to ensure that the safety of buildings across all tenures is improved. The Building Safety Regulator will be responsible for all regulatory decisions under the new regime during the design, construction, occupation and refurbishment of higher-risk buildings.

3. The proposals in the Building Safety Bill aim to bring about a culture change so that organisations who manage buildings across all tenures, including higher-risk buildings, prioritise residents and their safety. It is important that the social housing regime supports fire safety, and that the building safety and social housing regimes work effectively together. **To do this we will:**
  - **Legislate to strengthen the Regulator of Social Housing’s consumer regulation objective so that it explicitly includes safety (paragraph 59).**
  - **Legislate to require social landlords to identify a nominated person responsible for complying with their health and safety requirements (paragraph 61).**
  - **Expect the Regulator of Social Housing to prepare a Memorandum of Understanding with the Health and Safety Executive, once the national Building Safety Regulator is created, to ensure effective sharing of information (paragraph 62).**
4. Alongside the Building Safety Bill, we published the Fire Safety Consultation as part of government’s package of reform to improve building and fire safety

in all regulated premises where people live, stay or work. The Fire Safety Consultation seeks views and asks questions on our proposals to implement the recommendations in the Grenfell Tower Inquiry's Phase 1 report that require changes to the law. These proposals seek to provide residents with greater assurance and fire safety improvements in their buildings. We are seeking to implement the recommendations in the most practical, proportionate and effective manner. In many cases, our proposals go beyond the Grenfell Tower Inquiry's recommendations, whilst in others we have proposed an approach which prioritises residents' safety in a way that is proportionate to the risks the Grenfell Tower Inquiry identified.

- 5.** We published a Fire Safety Bill which clarifies that under the Fire Safety Order 2005 a responsible person or duty-holder for multi-occupied residential buildings must assess the fire safety risks for the structure, external walls and flat entrance doors as part of the fire risk assessment process. Where appropriate, the responsible person or duty-holder must put in place general fire precautions to mitigate any risks in relation to these parts of the building.

# Engagement on safety

6. Putting residents at the heart of building safety continues to be a core priority for us. The Independent Review of Building Regulations and Fire Safety, commissioned following the Grenfell tragedy, called for government action to develop a national culture of engagement on fire and structural safety for residents of all tenures. We also heard in response to the *Building a Safer Future* consultation that residents want more effective, tailored, regular communication around fire and structural safety issues, and a range of ways to engage. Residents told us that more effective engagement with landlords would help to support them to feel safer in their homes.
7. Social landlords have a key role to play in supporting their residents to feel safe in their homes. For residents, knowing you live in a safe, secure building is of paramount importance, for your physical safety and for your mental health. Trust in your landlord is crucial to this, and ensuring there is two-way engagement on how safety is managed is a central part of gaining that trust. To support this change in culture, we want to make sure that residents know how to communicate with their landlord or building manager on fire and structural safety issues, and that they feel confident their voices are heard. We also want to create a culture where landlords and building safety managers communicate effectively with their residents on safety issues.
8. To deliver this, through the Building Safety Bill we are introducing a requirement for the 'Accountable Person' for each higher-risk building to produce and implement

a resident engagement strategy to promote the participation of tenants and leaseholders in decisions that are made about building safety risks in their building. This will ensure that:

- residents automatically receive information about the fire and structural protections in place to manage risks within their building, and are able to access the building Safety Case Report (a report that the Accountable Person will have to write in which they make an explicit claim that they are managing major accident risks within the building and evidence exactly how they are going about it) and more detailed safety information about the building where appropriate, if they wish to do so;
- residents have access to a quick and effective route to raise complaints about fire and structural safety; and that
- residents have information to enable them to understand and fulfil their safety responsibilities.

**9.** We have learned a great deal from listening to residents and understanding what changes they want to see. We consulted a mixed-tenure Residents Reference Panel, whose members helped us to ensure that our reforms are informed by the experience of people living in higher-risk buildings.

**10.** Since March 2019 we have also been running a Social Sector (Building Safety) Engagement Best Practice Group<sup>6</sup> bringing together social landlords and

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<sup>6</sup> <https://www.gov.uk/government/groups/social-sector-building-safety-engagement-best-practice-group>

residents from across the country to test approaches to engagement on building safety and foster stronger partnerships between residents and landlords. This has taken forward work in three areas:

- information and understanding;
- landlord and resident responsibilities; and
- action to take in the event of a fire.

**11.** The pilots run by the group have explored ways to support residents and landlords to communicate effectively on fire safety issues. This work has helped inform our approach to the provision of resident information and the setting of responsibilities in the Building Safety Bill published in July 2020 for pre-legislative scrutiny. We have really valued the voluntary effort that residents have made in this group to identifying practical ways to improve communication on building safety, and for the support and time that landlords have contributed to taking this forward. The group's final report and recommendations will be published shortly.

**12.** We are working with the shadow Building Safety Regulator (based in the Health and Safety Executive) to ensure that resident voice continues to shape the new regulatory regime as it evolves, building on the propositions in our Building Safety Bill that the regulator will establish a resident panel to assist it in determining its priorities and in informing any guidance that it publishes on resident engagement.



“Social landlords have a key role to play in supporting their residents to feel safe in their homes. For residents, knowing you live in a safe, secure building is of paramount importance, for your physical safety and for your mental health.”

# Setting standards on smoke and carbon monoxide alarms and electrical safety

- 13.** Safety measures in the social sector should be in line with the legal protections afforded to private sector tenants. Responses to the social housing Green Paper showed overwhelming support for consistency in safety measures across social and private rented housing. Although many social landlords have already taken steps to keep tenants safe, it is unacceptable that around 200,000 social households are without a working smoke alarm and over 2.3 million are without a working carbon monoxide alarm.<sup>7</sup>
- 14.** We want to bring safety requirements for smoke alarms and carbon monoxide alarms in line with private rented sector requirements. That is why, **alongside this White Paper, we have launched a consultation on extending requirements for smoke and carbon monoxide alarms, including introducing new requirements in social housing. We will also consult separately on ways to ensure that social housing tenants are protected from harm caused by poor electrical safety.**

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<sup>7</sup> 'English Housing Survey, Headline Report 2018-19'

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/860076/2018-19\\_EHS\\_Headline\\_Report.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/860076/2018-19_EHS_Headline_Report.pdf)

## Chapter 2:

# To know how your landlord is performing

If tenants are to be able to hold their landlords to account, they need information on how their landlord is performing, what decisions it is making and who is responsible.



As housing associations began to expand from the mid-1970s, they were generally closely connected to the communities they were building homes for, but this has become strained with the more substantial growth in the scale of their operations from the mid-2000's. Some housing associations have been criticised for excessive administration costs and executive pay, with reported average Chief Executive pay of £181,000 in 2019/20 – more than the Prime Minister – and some, in excess of £400,000 per year<sup>8</sup>. This White Paper seeks to redress that balance and recreate strong connections between landlords and tenants to ensure transparency and accountability and ensure all landlords consider their purpose and their tenants, at all times. We have heard clearly from tenants how important this is to them.

### **We will:**

- Expect the Regulator of Social Housing to bring in a set of tenant satisfaction measures for all landlords on things that matter to tenants.
- Introduce a new access to information scheme for social housing tenants of housing associations and other private registered providers of social housing, so that information relating to landlords is easily accessible by tenants.
- Ensure landlords provide a clear breakdown of how their income is being spent, including levels of executive remuneration, to be published alongside their tenant satisfaction measures.

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<sup>8</sup> Inside Housing Chief Executive Staff Survey 2020 (23 October 2020)  
<https://www.insidehousing.co.uk/insight/inside-housing-chief-executive-salary-survey-2020-68245>

- Require landlords to identify a senior person in their organisation who is responsible for ensuring they comply with the consumer standards set by the Regulator of Social Housing.
- Expect landlords to report to every tenant on such matters at least once a year, if not continuously, using technology.

## Tenant Satisfaction Measures

- 15.** Although landlords are already required to give tenants timely and relevant performance information, including the publication of an annual report, the format and content of this information can vary significantly. Private registered providers and local authority landlords should be giving tenants access to a set of clear, comparable tenant satisfaction measures on the things they care about to ensure they can understand their landlord's performance. This information is also important in informing the Regulator of Social Housing's ("the regulator's") approach to regulating landlords.
- 16. The Regulator of Social Housing will develop a process for collecting and publishing a core set of tenant satisfaction measures for all social landlords.** These should follow the themes set out in the social housing Green Paper, widely supported by tenants, around properties being in good repair, building safety, engagement and neighbourhood management, including measures on anti-social behaviour. They should include both objective quantitative measures and tenant perception measures.

- 17.** These measures will provide tenants with greater transparency about their landlord’s performance. They will also inform the regulator about how the landlord is complying with the consumer standards under a proactive consumer regulation regime. The regulator should consider the best way of publishing measures so that they are clear and accessible for all tenants, and how to ensure landlords publicise them, but we would expect an annual statement to be provided to every tenant as a minimum and, unless there are special reasons, for technology to be used (such as an app) to provide this more directly and accessibly.
- 18.** We have worked with groups across the sector including tenant representatives, landlords, trade bodies and the regulator to develop the draft set of tenant satisfaction measures set out in **Box A**. We expect the regulator to do further work, engaging with tenants and landlords, to finalise these and embed them within the regulatory system. The importance of careful design of the tenant satisfaction measures was highlighted in responses to the Call for Evidence about the regulatory regime for social housing. Many respondents expressed concern about the comparability of different landlords and the regulator will need to consider this. The regulator will also work with the Building Safety Regulator as it develops performance standards and reporting requirements as part of the new building safety regime for higher-risk buildings.



“We want to ensure a culture change whereby landlords are more open with residents, beyond the information provided through tenant satisfaction measures.”

## Box A: Draft Tenant Satisfaction Measures

Theme	Draft tenant satisfaction measures
Keeping properties in good repair	Decent Homes Standard compliance
	Responsive repairs completed right first time
	Tenant satisfaction with landlord's repairs and maintenance service
Maintaining building safety	Compliance with health and safety obligations: <ul style="list-style-type: none"> <li>• Gas safety</li> <li>• Electrical safety</li> <li>• Fire safety</li> <li>• Asbestos</li> <li>• Water safety</li> <li>• Lift safety</li> </ul>
	Tenant satisfaction with the health and safety of their home
Effective handling of complaints	Number of complaints relative to the size of the landlord
	% of complaints resolved within agreed timescale
	Tenant satisfaction with landlord's complaints handling
Respectful and helpful engagement	Number of complaints relating to fairness and/or respect, relative to the size of the landlord
	Tenant satisfaction that their landlord listens to their views and takes notice of them
	Tenant satisfaction with landlord's engagement with tenants

## Box A: Draft Tenant Satisfaction Measures

Responsible neighbourhood management	% of communal areas meeting the required standard
	Number of complaints relating to communal areas, relative to the size of the landlord
	Tenant satisfaction with landlord actions to keep communal areas clean and safe
	Tenant satisfaction with landlord contribution to the neighbourhood associated with their home
	Number of complaints relating to anti-social behaviour, relative to the size of the landlord
	Tenant satisfaction with landlord's handling of anti-social behaviour
Overall	Tenant overall satisfaction with the service their landlord provides

**19.** In addition, **we will expect landlords to publish three financial measures alongside these tenant satisfaction measures, providing clear and accessible information on how much landlords are spending on administrative costs and executive remuneration (see Box B).** These will not inform the regulator's consumer regulation activity but will be made available for tenants' information. The regulator separately considers the effectiveness and efficiency of private registered providers through its Value for Money standard, as part of its economic regulation regime.

## Box B: Draft Financial Measures

Theme	Draft financial measures
Executive remuneration	Chief Executive or equivalent salary, relative to the size of the landlord
	Executive remuneration, relative to the size of the landlord
Efficiency and effectiveness	Management costs, relative to the size of the landlord

## New access to information scheme

**20.** We want to ensure a culture change whereby landlords are more open with tenants, beyond the information provided through tenant satisfaction measures. Local authority tenants can already access information from their landlord through a request made under the Freedom of Information Act 2000, but this is not available to tenants of housing associations and other private registered providers. Good landlords would want to share the information with tenants when asked, but there is a risk that others might choose to withhold information that they should share. To address this, **we will introduce a new access to information scheme for social housing tenants of housing associations and other private registered providers through the social housing regulatory regime.** This will ensure that all social housing tenants can access information from their landlord or be supported by others to do so such as councillors, MPs, solicitors, advocates or local journalists to support them in holding landlords to account.

- 21.** This new access to information scheme will allow tenants or their representatives to access information related to the management of social housing held by their landlord, and also relevant information that may be held by sub-contractors. The scheme will include time limits for providing the information. It will also set out the circumstances in which a landlord may refuse to disclose information. This will be broadly aligned with the exemptions from disclosure under the Freedom of Information Act 2000.
- 22.** It is important that if a tenant feels their landlord has unreasonably withheld information then they can challenge that decision. The first stage of this should be an internal review carried out by the landlord. We propose that the Housing Ombudsman will be engaged to decide on cases that have not been resolved at this first internal review stage. The Housing Ombudsman would also be able to refer suspected systemic breaches of the scheme to the regulator as it does on other matters. We will work with the Housing Ombudsman to develop this new role and agree its responsibilities.

## **More information on use of funds**

- 23.** To ensure openness and transparency we also want social landlords to provide clear information to show how they are making the best use of their resources. Housing associations and other private registered providers of social housing have a total annual turnover of more than £20 billion, so it is important that tenants know how this income is being

used and that they are able to see whether they are getting value for money. Social landlords should welcome scrutiny of whether they are using resources in the most efficient and effective way, including in their approach to executive remuneration and employment costs.

- 24. We will work with the Regulator of Social Housing to ensure all social landlords provide a clear breakdown of how their income is being spent.** This needs to be in an accessible format so tenants can see how funds are being spent and can challenge whether money is being spent on the things that matter to them. We will work with the sector to explore best practice on the use of apps to make this information more accessible to tenants.



