



Homes &
Communities
Agency

CONSUMER REGULATION REVIEW (2015/16)

August 2016

Executive Summary

In this review, the Social Housing Regulator (the Regulator) provides a summary of our consumer regulation work in 2015/16. We do not proactively seek assurance on compliance with the consumer standards, but we will consider all referrals regardless of source, and consider each case on its merits. We can only intervene where we find that a failure to meet a consumer standard has caused, or may cause, serious detriment to tenants or potential tenants. This is the fourth review since that remit was established.

As Regulator, we are keen to share the lessons from our work with the sector. In 2015/16, we published four findings of a breach of the consumer standards and serious detriment. In each case, we found that registered providers had breached the home standard. As in previous years, the majority of these cases relate to breaches of gas safety legislation. However, for the first time, we also found serious detriment as a result of a registered provider failing to meet fire safety legislation. This report sets out the detail of these four cases, as well as a number of anonymised cases where we have not found a breach of the consumer standards and serious detriment. These cases illustrate how the Regulator considers a combination of factors including the number of tenants affected, the seriousness and duration of the failure, in reaching our decisions.

The lessons from this year's report are consistent with the messages from last year's report. In particular:

- Boards and councillors are responsible for meeting the consumer standards. Although the Regulator regulates the consumer standards reactively, that does not lessen the obligation on registered providers to comply.
- We consider all referrals received to decide whether they represent a breach of the consumer standard and whether there has been, or is a risk of, serious detriment. We are unable to take any regulatory action unless both parts of this test have been met.
- In reaching our decisions, as Regulator, we have a duty to be proportionate and any regulatory action we take must also be proportionate to the materiality of the case. That means that we consider the number of tenants affected by a potential breach, as well as the seriousness and duration of any failure. However we recognise that assessments of a breach of the consumer standard and serious detriment can stem from a single tenant referral.
- If we find that a private registered provider (as opposed to a local authority) has breached the consumer standard and there has been a risk of, or actual serious harm, we also consider whether that failure would change our view of the registered provider's compliance with the Governance & Financial Viability

standard. This is a separate process and a separate decision: a breach of the consumer standard does not automatically result in a breach of our governance requirements.

- Under the Governance & Financial Viability standard, private registered providers have a duty to communicate with the Regulator in a timely and transparent way. Proactive communication with the Regulator (self-reporting) is especially helpful in providing assurance that a provider has adequate governance in place to deal with issues and is operating in a co-regulatory way. We will take that into account as part of our decision about whether an issue would change our view of a registered provider's governance.
- Where another statutory body (such as the Health & Safety Executive) is investigating a matter which may represent a breach of the consumer standards, we will take into account the actions of that organisation when deciding whether to exercise our own regulatory powers.
- Meeting health and safety obligations is a primary responsibility for registered providers. Boards and councillors must ensure they have proper oversight of all health and safety issues (including gas safety, fire safety, asbestos and legionella). Contracting out delivery of services does not contract out responsibility to meet the requirements of legislation or standards, so providers need systems to give boards assurance of compliance.
- Registered providers are primarily responsible for responding to complaints about their service. Many of the referrals we receive are judged to be complaints about individual circumstances which do not represent a breach of the standards. For these cases, usually the correct route is for the person concerned to pursue via the registered provider's complaints process, and/or speak to a Designated Person and the Housing Ombudsman Service.

Introduction

This report provides a summary of the Regulator's consumer regulation work for the year 2015/16. It explains our approach to consumer regulation and how we have applied the serious detriment test in our work.

The Localism Act 2011 has been in place for four years. Registered providers and the Regulator are now familiar with their respective roles arising from that legislation.

The Regulatory Framework sets out the four consumer standards, which are:

- Home
- Tenancy
- Neighbourhood & Community
- Tenant Involvement & Empowerment

The standards are set out on our website at:

<https://www.gov.uk/government/publications/regulatory-standards>

We set these standards in order to meet the consumer regulation objective which is given to the Regulator by Parliament. Boards and councillors who govern registered providers are responsible for ensuring that their organisations meet the consumer standards.

