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Mid Devon District Council

Special Meeting of the Homes Policy Development Group

**Monday, 15 October 2018 at 1.45 pm
Exe Room, Phoenix House, Tiverton**

**Next ordinary meeting
Tuesday, 13 November 2018 at 2.15 pm**

Those attending are advised that this meeting will be recorded

Membership

Cllr W J Daw (Chairman)
Cllr Mrs E M Andrews
Cllr Mrs H Bainbridge
Cllr D R Coren
Cllr Mrs G Doe
Cllr R J Dolley
Cllr P J Heal
Cllr F W Letch
Cllr J D Squire

A G E N D A

Members are reminded of the need to make declarations of interest prior to any discussion which may take place

- 1 **Apologies and Substitute Members**
To receive any apologies for absence and notice of appointment of substitutes.
- 2 **Declaration of Interests under the Code of Conduct**
Councillors are reminded of the requirement to declare any interest, including the type of interest, and reason for that interest, either at this stage of the meeting or as soon as they become aware of that interest.
- 3 **Public Question Time**
To receive any questions relating to items on the Agenda from members of the public and replies thereto.

- 4 **Minutes (Pages 3 - 8)**
Members to consider whether to approve the minutes as a correct record of the meeting held on 11 September 2018.
- 5 **Chairman's Announcements**
To receive any announcements that the Chairman may wish to make.
- 6 **A new deal for social housing - consultation response to the Green Paper (Pages 9 - 86)**
To consider the Government's Green Paper entitled 'A new deal for social housing' and to reflect on the questions asked within the document in order to provide a response to the consultation.

Stephen Walford
Chief Executive
Friday, 5 October 2018

Anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so, as directed by the Chairman. Any filming must be done as unobtrusively as possible from a single fixed position without the use of any additional lighting; focusing only on those actively participating in the meeting and having regard also to the wishes of any member of the public present who may not wish to be filmed. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chairman or the Member Services Officer in attendance so that all those present may be made aware that is happening.

Members of the public may also use other forms of social media to report on proceedings at this meeting.

Members of the public are welcome to attend the meeting and listen to discussion. Lift access to the first floor of the building is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available. There is time set aside at the beginning of the meeting to allow the public to ask questions.

An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, or if you would like a copy of the Agenda in another format (for example in large print) please contact Sarah Lees on:

Tel: 01884 234310
E-Mail: slees@middevon.gov.uk

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **HOMES POLICY DEVELOPMENT GROUP** held on 11 September 2018 at 2.15 pm

Present

Councillors

W J Daw (Chairman)
Mrs H Bainbridge, D R Coren, Mrs G Doe, P J Heal,
F W Letch and J D Squire

Apologies

Councillor

R J Dolley

Also Present

Councillor

R L Stanley

Present

Officers

Andrew Pritchard (Director of Operations), Claire Fry (Group Manager for Housing), Mark Baglow (Group Manager for Building Services), Joanne Nacey (Group Manager for Finance), Stephen Bennett (Building Surveyor), J P McLachlan (Principal Accountant) and Sarah Lees (Member Services Officer)

23 **Apologies and Substitute Members**

Apologies were received from Councillor R J Dolley.

24 **Public Question Time**

There were no questions from the members of the public present.

25 **Minutes**

The minutes of the meeting held on 17 July 2018 were confirmed as a true and accurate record and **SIGNED** by the Chairman.

26 **Chairman's Announcements**

The Chairman reminded the Group that there would be a Landlord Networking event at Paschoe House, near Bow, Crediton, on Wednesday 19 September between 4pm and 9pm. Members of the Group were welcome to attend.

27 **Performance & Risk for 2018-19 (00:02:14)**

The Group had before it, and **NOTED**, a report * from the Director of Operations providing Members with an update on performance against the Corporate Plan and local service targets for 2018/19 as well as providing an update on the key business risks.

Note: * Report previously circulated; copy attached to the signed minutes.

28 **Financial Monitoring (00:03:10)**

The Accountant provided a verbal update providing information in respect of the income and expenditure so far in the year. This included the following:

- It was still very early on in the financial year, however, at the present time the overall balance on the General Fund was estimated to have an overspend of approximately £242k. This related to a reduction in car parking income, a reduction in waste recycling (as the price for cardboard was less than it was previously) and also leisure and planning.
- The Housing Revenue Account was predicted to have an approximate underspend of £45k which was in part due to savings on the gas servicing contract and the major repairs fund.

29 **Review of Building Services Gas Safety Policy (00:07:23)**

The Group had before it a report * from the Group Manager for Building Services advising it of the review of the Gas Safety Policy.

The contents of the report were highlighted with particular reference to the following:

- The Council, as a landlord, had a legal obligation to maintain and service all gas appliances in each of its properties which contain gas and this was conducted on an annual basis. For 60% of Council owned properties this did not present a problem but there were sometimes issues gaining access, first time, to the remaining 40% for a variety of reasons. For the most problematic of these properties it was necessary for the Council to be able to have a robust legal process in place (involving an escalation process) to enable it to take action and ultimately ensure the safety of those occupying the properties and using gas appliances.
- Tenants were provided with a copy of any gas safety certificates which was a legal requirement on the part of the landlord.
- The summary of additions and revisions to the Policy were discussed in detail.
- Appendix 2 set out a summary of regulation 36A which provided information about when the next safety check can now be completed in order to retain the existing deadline date, similar to the approach for a car's MOT. It also set out a one-off flexibility that landlords can use to align the date of an appliance check with that of other appliances at the same premises.