# Clear leadership in landlords to deliver a quality service

- 25.** We want it to be clear to tenants who, in the leadership of their landlord, is responsible for ensuring good quality customer service. **We therefore expect the Regulator of Social Housing to require that all landlords identify a ‘responsible person’ who will ensure that the organisation is complying with consumer standards** (see paragraph 65). This person will be key to ensuring landlords deliver good quality customer service and drive culture change where it is needed. The regulator will introduce this measure as part of a broader requirement for landlords to provide greater clarity on the roles and responsibilities of senior level staff. We will expect the regulator to implement these requirements through changes to its consumer standards.
- 26.** There should be such a ‘responsible person’ identified in every landlord, regardless of size or type. Given the diverse nature of the sector, it should be for landlords to decide who is best placed to fulfil this function. What is essential is that responsibility must rest with an individual person at a suitably senior level within the landlord’s organisation to drive change and unite the organisation behind delivering good customer service; and that this person must be clearly identified to tenants, the regulator and the Housing Ombudsman. For example, this might be a senior executive within a local authority or large housing association, or the Chief Executive of a small housing association.



## Chapter 3:

# To have your complaints dealt with promptly and fairly

Since it was created in 1996, the Housing Ombudsman has been delivering a vital service to ensure disputes are resolved and residents receive redress where appropriate. We are clear that residents should be able to raise concerns without fear and get swift and effective resolution when they do. We heard from some residents that making a complaint can be difficult and take too long – and that it can sometimes take months for the complaint to be resolved, or for the resident to be able to access the Housing Ombudsman. This chapter sets out how we will fix that.

### **We have already:**

- Set out in the Building Safety Bill how we will speed up access to the Housing Ombudsman by removing the need for residents to go to a designated person or wait

eight weeks before approaching them – removing the ‘democratic filter’.

- Expanded the Housing Ombudsman service which is aiming to halve its decision times by March 2022.
- Increased the Housing Ombudsman’s powers to take action against landlords where needed. The Housing Ombudsman has published a new Complaint Handling Code and guidance on new orders that will be implemented from 1 January 2021.

### **We will:**

- Support improved complaint handling by landlords and hold them to account through stronger action by the Housing Ombudsman.
- Keep the Housing Ombudsman’s powers, and compliance with them, under review and consider ways to strengthen them, including the option of legislation to put the Complaint Handling Code on a statutory footing.
- Run an awareness campaign so social housing residents know their rights, are confident in navigating their routes to complain, and are aware of how to escalate to get redress where needed.
- Ensure lessons are learned and maintain residents’ confidence in the Housing Ombudsman Service through the appointment by the Ombudsman of an independent reviewer by March 2021 to examine any complaints made about the service that the Housing Ombudsman provides.
- Formalise and strengthen the relationship between the Regulator of Social Housing and the Housing Ombudsman by introducing a statutory requirement

for both bodies to co-operate with each other in undertaking their responsibilities in holding landlords to account.

- Make the Housing Ombudsman a statutory consultee for any proposal concerning changes to the Regulator of Social Housing's economic and consumer standards.
- Make the Regulator of Social Housing a statutory consultee for any changes to the Housing Ombudsman Scheme.
- From March 2021, publish on the Housing Ombudsman's website, reports on the complaints the Housing Ombudsman has handled for individual landlords, as well as the determinations on individual cases.

## **Standards that ensure residents get effective resolution and redress**

- 27.** Landlords have a key role to play in ensuring their residents know how to make complaints and can do so confidently. They must do this as one of the conditions of membership of the Housing Ombudsman Scheme. The Scheme sets out how residents' complaints about landlords are investigated by the Housing Ombudsman.
- 28.** To ensure that complaints handling is taken as seriously as it should be, the Housing Ombudsman has published a new Complaint Handling Code. This promotes consistency across landlords' complaints procedures and learning from complaints to drive service improvements. The new Code sets out

what residents can expect from their landlord when they complain, how to make a complaint and how to progress it through the landlord's complaints procedure. The Code emphasises the importance of resident involvement in complaint handling through the formation of resident panels. Landlords have been asked to self-assess against the Code by 31 December 2020 and publish the results. Non-compliance with the Code could result in the Housing Ombudsman issuing complaint handling failure orders which will outline the details of any failure, be notified to the landlord's governance body, the responsible person or the Regulator of Social Housing ("the regulator") and be published on the Ombudsman's website. The Housing Ombudsman has published guidance<sup>9</sup> on these new orders that will be implemented from 1 January 2021.

- 29.** To support this change, we have approved new powers for the Housing Ombudsman to identify best practice, outlined in the new Code, with which landlords will be expected to comply (see **Box C: The Housing Ombudsman**). In addition, the strengthened Housing Ombudsman Scheme includes new requirements on landlords to publish their complaints procedures on their websites and in correspondence to residents, and to deal with complaints in accordance with published procedures or within a reasonable timeframe.

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<sup>9</sup> <https://www.housing-ombudsman.org.uk/wp-content/uploads/2020/11/Guidance-on-complaint-handling-failure-orders.pdf>

## Box C: The Housing Ombudsman

*The Housing Ombudsman plays a key role in helping social housing residents access effective redress when things go wrong. The Housing Ombudsman resolves disputes involving residents and leaseholders with social landlords.<sup>10</sup> It supports residents and landlords to resolve issues within landlords' own complaints processes. The service is free for residents and is independent and impartial.*

*Social housing residents can seek early resolution, advice and support from the Housing Ombudsman Service at any time to help resolve an issue or complaint with their landlord. They can also formally refer to the Housing Ombudsman an unresolved complaint that has already been through a landlord's complaints process.*

## Resolving complaints more quickly

### Accelerating resolution of complaints by landlords

- 30.** We want to see landlords putting things right for residents as quickly as possible before the Housing Ombudsman has to be involved. Residents told us that some complaints took weeks, and even months, for landlords to resolve. We also heard the experiences of residents who had been delayed in accessing the Housing Ombudsman Service as landlords' complaints processes were slow and ineffective. To tackle this, **landlords will be required to comply with the Housing Ombudsman's**

<sup>10</sup> The Housing Ombudsman's role is set out in the legislation (Housing Act 1996) and the Housing Ombudsman Scheme. As at 31 March 2020, 2,303 landlords were members of the Scheme.

**Complaint Handling Code, ensuring that they have good processes in place to respond swiftly and effectively to complaints.**

- 31.** Resolving complaints within a landlord's own process can provide quicker outcomes for residents than a formal investigation by the Housing Ombudsman and can improve relationships between residents and landlords. The Housing Ombudsman can help to support the resolution of disputes before they reach the formal investigation stage. In 2019/20, 80% of complaints and enquiries were closed at this early stage by the Housing Ombudsman without needing to go onto further, formal investigation.<sup>11</sup> We want the **Housing Ombudsman to use its increased resources to support improved complaint handling by landlords and to resolve a greater proportion of formal complaints quickly using mediation.** The Housing Ombudsman's new Complaint Handling Code will help support this culture change and will set clearer expectations for landlords on their complaints handling process.
- 32.** New powers are also in place for the Housing Ombudsman to intervene when landlords are unreasonably slow in resolving complaints. Where landlords do not act, in addition to the Housing Ombudsman issuing complaint handling failure orders, the regulator will be able take firm action where necessary where there is evidence of systemic failings and a breach of the consumer standards.

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<sup>11</sup> See Page 7, KPI Table

<https://www.housing-ombudsman.org.uk/wp-content/uploads/2020/11/Housing-Ombudsman-Business-Plan-2019-20.pdf>



The Housing Ombudsman will be able to investigate potential systemic failings and refer the outcome to the landlord's board or elected members, to the 'responsible person' or to the regulator. The Housing Ombudsman will also identify and recommend best practice to landlords, helping to improve services and prevent residents experiencing similar issues. We will keep the Housing Ombudsman's powers, and compliance with them, under review and consider ways to strengthen them, including the option of legislation putting the Complaint Handling Code on a statutory footing.

## Accelerating redress through the Housing Ombudsman

**33. We also want to see the Housing Ombudsman deciding cases more quickly to ensure residents are not waiting months for resolution.** The Housing Ombudsman aims to halve the average determination time for complaints formally referred over the next two years: first to 4-5 months by March 2021, then to 3-4 months by March 2022. We have agreed increased resourcing through the 2020/21 Business Plan which will result in a more efficient dispute resolution service.<sup>12</sup> To make this work, it is critical that the Housing Ombudsman has prompt access to the evidence it needs to make fair and timely decisions. Delays in landlords providing the necessary information can slow residents' access to redress.

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<sup>12</sup> The Housing Ombudsman Business Plan 2020/21

<https://www.housing-ombudsman.org.uk/wp-content/uploads/2020/11/Housing-Ombudsman-business-plan-2020-21.pdf>



“We want people living in social housing to be able to access swift and effective resolution and not face unnecessary barriers.”

- 34.** That is why we have ensured that a strengthened Housing Ombudsman Scheme and a new Code on complaint handling gives the Housing Ombudsman stronger powers to require landlords to provide the information it needs within a reasonable timeframe. This will deliver quicker decisions and reduce determination times. From 2021 the Housing Ombudsman will use new powers to issue a complaint handling failure order to take appropriate action to progress a complaint if a landlord fails to provide the information as expected.
- 35.** There is high compliance with the orders made by the Housing Ombudsman, with the majority requiring landlords to comply with inside three months.<sup>13</sup> Where there is non-compliance, the Housing Ombudsman has the power to refer this to the regulator. From 2021, the Housing Ombudsman will also be able to issue complaint handling failure orders where handling failures by landlords are identified. These will be published on a quarterly basis, highlighting the names of the landlords and reasons for the orders. This information will also be shared with the regulator, will form part of the Housing Ombudsman's annual landlord performance reports and will be available on the Housing Ombudsman's website.
- 36.** To ensure residents' confidence in the Housing Ombudsman Service is maintained, the Housing Ombudsman will appoint an independent reviewer by March 2021, to examine a sample of complaints

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<sup>13</sup> See Page 7, KPI Table

<https://www.housing-ombudsman.org.uk/wp-content/uploads/2019/07/Housing-Ombudsman-ARA-2018-19-Web-Accessible.pdf>



made about the service the Housing Ombudsman provides. The Housing Ombudsman Service will publish the independent reviewer's findings, including where the Housing Ombudsman needs to improve performance and learn from outcomes.

## Awareness campaign

37. These changes will speed up complaints handling for residents and ensure action when needed. But in too many cases we have heard that landlords' complaints processes are complex and that it is not always clear how to make a complaint. Many residents do not know how to approach the Housing Ombudsman Service and are unfamiliar with the role played by the regulator.
38. We want to make sure residents are aware of all routes open to them to raise concerns and feel confident using them. **We will run an awareness campaign so social housing residents know their rights, are confident in navigating their routes to complain, and are aware of how to escalate to get**

**redress where needed.** We will work with residents, landlords, the Housing Ombudsman Service, and other organisations to ensure that the campaign is as far reaching as possible. We also expect the Housing Ombudsman Service and the regulator to do more to ensure people living in social housing know about the services they provide.

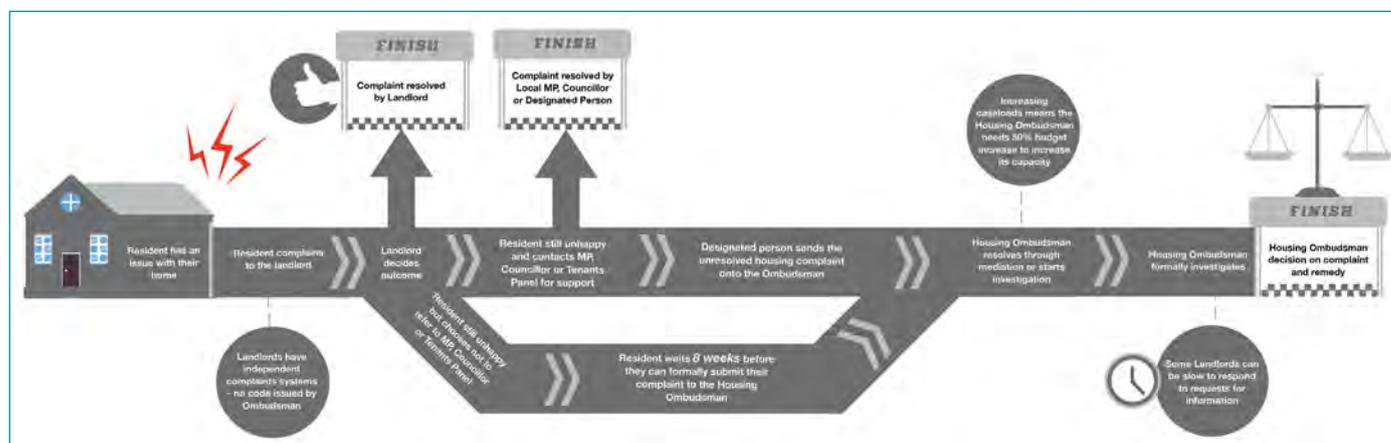
- 39.** The Housing Ombudsman’s new Complaint Handling Code states that landlord’s complaints policy should be widely publicised through as many routes as possible - for example through social media channels, in leaflets, newsletters, online and as part of regular correspondence with residents. This will be extended in future updates of the Code to require social landlords to prominently display other information including posters, for residents in their offices or shared residential areas.

## **Removing barriers to accessing redress for social housing**

- 40.** Currently, social housing residents who want to formally escalate unresolved complaints to the Housing Ombudsman face additional hurdles compared to consumers accessing other redress schemes. Residents have to raise their issue with a Member of Parliament, a local councillor or a designated tenant panel who will, if appropriate, refer it to the Housing Ombudsman (a step known as the ‘democratic filter’), or wait eight weeks from the landlord’s complaint process ending.