Since April 2012, our role in relation to consumer regulation is only to investigate where we have reasonable grounds to suspect there may be actual or potential serious detriment (which we take to mean serious harm) to tenants as a result of a failure to meet the consumer standards. We do not collect and analyse performance information relating to consumer standards and we do not provide proactive assurance of compliance with the standards.

The fact that the Regulator regulates consumer standards reactively does not lessen the obligation to comply. Registered providers should have the systems and processes in place to provide assurance to the board that the standards are being met.

A resident with a complaint about their landlord should raise this with their landlord in the first instance. Registered providers have a responsibility to respond and deal with complaints about their services fairly and effectively. The Tenant Involvement & Empowerment standard requires registered providers to have a clear and accessible process for responding to tenant complaints. Under the Housing Act 1996 (as amended by the Localism Act 2011) the role of the Housing Ombudsman is to resolve disputes and to encourage the resolution of disputes by others. The Housing Ombudsman Service works with landlords and tenants to support the local resolution of disputes through the landlord's complaints procedures. If a complaint is not

resolved via the registered provider's complaints procedure, the resident may contact a Designated Person such as an MP, a local housing authority councillor or a designated tenants' panel to help with the resolution of the complaint. The Designated Person may help resolve the complaint or may refer the case to the Housing Ombudsman. A tenant can also escalate their complaint to the Housing Ombudsman directly following a gap of eight weeks from the end of the registered provider's complaints process.

The legislation which governs our regulation requires the Regulator to exercise its functions in a way that is proportionate, consistent, transparent and accountable, and in a way that minimises interference. For the consumer standards, that means we must first reach a judgement whether a consumer standard has been breached. A finding of a failure to meet a standard may arise from an individual event, but it is a judgement of failure at a corporate level. In order to use our powers, where we judge that a consumer standard has been breached, the legislation also requires that we must have grounds to suspect that the failure has, or could, result in serious detriment to the registered provider's tenants or potential tenants.

In defining serious detriment, it is clear from the legislation that the threshold for regulatory intervention on breaches of the consumer standards is intended to be significantly higher than that of the economic standards. A failure to meet the consumer standards does not, in itself, automatically lead to a judgement of serious detriment. As set out in our publication "Regulating the Standards", we consider that the meaning of serious detriment is where there is risk of, or actual, serious harm to tenants. In reaching this judgement, we consider the particular circumstances of each case. For this reason, there are no simple thresholds or trigger points beyond which we would automatically conclude that there had been, or was a risk of, serious harm. Instead, we balance the factors of the case including the number of tenants, the duration of the harm or risk of harm, and the seriousness or potential seriousness of it.

The serious detriment test is not an end in itself. It is the route we follow to determine whether we have the locus to deal with a consumer issue. Where the serious detriment test has been met, enforcement powers can be used if the Regulator judges that is appropriate. The Regulator's response depends on the facts of the case. It is based on the Regulator's evaluation of harm or potential harm, and an assessment of the registered provider's response and capability to deal with the issue. In responding to these matters, the Regulator must be proportionate and the response must be commensurate with the materiality of the breach by the registered provider.

Where there is a failure by a private registered provider (as opposed to a local authority) to meet the consumer standards, we will consider whether that failure has any implications for our view of the registered provider's governance.

As set out in our previous reports, our process consists of up to three stages. First, an initial review to see whether the alleged matter falls within our remit, is covered by our standards and could potentially represent a breach (we call this 'stage 1'); secondly, a more detailed consideration by our Consumer Regulation Panel to determine whether there is a potential breach which has or could cause serious harm (we call this 'stage 2'). Thirdly, where we decide that further information is needed before reaching a view on whether the standards have been breached and the serious detriment test met, we will seek that further information (usually from the provider or the person/organisation making the referral); we call this a 'stage 2 investigation'. Further information on our process is set out in the annex.

Consumer regulation and governance

The threshold for regulatory intervention for a breach of the consumer standards is intended to be significantly higher than that of the economic standards. Nevertheless, a finding of a breach of the consumer standards and serious detriment potentially raises questions about the effectiveness of a registered provider's governance arrangements. For that reason, where we find that there has been a breach of a consumer standard in a private registered provider, and that that breach has resulted in, or risked, serious harm, we will then go on to consider the implications for our existing assessment of the organisation's compliance with the governance element of the Governance & Financial Viability standard. The decision on governance is a separate consideration and there is no 'double jeopardy' whereby a breach of the consumer standards automatically results in a breach of the Regulator's governance requirements.

