



Regulator of
Social Housing

Annex 8: Tenant Satisfaction Measures

Equality impact assessment

September 2022

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1. Background

- 1.1 The Social Housing White Paper (the White Paper) set out the Government's expectation that the Regulator of Social Housing (the regulator) will bring in a set of clear and comparable performance measures for all registered providers on things that matter to tenants so that they can understand their landlord's performance.
- 1.2 The Social Housing (Regulation) Bill proposes to give the regulator a clear power to introduce new Tenant Satisfaction Measures (TSMs), as set out in the White Paper. These measures aim to provide tenants with greater transparency about their landlord's performance and provide clear and comparable performance information on things that matter to tenants. They will also inform the regulator about how a provider is complying with the consumer standards under a proactive consumer regulation regime.

2. Public sector equality duty (PSED)

- 2.1 In developing our requirements relating to the TSMs, we are mindful of our duty to comply with the PSED under the Equality Act 2010 (the 2010 Act). The broad aim of the PSED (also known as the general equality duty¹) is to integrate consideration of equality and good relations into the day-to-day business of public authorities. In summary, the general equality duty places a duty on public authorities such as the regulator, to have due regard in exercising their functions, to the need to:
 - a. eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under the 2010 Act.
 - b. advance equality of opportunity between people who share a relevant protected characteristic and those who do not. This involves having regard to the need to:
 - i. Remove or minimise disadvantages suffered by people due to their protected characteristics
 - ii. Take steps to meet the needs of people with certain protected characteristics where these are different from the needs of others

¹ The general equality duty is supported by specific duties which are imposed by secondary legislation.

iii. Encourage people who share a relevant protected characteristic to participate in public life or in other activities where their participation is disproportionately low.

c. foster good relations between people who share a relevant protected characteristic and those who do not. This involves having regard to the need to tackle prejudice and promote understanding.

2.2 These are referred to as the three aims of the general equality duty. The duty covers the following protected characteristics: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Marriage or civil partnership is also a protected characteristic under the 2010 Act but is only relevant for the first aim of the general equality duty.

2.3 In coming to a decision about our TSM requirements following consultation, we have also been mindful of:

- our statutory duty to perform our functions with a view to achieving (so far as is possible) our two fundamental objectives: the economic regulation objective and the consumer regulation objective. These are set out in section 92K of the Housing and Regeneration Act 2008
- our statutory duty to exercise our functions in a way that minimises interference and (so far as is possible) is proportionate, consistent, transparent and accountable
- the Government's Regulators' Code²
- our statutory duty, in setting consumer standards, to have regard to the desirability of registered providers being free to choose how to provide services and conduct business
- our co-regulatory approach, which means that we regard board members and councillors as responsible for ensuring that providers' businesses are managed effectively and that providers comply with all regulatory requirements.

² <https://www.gov.uk/government/publications/regulators-code>

3. TSM consultation

- 3.1 The regulator consulted on its proposals relating to the TSMs between 9 December 2021 and 3 March 2022, including a draft initial assessment of the potential equality impact of the TSM proposals, which we carried out after analysing the evidence we found, as set out in section 7 below.
- 3.2 Respondents to the consultation could submit their views on our TSM proposals in several different ways; online, by email or by post.
- 3.3 We published a summary of the TSM proposals as part of the consultation documents, and an 'easy read' version of the summary, both of which aimed to encourage a range of people with an interest in social housing to share their views with us.
- 3.4 In order to help raise awareness of the consultation, we presented our proposals at a number of provider and tenant events, which took place across the 12 weeks of the consultation period. We used social media to raise awareness of the consultation. We directly emailed all providers registered with us and asked them to make tenants and shared owners aware of the consultation and to consider how they could support them to respond if required. We also emailed tenants who were signed up to our mailing list to tell them about the consultation, and several stakeholder organisations.

4. Summary of TSM requirements

- 4.1 The introduction of TSMs will potentially impact on tenants and potential tenants of social housing and registered providers of social housing.
- 4.2 The regulator will introduce a new consumer standard (the TSM Standard) which includes specific expectations applicable to all registered providers in relation to the TSMs set by the regulator. The TSM Standard will require providers to collect and process information specified by the regulator relating to their performance against TSMs. Providers must publish their performance against the TSMs and annually submit information to the regulator relating to their performance against TSMs (albeit timescales for reporting is different for small providers).
- 4.3 The regulator has set and defined 22 core performance measures referred to as TSMs.

4.4 The regulator has set related requirements which registered providers will be expected to comply with, which are set out in: *Tenant Satisfaction Measures: Technical requirements* and *Tenant Satisfaction Measures: Tenant survey requirements*. These include but are not limited to:

- a. TSMs must be reported on a registered group basis.
- b. All TSMs must be reported for either or both of two stock types: Low-Cost Rental Accommodation and Low-Cost Home Ownership.
- c. Providers must collect information and report on their performance against the TSMs annually to their tenants for their relevant social housing stock.
- d. The tenant perception measures (TP01-TP12) must be generated using data from perception surveys only.
- e. Perception surveys carried out by providers must include the question wording and response options as defined by the regulator.
- f. Providers that own 1,000 or more relevant social housing homes must carry out tenant perception surveys of the relevant tenant population at least annually. Providers that own fewer than 1,000 relevant social housing homes (small providers) must carry out perception surveys at least once every two years.
- g. Providers must publish a summary of their survey approach used to generate published tenant perception measures, alongside their data for the tenant perception measures.
- h. Providers must use an appropriate survey collection method considering factors such as likely response rate, cost, addressing barriers to participation, tenant profile, and the representativeness of responses.