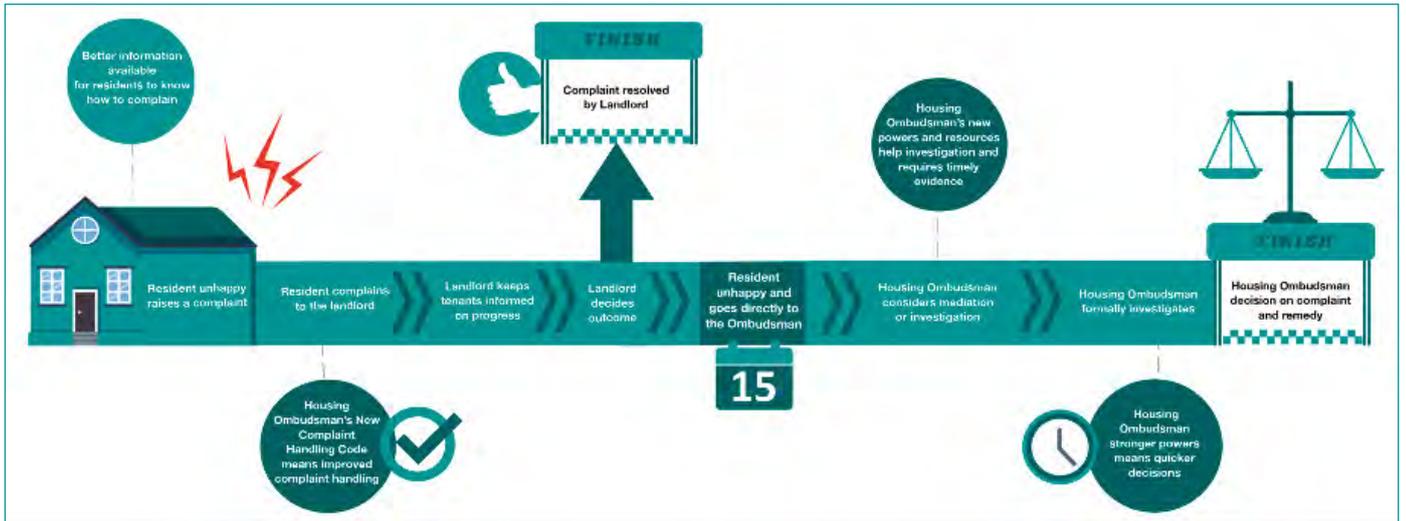
**41.** It is clear that the ‘democratic filter’ delays formal resolution of complaints and may put people off seeking redress altogether – particularly those who are vulnerable or feel less confident in navigating the process. We heard about the problems this creates for people living in social housing. During 2019/20, only 6.9% of the cases entering the Housing Ombudsman’s formal remit were referred to them by a designated person.<sup>14</sup> We want people living in social housing to be able to access swift and effective resolution and not face unnecessary barriers. We have set out in the Building Safety Bill our proposal to remove the requirement for complaints to pass through the ‘democratic filter’.

## The previous social housing complaints process



<sup>14</sup> See page 30 [https://www.housing-ombudsman.org.uk/wp-content/uploads/2020/09/CCS207\\_CCS0320285036-001\\_The-Housing-Ombudsman-ARA-2019-20\\_Accessible.pdf](https://www.housing-ombudsman.org.uk/wp-content/uploads/2020/09/CCS207_CCS0320285036-001_The-Housing-Ombudsman-ARA-2019-20_Accessible.pdf)

# The new social housing complaints process



## Co-operation and transparency will ensure landlords are accountable for their performance on resolving complaints

**42.** The Housing Ombudsman has set higher standards for landlord effectiveness and speed to improve complaints handling for residents by raising the conditions of membership of its scheme. All social landlords must by law be a member of the Housing Ombudsman Scheme. The Scheme sets the standards that landlords must meet in terms of publishing complaints procedures, managing complaints in accordance with procedure or within a reasonable timescale, and providing copies of any information requested by the Housing Ombudsman which it believes is relevant to the complaint.

- 43. From March 2021 the Housing Ombudsman will publish the details of cases it has determined on its website,** and data on individual landlords' complaint volumes, categories and outcomes. This will support the new tenant satisfaction measures the regulator is developing on complaints handling. It will ensure social housing residents can better hold their landlords to account on the way they handle complaints. This information will be used, alongside other data provided by the Housing Ombudsman, to help inform the regulator's assurance of landlords' compliance with its consumer standards, and any actions that may result from a failure to meet these.
- 44.** Effective co-operation and joint working between the Housing Ombudsman and the regulator is vital to hold landlords to account for their performance on resolving complaints. In September 2020 the Memorandum of Understanding<sup>15</sup> between the two organisations was broadened, setting out how this co-operation and joint working takes place.
- 45. We will formalise and further strengthen the relationship between the Regulator of Social Housing and the Housing Ombudsman by introducing a statutory requirement for both bodies to co-operate with each other in undertaking their responsibilities.** This will complement proposals to ensure effective co-operation between the regulator and the Building Safety Regulator on matters of building safety. **We**

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<sup>15</sup> <https://www.housing-ombudsman.org.uk/wp-content/uploads/2020/09/MOU-Ombudsman-and-Regulator-20200901.pdf>

will also bring forward legislation to require the Regulator of Social Housing and Housing Ombudsman to prepare and regularly review their Memorandum of Understanding.

## Stronger co-operation between the regulator and Housing Ombudsman.



- 46.** To make best use of the experience and expertise of the Housing Ombudsman and the regulator **we will make the Housing Ombudsman a statutory consultee for any proposal concerning changes to the Regulator of Social Housing’s economic and consumer standards.** This will ensure the Housing Ombudsman has the opportunity to understand and shape future regulatory changes to support joint working. Likewise, **we will make the Regulator of Social Housing a statutory consultee for any changes to the Housing Ombudsman Scheme.**

- 47.** The Building Safety Bill sets out that both the regulator and the Housing Ombudsman will have a power for reciprocal information sharing and a reciprocal duty of cooperation with the Building Safety Regulator covering higher-risk residential buildings. This will enable both of these organisations to work together with the Building Safety Regulator on areas of common interest to support each other in the delivery of their relevant functions or in issuing joint guidance to help explain their different but linked roles and responsibilities.

## **The Housing Ombudsman will engage with residents directly**

- 48.** It is important that residents can be confident in using the Housing Ombudsman Service when they need to, including those who might be isolated or vulnerable. We welcome the Housing Ombudsman Service's engagement activity, which includes a feedback group for residents to share their experiences of the Service face to face with the Housing Ombudsman. The Housing Ombudsman Service hosted weekly webinars open to residents and landlords over the summer of 2020 on the new Housing Ombudsman Scheme and Complaint Handling Code. It will organise virtual 'Meet the Ombudsman' events to coincide with the publication of quarterly insight reports, providing information on complaints data, learning points and case studies. A new Resident Panel to seek views and obtain feedback is planned from February 2021.



## Chapter 4:

To be treated with respect, backed by a strong consumer regulator for tenants



Regulation has supported the expansion of housing associations since the 1970s, ensuring that they are financially robust. It has been key to the success story of housing associations becoming the main deliverers of new social homes, with the sector currently able to access £100 billion in private finance to support new affordable homes<sup>16</sup>. But it is clear that, unlike the successful economic regulation regime, the current regime of consumer regulation is not strong enough to ensure that social landlords (both local authorities and private registered providers) deliver to the expectations set out in our new Charter. This chapter sets out how we will establish a new consumer regulation function, within the Regulator of Social Housing, that is proactive and holds all landlords to account for the services they deliver. Alongside this, we will maintain the current robust approach to economic regulation that is so important to maintaining a strong and sustainable sector.

### **We have already:**

- Created a new standalone regulator, separate from the Homes and Communities Agency (now Homes England), with its own Board and Chief Executive.

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<sup>16</sup> <https://www.gov.uk/government/publications/quarterly-survey-for-q1-april-to-june-2020-to-2021>

Through this White Paper and working with the Regulator of Social Housing (“the regulator”), we will introduce a proactive, proportionate, outcome-focused and risk-based approach to consumer regulation.

### **We will:**

- Transform the Regulator of Social Housing so it proactively monitors and drives landlords’ compliance with its consumer standards.
- Remove the ‘serious detriment test’ and introduce routine inspections for the largest landlords (with over 1,000 homes) every four years.
- Change the Regulator of Social Housing’s objectives to explicitly cover safety and transparency, and work with it to review its consumer standards to ensure they are up to date and deliver its revised objectives.
- Give the Regulator of Social Housing the power to publish a Code of Practice on the consumer standards to be clearer on what landlords are required to deliver.
- Strengthen the Regulator of Social Housing’s enforcement powers to tackle failing landlords and to respond to new challenges facing the sector, by removing the cap on the level of fines it can issue, introducing Performance Improvement Plans for landlords failing to comply, reducing the notice period for surveys on the condition of properties, and introducing a new power to arrange emergency repairs if needed where a survey uncovers evidence of systemic landlord failures.
- Make it explicit that provisions in contracts between local authorities and Arms Length Management

Organisations or Tenant Management Organisations would be deemed void if they hindered the Regulator of Social Housing in its exercise of its powers.

- Review the statutory Right to Manage guidance.
- Set out an expectation for all landlords to self-refer breaches with the regulatory standards.
- Strengthen the Regulator of Social Housing's powers to provide robust economic regulation of private registered providers.
- Require the Regulator of Social Housing to set up an Advisory Committee to provide independent and unbiased advice on discharging its functions.

**49.** These changes will ensure that the needs of tenants are embedded in the culture of all landlords. These reforms are informed by the review of social housing regulation and the Call for Evidence that we published alongside the social housing Green Paper. The findings of the review are set out in **Annex A: Key findings and measures for changing the regulatory regime for social housing.**

**50.** It is vital to ensure that the new consumer regulation regime is carefully designed, to make sure that it can help deliver the culture change set out in this White Paper. Some of the measures set out in this chapter will require primary legislation before they can be implemented, and we will legislate as soon as parliamentary time allows. We know that delivering the scale of reform set out in this White Paper will involve extensive engagement with the sector to make sure we are getting this right, and

we will expect the regulator to consult with landlords and tenants as they design the reformed consumer regime to make sure it delivers the outcomes set out in this chapter.

## Retaining co-regulation

- 51.** The existing regulatory regime works on the basis of co-regulation. This means that it is the responsibility of the boards of housing associations and other private providers of social housing, or of councillors in local authority landlords, to be assured that they comply with the outcome focused standards set by the the regulator. The regulator will seek assurance that boards and councillors have sufficient oversight of compliance with those standards, and any regulatory intervention must be justified and proportionate. Economic regulation is working well, and our review has shown that landlords and investors share that view. **We recommend that the Regulator of Social Housing retains the principle of co-regulation, as it ensures that the focus is on driving good outcomes for existing and future tenants and that the fundamental responsibility for effective service delivery lies with local authorities, housing associations and other private registered providers.**

## There will be a new regime for regulating social housing

- 52.** An earlier review of regulation, in 2010, led to the adoption of a reactive approach to consumer regulation for housing associations, local authorities

and other private registered providers.<sup>17</sup> This means that currently the regulator does not proactively scrutinise landlord compliance or routinely monitor performance – it only acts when issues are brought to its attention. This risks serious systemic failures against consumer standards being uncovered at a late stage.

**53.** At present the regulator can only use its powers to tackle a breach of a consumer standard when it has reasonable grounds to suspect that:

- the failure has resulted in a serious detriment to the landlord’s tenants (or potential tenants);
- there is a significant risk that, if no action is taken by the regulator, the failure will result in a serious detriment to the landlord’s tenants (or potential tenants);
- if a failure occurs, the failure will result in a serious detriment to the landlord’s tenants (or potential tenants); or
- if a failure occurs, there will be a significant risk that, if no action is taken by the regulator, the failure will result in a serious detriment to the landlord’s tenants (or potential tenants).
- This is referred to as the ‘serious detriment test’.<sup>18</sup> The regulator interprets serious detriment as being where there is a risk of, or actual, serious harm to tenants.

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<sup>17</sup> <https://www.gov.uk/government/publications/review-of-social-housing-regulation--2>

<sup>18</sup> Sections 198A (2) and (5) of the Housing and Regeneration Act 2008 <https://www.legislation.gov.uk/ukpga/2008/17/section/198A>

- 54.** In contrast, for economic regulation the regulator takes a proactive, proportionate and risk-based approach to regulating its economic standards. It actively monitors all landlords by regularly collecting financial data and it carries out periodic in-depth assessments based on the relative risk profile of landlords.
- 55.** Through consultation following the social housing Green Paper and the Call for Evidence we heard strong support for a more proactive approach to consumer regulation to achieve parity with economic regulation. We agree that the social housing sector would benefit from a more balanced approach which ensures that there is a similar level of regulatory oversight of both the consumer and economic standards. Introducing routine inspections of landlords can and will play an important role in delivering this more balanced approach. This will give tenants confidence that their landlord is being properly scrutinised, and will ensure that tenants know that protecting their interests is at the heart of the regulatory system.
- 56. We will work with the Regulator of Social Housing to introduce a proactive, proportionate, outcome focused and risk-based approach to consumer regulation.** To achieve this, we will:
- **Legislate to remove the ‘serious detriment test’** as soon as parliamentary time allows, to eliminate barriers to the Regulator of Social Housing adopting a proactive approach to

monitoring and oversight of landlord performance on consumer issues.

- **Work with the Regulator of Social Housing to strengthen its oversight by introducing a system of routine inspections to obtain assurance from landlords that they are complying with the consumer standards.**  
This will be based on a risk profile to ensure that those landlords at greatest risk of failing, or where failure might have the greatest impact on tenants, are subject to greater oversight. As part of this **we expect the Regulator of Social Housing, subject to meeting any wider priorities, to aim to inspect those landlords with over 1,000 homes every 4 years.** It may carry out inspections at more frequent intervals where a routine inspection finds a breach or significant risk of a breach of its standards.
- **Expect the Regulator of Social Housing to undertake specific, reactive investigations and/or inspections where appropriate.** This could be when a serious potential compliance breach has been brought to its attention by tenants (such as systemic failure to act on fire risk assessment recommendations); by the Housing Ombudsman through its new powers to investigate potential systemic issues; or if the regulator wants to carry out bespoke inspections.
- **Expect the Regulator of Social Housing to be transparent where a landlord is found non-compliant with its standards, by publishing its**

**findings** from its inspections and investigations and the details of any enforcement action it will take. We will also expect the regulator to be clear where, following routine inspections, it is assured that a landlord is compliant with the standards.

- 57.** It is for the regulator to decide the most appropriate approach to delivering these requirements, but we will expect it to engage with tenants and landlords in designing the new approach as well as:
- Being clear on how it will determine which landlords to inspect, and how it will meet the aim to routinely inspect those with over 1,000 homes every 4 years.
  - Setting out the different approaches to inspections and likely notice periods involved.

## Box D: Proactive and reactive inspections

Inspections will be an important source of assurance that social landlords (local authorities and private registered providers) are complying with the consumer standards. Subject to consultation with tenants, landlords and other stakeholders, these are likely to involve three key stages:

**1. A desk-top review** to analyse information that the regulator obtains from a number of sources to identify landlords that are at risk of potential systemic non-compliance with the consumer standards. The review will be carried out once a year for all registered landlords. Information may come from a number of sources, including tenant satisfaction measures (about which further detail is set out above in Chapter 2), evidence of systemic issues raised by tenants or others, and information from other regulators and the Housing Ombudsman.