Any evaluation of compliance with the governance element of the Governance & Financial Viability standard will look at the whole organisation and reach a balanced conclusion. Our consideration of this matter is likely to include:

- the effectiveness of the registered provider's risk management and internal controls
- the effectiveness of the board's oversight. For example, whether it was receiving adequate and timely information and challenging the executive on performance.
- the registered provider's transparency and the timeliness of communication with the Regulator
- any actions taken to mitigate the failure
- whether the failure raises any wider systemic concerns
- how the board has assured itself that the failings will be addressed

The case study below sets out how the Regulator goes on to consider compliance with the Governance & Financial Viability standard following a decision that there has been serious detriment arising from a breach of the Home standard.

Case study 1 - consumer regulation and governance

Rochdale Boroughwide Housing (RBH) had a management agreement in place with a tenant management organisation to deliver a full landlord service for some of its homes. When RBH terminated that management agreement, it identified a number of out-of-date gas safety certificates. In some cases, the certificates had been expired for up to two years. Under the terms of the agreement, the managing agent was responsible for delivering the gas safety checks but RBH was the landlord and so it remained responsible for meeting the regulatory standards and complying with health and safety legislation. The Regulator concluded that RBH had breached the Home standard requirement to meet all statutory health and safety requirements, and that there had been a risk of serious harm as a result.

Following that decision, the Regulator went on to consider the implications for RBH's governance grading. Our investigation into RBH's governance found that the board had failed to recognise that the assurances provided by the management organisation had not been sufficiently robust given the critical nature of gas safety. We found that this represented a failure of internal control and board oversight. We noted that RBH had made a self-referral to the Regulator and had engaged constructively with the Regulator throughout our investigation. We downgraded our assessment of compliance with the Governance & Financial Viability standard from G1 to G2. This meant we considered RBH to still be compliant with the requirements of the standard, but that it needed to improve some aspects of its governance to support continued compliance.

The remainder of this publication sets out details of the cases we have considered under each of the consumer standards. It includes further examples of cases where we have found a breach and serious detriment, as well as anonymised case studies where we have found no breach of the standards.

1. a) The Home standard – gas safety

The Home standard requires registered providers to meet all applicable statutory requirements that provide for the health and safety of the occupants in their homes, including gas safety requirements. The *Gas Safety (Installation and Use) Regulations 1998* clearly state that gas safety checks should be carried out annually by a Gas Safe registered engineer.

The legislative requirements in respect of gas safety are strict for good reason given the potential danger to tenants and those who live nearby. In considering whether there had been a breach of the Home standard, we take into account the materiality of the issues including: the reasons for the failure to have a valid certificate in place, the length of time without a certificate and how many tenants have been affected. In keeping with previous years, in the cases where we concluded a breach of the standard there had either been a large number of properties without a certificate or some of the properties had been without certificates for a significant period of time. The risk of harm arising from faulty gas appliances is well known and, in these cases, we concluded that the serious detriment test had been met.

These cases highlight the importance of having strong asset management systems in place and maintaining an accurate record of which properties have a gas supply and equipment and therefore require a gas safety check and when. Failures occurred where systems were not fit for purpose, or where boards had failed to sufficiently challenge the information they were presented with and the basis for their assurance of compliance.

Case study 2 - gas safety

In 2015/16, the Regulator issued three regulatory notices relating to breaches of the gas safety regulations (Redditch Borough Council, Bolton at Home and Rochdale Boroughwide Housing). In each case, there were a significant number of properties with overdue gas safety certificates, some of which were out-of-date for very lengthy periods of time. In each case, the issue had occurred due to poor contract management, poor oversight of management agreements, inadequate property management information and a lack of internal accountability for quality of property data within the organisation. Given the seriousness of the issue, the number of tenants affected and the duration these properties had been without a valid certificate, in each case the Regulator concluded that there had been a breach of the Home standard which had led to a risk of serious harm to tenants. We published a regulatory notice in each case.