5. Scope of this Equality Impact Assessment (EQIA)

5.1 This document represents our updated EQIA, which summarises and sets out our response to the main areas of feedback we received relating to our draft EQIA. It also sets out our impact assessment of other areas of our requirements, where we did not receive feedback.

5.2 We consider this EQIA to be a live document, and where changes to our TSM requirements are proposed, consideration will also be given to whether the EQIA will need to be reviewed.

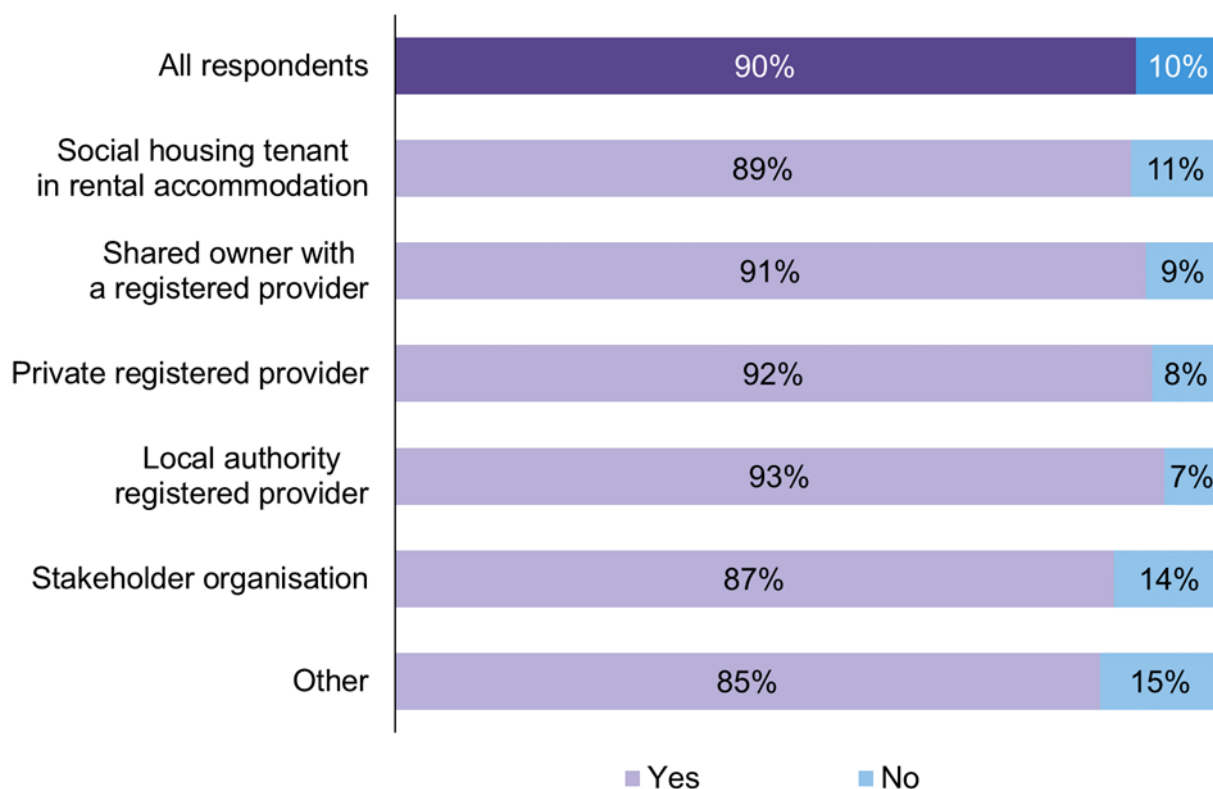
5.3 We are committed to understanding any potential impact on equalities of the TSM requirements. It is our intention that social housing tenants should benefit from the greater transparency provided by TSM data, and that the voices of a diverse range of tenants are heard through the TSMs. This EQIA has informed the development of the regulator’s requirements for TSMs.

6. Consultation responses on the draft EQIA

6.1 As part of the TSM consultation, we asked the question; “Do you agree with our conclusions in the draft Equality Impact Assessment? The regulator particularly welcomes views on whether the proposals will have a positive or negative impact on people who share one or more protected characteristics (as set out in the Equality Act 2010).”

6.2 821 respondents answered this question. A substantial majority of those who responded agreed with our conclusions in the draft EQIA (90%), with private registered providers and local authority registered providers being slightly more supportive (92% and 93% respectively) than social housing tenants (89%):

Question 19. Do you agree with our conclusions in the draft Equality Impact Assessment?



- 6.3 In addition to responding to this question, some respondents also provided comments on the equality implications of our consultation proposals. The main areas of feedback in relation to equalities were:
- a. Ensuring the survey question wording for the tenant perception measures are more accessible and easier to understand.
 - b. Our consultation proposal not to require small providers to submit their data to the regulator may have a negative impact as these providers are more likely to house older and disabled tenants who will not be able to compare their landlord's performance via RSH's published data.
 - c. In relation to achieving representativeness, a small number of responses said that the regulator should require providers to achieve representativeness on specific characteristics, while others pointed out that achieving representativeness will be challenging for some providers, due to their lack of data on tenants' protected characteristics
 - d. Support for our consultation proposal to allow providers to choose their survey method(s), with some respondents agreeing that the flexibility in survey method will have a positive equality impact.
 - e. A very small number of responses said that the regulator should introduce a TSM directly relating to equality.
- 6.4 We have carefully considered the feedback we have received in relation to our draft EQIA, and our responses to these can be found below.