**2. A new risk-based programme of routine inspections.** This will prioritise those providers that the desk top review has identified as high risk and will seek assurance about those landlords' compliance with the consumer standards. The regulator may inspect landlords at any time and could take account of a number of factors in deciding which landlord it will investigate. This might include:

- Concerns highlighted in the desk-top study, or other information which comes to the regulator's attention.
- Any concerns about potential non-compliance with consumer standards arising from the regulator's economic regulation of providers.
- The size of the organisation (given the scale of impacts



“Through consultation following the social housing Green Paper and the Call for Evidence we heard strong support for a more proactive approach to consumer regulation to achieve parity with economic regulation.”

in the largest providers).

- Providers that house the most vulnerable tenants e.g. registered providers of specialised supported housing.

We expect the regulator to aim to routinely inspect those landlords with over 1,000 homes every four years and make it clear when it is reassured of a landlord's compliance with its standards.

**3. Reactive investigations and/or inspections.** Such activities could take two forms:

- Where specific issues arise that need to be dealt with at a faster pace and outside the planned programme of inspections.
- Focused inspections to examine assurance of one or more landlord's compliance in delivering a specific service to tenants.

Where there is a clear case of non-compliance following a routine or reactive inspection, the regulator will publish the outcome of its inspection and take appropriate enforcement action. In the case of breaches by housing associations and other private registered providers, the regulator may go further and seek assurance about the adequacy of the governance arrangements.

**58.** We also heard from both tenants and landlords that they would like the regulator to be clearer in its expectations of landlords. To deliver this, **we will legislate to give the Regulator of Social Housing a power to publish a Code of Practice on the consumer standards** alongside its existing ability to prepare Codes of Practice for economic standards.

**The Regulator of Social Housing will review all its consumer standards to ensure they remain up-to-date and deliver its statutory objectives.** As part of its review we will expect the Regulator of Social Housing to make it clear that landlords should have a policy setting out how they should tackle issues surrounding domestic abuse, working with other agencies as appropriate; and to require landlords to show how they have sought out and considered ways to improve tenant engagement.

## **Putting safety at the heart of social housing regulation**

**59.** As we have made clear throughout this White Paper, the safety of tenants is paramount and should be the primary concern of all landlords. Specialist health and safety bodies, such as the Fire and Rescue Services and the Health and Safety Executive, are the main bodies in dealing with any incident and enforcement of an incident caused by a breach of safety legislation. In addition, local authorities have a duty under the Housing Act 2004 to take action if they identify a serious ‘category 1’ hazard in homes owned by housing associations and other private registered providers. However, the regulator also plays a role in holding landlords to account for meeting health and safety legislation through compliance with its regulatory standards. **We will reinforce this role by strengthening the Regulator of Social Housing’s consumer regulation objective to explicitly include safety.**

**60.** Driving and embedding culture change throughout organisations is the collective responsibility of Boards and, in the case of local authorities, councillors. However, these arrangements are not always visible to tenants. It can be difficult to find out who in a large organisation tenants can hold to account for the safety of their homes. Experience in other sectors demonstrates that regulation is important in building a culture of transparency and accountability within organisations. For example, in financial services, the introduction of a Senior Managers & Certification Regime has driven a culture change in risk management across the sector.

**61.** We will require all landlords to have a person within the organisation responsible for compliance with their statutory health and safety responsibilities. This person should be visible and accessible to tenants. **As such, we will legislate to require landlords to identify and make public a nominated person responsible for compliance with their health and safety requirements.** The health and safety responsible person should be sufficiently senior to drive a culture of safety throughout the landlord organisation, and would have specific responsibility for issues such as:

- driving a strong culture across the organisation for prioritising and delivering health and safety requirements;
- ensuring robust health and safety systems are in place; and

- providing assurance that health and safety risks are being managed effectively.

**62.** These reforms will drive a whole culture change and system transformation, strengthening the relationship between the regulator and the Housing Ombudsman and ensuring effective working between them and the Building Safety Regulator. Through the Building Safety Bill, we are introducing a legal requirement for the regulator and Building Safety Regulator to co-operate with each other on matters of fire and building safety, to help embed a culture of working together. **We will go further by expecting the Regulator of Social Housing to prepare a Memorandum of Understanding with the Health and Safety Executive**, once the Building Safety Regulator is created, to underpin provisions in the Building Safety Bill as necessary to ensure that they can share information effectively.

## **Making social landlords more transparent and accountable**

- 63.** We have been clear how greater transparency is essential so that tenants are able to hold their landlord to account. The regulatory regime plays a key role in making this happen.
- 64.** Landlords are already required to provide their tenants with certain information. We want to see a culture change that ensures landlords are more open with their tenants. This will enable tenants to hold their landlords to account, and also to monitor and compare their landlord's performance. The failure

of some landlords to share information in a clear, consistent way not only deprives tenants of the ability to assess how their landlord is performing. It can also undermine the tenant's trust in what their landlord is saying.

**65. To deliver this outcome, we will make a number of changes through the regulatory regime:**

- **We will legislate to add transparency to the Regulator of Social Housing's consumer regulation objective.**
- **Landlords will be required to report on a number of tenant satisfaction measures on things that matter to tenants** (see paragraphs 15-18 above, and **Box A: Draft Tenant Satisfaction Measures**). We will expect the regulator to develop a process for collecting and publishing these tenant satisfaction measures in a consistent way that is comparable across landlords. The tenant satisfaction measures will give people living in social housing information about how their landlord is performing and support the regulator's monitoring of landlords' performance.
- **We expect the Regulator of Social Housing to require all landlords to identify a 'responsible person' who will ensure that the organisation is complying with consumer standards** so that tenants know who is responsible for ensuring compliance with the regulator's consumer standards (see paragraphs 25).

- **We will ensure the new access to information scheme for social housing tenants of housing associations and other private registered providers is placed on a regulatory footing** (see paragraphs 20-22). This will ensure that tenants can access key information on issues that matter to them in a timely manner, unless there is good reason for this information not to be provided.

## **Strengthening the regulator's powers to enforce**

- 66.** The regulator currently has a range of powers on enforcement and has published guidance on how it will regulate to ensure landlords comply with its regulatory standards. To date the regulator has used its formal enforcement powers infrequently for breaches of the consumer standards. Often the threat of taking action is sufficient to drive change without needing to take formal action.
- 67.** Removal of the 'serious detriment test', combined with a more proactive approach to consumer regulation, will remove barriers to the regulator making full use of its monitoring, investigation and enforcement powers. **We will go further and also legislate to:**
- **Enable the Regulator of Social Housing to require a Performance Improvement Plan for landlords who fail to comply with a consumer standard.** This approach will enable tenants to be aware of what action their landlords will carry out

and when, and challenge the landlord if it fails to meet these requirements.

- **Reduce the notice period that the Regulator of Social Housing must give a landlord to survey the condition of properties from 28 days to 2 days.** The regulator is most likely to use this power in emergency situations when investigating whether tenants are living in unacceptable or unsafe conditions. Reducing the period of notice aligns with the emphasis on protecting tenants, and will enable the regulator to assess properties more quickly and take decisive action if required.
- **Enable the Regulator of Social Housing, following completion of a survey, to arrange repairs of dwellings in an emergency where there is clear systemic failure by the landlord.** We will also legislate so the regulator can recoup the costs from the landlord. This will allow swift action, where other regulatory interventions have not addressed the problem, in the unacceptable situation where tenants are forced to live with the consequences of significant and unwarranted delays to emergency repairs.
- **Remove the requirement for the Regulator of Social Housing to seek approval from the Secretary of State before employing its own staff to carry out inspections for breaches of the consumer standards.** This is unnecessarily bureaucratic and should be removed in light of changes to consumer regulation set out in this White Paper.

- **Remove the cap on the level of fines the Regulator of Social Housing is able to issue.** This will give greater flexibility to determine the appropriate sanction depending on the circumstances, and bring the regulator’s power more into line with other regulatory bodies (such as those in the finance or environment sectors).<sup>19</sup>

“We want to see a transformed consumer regulatory regime which holds landlords to account in maintaining good quality homes and services, prioritising safety, treating tenants respectfully and being transparent with information.”

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<sup>19</sup> For example, please see under the Regulatory and Enforcement Sanctions Act 2008, the Environment Agency and Financial Conduct Authority have powers to issue a variable penalty fine <https://www.gov.uk/government/publications/environment-agency-enforcement-and-sanctions-policy/environment-agency-enforcement-and-sanctions-policy>

## Local Authorities, Arms Length Management Organisations and Tenant Management Organisations will also be held to account

- 68.** Social tenants should receive the same level of service, regardless of who their landlord is. The regulator currently has limited interaction with local authorities as they are not subject to the governance and viability standard or the value for money standard. The changes set out to deliver proactive oversight of consumer standards will provide the regulator with greater oversight of the performance of local authorities' landlord function.
- 69.** Local authorities sometimes contract out the management of some or all of their homes to Arms Length Management Organisations. Council tenants can also create Tenant Management Organisations to manage the housing themselves. Local authorities remain the landlord for housing managed by such organisations and are responsible for ensuring these homes meet the regulator's consumer standards.
- 70.** Contractual arrangements between local authority landlords and Arms Length Management Organisations should not create barriers to the regulator using its powers. Local authorities that contract out management services to Arms Length Management Organisations should ensure their agreements with arm's length bodies do not prevent the regulator from acting in the event of non-compliance with the consumer standards. **We will**

**legislate to make it explicit that provisions in contracts between local authorities and Arms Length Management Organisations or Tenant Management Organisations would be deemed void if they hindered the Regulator of Social Housing in its exercise of its powers.** Ahead of this, **we will ask all local authorities that contract out social housing management services to review their contracts to ensure they do not hinder the Regulator of Social Housing in its exercise of its powers.**

- 71.** Tenant Management Organisations are formed when council tenants exercise their Right to Manage. The Right to Manage Regulations set the statutory framework to establish a Tenant Management Organisation. The regulations are supported by statutory guidance including the Modular Management Agreement which sets out the arrangements governing the relationship between local authorities and Tenant Management Organisations.
- 72.** We heard of good work that some Tenant Management Organisations do in delivering services and additional benefits to their communities. We also heard that the guidance could be clearer on the responsibilities of Tenant Management Organisations and local authorities. In order to ensure good management across the whole sector and to ensure oversight of Tenant Management Organisations is effective and transparent, **we will review the statutory Right to Manage guidance.** We will work

with an expert steering group of those with knowledge of the sector to support this work.

- 73.** There is a requirement in the regulator’s governance standard for housing associations and other private providers of social housing to self-refer non-compliance with all the regulatory standards. This does not currently apply to local authorities as they are not subject to the regulator’s governance standard. **We will work with the Regulator of Social Housing to set out an expectation for local authorities to self-refer breaches of the consumer standards to ensure that issues of concern to tenants are dealt with as quickly as possible.**

## **The regulator will have the right leadership for its new role**

- 74.** We have heard that many tenants’ trust in the regulatory regime has been shaken, particularly following the tragedy at Grenfell Tower. The way the regulator was set up meant that it is currently not empowered to proactively monitor compliance with consumer standards, and therefore it has not been easily visible to tenants.
- 75.** We want to see a transformed consumer regulatory regime which holds landlords to account in maintaining good quality homes and services, prioritising safety, treating tenants respectfully and being transparent with information. It will build the links between economic and consumer regulation – giving the regulator a full, rather than partial view of the landlord.

- 76.** We believe that creating a new consumer regulation function within the existing regulator is the best approach to deliver this change for tenants. Creating a separate regulator would not be as effective, preventing failures on the consumer standards feeding into wider governance standards and creating a more complex system. This complexity could mean that tenants would not know where to raise evidence of organisational failure and breaches of the consumer standards, and would increase the risk that issues would fall through the cracks between regulators.
- 77.** In order to deliver transformative change in consumer regulation the regulator not only has to have the right powers, but also needs people with the right skills to deliver it, while retaining wider capability to deliver across all its activities. A strong team will still be needed to deliver the economic regulation regime. **We will enable an entirely new function within the Regulator of Social Housing to be set up, with senior leadership and staff with the right expertise in consumer regulation, customer service and tenant engagement** to effectively deliver the new proactive consumer regulation regime.
- 78.** Rebuilding trust will take time and we have already taken steps. On 1 October 2018 the Government created a new standalone regulator, separate from the Homes and Communities Agency (now Homes England) with its own Board and Chief Executive. The regulator now presents its own annual report to Parliament. The regulator's Chief Executive, as the

accounting officer, is required, when called, to give evidence before the Parliamentary Public Accounts Committee and the relevant Select Committee. As a standalone regulator it has greater transparency and clearer accountability.

**79.** The changes being proposed will transform the way in which consumer regulation is conducted and **we will expect the Regulator of Social Housing to develop a strategy for appropriate and ongoing publicity** to make tenants aware of what it does and how to get in touch. We will also expect the regulator to be more transparent in how it works and to have greater engagement with tenants.

**80.** It is important that the regulator has the right level of oversight to embed the enhanced consumer regulation role in its organisation. It is also important that the people providing this oversight bring a diversity of thought, background and experience, to better reflect the diverse needs and views of social tenants. To facilitate this, we will:

- **Broaden the skills mix and diversity of Board Members**, ensuring that more Board Members have consumer regulation experience.
- **Work with the Regulator of Social Housing to make sure it is resourced and able to recruit the right new staff** with diverse backgrounds and skills, including at senior levels.
- **Legislate to require the Regulator of Social Housing to set up an Advisory Committee to provide independent and unbiased advice to**

**the regulator on discharging its functions.** This committee will not be a decision-making body, but the regulator will be expected to seek its views on specific regulatory matters – such as on any changes to its consumer or economic standards or making the regulator a more transparent organisation. These changes will support the transformative change needed and build trust with tenants and social landlords across England.