However, the Regulator is mindful of the requirement to be proportionate and so not every failure to have a gas safety certificate in place would necessarily represent a breach of the Home standard. The case study below demonstrates how the Regulator is proportionate in reaching a decision about whether there has been a breach of the standard.

Case study 3 - no breach of the Home standard

A large provider contacted the Regulator to inform us of a possible breach of the Home standard. It said it had identified a small number of properties without gas safety certificates and that the problem had occurred following the introduction of a new computer system. The certificates for the properties were all overdue for less than three months. Although it appeared the registered provider had not complied with the relevant health and safety legislation in this case, we concluded that it was not proportionate to consider this to be a breach of the Home standard. In reaching that decision, we considered that the number of properties affected was relatively small and that the certificates had been overdue for a relatively short period of time. We also considered the speed at which the registered provider had identified the issue, the timeliness of the registered provider's response and its plans to ensure this situation did not arise again.

1. b) The Home standard – local authorities

Local authorities are subject to the consumer standards, but are not subject to the economic standards. The requirement for a provider to be transparent with the Regulator is part of the Governance & Financial Viability standard which is an economic standard and so it does not apply to local authorities. As a result, the Regulator considers relatively few local authority cases. However, where we receive a referral relating to a local authority, we will consider that in the same way as we consider referrals relating to private registered providers. The example below shows how we determined a breach of the Home standard in relation to a local authority.

Case study 4 - local authority breaches the Home standard

The Regulator received a referral from Redditch Borough Council saying that it had failed to comply with the Gas Safety (Installation & Use) Regulations 1998 as it had identified a significant number of properties with out-of-date gas safety certificates. In some instances the certificates had been expired for a long time. The council had completed a review and had found that the issue had arisen as a result of poor contract management, contractor failure and incomplete records. Although the council acted promptly to put things right once it had identified the issue, we concluded that the council's failure had exposed a large number of tenants to serious harm for a lengthy period. This led the Regulator to conclude that the council had breached the Home standard requirement to meet all statutory health and safety requirements, and that there had been a risk of serious harm as a result. A regulatory notice was issued.

1. c) The Home standard – fire safety

This year, for the first time, the Regulator found a breach of the Home standard as a result of breaches of fire safety legislation. The Regulatory Reform (Fire Safety) Order 2005 requires registered providers to identify and assess the risk of fire in properties where it has responsibility for maintenance. If it identifies hazards which would put people at risk, registered providers have a duty to take precautions to prevent the risk occurring. The case study below sets out the detail of the case.

Case study 5 - fire safety

Orbit made a referral to the Regulator in relation to breaches of fire safety legislation. It said that it had completed the appropriate Fire Risk Assessments in line with the requirements of the legislation, but it had then failed to act properly on those assessments. There were several hundred actions outstanding which Orbit had categorised as “high risk”, relating to hundreds of properties, in some cases for longer than two years. Orbit explained that the issue had arisen during a period of restructuring within the organisation.

The Regulator considered the numbers of properties affected, the large number of tenants who were exposed to an increased risk of fire, and the length of time these actions were outstanding and concluded that this represented a breach of the Home standard. In reaching its conclusion, the Regulator did not seek to form a judgement about whether the designation of ‘high risk’ was correct for the outstanding actions – we considered that it was not appropriate to second guess the provider’s own expert assessment in that way. Although there had been no incidents arising from this failure, it was clear that tenants had been exposed to increased risk of serious harm as a result of the breach of the Home standard. A regulatory notice was published. We also considered whether this matter affected our view of Orbit’s governance. We concluded that there had been a failure of operational internal control and board oversight and Orbit was downgraded from G1 to G2.

As with gas safety, the Regulator considers proportionality in reaching these judgements and an individual breach of fire safety legislation would not automatically be considered as a breach of the Home standard. The case study below again sets out how the Regulator is proportionate in reaching judgements about whether the standards have been breached.