7. Summary of evidence considered

7.1 In order to assess the potential impact on equalities of the introduction of a set of TSMs and technical requirements, we have considered the following sources of information in relation to social housing:

- a. **Key relevant findings from the English Housing Survey 2020/2021³** (updated figures published after the draft EQIA was carried out)
 - i. Housing association tenants make up 10% of all households in England (2.4 million households), while local authority tenants account for 7% of all households (1.6 million households).
 - ii. More than one quarter (26%) of social renters are aged 65 or over. Social renters on average are older (53 years on average) than private renters (41 years on average) and younger than owners (57 years on average).
 - iii. Lone parent households with dependent children make up a higher proportion of the social rented sector than other tenures (18% compared to 3% of owner-occupied households and 11% of private rented households).
 - iv. 55% of social rented households had at least one household member with a long-term illness or disability (2.2 million households). This contrasts with 28% of owner-occupied households, and 29% of private rented households.
 - v. In social rented households, the most common issues reported by Housing Reference Persons (HRP⁴) with a disability were mobility (54%, 1.2 million households), stamina (45%, 1 million households), mental health (43%, 950,000 households) and dexterity (35%, 760,000 households).
 - vi. Most households in the social rented sector had a White HRP (85%). Households with an Ethnic Minority HRP were more prevalent among social renters (15%) than owners (7%), but comparable with private renters (14%). Local authority tenants (20%) were more likely than housing association tenants (13%) to have an Ethnic Minority HRP.

³ [English Housing Survey: Social rented sector, 2020-21 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

⁴ According to the English Housing Survey, the Household Reference Person or HRP is the person in whose name the dwelling is owned or rented or who is otherwise responsible for the accommodation. In the case of joint owners and tenants, the person with the highest income is recorded as the HRP.

- vii. The majority (93%) of social renters - 3.7 million households - were from the UK or Republic of Ireland. Social renters were more likely than private renters (83%) to be UK Nationals but less likely than owners (97%).
- viii. Over half of social renters (52%) identified as Christian, and 40% had no religion. A further 5% identified as Muslim while other religions each accounted for 2% or less of social renters.
- ix. 16% of social renters – around 640,000 households - did not have internet access at home. The proportion with no home internet access was higher than for owners (4%) or private renters (5%).
- x. The majority view of social renters was that they would be treated the same as people of other races by a council housing department or housing association (76%), compared with 66% of private renters and 65% of owners.
- xi. The proportion of social renters planning to buy varied by ethnicity. Social rented households with an Ethnic Minority HRP (48%) were more likely to plan to buy their own home in future, than those with a White HRP (21%). This may partly reflect the younger age profile of Ethnic Minority households.

b. RSH's Private Registered Provider (PRP) social housing stock and ownership in England 2020/21 (based on Statistical Data Return data)⁵

- i. 84% of the stock of PRPs was low-cost rental (71% general needs and 13% supported housing), and 7% was low-cost home ownership. 4% was non-social stock and 5% social leasehold.
- ii. 95% of social stock in the sector is owned by PRPs who own 1,000 or more units each.
- iii. 82% of PRPs own fewer than 1,000 social units each.
- iv. 15% of small PRPs were in a group structure, whereas 84% of large providers were in a group structure.
- xii. Small PRPs own proportionally more supported housing than large PRPs (44% compared to 13%).

⁵PRP social housing stock in England - stock profile 2020/21 (www.gov.uk)

c. RSH's Local Authority Registered Provider (LARP) social housing stock in England 2020/21 summary (based on Local Authority Data Return data)⁶

- i. 93% of stock owned by LARPs was general needs and 6.5% was supported housing.

d. DLUHC's Social Housing Lettings analysis 2019/20⁷

- i. 17% of new households contained a tenant with a long-term illness or disability which prevented them from working.
- ii. Nearly a fifth (18%) of new lettings were to households with specific disability-related housing needs (such as wheelchair access, mobility aids, or adaptations relating to visual/hearing impairment).
- iii. Slightly more households in Supported Housing had specific disability-related housing needs than those in General Needs – 21% of Supported Housing new lets, 14% of General Needs new lets.
- iv. Of the single parents moving into social housing, 93% were women and 7% men.
- v. Since 2010/11, around 2.5% of lettings to couples have been to those in same-sex relationships.
- vi. 82% of new lettings were to White lead tenants. Black households made up 8% of lettings but made up 4% of the English population. Asian households constituted 5% of lettings but made up 9% of the English population. The remaining 3% were to households with Mixed Race lead tenants, which is proportionate to the population.

⁶ Local authority registered provider social housing stock and rents in England 2020 to 2021 - GOV.UK (www.gov.uk)

⁷ Social housing lettings in England, April 2019 to March 2020 - GOV.UK (www.gov.uk)

- e. **Key relevant findings from Building inclusive housing support for LGBTQ+ communities report – Albert Kennedy Trust 2022⁸** (published after the draft EQIA was carried out)
- i. Most organisations surveyed (89 organisations completed the survey, including 60 local authorities and 27 housing associations) feel that their understanding of people who use their service who identify as Lesbian, Gay and Bisexual is more accurate than their understanding of Trans and Non-binary people.
 - ii. Interviewees identified issues relating to individual disclosure of sexual orientation and gender identity as the main barriers to improving data collection on LGBTQ+ homelessness.
 - iii. More than eight out of ten (85 per cent) organisations surveyed say that their data capture could be improved to be more inclusive of a range of gender identities.
 - iv. Interviewees highlighted gaps in staff knowledge of LGBTQ+ homelessness and LGBTQ+ identities as obstacles to delivering consistent inclusive services.
 - v. 15 per cent of the organisations surveyed tailor their communications to reach LGBTQ+ communities.
- f. **Key relevant actions in Inclusive Britain: the government’s response to the Commission on Race and Ethnic Disparities** (published after the draft EQIA was carried out)
- i. The Race Disparity Unit will by the end of 2022 consult on new standards for government departments and other public bodies on how to record, understand and communicate ethnicity data
 - ii. The government has stopped using the term ‘BAME’ in its own communications and will encourage other public sector bodies to do the same.