## **Robust economic regulation will be maintained**

- 81.** With an increasing consumer regulatory focus, it is important that we retain the current robust focus on economic regulation. Economic regulation ensures landlords are well-run and financially sound, to be sure that tenants' homes are secure for the long term and that landlords can fund repairs and deliver effective services. Robust economic regulation has also reassured investors and given them confidence to invest considerable sums to help build new homes.
- 82.** Through the Call for Evidence we heard that the economic regulatory framework is working effectively. Some respondents (particularly landlords) expressed concern about how changes to consumer regulation could dilute the strong economic focus. They were concerned that the skills and resources of the regulator would be stretched to deliver an expanded regulatory remit, weakening the economic regime and undermining the new consumer regime. By ensuring the resources the regulator needs to deliver

proactive consumer regulation are additional and that the people doing it have the appropriate skills, we will ensure that robust economic regulation is maintained.

## **Adapting to new challenges**

- 83.** The Call for Evidence specifically asked about areas of economic regulation that might not be working or may face future challenges. Most respondents did not specify areas in which regulation should change. Rather, they identified potential risks to its effectiveness. These aligned with the regulator's own assessment of sector risk and where the greatest challenges were likely to be going forward. These are:
- Sector diversity and development risk;
  - New business models (for example lease-based providers of supported housing);
  - The impact of for-profit providers on the sector and tenants;
  - The potential impact on economic regulation of changes to consumer regulation.
- 84.** The social housing sector has changed significantly over recent years. The regulator has adapted its approach to keep ahead of these changes. Its annual Sector Risk Profile<sup>20</sup> which sets out the range of strategic and financial challenges facing the social housing sector is valued by providers.
- 85.** In terms of sector diversity and development risk, the regulator actively highlights areas where it believes risks are increasing. The regulator is using

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<sup>20</sup> <https://www.gov.uk/government/collections/sector-risk-profiles>

its oversight and regulatory powers to assess the risks associated with lease-based models. It has set out the challenges commonly associated with this business model in its addendum to its *Sector Risk Profile* and signalled clearly that it will continue to do all it can to protect tenants' homes and, where possible, keep them in the social rented sector.<sup>21</sup>

- 86.** For-profit providers have existed in the social housing sector for some time, and their presence has increased significantly in the last two years. There are clearly opportunities brought by new and increased sources of investment to fund social housing. These providers can bring with them new ideas and ways of working that could present opportunities for specialisation, operating or financial efficiencies, and improved quality for tenants. In response to the Call for Evidence we heard some concerns that profit maximisation could result in a poor service to tenants. As the for-profit sector continues to grow, we will continue work to ensure we understand its impact properly. However, the reforms to consumer regulation set out above will address the risk of poor service delivery for all providers, with new tenant satisfaction measures and a new inspection regime driving landlords to deliver high quality services to tenants.
- 87.** We have concluded it is not necessary to make significant changes to the economic regulation regime at this time. However, we will continue to consider whether there are any further refinements to the

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<sup>21</sup> Lease-based providers of specialised supported housing – Addendum to the Social Risk Profile 2018, April 2019

existing regulatory framework that are necessary to retain robust economic regulation.

**88. There are some changes that can be made to the legislation to improve the ability of the Regulator of Social Housing to monitor all housing associations and other private registered providers. We will:**

- **Tighten the definition of ‘non-profit’** in relation to the registration of private registered providers to ensure landlords are properly classified and treated – for example, to ensure that the regulator properly designates providers, and that bodies really operating for profit do not attract the more favourable housing benefit status for supported housing.
- **Require landlords to notify the Regulator of Social Housing when there is a change in control of a housing association.**
- **Introduce a ‘look-through’ power** that would enable the regulator to follow money paid to bodies outside of the regulated sector and who are therefore not directly regulated. The power would, for example, enable the regulator to investigate potential fraud by examining the financial accounts of organisations thought to be financially benefiting from a registered provider. We will consider further the checks and safeguards needed so that there is no misuse of the power on organisations or individuals that are not part of the regulated sector.

## Chapter 5:

# To have your voice heard by your landlord



The best landlords engage well with their residents and listen to them with respect. We have recently seen many examples of effective engagement with residents on how their homes are managed and run. This includes the Right to Manage initiative and important work done by tenant led organisations such as the Tenant Participation Advisory Service and the See the Person campaign. It also includes work many landlords did during COVID-19. But performance across the sector is not consistent. We heard from residents how important it was their landlords really listened to them. And we heard examples of residents feeling patronised, ignored or treated with disrespect. We want to change this. This chapter explains how we will ensure residents are heard.

### **We will:**

- Expect the Regulator of Social Housing to require landlords to seek out best practice and consider how they can continually improve the way they engage with social housing tenants.
- Deliver a new opportunities and empowerment programme for social housing residents, to support more effective engagement between landlords and residents, and to give residents tools to influence their landlords and hold them to account.

- Review professional training and development to ensure residents receive a high standard of customer service.

## Improving landlord engagement

- 89.** Engagement can take many forms, but the crucial factor is that it is tailored appropriately. There will be tenants who want to proactively engage with the policies of their landlord, and others who simply want to know that their landlord is thinking of them in the way it implements change and is keeping them informed. We expect all landlords to tailor their engagement in the future.
- 90.** We want to see landlords inform and engage tenants in an effective way. Many landlords do this well already, but this is not the case for all landlords. Engagement opportunities can range from involvement in surveys, focus groups and local events to membership of the organisation's Board or scrutiny panel. Important sector-led initiatives, such as the National Housing Federation's 'Together with Tenants' campaign, are also playing a key role in making organisations more transparent and accessible. We want to build on this and embed a culture of continuous improvement in landlords' approach to tenant engagement. We want to ensure that they do more to draw on and learn from best practice on engagement, including from other sectors. **We will expect the Regulator of Social Housing to require landlords to show how they have sought out and considered ways to improve tenant engagement.**

# Resident Empowerment

- 91.** The conversations we have had with residents in creating this White Paper have been fundamental to our understanding of what is important to people living in social housing. **We will commit to ongoing ministerial engagement to continue to listen to residents and enable them to have their voices heard.** This will ensure residents are kept at the heart of future policymaking and can continue to shape social housing.
- 92.** **To support residents to engage effectively, we will deliver a new opportunities and empowerment programme open to all social housing residents, to support their effective engagement with landlords.** The programme will deliver a range of learning and support activities, as well as providing information for residents on ways to get involved, including their opportunities and rights to do this. Through this work, residents will be given the tools to better influence and hold landlords to account and drive delivery of higher quality services that are focused on their needs. We will work with tenant led national bodies to set out a plan for how best we can support residents to take part in scrutiny activities which are so important in holding their landlord to account.



# Tackling Loneliness

- 93.** Engagement is more than just resident involvement with landlords. It is also about engaging with your neighbours and community. Tackling loneliness and supporting people to have meaningful social relationships is crucial to people's physical and mental health. Social housing residents have a similar age profile to all households but are more likely to be living alone, or to be lone parents, than those in other tenures. They may face more challenges in combating loneliness.<sup>22</sup>
- 94.** In response to COVID-19, the Government launched a major effort to ensure that no one feels lonely. This included the latest #LetsTalkLoneliness public campaign, including new public guidance offering useful tips and advice, and a £5 million fund for national loneliness organisations. A 'Tackling Loneliness Network' of over 65 high-profile private, public and voluntary sector organisations was formed to bring together expertise and develop innovative actions.
- 95.** Many landlords also responded quickly to COVID-19 by setting up teams focused on communicating with and supporting their most vulnerable residents. Although the impact of COVID-19 has paused some services as landlords have focused on the immediate challenges of the pandemic, many landlords have found ways to continue engagement through a mix of

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<sup>22</sup> English Housing Survey, social rented sector 2017-18  
<https://www.gov.uk/government/statistics/english-housing-survey-2017-to-2018-social-rented-sector>

virtual meetings and telephone calls. Residents too have played an important role by being open to new ways of communication to enable them to engage with their landlord and other residents. We have seen resident led initiatives spring up, offering support to other residents and helping to tackle the loneliness that some were feeling as a result of COVID-19.

## **Strengthening professional development**

- 96.** Alongside giving residents the right tools and opportunities, landlords themselves will need to have the right skills and approach for engagement to really work. For most people living in social housing, their experience of dealing with landlords is with frontline staff – whether through a phone call to a customer service centre, visiting their local housing office, or engaging with contractors making repairs. When residents interact with landlords they should expect and receive a professional service from competent and empathetic staff.
- 97.** We have heard positive experiences of landlord staff who treated residents with care and respect. But we also heard that this is not always the case, and there were incidences where people felt talked down to or ignored by staff and contractors. We want all landlord staff to act professionally, listen to their residents and, at all times, treat them with courtesy and respect.
- 98.** To support this, **we will establish a review of professional training and development to consider the appropriate qualifications and standards for social housing staff in different**

**roles, including senior staff.** Senior leaders must be able to manage their organisations effectively and drive forward cultural changes to ensure that all residents are treated with courtesy and respect. The review will be informed by a Working Group made up of residents, landlords, professional bodies and academics, which will explore the relevance and value of professional qualifications. As well as assessing professional requirements more broadly, including any specific customer service focused requirements, the review will consider best practice for delivering support on mental health<sup>23</sup> to ensure staff maintain their skills and knowledge and, if required, set out proposals for new qualifications.

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<sup>23</sup> See CIPD website for more information <https://www.cipd.co.uk/learn/cpd/about>



“The conversations we have had with residents in creating this White Paper have been fundamental to our understanding of what is important to people living in social housing.”



## Chapter 6:

To have a good quality home and neighbourhood to live in



Creating well designed, decent homes and good neighbourhoods has been at the heart of developing social housing from the outset. Early local authority home building prioritised space and facilities, and today landlords are expected to provide decent, well-maintained homes and do their bit in keeping neighbourhoods safe and clean. We heard from our discussions with residents and the responses to the social housing Green Paper how important it was that the areas where they lived were decent and well maintained. People talked to us of their pride in their community, but how sometimes this was let down by poor neighbourhood management, upkeep of buildings and the quality of shared spaces. Some of these issues have been magnified by COVID-19; some residents have struggled to find green spaces to exercise and others have experienced isolation, loneliness and the challenge of dealing with anti-social behaviour. We want to change this and ensure that all social housing residents can enjoy good neighbourhoods and access to green space. This chapter sets out how we will ensure good quality, decent homes and neighbourhoods, including access to green space and support for wellbeing.

## **We have already:**

- Announced the Green Homes Grant for 2020/21, which social landlords are eligible to bid for, which will fund up to two thirds of the cost of hiring tradespeople to upgrade the energy performance of homes.
- Announced a £50 million demonstrator project to support the decarbonisation of social housing over 2020/21.
- Published our 25 Year Environment Plan committing to connect people with the environment to improve health and wellbeing.
- Encouraged developments that promote health and wellbeing through the National Planning Policy Framework and National Design Guide.
- Announced a consultation through the Planning for the Future White Paper on proposals to enable more and better green space in development.
- Committed to expanding access to mental health services through the NHS Long Term Plan. Our investment of a further £2.3 billion a year by 2023/24 will ensure that the NHS provides high quality, evidence-based mental health services to an additional 2 million people.
- Acted to tackle segregation and stigmatisation through the planning system.

## **We will:**

- Review the Decent Homes Standard to consider if it should be updated, including how it can better support

the decarbonisation and energy efficiency of social homes, and improve communal and green spaces.

- Continue to engage with the latest evidence on the impact of housing conditions on health, including COVID-19 transmission, and actively consider options to mitigate these impacts.
- Review professionalisation to consider how well housing staff are equipped to work with people with mental health needs and encourage best practice for landlords working with those with mental health needs.
- Clarify the roles of agencies involved in tackling anti-social behaviour and signpost tenants to those agencies who can give them the most appropriate support and assistance when faced with anti-social behaviour.
- Consider the results of the allocations evidence collection exercise findings to ensure that housing is allocated in the fairest way possible and achieves the best outcomes for local places and communities.

# The Decent Homes Standard

- 99.** Since 2001 the Decent Homes Standard<sup>24</sup> has played a key role in setting the minimum quality that social homes should be. The Decent Homes Standard sets out four criteria for evaluating decency – it requires that homes are free of serious hazards, are in a reasonable state of repair, have reasonably modern facilities and services such as kitchens and bathrooms, and have efficient heating and effective insulation.
- 100.** In line with those areas directed by Government, the Regulator of Social Housing (“the regulator”) requires that social rented homes are maintained by landlords to at least the quality set out by the Government’s Decent Homes Standard. Good progress has been made on ensuring homes meet the Standard. The number of social homes classified as non-decent reduced from 20% in 2010 to 12% in 2018.<sup>25</sup> The social sector has a lower proportion of homes that do not meet the Standard than the private rented and owner-occupied sectors.
- 101.** During our consultation events, we heard that the Decent Homes Standard is no longer fully effective and does not reflect present day concerns, including on energy efficiency or safety. Some respondents told us they would like to see more investment in the locality and green spaces surrounding their

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<sup>24</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/7812/138355.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/7812/138355.pdf)

<sup>25</sup> English Housing Survey Headline Report 2018-19, Table 2.2 [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/860076/2018-19\\_EHS\\_Headline\\_Report.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/860076/2018-19_EHS_Headline_Report.pdf)

home, including measures to combat crime and anti-social behaviour. The design of buildings and their surroundings can help provide safe places to live and work. We are mindful that the design of a neighbourhood or estate, and the homes within them, can also be a factor in local levels of crime and anti-social behaviour.

**102.** Landlords are expected to keep homes secure and protected from entry by intruders. But we recognise that we can go further. Physical measures such as CCTV, alley-gating and good quality lighting can all be effective in keeping neighbourhoods safe and secure. We want to explore how we can go further in using the Decent Homes Standard to keep residents secure and help tackle anti-social behaviour.

**103. We will review the Decent Homes Standard and consider whether it needs to be updated to ensure it is delivering what is needed for safety and decency now.** As a first step the review will consider the case for change. We aim to complete this part of the Review by Autumn 2021. If the evidence demonstrates that we need to revise the Standard, we will consider the strategic, economic and management case for new criteria as a second stage of the review. It is important that any changes to the Standard are affordable and deliverable. We will convene a sounding board of residents, experts, landlords and sector representatives that will review the evidence and support this work.

## Box E: Review of the Decent Homes Standard

The aim of the first stage of the Decent Homes Review is to understand whether the current Decent Homes Standard is the right ask of the social housing sector today.

The review will:

- Consider the fit with wider government objectives such as ensuring buildings and neighbourhoods are safe; and responding and being resilient to climate change.
- Consider whether the Standard reflects present-day expectations and concerns.
- Assess how far aspects of the Standard have overall had a positive impact.
- Identify any unintended and undesirable consequences precipitated by the Standard.
- Consider whether the Standard is practical for the sector to deliver.