Case study 6 - no breach of the Home standard

A registered provider contacted the Regulator to inform us of a possible breach of the Home standard. It said it had identified a small number of properties where fire risk assessments had been completed but where the high risk actions had not been

completed within the required period of time. In the main, the high risk actions had been outstanding for around a year. It appeared that the registered provider had not complied with the relevant health and safety legislation in this case because it had not taken precautions to deal with the risks from fire. However, we concluded that it was not proportionate to consider this to be a breach of the Home standard. In reaching that decision, we noted that the number of properties affected, and the number of tenants potentially affected, was small. We noted that the registered provider had acted promptly to address the issue once it became aware of it, and were also assured that it had detailed plans in place to prevent a similar situation from happening again. We concluded that it was not proportionate to suggest this was a breach of the standard.

2) The Tenancy standard

Although all of the regulatory notices we have published relate to breaches of the Home standard, the legislation clearly envisages that serious harm may also arise from breaches of the other consumer standards. We do not have a definitive list of the issues which may constitute serious harm as such a list would fail to cover every potential eventuality. However, as set out in “Regulating the Standards”, we note that serious harm could potentially include:

- loss of home
- unlawful discrimination
- loss of legal rights
- financial loss

During the year, the Regulator considered a number of referrals from tenants raising concerns about the potential loss of their home. The case study below shows how the Regulator considers both whether there has been a breach of the standard, and whether there is the potential for serious harm.

Case study 7 - tenant eviction

A tenant contacted the Regulator and said that they were in arrears with their rent and that the registered provider had attempted to evict them by issuing a Notice to Quit. We considered this matter under the Tenancy standard which says that registered providers must meet all applicable legal requirements in relation to tenancy agreements (including rules about when eviction proceedings can be started). The standard also requires registered providers to provide services which support tenants to maintain their tenancies and prevent unnecessary eviction.

The registered provider had begun taking action to evict the tenant, and although the loss of a home can represent serious detriment, we were also mindful that it was not our role to determine whether an eviction was legal - that was a matter for the courts. There are no legal requirements which require registered providers to refrain from eviction on the grounds of rent arrears. We saw evidence to show that the registered provider had attempted to work with the individual to clarify the amount of rent arrears and to come to an agreement about how this should be repaid but that had been unsuccessful. Given that there was evidence to show that the registered provider had attempted to prevent an unnecessary eviction, and despite the potential impact on the tenant, we concluded that the Tenancy standard had not been breached.

As noted previously, the Regulator has a duty to exercise its functions in a proportionate way. In line with our proportionate approach to regulation, we judge whether actual or potential serious harm exists depending on the circumstances of each case. In reaching our decisions, we consider whether the issues raised represent a systemic issue within a registered provider; a single incident would not automatically lead us to conclude that a standard had been breached. The case study below shows how we approach proportionality in our casework.

Case study 8 - meeting legal requirements

A large provider contacted us to tell us that it had evicted a tenant without serving them proper notice. It explained that a vehicle had crashed into the tenant's property and made it unsafe so the tenant had been temporarily rehoused. The tenant had then informed the registered provider that they no longer wished to return home. When the damaged property was repaired, the registered provider then let it to another tenant without formally notifying the former tenant that their tenancy had been terminated.

We considered this matter under the Tenancy standard which requires registered providers to meet all applicable statutory and legal requirements in the use of tenancy agreements. Although the tenancy agreement was not terminated in line with the relevant legal requirements, we noted that this was an isolated incident and there was no evidence to suggest a systemic issue in how the registered provider met its legal obligations in relation to tenancy agreements. We also noted that the registered provider had agreed a resolution with the tenant and that the tenant was satisfied with that outcome. Taking all of this into account, we concluded it was not proportionate to conclude that this single incident was a breach of the standard.

3) The Neighbourhood & Community standard

The Regulator continues to receive a range of referrals from tenants and stakeholders. Many of these focus on how registered providers deal with anti-social behaviour. The standard is quite specific and limited in the expectations it sets of registered providers in this area; in line with the Regulator's general approach, the standard implies that such issues are best dealt with locally.

Case study 9 - anti-social behaviour

We received a referral from an individual who said that their landlord had failed to deal with an issue of anti-social behaviour which had been ongoing for two years. The individual described a campaign of intimidation and harassment by a neighbour and detailed incidents including loud music being played, the neighbour cutting the electricity supply and stalking.