⁸ [Download.ashx \(akt.org.uk\)](#)

7.2 We are aware of the continued gaps in our evidence base, given the lack of available information relating to the protected characteristics gender reassignment and pregnancy and maternity for tenants in social housing. As a result, it has not been possible to assess the potential impact (if any) of the regulator's TSM requirements on groups of people who share these protected characteristics. If we propose changes to the TSMs, we will consider whether the EQIA will need to be reviewed. If the decision is taken to review the EQIA, we will use updated equality information where available. In addition, where there is newly available equality data that may be relevant to the TSMs, including in relation to the identified gaps, consideration to reviewing the EQIA will also be given.

8. Assessment of impact

- 8.1 In addition to reviewing the above data, we have also considered feedback in the consultation to help inform our consideration of the potential impact of our TSM requirements on social housing tenants who share one or more protected characteristics (to the extent that there was sufficient data to do so) against each of the three aims of the general equality duty.
- 8.2 For each of our key requirements, we have set out their relevance to the general equality duty, a summary of the feedback we received on each requirement, and our response.
- 8.3 The regulator requires providers to ensure that, as far as possible, survey responses are representative of the relevant tenant population.
- 8.4 This requirement is relevant to aims 1 and 2 of the general equality duty.
- 8.5 A small number of respondents suggested that we should require providers to achieve representativeness and that we should define the specific characteristics that providers should achieve representativeness against, as opposed to us suggesting the characteristics likely to be material for many large providers. We also heard from a few respondents that they welcomed the flexibility by the regulator regarding this requirement. We also received a very small number who cautioned against requiring too many characteristics and who said that achieving representativeness may be hard for some providers due to the lack of data on tenants' protected characteristics.
- 8.6 A few responses requested a definition of representativeness, and a few said that assessing representativeness will be burdensome for small providers.

Our response

- 8.7 We think it is proportionate and co-regulatory to require providers to ensure that survey responses used to calculate perception TSMs are representative of the relevant tenant population, as far as possible, and for providers to make a balanced judgement as to which protected characteristics to include in their assessment of representativeness based on their own tenant profile. If we were to require providers to achieve representativeness by protected characteristics specified by us, we would be prioritising them for all providers over other protected characteristics, which we do not have clear evidence for. There is also the risk that we inadvertently exclude some protected characteristics that were important to some providers. In addition, any specified protected characteristics are not likely to be relevant to all providers' tenant populations.
- 8.8 We have included both age and race in the list of characteristics that we suggest are material for many large providers to include in their assessment of representativeness. This is because more than one quarter of social renters are aged 65 or over, and households with an Ethnic Minority HRP were more prevalent among social renters. In addition, we found some information that shows that younger social housing tenants and Ethnic Minority social housing tenants are likely to be less satisfied with their landlord. The inclusion of age and race as material characteristics should help to ensure providers give them sufficient consideration, which we think will have a positive equality impact. We did not find any information which suggests that tenants who share a protected characteristic other than age and ethnicity are less likely to be satisfied with their landlord. This does not mean that they are not less satisfied, rather that we could not find evidence of lower satisfaction amongst tenants who share other protected characteristics.
- 8.9 We require providers to publish a summary of the survey approach used to generate published tenant perception measures, to enable greater public scrutiny of the provider's approach. It must include the provider's assessment of representativeness of the sample against the relevant tenant population. Considering feedback received in the consultation, we have added to this requirement, so that the assessment must now include all characteristics against which representativeness has been assessed, and the proportion of the relevant tenant population and total survey responses (unweighted) that share each characteristic. We think that this requirement is likely to have a positive equality impact, as any material difference in satisfaction for the protected characteristics providers have achieved a representative sample for will be evident.
- 8.10 In relation to small providers, we continue to require them to undertake a high-level assessment of representativeness, as we received no evidence in the consultation that this is likely to be burdensome for them. We think this is proportionate and we do not believe that it is unduly burdensome for small providers.

8.11 In line with our duty to minimise interference and our proportionate approach, we are not publishing further guidance on representativeness. In TSM Tenant Survey Requirements, we have included an illustration of a check for representativeness of survey responses, to help inform providers' understanding in this area. We have also suggested the material characteristics for many large providers. Registered providers must ensure they employ a suitable level of expertise to design and apply a survey methodology to generate tenant perception measures in a way that meets our requirements.

If a provider's achieved survey sample is not representative of their tenant population, they must appropriately weight the responses to ensure that the sample is representative. We are not requiring small providers to weight their survey responses unless there is strong evidence of a significant bias in estimated scores.

8.12 This proposal is relevant to aim 2 of the general equality duty.

8.13 A few respondents requested guidance on weighting of responses and expressed concern that if landlords were to weight by all suggested characteristics, weightings could become erratic, which could lead to some responses being given very low or very high weighting.

8.14 In relation to small providers, we received a few responses that the term 'significant bias' is open to interpretation.

Our response

8.15 We are making the requirement on effective sample size clearer in our tenant survey requirements. In addition, our requirements on minimum effective sample size aim to ensure calculated results (including any weighting) are robust.