## Energy efficiency

**104.** We are committed to decarbonising our homes.

Climate change is a critical global issue, and homes contribute 14% of all UK greenhouse emissions<sup>26</sup>.

Working to address the impact of social homes will contribute to the United Kingdom's commitment to net-zero carbon emissions by 2050 and help to reduce residents' energy bills. It will also contribute to our legally binding fuel poverty target and the Energy

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<sup>26</sup> <https://www.theccc.org.uk/2019/02/21/uk-homes-unfit-for-the-challenges-of-climate-change-ccc-says/>

Performance Certificate Band C aspiration set out in the Clean Growth Strategy.

**105.** We will ensure that the Decent Homes review considers how it can work to support better energy efficiency and the decarbonisation of social homes. We recently announced the Green Homes Grant for 2020/21<sup>27</sup> which social landlords are eligible to bid for, which will fund up to two thirds of the cost of hiring tradespeople to upgrade the energy performance of homes – up to a maximum contribution of £5,000. At the Chancellor’s summer economic update, the Government announced a £50m demonstrator project<sup>28</sup> to start the decarbonisation of social housing over 2020/21. This will encourage innovation and help inform the design of the future Social Housing Decarbonisation Fund.

## Provision of green spaces

**106.** In addition to the responses to the social housing Green Paper’s question on decent homes, COVID-19 is also showing the importance of access to safe, open and green spaces for people’s wellbeing. The importance of access to green spaces for exercise and mental wellbeing is especially important for those without private gardens. In our manifesto, we set an ambition for all new streets to be lined with trees. Street trees can bring a wide range of benefits that can lead to long-term improvements in people’s health, including environmental improvements

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<sup>27</sup> <https://greenhomesgrant.campaign.gov.uk/>

<sup>28</sup> <https://www.gov.uk/government/publications/social-housing-decarbonisation-fund-demonstrator/social-housing-decarbonisation-fund-demonstrator-programme-overview>

related to biodiversity and climate change, and social benefits, such as encouraging increased levels of walking, improved mental health and decreased incidences of crime.

- 107.** The Government's 25 Year Environment Plan, published in January 2018, makes commitments to connect people with the environment to improve health and wellbeing. It includes a commitment to develop a National Framework of Green Infrastructure Standards, recognising the vital role that good green infrastructure can play in health and wellbeing, as well as wider benefits such as helping in nature's recovery, supporting local economies and adapting to climate change. We are bringing forward a new Framework of Green Infrastructure Standards to show what good green infrastructure looks like and to help local authorities, developers and communities to improve green infrastructure, including greenspace provision in their area. This includes providing adequate access to high quality green space for their local communities.
- 108.** The 25 Year Environment Plan also sets out that spending time in the natural environment can improve our mental health and feelings of wellbeing. It can reduce stress, fatigue, anxiety and depression. In support of these commitments, we will begin a project to explore how to scale up green social prescribing services in England in order to improve mental health

outcomes, reduce health inequalities and reduce demand on the health and social care system.

- 109.** We will invest over £4 million<sup>29</sup> to bring together multiple partners to co-design and co-deliver this work, including the Department of Health and Social Care, the Department for Environment, Food and Rural Affairs, Natural England, NHS England, Public Health England and the Ministry of Housing, Communities and Local Government. We will develop four local pilots across England, which will establish what is required to scale up green social prescribing at a local level and take steps to increase patient referrals to nature-based activities. We will conduct experimental work at the national level to understand where and why there is potential for rapid growth and what interventions can support and enable scaling up.
- 110.** The Decent Homes Standard review will also consider how improvements to communal space around social homes could make places more liveable, safe and comfortable. This will build on the regulator's existing Neighbourhood and Community consumer standard requiring landlords, working with other agencies, to keep the neighbourhood and communal areas associated with the homes they own clean and safe, and to promote social and environmental wellbeing.

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<sup>29</sup> <https://www.gov.uk/government/speeches/george-eustice-speech-on-environmental-recovery-20-july-2020>



- 111.** It is crucial for all communities, including those in social housing, and for all age groups to have access to a range of open and green spaces for leisure, recreation and play. These spaces should be well defined, easily accessible and safe with high quality landscaping including trees where appropriate, to support the physical health and wellbeing for all.
- 112.** The importance of including open space in development is clear from our planning policy and guidance. The National Planning Policy Framework encourages housing developments that promote health and wellbeing, with a high standard of amenity for existing and future users. It states that planning policies should assess the need for different types of open space in each area, and then seek to accommodate it. In their report the Building Better, Building Beautiful Commission made nature one of their priority themes and noted that green spaces should be integral to the urban fabric. We welcome their recommendations and look forward to responding to their report in due course.
- 113.** The supporting National Design Guide shows how access to high quality and attractive green infrastructure, including open spaces, can be integral to new development, to encourage physical activity and to promote health, wellbeing and social inclusion. We are working to reflect the principles of the forthcoming Framework of Green Infrastructure Standards in national planning guidance, and the Government's forthcoming guidance on producing local design codes will set out more detailed parameters

for development in different types of location including the arrangement and proportions of streets and urban blocks, positioning and hierarchy of public and green spaces, placement of street trees, private amenity space such as gardens and balconies, and high quality cycling and walking provision. This guidance will apply to new development, including social housing. Guidance on producing local design codes will form part of the Government's planning practice guidance on design quality to support the National Planning Policy Framework and can be used to guide decisions for planning applications.

**114.** The *Planning for the Future* White Paper also includes a proposal by Government to enable more and better green space in development. The consultation closed on 29 October. Following consideration of the consultation responses, the Government will publish a response in due course.

## Supporting positive mental and physical health

**115.** We know that around 24% of working age disabled people live in social housing<sup>30</sup>. It is therefore vital that these people get the support they need. In 2020/21 we have provided a total of £505 million for the Disabled Facilities Grant (DFG)<sup>31</sup>. This capital grant, administered by local authorities in England, can contribute to the cost of adapting an eligible disabled

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<sup>30</sup> <https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/disability/bulletins/disabilityandhousinguk/2019>

<sup>31</sup> [https://www.housinglin.org.uk/\\_assets/Resources/Housing/Policy\\_documents/505-million-for-Disabled-Facilities-Grants-in-2020-21.pdf](https://www.housinglin.org.uk/_assets/Resources/Housing/Policy_documents/505-million-for-Disabled-Facilities-Grants-in-2020-21.pdf)

person's home. Eligible applicants can include older people, mentally or physically disabled people, as well as those with autism and learning difficulties. The DFG supports the installation of adaptations such as stair-lifts, level access showers and ramps; all things which can help enable people to live safely and independently at home. People of all ages can apply to their local authority for a DFG. In 2016/17 over 33% of recipients of the funding were housing association tenants, which equates to over 15,000 homes being improved. Local authorities are under a statutory duty<sup>32</sup> to provide home adaptations to those who qualify for the grant, which the individual local authority funds.

**116.** Approximately one in four people report living with a mental health issue.<sup>33</sup> This is why, in addition to boosting green spaces, we are committed to expanding provision on mental health. This Government is committed to expanding access to mental health services through the NHS Long Term Plan. Investment of at least a further £2.3 billion a year by 2023/24 will ensure that the NHS provides high quality, evidence-based mental health services to an additional 2 million people. Alongside this expansion, we also want to make sure that wider public services support people to stay mentally well, recover from mental ill-health and live well with mental illness. Secure, safe and decent housing can support positive mental health.

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<sup>32</sup> <https://www.legislation.gov.uk/ukpga/1996/53/contents>

<sup>33</sup> NHS Digital (2015) [Health Survey for England 2014](#). The [2014 Adult Psychiatric Morbidity Survey](#) further shows that 1 in 6 adults had a common mental disorder.



“We recognise that domestic pets also bring joy, happiness and comfort to people’s lives, helping their owners through difficult times and improving their mental and physical wellbeing.”

- 117.** We recognise that domestic pets also bring joy, happiness and comfort to people's lives, helping their owners through difficult times and improving their mental and physical wellbeing. We know many social landlords normally give permission for tenants to keep pets depending on the location, provided they are well looked after and do not adversely affect the lives of neighbours and those living nearby. We encourage all social landlords to adopt similar policies.
- 118.** We have heard how, in social housing, people's experience, including stigma, can be shaped by their interactions with frontline staff. Going forward, we want to ensure that frontline social housing staff have the right knowledge and skills to work sensitively with people who have or are at risk of developing mental health problems, building on examples of good practice in the sector. **Our review of professionalisation will consider how well housing staff are equipped to work with people with mental health needs and we will encourage best practice for landlords working with those with mental health needs.**
- 119.** We are aware of emerging evidence about the relationship between housing and health, including about housing's role in the transmission of COVID-19. We will continue to engage with the latest evidence on the impact of housing conditions on health, including COVID-19 transmission, and are actively considering options to mitigate these impacts.

# Supporting tenants facing anti-social behaviour and crime

**120.** Tenants in social housing are more likely to be victims of crime and experience anti-social behaviour (ASB). These are corrosive behaviours, and this Government has been clear that they are unacceptable in all forms. Tenants have a right to feel safe in their homes, without the stress, fear and tensions that anti-social behaviour and crime can cause. The Government is committed to keeping our streets safe and cutting crime, including through ensuring that homes and communities are secure. We passed the Anti-social Behaviour, Crime and Policing Act in 2014 to give landlords a wide range of tools to tackle ASB. We also published statutory guidance in 2019 to support local areas to make effective use of these powers, which sets out the importance of focusing on the impact of anti-social behaviour on victims and on their needs. The guidance gives police, local authorities and others greater clarity on how best to use the powers appropriately and proportionately. However, we heard that in some cases social housing tenants feel their landlord is not taking their concerns seriously or seeking to tackle the issues they face. **Our new social housing tenant satisfaction measures (see Box A: Draft Tenant Satisfaction Measures) will include measures on responsible neighbourhood management, including tackling anti-social behaviour,** so landlords will have to be transparent and report on how they are performing in this area. Tenants and the regulator will then be able to use this information to hold landlords to

account and drive better performance. **We will work with the Home Office and other partners to develop our understanding on how crime, and tenants' perception of crime, can be measured and reported on, and what scope there may be to include them in tenant satisfaction measures.**

- 121.** We also heard that it is not always clear to tenants who is responsible for responding to anti-social behaviour when they raise concerns. People do not know who to turn to, and what help and support to expect when they do. This has led to tenants feeling frustrated and voicing understandable concerns that some landlords fail to help or simply try to 'pass the buck'. To help tenants and landlords **we will clarify the different responsibilities that police, local authorities and their landlords have** in tackling anti-social behaviour. We will make it clear to tenants who can give them the most appropriate support and assistance. This will include information on the Community Trigger arrangements (also known as the ASB Case Review). This gives victims of persistent anti-social behaviour reported to any of the main responsible agencies (such as local authorities, police or a landlord) the right to request a multi-agency case review of their case where a local threshold is met. Information about this process is published on GOV.UK. **We will work with the National Housing Federation and Local Government Association to encourage social landlords to inform residents of their right to make a community trigger application, and where appropriate, that they act as an advocate in supporting tenants to take an application forward with the relevant authority.**



- 122.** We recognise from discussions with agencies involved in tackling anti-social behaviour and from recent research studies that, in some cases, the perpetrators of anti-social suffer from mental health problems or have issues involving alcohol and drug use. In those cases, providing the right support and interventions can have a positive outcome in terms of preventing further offending behaviour. **We will bring together a working group to shape our approaches to tackling this issue.** For social landlords, linked to our proposals to review professional development, we will be looking at the training given to housing staff to increase their awareness and understanding of mental health issues.
- 123.** We also know we need to do more to prevent acquisitive crime in social housing, such as burglary and theft. The £25m Safer Streets Fund<sup>34</sup> aims to prevent such crimes from happening in the first place. The fund is investing in crime prevention plans in 52 communities across England and Wales many of which include social housing, and also include activity to tackle anti-social behaviour.
- 124.** In addition, our National Design Guide, published in 2019, refers to the importance of designing out crime when developing new homes, and Government's forthcoming guidance on producing local design codes will set out how homes and neighbourhoods must be designed with safety and security in mind

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<sup>34</sup> <https://www.gov.uk/government/news/safer-streets-fund-to-tackle-burglary-and-theft>

by applying the principles of Secured by Design<sup>35</sup>. This includes using passive design measures, such as ‘eyes on the street’ and appropriate layouts for homes.

- 125.** Finally, we know there are other serious issues affecting some vulnerable tenants and we want to stamp these out. One such example is “county lines” which, in some areas, has resulted in gangs using young people and vulnerable adults to spread drugs across the country. Gangs will use a vulnerable person’s home to sell the drugs from. This “cuckooing” is a key part of the gangs’ strategy. We want to see all housing associations and local authority landlords using their knowledge of vulnerable tenants to monitor and support those tenants who may be at risk. We know that there have been examples where landlord intervention with other agencies has resulted in preventing vulnerable people from being exploited by these gangs. It is vital that they work together with bodies, such as the police, to maximise this impact.
- 126.** We will continue to identify opportunities to reduce crime and anti-social behaviour including encouraging landlords to develop practical solutions to tackle crime and anti-social behaviour in their areas.

## **Integrating social housing in communities**

- 127.** Social homes are a vital part of diverse communities across the country. Yet residents told us they often felt stigmatised, and that a shift was needed in the way

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<sup>35</sup> <https://www.securedbydesign.com/>

residents are perceived and treated. Some said that they were made to feel like ‘second class citizens’. We heard examples of social housing residents being denied access to certain shared facilities or spaces, leading to segregation from their neighbours and wider communities.

- 128.** It is vital that social housing is treated as an integral and valued part of our housing system, rather than being separated or segregated from other forms of housing. That aspiration is reflected in the National Planning Policy Framework which states that planning policies and decisions should aim to achieve healthy, inclusive and safe places. It also emphasises the need for planning policies and decisions to promote social interaction and provide shared spaces and facilities. It is supported by our planning practice guidance on Design: Process and Tools, published in October 2019, which includes guidance on the effective engagement of communities in shaping the design of their neighbourhoods.
- 129.** One significant way in which the planning system supports the creation of mixed communities is through developer contributions (via planning obligations – also known as Section 106 agreements). Developer contributions currently deliver around half of all new affordable housing, most of which is delivered on-site. This has played an important role in securing affordable housing as part of mixed-tenure development.