We considered this matter under the Neighbourhood & Community standard which requires registered providers to work in partnership with other agencies to prevent and tackle anti-social behaviour. We also sought information from the provider who told us that it had worked with the police, the courts and a mediation service to try and resolve this issue. The registered provider had applied its anti-social behaviour policy as well as providing support to residents and keeping them informed as matters progressed.

The Neighbourhood & Community standard does not require registered providers to resolve all instances of anti-social behaviour, only to work in partnership with other agencies in an attempt to do so. Although the registered provider's actions had not brought an end to the anti-social behaviour in this case, we could see evidence that it had attempted to address the issue and had worked with appropriate partners (including the police, the court and a mediation service) to do so. On that basis, we concluded that the registered provider had not breached the Neighbourhood & Community standard.

In some of the referrals we consider, other agencies or regulators will also have responsibility for dealing with the presenting issue. In reaching our decision about whether there has been a breach of the standard and serious detriment, we will have regard for the outcomes of any other relevant investigations. The case study below sets out how we considered the outcomes of a police investigation, a Health & Safety Executive investigation and the views of the coroner in reaching our decision.

Case study 10 - keeping neighbourhoods safe

A large provider notified us of a road traffic accident on one of its estates which had sadly resulted in the death of a tenant. The registered provider told us that the estate was undergoing regeneration works and that the vehicle involved had been heading towards a construction site on the estate. The accident had occurred because the vehicle had turned onto the wrong street despite notices which explained that the road was closed and directing the driver elsewhere.

The registered provider told us that the police, the Health & Safety Executive and the coroner had investigated but they had no concerns about the registered provider's actions in this case.

We considered this matter under the Neighbourhood & Community standard which requires registered providers to keep their neighbourhoods clean and safe. We noted that the registered provider had done what could reasonably have been expected to prevent an accident (for example by closing the road and directing vehicles elsewhere). Taking this into account, alongside the assurance that other investigations had not identified any concerns about the registered provider's actions, we concluded that the Neighbourhood & Community standard had not been breached.

4) The Tenant Involvement & Empowerment standard

The Tenant Involvement & Empowerment standard sets out how registered providers are expected to interact with tenants. The standard sets out requirements in relation to communication, complaints, consultation and understanding the diverse needs of tenants.

Often referrals to the Regulator fall under more than one standard. For example, a referral may relate to an issue of repair or anti-social behaviour, and then also raise concerns about how a registered provider has responded to the individual's complaints about this matter. Where we receive a referral relating to complaints, we consider this under the Tenant Involvement & Empowerment standard. The case study below shows how we consider these types of cases.

Case study 11 – complaints

We received a referral from a tenant who explained that they had had to make a large number of complaints to get a repair completed in their bathroom. The tenant explained that they had sent a significant number of complaints to the registered provider, but that the registered provider had not handled their complaint properly and did not always respond to the issues they raised.

We considered the concern about the registered provider's complaints handling under the Tenant Involvement & Empowerment standard. We made enquiries of the registered provider and asked the registered provider about its response to this individual complaint. We also asked the registered provider for details of its overall complaints process.

In response to our enquiries, the registered provider accepted that it had not escalated the tenant's complaints through its complaints process as it should have done and that, on occasions, there had been delays in responding to the tenant. The registered provider provided details of its complaints policy and explained that this was published on its website. It also provided details to show how many complaints it had responded to on time, and how many complaints were resolved at stage one of the complaints process.

The Tenant Involvement & Empowerment standard requires registered providers to have an approach to complaints which is clear, simple and accessible. It was clear that the individual tenant had not had a positive experience of the registered provider's complaints process but the information also showed that the registered provider's overall complaints system was functioning in line with the requirements of the standard. Given that assurance about the registered provider's overall complaints system, we concluded that it was not proportionate to suggest that this single incident was a breach of the Tenant Involvement & Empowerment standard.

It is not our role to resolve individual complaints but we suggested that the tenant may also wish to refer their complaint to the Housing Ombudsman Service.

Over the year, the Regulator also received a number of referrals raising concerns about how registered providers responded to the needs of individual tenants. An example of such a case is set out below.