8.16 We are not supplying guidance on weighting nor providing further definition of terms such as "significant bias", as providers should consider and understand our requirements, in line with our duty to minimise interference. RPs must ensure they employ a suitable level of expertise to design and apply a survey methodology to generate tenant perception measures in a way that meets our requirements.

8.17 Where we require providers to include any weighting applied to generate the reported tenant perception measures in their summary of survey approach, we are introducing a new requirement that providers should also include a reference to all characteristics used to weight the results.

8.18 We consider these changes are likely to have a positive equality impact, as they should help to ensure that large providers' perception survey results are representative of their tenant profile.

- 8.19 We are maintaining our requirement that small providers will only need to weight their responses if there is strong evidence of a significant bias in estimated scores. There is the potential for this to have a negative equality impact, albeit a very limited one, as survey responses of small providers may not be representative. However, if a bias is significant, small providers will still have to use weighting, to ensure the results should be broadly representative.
- 8.20 Providers must use an appropriate survey collection method or methods considering factors such as likely response rate, cost, addressing barriers to participation, tenant profile, and the representativeness of responses.
- 8.21 This proposal is relevant to aims 1 and 2.
- 8.22 79% of respondents to our question agreed with our proposal to allow providers to choose the most appropriate survey method.
- 8.23 Where respondents agreed with our proposal to allow providers to choose the most appropriate survey collection method, many of those who commented said this will allow providers to tailor the methods to tenants' preferred communication channels collectively and individually.
- 8.24 Some respondents made a general request for further prescription in the survey requirements regarding survey collection methods.
- 8.25 For the small number of respondents who disagreed with this proposal, many of those who commented called for more prescriptive requirements in order to increase the comparability of TSM results between providers.

Our response

- 8.26 We have considered whether to specify the survey method(s) providers must use. However, if we were to do this, it may make it more difficult for tenants who share one or more protected characteristics to take part in the survey, which would make achieving a representative sample challenging (e.g., 16% of social renters did not have internet access at home; higher than for owners (4%) or private renters (5%)⁹). It would also mean that some providers would have to make significant changes to their existing practice, which could be costly and burdensome.

⁹ [English Housing Survey: Social rented sector, 2020-21 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/864222/english-housing-survey-social-rented-sector-2020-21.pdf)

- 8.27 In response to concerns about lack of comparability of data where providers have used different survey methods, we have aimed to reduce as far as possible the factors that can undermine data comparability through our survey requirements. We recognise that different survey methods may elicit more favourable responses. However, we think that it is more important that providers can use a range of methods to support the participation of a wide range of tenants in the survey.
- 8.28 Providers will be required to include the survey method(s) used and their rationale for using them, in their published summary of survey approach. We have also introduced a new requirement that where there are any material year-on-year changes in survey collection method(s), a summary of these changes must be included with the rationale for the changes. Further, any analysis of year-on-year changes in tenant perception measure performance published by the provider must refer to any material changes in survey methodology.
- 8.29 We will therefore continue to allow providers to choose the most appropriate survey collection method(s). It is clear from most comments we received on this issue that facilitating tenant participation in the perception survey is of utmost importance. Allowing providers to choose survey collection methods will enable them to determine which are most appropriate for their tenants and to help ensure a strong response rate and representative sample, and to facilitate deliverability by all providers. For these reasons, we believe that not restricting survey methods is likely to have a positive equality impact. We will look to assess the impact of survey collection methods on providers' tenant perception survey performance and will keep this requirement under review.

Providers must take reasonable steps to assess, identify and remove barriers to certain groups of tenants participating in surveys used to generate the TSMs. Providers will be able to use additional visual features such as emojis alongside response options in surveys, if they are necessary to overcome specific barriers to a particular group of tenants.

- 8.30 This requirement is relevant to aim 2 of the general equality duty. It impacts mainly on people who share the protected characteristics: age, disability, and race.
- 8.31 We received broad support for this requirement in the consultation. A small number of respondents suggested how the requirement could be further strengthened and we have taken those into account in our final requirements relating to assessing and removing barriers to participation.
- 8.32 We also received a few comments about the use of emojis, ranging from suggesting they should be used for all surveys, to advising that their use should be avoided, due to the risk of ambiguity in their meaning.

Our response

- 8.33 We have added clarification that, in addition to allowing surveys to be completed by a carer or another household member on behalf of a tenant, the survey can be completed through an interpreter. We think this additional clarity is likely to have a positive equality impact for non-English speakers and those with a hearing impairment who use BSL to communicate.
- 8.34 In relation to the use of emojis, we are continuing to allow their use alongside response options if they are necessary to overcome specific barriers, which we think will have a positive equality impact. We are not providing a standard set of emojis, due to the risk of them being interpreted differently, as they can vary in look and meaning across different platforms.
- 8.35 We have clarified in TSM: Tenant Survey Requirements that where providers use additional visual features such as emojis to overcome specific barriers, they must be used alongside the standard response options, with the visual feature used (or emoji unicode) included as part of the published summary of approach.
- 8.36 We have provided a further response below in the “Accessibility of survey question wording and use of an ‘easy read’ survey version” to strengthen our approach to the use of easy read surveys.

Providers who own fewer than 1,000 relevant homes will be required to collect and publish their TSM data, but they will not be required to submit TSM data to the regulator.

- 8.37 This is relevant to all aims of the general equality duty.
- 8.38 71% of respondents agreed with our proposals to tailor TSM requirements for small providers. However, we received some comments calling for more alignment of our requirements for providers regardless of size, in particular that small providers should be required to submit their TSM data to the regulator. Some respondents noted that small providers have proportionately higher numbers of tenants who are disabled or who are older, and so our different requirements may disproportionately impact tenants who share these protected characteristics. This is because they will not be able to compare their landlord’s performance via RSH’s published data, and the regulator will not hold the data from small providers to help inform its regulation.