- 130.** Under the Government's proposals to reform the planning system, set out in the *Planning for the Future White Paper*, the current system of developer contributions would be replaced with a new Infrastructure Levy which would be charged as a fixed proportion of the development value. These reforms aim to provide greater certainty and transparency. The White Paper includes a clear commitment to ensure that, under the Infrastructure Levy, affordable housing provision supported through developer contributions is kept at least at current levels – and that it is still delivered on-site to ensure that new development continues to support mixed communities. We will continue to work with the social housing sector to ensure that our planning reforms achieve these objectives.
- 131.** It is unacceptable that social tenants should be denied access to shared spaces and facilities and we want to see housing designed in a way that prevents this. We have published the National Design Guide which promotes social interaction through encouraging well-integrated housing and other facilities that are designed to be tenure neutral and socially inclusive, with spaces that can be shared by all residents. Local planning authorities will be expected to develop their own design codes or guides, taking into consideration the Government's forthcoming guidance on producing local design codes. These will set out clear parameters for what good quality design looks like in their area, following appropriate local consultation.

**132.** In 2018, we published an Integrated Communities Strategy Action Plan setting out cross-government measures to build integrated communities and challenge segregation. Integration Areas were announced in the Integrated Communities Strategy Green Paper with the aim that government would work with local authorities and other partners to co-design integration strategies to take tailored actions to address the challenges specific to their place. We have worked with three of our five existing integration areas to consider how to maximise the use of levers in housing and planning policy locally to tackle social and residential segregation. We would aim to build on the results of their work to embed innovative approaches to housing.

## **Considering how to ensure social housing is allocated fairly**

**133.** Local authorities' allocation schemes are the primary system through which people access social housing. These schemes must be set in line with legislation, regulations and statutory guidance. In the social housing Green Paper, we announced an evidence collection exercise to help us understand how the system is playing out in local areas.

**134.** The exercise has brought together evidence from a survey of a number of local housing authorities, case studies, interviews and focus groups with representatives from across the sector. **The results will be published shortly and we will consider the findings to ensure that housing is allocated**

**in the fairest way possible and achieves the best outcomes for local places and communities.** This will include considering:

- how to improve joint working between local authorities and housing associations to ensure that social housing is being allocated efficiently;
- how to remove barriers to access to social housing for homeless households; and
- how to ensure vulnerable households are able to navigate local authorities' allocation systems.

**135.** While the allocation legislation ensures that people with disabilities are prioritised for social housing, we heard that that allocation systems sometimes fail to match adapted (or adaptable) homes to the people who need them, often because of a lack of data about the accessible social housing stock in the area. **Accordingly, we will also look at how we can improve access to suitable homes for disabled people.**

## **Supporting tenants facing domestic abuse**

**136.** Landlords have a role to play in supporting the victims of domestic abuse. They are well-placed to identify early signs of abuse and through allocations policies can offer an escape to safe housing. Many are already committed to taking action in support of this through sector-led initiatives such as the 'Making a Stand' pledge<sup>36</sup>.

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<sup>36</sup> <https://www.cih.org/policy/make-a-stand>

**137.** The Domestic Abuse Bill will place a statutory duty on county and unitary councils in England (excluding London Boroughs), as well as the Greater London Authority and the Isles of Scilly Council, to work with other bodies to develop a strategy for, and commission services to provide support for victims of domestic abuse and their children within safe accommodation. Landlords must work with local authorities to deliver this requirement, and it is important that this expectation is reflected in the regulatory standards. **We will expect the Regulator of Social Housing to review and amend its regulatory standards to make it clear that landlords should have a policy setting out how they should tackle issues surrounding domestic abuse,** working with other agencies as appropriate.

## **Supporting the Armed Forces community**

- 138.** We are committed to ensuring that those who have put their life on the line for their country, and those who give up so much to support them to do so, get the priority for social housing they deserve.
- 139.** Delivering on the Armed Forces Covenant the Government changed the law in 2012 so that seriously injured, ill or disabled Service personnel, and former members of the Armed Forces, with urgent housing needs are always given high priority for social housing. We also introduced regulations to ensure that serving personnel and those who are recently discharged do not lose their qualification rights because of the necessity to move from base to base.

Both of these changes apply also to bereaved spouses or civil partners who have to leave Ministry of Defence provided accommodation, and to serving and former members of the Reserve Armed Forces who have been seriously injured or disabled in service.

**140.** In June this year, delivering on a commitment in the Government's response to the Veterans Strategy consultation, we published statutory guidance for local authorities to improve access to social housing for members of the Armed Forces, veterans, and their families. The guidance will ensure that service personnel and veterans suffering from mental health are prioritised for social housing; that those who separate from their partners in the Armed Forces are exempted from any local connection test; and that local authorities can identify applications from members of the Armed Forces community to ensure they are considered appropriately.



## Chapter 7:

To be supported to take your first step to ownership



We are determined to increase the supply of new and beautiful social homes – and to ensure that as many social tenants as possible have the opportunity to buy a home of their own.

**To increase the supply of social homes, we have:**

- Built over 486,600 new affordable homes since 2010, including 142,400 for social rent.
- Announced our new £11.5 billion Affordable Homes Programme – the largest single investment in social housing for a decade – that will deliver up to 180,000 new homes.
- Announced a new £3 billion Affordable Homes Guarantee Scheme which aims to provide long-term, low cost and fixed rate debt finance to registered providers.
- Removed the cap on local authority borrowing to fund housebuilding.
- Consulted on whether greater flexibilities can be offered around how local authorities can use receipts from Right to Buy sales.
- Supported community-led housebuilding through the community housing fund.
- Announced we will consult on further guidance to provide clarity on rural exception sites policy, to ensure they are used to their full potential.

**To ensure that more social tenants have the opportunity to buy a home, we have:**

- Introduced a new shared ownership model that will be fairer, more consumer-friendly and more accessible.
- Announced that around half of the homes delivered by the new Affordable Homes Programme will be for affordable home ownership.
- Announced a new Right to Shared Ownership, meaning that most new grant-funded housing association homes for rent will give residents the opportunity to purchase a 10% (or more) stake in their home and to purchase further shares in future.
- Launched a pilot of Voluntary Right to Buy in the Midlands, giving thousands of housing association residents the opportunity to own their home.

We are firmly committed to ensuring that new social housing supply is well-designed and beautiful. Local councils and housing associations have long delivered some beautiful and innovative affordable homes, epitomised by the award of the country's top architecture and design award - the Stirling Prize – to the Goldsmith Street development by Norwich Council last year<sup>37</sup>. We heard from residents of the importance of building more affordable homes, and the importance of good design in preventing poor perceptions and stigma. So we want to encourage more Goldsmith Street developments and support better design everywhere, building on the long tradition created by the Victorian housing philanthropists that have given us model designs such as the Rowntree village at New Earswick, which is now pioneering new energy efficient homes. We have:

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<sup>37</sup> <https://www.architecture.com/awards-and-competitions-landing-page/awards/riba-stirling-prize>

- Amended the National Planning Policy Framework and published a new national design guide to emphasise the importance of beauty and good design.
- Emphasised through our new National Design Guide the importance of building beautiful and well-designed social homes.

## Building more affordable homes

**141.** Since 2010, over 486,600 new affordable homes have been built, including 346,100 for rent, of which 142,400 have been for social rent.<sup>38</sup> But we know that we must do more. In September 2020 we announced the details of our new £11.5bn Affordable Homes Programme<sup>39</sup>, which represents the highest single funding commitment to affordable housing in a decade. The new Affordable Homes Programme will deliver up to 180,000 homes, with half the homes available for Social and Affordable Rent, and the remainder for affordable home ownership through our new shared ownership model. To support our ambition to level up the country, affordable housing providers will be able to develop homes for Social Rent anywhere in England.

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<sup>38</sup> Live Table 1000 and Live Table 1012 – covers period from 2010-11 and includes provisional data from 2019-20 from Live Table 1012 <https://www.gov.uk/government/statistical-data-sets/live-tables-on-affordable-housing-supply>

<sup>39</sup> <https://www.gov.uk/government/news/jenrick-unveils-huge-12-billion-boost-for-affordable-homes>

**142.** The social housing Green Paper explored what difference providing long-term certainty on funding for new affordable housing would make to the ambitions of housing associations and other private registered providers. The new Affordable Homes Programme includes £2bn for long-term partnerships delivering homes up to 2028/29, giving housing associations the long-term certainty they have asked for in order to build more homes. This new investment builds on the existing £9bn Affordable Homes Programme which will deliver around 250,000 new affordable homes by 2023.

**143.** The social housing Green Paper also trailed the role of guarantees in supporting housing associations to build more homes. At Spring Statement 2019 a new £3bn Affordable Homes Guarantee Scheme was announced, building on the success of the previous £3.24bn scheme. This aims to provide long-term, low cost and fixed rate debt finance to registered providers to increase the supply of additional new build affordable homes. We estimate that the new scheme will support the delivery of around 17,000 affordable homes and that the scheme will be open for business by the end of the year.

**144.** Around half of all new affordable homes are delivered through developer contributions, which are negotiated as part of the planning system (in the form of Section 106 planning obligations). Under our proposals to reform the planning system, set out in the *Planning for the Future White Paper*, the current system of developer contributions would be replaced with a

new Infrastructure Levy, which would be charged as a fixed proportion of the development value. These reforms aim to provide greater certainty and transparency. We would ensure that, under the Infrastructure Levy, affordable housing provision supported through developer contributions is kept at least at current levels, and that it is still delivered on-site to ensure that new development continues to support mixed communities.

**145.** Rural Exception Sites are small rural sites not normally used for housing but allowed to be used for Affordable Housing to accommodate households who are either current residents in the local area or have an existing family or employment connection. We also recognise that Rural Exception Sites are important for the delivery of Affordable Homes in rural areas and will consult on further guidance to provide clarity on this policy, with the aim of ensuring that they are used to their full potential.

## **Building more council homes**

**146.** Between April 2010 and March 2019, local authorities built over 26,100 new affordable homes<sup>40</sup> but have the potential to build many more. We want to see a step change in local authority delivery. In October 2018 the cap on local authority borrowing to fund housebuilding was removed<sup>41</sup>.

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<sup>40</sup> Affordable Housing Supply open data: <https://www.gov.uk/government/statistical-data-sets/live-tables-on-affordable-housing-supply#open-data>

<sup>41</sup> <https://www.gov.uk/guidance/housing-revenue-account>

- 147.** We want to see local authorities make the most of borrowing flexibilities and innovate to deliver homes for the future. We are keen for local authorities to take advantage of funding available through the Affordable Homes Programme. We want to see local authorities share experiences and good practice in housebuilding so they are well placed to build the next generation of council homes.
- 148.** To further support local authority house building, we are looking at whether greater flexibilities can be offered around how local authorities can use receipts from Right to Buy sales. A consultation exploring the possibility of this was published alongside the social housing Green Paper and we are considering the policy response.

## **Community Led Housing**

- 149.** Housing built by community-led groups, including community land trusts and housing co-operatives, can deliver high quality affordable housing that cannot be delivered by the mainstream market. Particularly in urban areas, community-led housing can be delivered through the conversion and refurbishment of existing buildings. Because the management bodies of community-led housing are typically drawn from the local and residential community, they are uniquely well placed to respond to the needs and aspirations of residents.

**150.** An important feature of community-led housing developments is the strong sense of pride and belonging that they engender among their residents, and the associated benefits in terms of health and wellbeing. We have supported community-led housebuilding through the Community Housing Fund<sup>42</sup> and we will consider how best to maintain that support going forward.



<sup>42</sup> <https://www.gov.uk/government/collections/community-housing-fund>

## Building beautiful

- 151.** We are committed to developing more beautiful homes and communities. It should be an aspiration for all new developments. It helps to create a sense of place and foster a sense of community. The ‘Building Better, Building Beautiful’ Commission was established in November 2018, to advise the Government on how to promote high quality design for new build homes and neighbourhoods, making them more likely to be welcomed by existing communities. The recommendations apply to all new homes, regardless of tenure. The final report of the ‘Building Better, Building Beautiful’ Commission was published on 30 January 2020. We welcome the report and will provide a formal response in due course.
- 152.** In the meantime, in 2019, we amended the National Planning Policy Framework and published a new National Design Guide to emphasise the importance of beauty and good design.

## Helping people into home ownership

- 153.** We are committed to supporting people that want to own a home to do so. We are delivering more new homes of all types, delivering 241,000 in the last year alone, the highest in over 30 years; and we have committed to delivering at least a million more over this parliament. Approximately 50% of the homes delivered through the new Affordable Homes Programme will be for affordable home ownership, supporting aspiring homeowners to take

their first step on to the housing ladder. Over 649,000 households<sup>43</sup> have been helped to purchase a home since spring 2010 through Government backed schemes including ‘Help to Buy’ and ‘Right to Buy’, and we have cut stamp-duty for the majority of first-time buyers, helping over 540,000 people.<sup>44</sup> These schemes are working and in 2018/19 the number of first-time buyers reached a 12-year annual high, and increased by over 87% since 2010/11<sup>45</sup>. However, we need to do more to support people to realise their dreams of home ownership.

## A new shared ownership model

**154.** Shared Ownership has a vital role to play in offering a route into homeownership to those who would otherwise struggle to buy a home. We know that there is more we can do to make Shared Ownership work better for those who need it most. This is why in September 2020 we introduced a new Shared Ownership model that will be more consumer-friendly and more accessible. The new Shared Ownership model will reduce the minimum initial ownership stake from 25% to 10% and will enable purchasers to then buy further shares in smaller instalments of as little as 1%.