Case study 12 - making adjustments

We received a referral from an individual who was partially sighted. He said that his landlord had failed to consider his disability when communicating with him.

We considered this matter under the Tenant Involvement & Empowerment standard which requires registered providers to demonstrate that they understand the different needs of their tenants. We made enquiries of the registered provider and, in response, the registered provider told us that it was aware of the tenant's individual communication needs and that it sought to send all letters to the tenant in large print as he had requested. The evidence from the registered provider demonstrated that it did understand the tenant's communication needs and was adhering to his request for letters to be sent in large print wherever possible. We decided that the Tenant Involvement & Empowerment standard had not been breached.

In our communications with tenants (and their advocates such as MPs) we seek to be mindful that it can be unreasonable to expect them to be experts on the appropriate route for addressing and resolving the problems they feel they face. While we consider all the information we receive to determine whether it may be a breach of our standards, in many cases a tenant is seeking resolution of a specific issue. That is not the Regulator's statutory role. So, in each case, where relevant, we point tenants towards the provider's own complaints system, to the possibility of involving a Designated Person, and ultimately to the Housing Ombudsman, which does have that role.

Analysis of cases

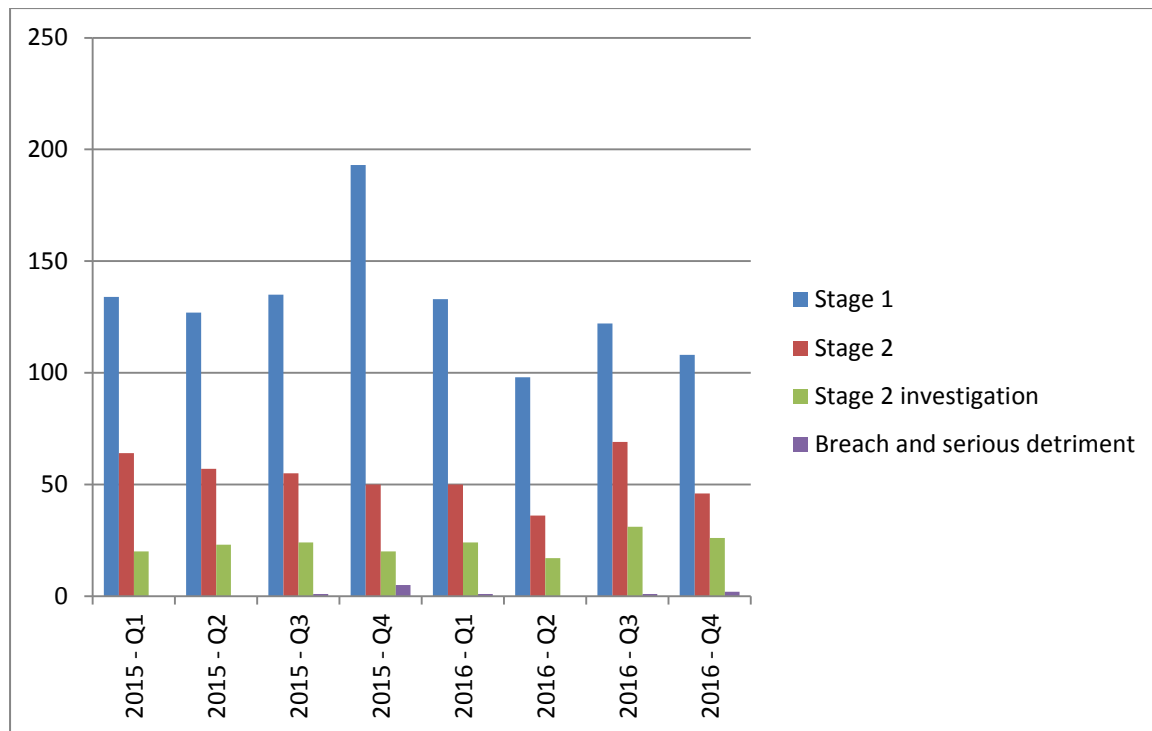
Our consumer regulation process comprises three stages:

- Stage 1 – the Regulatory Referrals & Enquiries (RRE) team collates all enquiries referred to the Regulator. The RRE team is responsible for determining whether the issues raised fall within the Regulator’s remit, and if there appears to be a breach (or a risk of a breach) of the consumer standards. If so, the RRE team refers the issue to the Consumer Regulation Panel which normally meets weekly.
- Stage 2 – the Consumer Regulation Panel considers the detail of each case to determine whether there has been a breach of the standards and, if so, whether there has been harm, or potential harm, to tenants. It considers two questions:
 1. if the issue raised were true, is it likely that there has been, or could be, a breach of a consumer standard?
 2. if the issues raised were true, would there be any impact on tenants which would cause serious actual harm or serious potential harm?
- Stage 2 investigation – if the Consumer Regulation Panel determines that a case requires more work to determine whether the standards have been breached or if there is evidence to suggest serious detriment, we will carry out an investigation.

The table below shows the total number of consumer regulation referrals handled by the Regulator by quarter and how many of those went on the subsequent stages of our process. The 2014/15 figures are shown in brackets.

	Q1	Q2	Q3	Q4	Total
Stage 1: All consumer referrals	133 (134)	98 (127)	122 (135)	108 (193)	461 (589)
Stage 2: Referred to CRP	50 (64)	36 (57)	69 (55)	46 (62)	201 (238)
Stage 2 investigation: Further investigations undertaken	24 (20)	17 (23)	31 (24)	26 (22)	98 (89)
Published findings of breach/serious detriment	1 (0)	0 (0)	1 (1)	2 (5)	4 (6)

The chart below shows the number of referrals by stage over the last eight quarters.



A statutory referral is a referral from an authority or individual specified in the Housing and Regeneration Act 2008 (as amended). These include: the Housing Ombudsman, tenant representative bodies, MPs, a councillor of the local housing authority for the district in which the property concerned is located, the Health and Safety Executive and fire and rescue authorities. The Consumer Regulation Panel is responsible for considering all statutory referrals. There were 12 statutory referrals in 2015/16 compared to 19 in 2014/15.

Over the last two years, we have received 1,050 consumer referrals. Of those, 439 (42%) have gone to Consumer Regulation Panel. 181 (18%) have been investigated further and we found breach and serious detriment in 10 cases (1%).

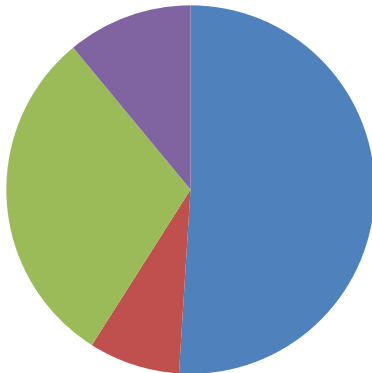
There was a decrease of 22% in the number of referrals relating to the consumer standards in 2015/16.

The proportion of cases reaching stage 2 was very slightly higher in 2015/16 than in 2014/15 (44% compared with 40%). The number of cases reaching a stage 2 investigation remained relatively consistent but this has increased as a proportion of the cases overall.

The Home standard continues to be the consumer standard which is most often cited in the cases referred to the Consumer Regulation Panel. The percentage figures are shown below.

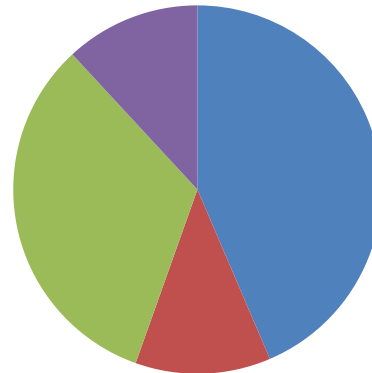
Consumer standard	2015/16	2014/15
Home	51	44
Tenant Involvement & Empowerment	30	33
Neighbourhood & Community	11	12
Tenancy	8	12

2015/16



- Home
- Tenancy
- Tenant Involvement & Empowerment
- Neighbourhood & Community

2014/15



- Home
- Tenancy
- Tenant Involvement & Empowerment
- Neighbourhood & Community

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The Homes and Communities Agency is committed to providing accessible information where possible and we will consider providing information in alternative formats such as large print, audio and Braille upon request.

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