Our response

- 8.39 There are just over 1,000 small registered providers. These providers have a higher proportion of supported housing/housing for older people than large providers, so their tenants are more likely to share the protected characteristics of age and disability.

- 8.40 There is the potential for this proposal to have a negative equality impact for tenants of small providers, as they will not be able to compare their landlord’s performance via the regulator’s published data, and the regulator will not receive the TSM data for small providers. However, there are challenges for small providers, which make achieving statistical accuracy difficult for them, meaning their data may often not be sufficiently comparable. After careful consideration, we have decided to not change our proposal: providers who own fewer than 1,000 homes will not be required to submit their TSM data to us.
- 8.41 We have however acknowledged the issues raised by those who did not support this proposal, and we therefore intend to run a voluntary pilot which will allow small providers to submit TSM data to us. We will consider the issue further in the light of the results of the pilot. Further detail on the pilot will be published in due course. We think that this demonstrates due regard to the need to remove or minimise disadvantages suffered by people due to their protected characteristics

NM01 – Anti-social behaviour cases relative to the size of the landlord. Our consultation proposal was that cases of Domestic Abuse and Hate incidents should be included in the data for this TSM.

- 8.42 This proposal is relevant to aims 2 and 3 of the general equality duty.
- 8.43 A small number of respondents questioned the inclusion of domestic abuse and hate crime cases within the definition of NM01, commenting that registered providers should record and handle these cases in a different way to ASB cases.

Our response

- 8.44 Having considered consultation feedback and government guidance¹⁰ on ASB, hate crime and domestic abuse, we have amended the definition of NM01. We have removed the requirement to include cases that relate to domestic abuse in NM01. Government guidance sets out that domestic abuse is not regarded as ASB. The Social Housing (Regulation) Bill gives us a new power to set a consumer standard around policies and procedures for domestic abuse, which will ensure that providers’ approach to domestic abuse comes within the scope of our consumer regulation.
- 8.45 After consideration of feedback, we will require ASB cases that involve hate incidents to be reported as part of NM01, where they also meet the statutory definition of ASB. This is in line with government guidance setting out that hate incidents or hate crimes can be acts of anti-social behaviour.

¹⁰ Including MHCLG ‘Help with anti-social behaviour for social housing tenants’ (2021)

- 8.46 Having reviewed guidance in this area, we consider the use of ‘hate incident’ to be more appropriate than ‘hate crime’, as it does not rely on the provider’s knowledge as to whether the incident would constitute a criminal offence.
- 8.47 We think that having data on the number of hate incidents in the social housing sector in the public domain is likely to have a positive equality impact, as it will increase understanding of the scale and type of hate incidents experienced by social housing tenants.

BS05 - Lift safety checks – this is the proportion of homes for which all required communal passenger lift safety checks have been carried out.

- 8.48 The proposal is relevant to aim 2 of the general equality duty.
- 8.49 We received a very small number of suggestions that lifting equipment inside tenants’ homes could be included in the checks covered by BS05, where the landlord has responsibility for carrying them out.

Our response

- 8.50 After consideration of this feedback, we are maintaining that BS05 will apply only to communal passenger lifts, and not to lifting equipment in individual properties. This is because we think that introducing a TSM based on LOLER requirements for all lifting equipment risks us introducing a new requirement that could exceed current responsibilities. We think this requirement is likely to have a neutral equality impact, because it will not take away current landlord responsibilities to check lifting equipment inside tenants’ homes and to provide such information on request to the regulator and others.

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

- 8.51 The TSM is relevant to aims 1 and 2 of the general equality duty.
- 8.52 In relation to equality, we received a very small number of comments about this TSM, around whether the TSM could directly refer to the protected characteristics, and whether we had considered how providers measure complaints relating to fairness and respect.

Our response

- 8.53 After consideration of the feedback, we are maintaining the existing scope and definition of this TSM. Providers who wish to better understand the drivers behind the data in this area will be permitted to ask follow-up questions with free text responses. This could capture reasons for their response, which may be relevant to one or more protected characteristics.

- 8.54 On the point as to whether providers will have to disaggregate complaints relating to fairness and respect, these are highly subjective concepts, and so it is likely to be challenging to agree on a clear definition for such complaints and for providers to record them consistently. For that reason, we will not require providers to break down their complaints relating to fairness and respect.
- 8.55 We think that this TSM is likely to have a neutral equality impact. Tenants will be able to judge themselves whether they have been treated with fairness and respect, as opposed to the provider making that interpretation in recording complaints.

TSM suite does not include measures relating directly to equality

- 8.56 This is relevant to aim 2 of the general equality duty.
- 8.57 We received a very small number of comments querying that none of the TSMs specifically relate to equality, and a very small number told us there should be a TSM on tenancy support or one on the needs of disabled social housing tenants.

Our response

- 8.58 The TSMs are intended to be one part of our revised and strengthened approach to consumer regulation and providers will need to comply with our consumer standards, which include expectations around equality and understanding the diverse needs of tenants.
- 8.59 It is not possible and nor is it the intention that the TSMs should cover all aspects of landlord services. We have based our suite on the TSM themes set out in the White Paper and have been mindful of provider deliverability as well as survey fatigue in deciding the overall number of survey questions.
- 8.60 For the reasons stated above, we are not introducing additional TSMs relating to equality. However, we are making several positive changes to meet our Public Sector Equality Duty which are set out in this EQIA, including introducing a new requirement that providers must ensure they hold the requisite information on tenant protected characteristics, in order to reach a balanced judgement as to which characteristics to include in their assessment of representativeness. We think this is likely to have a positive equality impact, as it should mean that providers are more likely to achieve a representative sample. We are also considering how we can advance equality more widely in the development of our proactive consumer regime.