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<sup>43</sup> MHCLG Calculation of Help to Buy and Right to Buy (24 September 2020) The figure of 649,996 households comprises of 96,420 Right to Buy local authority sales, 29,826 Right to Buy PRP sales, 272,852 Help to Buy: Equity Loan sales, 104,763 Help to Buy: Mortgage Guarantee sales (the Help to Buy: Mortgage Guarantee scheme operates across the UK, whereas all others in this note only operate in England), 5,694 Help to Buy: New Buy sales and 140,411 Affordable home ownership sales

<sup>44</sup> Quarterly Stamp Duty Land Tax Statistics [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/904092/Quarterly\\_SDLT\\_2020Q2\\_Main.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/904092/Quarterly_SDLT_2020Q2_Main.pdf)

<sup>45</sup> UK Finance (previously Council of Mortgage Lenders), First-time buyers: new mortgages and affordability (18 February 2020)

- 155.** Shared owners, like other homeowners, are currently responsible for the full cost of any repairs from day one. This means that those starting off with a small stake can be left with large bills. This is why we have also introduced a 10-year “repair-free” period during which the landlord will cover the costs of major repairs for new homes. For most people entering into Shared Ownership, the scheme serves as a first step on their journey as homeowners. The new repairs model will help make the transition from renting to homeownership almost frictionless. The changes will prevent new shared owners being hit with repairs and maintenance bills and better support them to put money aside towards buying more of their home.
- 156.** Together these measures will ensure Shared Ownership supports those who need it most by making it easier for hard working people and families to access and progress to full ownership. We are committed to continued investment in the delivery of Shared Ownership homes and will fund the new model through the new Affordable Homes Programme.



“We are committed to developing more beautiful homes and communities. It should be an aspiration for all new developments. It helps to create a sense of place and foster a sense of community.”



“We are reinvigorating the home ownership offer for housing association tenants by introducing a new Right to Shared Ownership.”

# Supporting residents' Right to Buy

**157.** Over 60% of social tenants have said they would prefer to be owner-occupiers if they had a free choice,<sup>46</sup> yet only a quarter currently believe they will ever be able to do so.<sup>47</sup> This gap between ambition and expectation is not right.

**158.** We remain committed to the Right to Buy, which has helped nearly two million residents to become homeowners since 1980<sup>48</sup>. In August 2018 a pilot of the Voluntary Right to Buy was launched in the Midlands. This pilot has given thousands of housing association residents in the East and West Midlands the opportunity to own their own home.

**159.** The pilot is assessing how the Voluntary Right to Buy works in practice for residents and for housing associations. It is also testing that housing associations are able to replace the homes sold under the pilot and the portable discount, which enables a resident to use their discount to buy another housing association property where their home is not for sale. We will publish the full evaluation of the Midlands pilot.

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<sup>46</sup> Public attitudes to house building, October 2019 [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/841815/BSA\\_House\\_building\\_report.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/841815/BSA_House_building_report.pdf)

<sup>47</sup> English Housing Survey, Headline Report 2018- 19 <https://www.gov.uk/government/statistics/english-housing-survey-2018-to-2019-headline-report>

<sup>48</sup> Live tables on Social Housing Sales – table 678 <https://www.gov.uk/government/statistical-data-sets/live-tables-on-social-housing-sales>

## Right to Shared Ownership

**160.** We are reinvigorating the home ownership offer for housing association tenants by introducing a new **Right to Shared Ownership**. The Right to Shared Ownership will be attached to the vast majority of new grant funded homes for rent grant funded through the new £11.5bn Affordable Homes Programme. It will give many housing association residents the opportunity to purchase a stake in their home of 10% or more and to purchase further shares in future when they can afford to do so. Tenants taking up this offer will benefit from the new Shared Ownership model that is more consumer-friendly and makes it more manageable for shared owners to increase the stake in their homes.

## Supporting leaseholders in social housing

**161.** The Government is committed to promoting fairness and transparency for all leaseholders, both in the social and private sectors, and ensuring that consumers are protected from abuse and poor service. That is why we are reforming the leasehold market by restricting ground rents on future leases to zero, banning new leasehold houses, strengthening redress, making it easier, quicker and cheaper to extend a lease or buy a freehold and reinvigorating commonhold and Right to Manage. Our White Paper reforms will also benefit leaseholders with social landlords, for example by increasing transparency on overall spend and performance by landlords, a

stronger focus on managing neighbourhoods and communal spaces, and better engagement so that the concerns of leaseholders can be heard. Many leaseholders have told us that service charges can often be unclear, and it is hard to tell whether costs are reasonable. We are clear that service charges should be transparent and communicated effectively, and that there should be a route to challenge or redress if things go wrong. An independent working group, chaired by Lord Best, examined how to raise standards across the housing sector, which considered how fees such as service charges should be presented to consumers. The group also considered issues such as the consultation process for major works, how to mitigate the risk of large and unexpected bills, as well as the reasonableness of other fees and charges faced by leaseholders. The working group has published its final report to Government; we are considering the report's recommendations and will announce next steps through our leasehold reform programme.

# Glossary

**Affordable housing:** housing for sale or rent, including social housing, for those whose needs are not met by the market.

**Affordable Rent:** social housing provided as part of an agreement with Homes England, the Greater London Authority or the Secretary of State where the rent is set up to 80% of market rent.

**Aluminium Composite Materials:** Aluminium composite material (ACM) is a flat panel made from two thin aluminium sheets bonded to a non-aluminium core, between three and seven mm thick. ACM becomes 'unsafe ACM' when it has a polyethylene (PE) filler, which is highly combustible.

**Anti-social behaviour:** conduct that has caused, or is likely to cause, harassment, alarm or distress to a person, or conduct capable of causing housing-related nuisance or annoyance to any person.

**Arms Length Management Organisation:** an organisation that provides and/or manages housing on behalf of a local authority on a not-for-profit basis.

**Borrowing Cap:** the limit set by Government that local authorities can borrow up to.

**Decent Homes Standard:** the Government's definition of what is a decent home and is set out in the publication *A Decent Home: Definition and Guidance for Implementation*. It sets out that a decent home meets four criteria (a) it meets the current statutory minimum standard for housing (b) it is in a reasonable state of repair (c) it has reasonably modern facilities and services and (d) it provides a reasonable degree of thermal comfort.

**English Housing Survey:** a continuous national survey commissioned by the Ministry of Housing, Communities and Local Government (MHCLG). It collects information about people's housing circumstances and the condition and energy efficiency of housing in England.

**Green Paper:** a consultation document produced by the government. The aim of this document is to allow people both inside and outside Parliament to give the department feedback on its policy or legislative proposals.

**Homes England:** the national housing delivery agency.

**Housing association:** a non-profit organisation set up to provide affordable homes for those in need.

**Housing Revenue Account:** a local authority account in which all income and spending arising from its social housing stock is managed.

**Leasehold:** Leasehold is a form of ownership normally used for flats (but occasionally for houses) that is a long tenancy, providing the right to occupation and use of the property for a long period – the ‘term’ of the lease. The lease can be assigned during this term by the owner of the long lease.

**Leaseholder:** A person who buys a leasehold property on a long lease.

**Memorandum of Understanding:** a framework that sets out how two parties will work together on a particular issue.

**National Planning Policy Framework:** a framework that sets out the Government’s planning policies for England and how these are expected to be applied.

**Private Registered Provider:** a registered provider of social housing that is not a local authority. Most are housing associations.

**Private Rented Sector:** homes for rent that are owned and managed by private landlords.

**Registered provider of social housing:** a social housing landlord that is registered with the Regulator of Social Housing. This includes local authority landlords and private registered providers (such as housing associations and housing co-operatives).

**Right to Buy:** this scheme allows tenants of local authorities and some housing associations, with a secure tenancy, to purchase their home, with a discount.

**Right to Buy Receipts:** money arising from the sale of local authority homes sold either under the Right to Buy legislation or sold voluntarily to secure tenants at less than market value.

**Right to Shared Ownership:** is a new right introduced in 2020, which will give the vast majority of social tenants, living in new rented homes delivered by the Affordable Homes Programme 2021/26, the opportunity to purchase a stake in their home and then purchase further shares when they can afford to do so.

**Shared ownership:** an affordable home ownership scheme that allows residents to purchase 25%-75% of a home and then pay a subsidised rent on the remaining share. Residents are able to buy further shares in their homes in minimum 10% instalments, and in most circumstances, up to full ownership.

**Social Housing:** housing to rent below the market rent or to buy through shared ownership or equity percentage arrangements, that is made available to people whose needs are not adequately served by the housing market.

**Social Rent:** low cost rent set in accordance with a government formula.

**Social Rented Sector:** homes for rent that are owned and managed by local authorities and private registered providers.

**Tenant Management Organisation:** local authority tenant led (by volunteers) groups who take responsibility for managing the homes they live in.

**Tenant Satisfaction Measures:** a measurable value that demonstrates how effectively main objectives are achieved

**The Housing Ombudsman:** Appointed by the Secretary of State for Housing, Communities and Local Government in accordance with the Code of Practice published by the Commissioner for Public Appointments. The Housing Ombudsman Service is an executive non-departmental public body, sponsored by the Ministry for Housing, Communities and Local Government.

**The Housing Ombudsman Scheme:** Approved by the Secretary of State under Section 51 of, and Schedule 2 to, the Housing Act 1996. Membership of the Scheme is compulsory for social landlords (other than local housing authorities). A number of managing agents and private landlords are voluntary members.

**The Regulator of Social Housing (“the regulator”):** an independent regulator which regulates providers of social housing (including local authorities, housing associations and other registered providers). Its principal role is to promote a viable, efficient and well-governed social housing sector able to deliver homes that meet a range of needs.

**Voluntary Right to Buy:** In October 2015, the National Housing Federation, on behalf of the housing association sector, made an agreement with Government to extend Right to Buy level discounts to eligible housing association tenants through a voluntary rather than statutory approach. An initial pilot ran during 2016/17 with five housing associations, and a larger scale Midlands pilot of the scheme was launched in summer 2018.

**White Paper:** policy document produced by the government that sets out proposals for future legislation.

## **Annex A:**

# Key measures for changing the regulatory regime for social housing

## **Changes to the regulatory regime**

The White Paper sets out wide-ranging proposals to transform and strengthen the regulatory regime to ensure it holds all landlords to account for the services they deliver, drives good service for tenants and protects economic regulation. A list of all the changes to the regulatory regime we intend to make is set out below. Many of these changes will require legislation. Government will:

- Work with the regulator to establish a proactive consumer regulation regime with active oversight of landlord performance, whilst maintaining the principle of co-regulation. This will include:
  - Introducing routine inspections for the largest landlords (with over 1,000 homes) with the aim of doing so every four years, to obtain assurance from landlords that they are complying with the consumer standards;

- Specific, reactive inspections and/or investigations where systemic issues of concern are brought to the regulator by tenants or their representatives, the Housing Ombudsman or others;
- Published findings from these investigations and inspections where a landlord is found non-compliant with the regulator's standards.
- Legislate to remove the 'serious detriment test' as soon as Parliamentary time allows, to eliminate barriers to the regulator adopting a proactive approach to monitoring and oversight of landlord performance on consumer issues.
- Change the regulator's objectives to explicitly cover safety and transparency, and expect the regulator to review its consumer standards to ensure they are up to date and deliver its revised objectives.
- Legislate to give the regulator a power to publish a code of practice on the consumer standards to be clearer on what landlords are required to deliver.
- Expect the regulator to bring in a set of tenant satisfaction measures for all landlords on the things that matter to tenants, and expect landlords to report to every tenant on such matters at least once a year, if not continuously using technology.
- Legislate to place an obligation on landlords to identify and publicise a senior named person in their organisation who is responsible for ensuring compliance with their health and safety obligations.

- Expect the regulator to require landlords to identify a ‘responsible person’ for consumer standards compliance, as part of a wider requirement to provide greater clarity on the roles and responsibilities of senior staff.
- Introduce a new access to information scheme for social housing tenants of housing associations and other private registered providers of social housing so that information relating to landlords is easily accessible to tenants.
- Expect the regulator to require landlords to evidence how they have sought out and considered ways to improve engagement with tenants.
- Legislate to strengthen the regulator’s enforcement powers to tackle failing landlords and to respond to new challenges, including:
  - Giving the regulator the power to require a Performance Improvement Plan;
  - Reducing the notice period to survey homes;
  - Giving the regulator the power to arrange emergency repair work and recoup costs from the landlord where, following a survey, there is evidence of systemic landlord failure and other regulatory measures have not worked;
  - Removing the requirement to ask the Secretary of State’s approval to use its own staff to carry out inspections; and
  - Removing the cap on the level of fines the regulator may charge.

- Ensure that local authorities are held to account for the performance of service provided by an Arms Length Management Organisation or Tenant Management Organisation, by:
  - Asking stockholding local authorities that contract out management services to Arms Length Management Organisations to review their contracts to ensure they do not prevent the regulator from taking action in the event of non-compliance with its standards;
  - Making it explicit that provisions in contracts between ALMOs or TMOs would be deemed void if they hindered the regulation in its exercise of its powers; and
  - Working with the regulator to set out an expectation for local authorities to self-refer to ensure that issues of concern to tenants are dealt with as quickly as possible.
- Expect the regulator to review and amend its regulatory standards to make it clear that landlords should have a policy setting out how they should tackle issues surrounding domestic abuse, working with other agencies as appropriate.
- Legislate to strengthen the relationship between the Housing Ombudsman and the regulator, building on the current Memorandum of Understanding to ensure that they can exchange information quickly and effectively to provide better protection for tenants.

- Maintain the robust economic regulation regime that is already working well and make sure the whole system is cohesive and balanced. This will include ensuring that changes to consumer regulation do not undermine economic regulation.
- Refine the regulator's powers to ensure it has the right tools to deliver its economic regulation function effectively with an evolving sector. This includes:
  - Requiring landlords to notify the regulator of any change in control and refining the definition of 'non-profit' providers; and
  - Introducing a 'look-through' power so the regulator can follow money paid outside of the regulated sector to ensure probity.

Delivering these changes is essential to ensuring that the needs of tenants are embedded in the culture of all landlords, and will require significant change to the structure and expertise of the regulator, from senior leadership level downwards. To ensure that the regulator is equipped to deliver a proactive regulatory regime effectively, we will:

- Enable the regulator to set up an entirely new function, and make sure it is resourced and able to recruit the right new staff, including at senior leadership level, that have the right expertise in consumer regulation, customer service and tenant engagement to effectively deliver the new consumer regulation regime.

- Expect the regulator to develop a strategy for appropriate and ongoing publicity to make tenants aware of what it does and how to get in touch – both so they can understand and help shape consumer regulation.
- Broaden the skills mix and diversity of Board Members and increase the number of Members with consumer regulation experience.
- Work with the regulator to make sure that the regulator is resourced and able to recruit the right new staff with diverse background and skills, including at senior levels.
- Require the regulator to set up a statutory Advisory Committee to provide independent and unbiased advice on discharging its functions. This will not be a decision-making body.