We are introducing a TSM on satisfaction with repairs (TP02).

- 8.61 This is relevant across all aims of the general equality duty.
- 8.62 We did not receive any feedback on this TSM in relation to its potential equality impact.

- 8.63 We know from EHS 2019/20 data that social renters with a Black HRP (18%) were more likely to live in a non-decent home, compared with White or Asian social renters (11% and 7% respectively).
- 8.64 We think that the introduction of this TSM is likely to have a positive equality impact, as it will create a national sectoral benchmark for tenant satisfaction with repairs. Many large providers will be likely to include race in their assessment of representativeness and so will be able to find out if there are significant differences in satisfaction among Black tenants compared to White or Asian tenants and be able to explore reasons behind any disparity.

Providers will not be required to submit or publish their survey results broken down by the protected characteristics.

- 8.65 This is relevant to aims 1 and 2 of the general equality duty.
- 8.66 We received a very small number of suggestions that providers should be required to break down their survey data by the protected characteristics.

Our response

- 8.67 We are not proposing to require providers to report their survey results broken down by the protected characteristics.
- 8.68 After careful consideration of this issue, we remain of the view that there is a risk that if we were to require providers to report disaggregated survey results, that data would in the majority of cases not be statistically accurate, and publishing it would risk poor quality and potentially misleading data being made public, which will not help to advance our understanding of differences in satisfaction and would not help tenants to be able to use this data to hold their landlord to account. We therefore think that this is likely to have a neutral equality impact.
- 8.69 Providers will be able to publish their results broken down by the protected characteristics, where they have achieved a representative sample. We have also added a new requirement that, as part of the summary of approach, providers must include all characteristics against which representativeness has been assessed, and their rationale for the choice of characteristics included in the assessment of representativeness, which we think is likely to have a positive equality impact and increase transparency for tenants.

Providers will be required to achieve a maximum of one survey response per household irrespective of how many legal tenants in a household.

- 8.70 This is relevant to aims 1 and 2 of the general equality duty.

- 8.71 We received a very small number of comments that said this requirement could result in other tenants in a household who are disabled or who are a victim of domestic abuse being less able to give their views about the landlord's services.
- 8.72 We believe that this proposal is likely to have a neutral equality impact. Providers will be required to assess, identify, and remove barriers to participation, which will help to mitigate this risk.
- 8.73 Furthermore, we consider that there is a risk of double counting if multiple responses were to be allowed from one household, e.g. if there is dissatisfaction with a single repair carried out to the home, it is likely to be captured twice.
- 8.74 We also think there are several other factors that are likely to affect which tenant within a household responds to the survey which can be out of the control of the landlord (e.g., who completes a phone or face to face survey in a household is likely to be influenced by who is available at the time the survey is being carried out.)

Accessibility of survey question wording and use of an 'easy read' survey version

- 8.75 This is relevant to all aims of the general equality duty.
- 8.76 We received a small number of requests for the survey questions to be written in simpler language to aid understanding, including to reflect the needs of supported housing tenants. We also received a very small number of comments suggesting that the regulator could provide an 'easy read' version of the survey.

Our response

- 8.77 We have made several improvements to the question wording of many of the perception measures, which we consider make them simpler and more straightforward to understand, whilst importantly not changing the meaning of the questions. We think these changes are likely to have a positive equality impact.
- 8.78 We have added to our survey requirements that providers can carry out the survey using an interpreter. We have also clarified that in exceptional circumstances, a provider can remove a-tenant households from the sample frame where there are significant issues that cannot be reasonably surmounted and that are likely to prevent the tenant from meaningfully responding to the TSM questions. Recognising that the views of these tenants are important, we have added a new requirement that, where a material number of tenants have been removed from the sample frame, providers must take an appropriate approach to seek the views of these tenants on relevant topics covered by tenant perception measures. Providers must communicate a summary of results from these approaches in a manner they consider appropriate to support effective scrutiny by tenants of their landlord's performance.

- 8.79 We have considered whether we should provide an 'easy read' version of the tenant perception survey questions, and have concluded that it would not be appropriate to do so. We have considered advice that, due to material differences in question wording, results gathered via easy read surveys cannot be reliably combined or compared with the TSM tenant perception survey questions. We have clarified that providers should use other methods to carry out the TSM survey, such as face-to-face, where this will lead to the removal of the access barriers faced by a tenant.
- 8.80 If the regulator were to provide an 'easy read' version of the survey, there is an increased risk that providers may use it with tenants where its use is not appropriate and/or not give due consideration to other ways of supporting tenants to participate in the principal survey, which could lead to a potential negative equality impact. The reason this would have a negative equality impact is that unnecessary and excessive use of an 'easy read' survey would mean that the views of some tenants would be inappropriately excluded from the reported TSMs.
- 8.81 We have also reflected on external advice that a single version of an 'easy read' survey is not likely to be appropriate for everyone's needs, as different tenants have different needs, and so multiple versions would be required. We think that not providing an 'easy read' version of the perception survey questions is likely to have a neutral equality impact for the reasons given above.
- 8.82 The following issues were not assessed as having a positive or negative impact in our draft EQIA. However, we received feedback which suggested there is a potential for them to have a negative equality impact and so we have responded to them:

Providers' data on tenants' protected characteristics

- 8.83 This is relevant to aims 2 and 3 of the general equality duty.
- 8.84 We received a very small number of comments suggesting that providers should collect tenant data on the protected characteristics within the TSM survey. We also received a small number of comments related to the challenge for providers in collecting this type of data from their tenants.
- 8.85 We have added the following text to our survey requirements in response to this point: *Providers must ensure they hold the requisite information on tenant characteristics to undertake this analysis. This includes ensuring data on the relevant tenant population is sufficiently robust.* We are not requiring providers to collect this data as part of the TSM survey, although they can do so if they wish to. We think that this is likely to have a neutral equality impact.

Publication of summary of survey approach

- 8.86 This is relevant to aim 2 of the general equality duty.
- 8.87 We received a very small number of suggestions for improving the requirements relating to the publication of a summary of survey approach by providers.

Our response

- 8.88 In response to this feedback, we have made some changes to our requirements in relation to the published summary of survey approach, which we think are likely to have a positive equality impact: we have added a requirement that providers must include a reference to all characteristics against which representativeness has been assessed in their summary; in relation to any weighting applied to generate the reported perception measures, we have added a requirement that providers must include a reference to all characteristics used to weight results in the summary; and providers must include the number of tenants that they have removed from the sample frame due to exceptional circumstances.

Under exceptional circumstances, providers will be permitted to remove some tenant households from the sample frame.

- 8.89 This is relevant to aims 2 and 3 of the general equality duty.
- 8.90 We received a very small number of comments suggesting there is a risk that some providers may exclude significant number of tenants from their sample, especially providers of predominantly supported housing.

Our response

- 8.91 In order to mitigate this potential risk, we have added to the TSM survey requirements that tenant households must not be removed where available methods to reduce barriers could feasibly allow them to participate in the survey. We have also said that where a material number of tenants have been removed from the sample frame, providers must take an appropriate approach to seeking the views of these tenants on relevant topics covered by the tenant perception measures. In addition, we have added a new requirement that providers must include the number of tenant households within the relevant population that have not been included in the sample frame due to exceptional circumstances with a broad rationale for their removal. We think that these new requirements are likely to have a positive equality impact.

Consideration in survey requirements to temporary housing, including hostels and refuges and to Gypsy, Roma, and Traveller communities

- 8.92 This is relevant to aim 2 of the general equality duty.
- 8.93 We received a very small number of questions about how Gypsy, Roma and Traveller communities, and temporary social housing have been considered in designing our approach to the TSMs.

Our response

- 8.94 In response to feedback, we have added references to temporary social housing to our survey requirements, and we have included a new requirement that providers must use a relevant tenant population based on the number of tenant households at a particular point in time. We also now require providers to only remove tenants from the survey sample frame in exceptional circumstances. We think that these amendments are likely to have a positive equality impact.
- 8.95 Our technical requirements make it clear that TSMs must be reported for Low-Cost Rental Accommodation (LCRA) This includes for example general needs, supported housing, intermediate rent and temporary social housing.).. Gypsy, Roma and Traveller accommodation may be included in our TSM requirements, where classified as relevant social housing as defined for applicable TSMs.

Providers will be required to report TSMs on a registered group basis.

- 8.96 This is relevant to aims 2 and 3 of the general equality duty.
- 8.97 Some respondents commented that registered providers should be required to provide TSM data not only at registered group level but at additional reporting levels such as by group member organisation, stock type (general needs and supported housing), local authority area or some protected characteristics under the Equality Act 2010.

Our response

- 8.98 Given we regulate at registered group level, we do not consider it proportionate to require all providers to report TSM data at these additional levels. Registered providers' structures, geographical spread and stock and demographic profiles vary, and it may not be feasible for many providers to achieve statistically accurate results at other reporting levels. However individual providers may decide it is appropriate and useful to report their TSM data to tenants at other reporting levels alongside the registered group level information. We have made a small amendment to *Tenant Satisfaction Measures: Technical Requirements* to clarify that, in order to meet the TSM Standard's required outcome, providers may need to report information to tenants beyond that specified in this document.

8.99 We have also assessed the impact on equalities of our decision to remove TP12 from the TSM suite, which has been taken following the consultation, and so was not included in our draft EQIA.

Removal of TP12 – Tenant knowledge of how to make a complaint

8.100 This is relevant to aim 2 of the general equality duty.

8.101 We have decided to remove this TSM from the suite following the consultation, because our rationale for including it is now reduced. Our rationale for including TP12 was twofold. Firstly, we felt that it would provide insight about providers' communication to tenants on how to complain. Secondly, it would provide context to interpret providers' data on the number of complaints. On the first point we have subsequently considered new evidence from the English Housing Survey¹¹ that only a small proportion of tenants who considered making a complaint in the end chose not to do so. Less than one in ten of these tenants gave 'lack of knowledge' as a reason for not making a complaint. On the second point, we think that our addition of a filter question for TP11 will provide contextual data to interpret CH01, as it will allow comparison between the number of tenants who say they have complained, and the number of complaints recorded by the provider. We think that the removal of TP12 is likely to have a neutral equality impact.

8.102 We have also assessed the following requirements as being likely to have a neutral impact on people who share one or more protected characteristics. We did not receive any feedback related to their impact on equalities:

- Dwellings units that are not LCRA or LCHO will not be included in the TSMs.
- Small providers will be required to carry out perception surveys at a minimum frequency of every two years compared to every year for large providers.
- TP10 Satisfaction with landlord's approach to handling of anti-social behaviour will be collected via a perception survey.
- The introduction of a TSM on homes that do not meet the Decent Homes Standard.

¹¹ English Housing Survey - GOV.UK (www.gov.uk)



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