RECOMMENDED to the Cabinet that the revised Gas Safety Policy be approved subject to the following amendments providing legal clarification:

- a) Section 9.2 – remove the words 'No mutual exchange is to take place' from the second sentence.
- b) Section 13.1 – Amend the penultimate sentence to read: After court action and we receive the Injunction Notice, where a tenant does not provide access, we will seek to commit the tenant to prison for contempt of Court. Remove the following words from the same sentence '....if necessary force entry into the property to carry out the safety check and leave the property secure.'

- c) Section 13.2 – amend the wording of this section to read: ‘In addition to an injunction Mid Devon District Council may also seek possession of the property, which will run concurrently with the injunction.’
- d) Section 13.3 – Is an additional paragraph and reads: ‘The Council, provided it is in its interests to do so, will continue with the legal proceeding(s) to reach a successful conclusion.’
- e) New Section 13.4 – insert new wording to state: ‘Under these circumstances it is the intention to ensure that a new LGSR is issued no longer than four months after the existing certificate has expired.’
- f) The previous Section 13.4 to now become Section 13.5 and all numbers to follow thereafter as before.

(Proposed by Cllr P J Heal and seconded by Cllr F W Letch)

Note: * Report previously circulated; copy attached to the signed minutes.

30 **Review of Building Services Recharges Policy (00:29:28)**

The Group had before it a report * from the Group Manager for Building Services advising it of the revised Recharges Policy.

The contents of the report were outlined and reference was made to the following:

- The policy set out what the Council recharged for and the process it took to undertake this.
- The revised policy now included the addition of a compensation clause so that both tenants and the landlord could impose a change if prescheduled appointments were missed.

RECOMMENDED to the Cabinet that the revised Recharges Policy be approved.

(Proposed by Cllr D R Coren and seconded by Cllr Mrs G Doe)

Note: * Report previously circulated; copy attached to the signed minutes.

31 **Neighbourhood Management Policy (00:40:49)**

The Group had before it a report * of the Group Manager for Housing. The Housing Services Neighbourhood Management Policy is due for review during 2018 and the revised draft contains a number of changes regarding the distribution of communal keys, the use of communal gardens and responsibility for the maintenance of gardens associated with tenancies. There was a regulatory requirement to have a policy and the suggested amendments were intended to reinforce the Council’s commitment to keep its neighbourhoods and communal areas clean and safe.

The Group Manager for Housing outlined the contents of the report with reference to the following:

- The Homes & Communities Agency required the Council to have a Neighbourhood Management Policy and as such this was a regulatory obligation.

- The revised policy strengthened what was already set out in the Tenancy Agreement.
- Changes in relation to the policy included:
 - Additional keys for communal doors would not now be provided as a matter of routine in order to maintain the security of flats.
 - BBQs in communal areas are permitted, subject to several conditions.
 - External Christmas decorations would not be permitted.
 - Toys must be removed overnight in communal areas and their use must be supervised.
 - The parking of mobility scooters in communal areas would be strictly forbidden.
- In the Tenancy Agreement it was clearly stated that the tenant had responsibility for maintaining their own gardens. If the tenant failed to comply with the agreement then the landlord would undertake the work and charge the tenant for having done so.

It was requested that information regarding the number of Council owned flats sharing communal areas be sent to the Group.

RECOMMENDED to the Cabinet that the revised Neighbourhood Management Policy be approved.

(Proposed by Cllr Mrs H Bainbridge and seconded by Cllr D R Coren)

Note: * Report previously circulated; copy attached to the signed minutes.

32 **Housing update (00:58:25)**

The Group had before it, and **NOTED**, a report * from the Group Manager for Housing providing an update on the latest developments relating to social housing.

Particular reference was made to the Social Housing Green Paper 2018 which set out a proposed strategy for reforming social housing. Many of the proposals contained within the document were broad statements of intent, however, in some cases, the Government had suggested different options as a way forward to a particular issue and therefore views were being sought by way of a consultation process which was due to expire on 6 November 2018. Given the significance of this piece of legislation and the fact that the Council was a major stock holding authority the views of the Homes PDG in conjunction with the Cabinet Member for Housing were sought.

It was **AGREED** that a special meeting of the PDG take place during the middle October so that a response could be formulated and submitted to the Government. The Committee Clerk would circulated some suggested dates.

Note: * Report previously circulated; copy attached to the signed minutes.

33 **Identification of items for the next meeting (01:11:02)**

No further items were requested to be on the agenda for the next meeting.

It was **NOTED** that the Severe Weather Emergency Protocol and Extended Winter Provision Protocol had moved to a biannual review and would therefore not be on the agenda for the next meeting.

(The meeting ended at 3.30 pm)

CHAIRMAN

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Ministry of Housing,
Communities &
Local Government

A new deal for social housing

Cm 9671



A new deal for social housing

Presented to Parliament

by the Secretary of State for Housing, Communities and Local
Government by Command of Her Majesty

August 2018

Cm 9671



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Foreword from the Prime Minister

The homes we live in are so much more than bricks and mortar. They're where we raise our families, put down roots and build communities.

Everyone in this country deserves not just a roof over their head but a safe, secure and affordable place to call their own – and social housing has a vital role to play in making sure they do.

It's not just about creating a safety net to prevent homelessness. By providing homes based on individuals' needs rather than solely their ability to pay, social housing helps to keep neighbourhoods diverse and integrated. And it provides the stability people need to build lives and strong communities.

Nearly one in five of English homes are owned by housing associations or local councils, providing a place to live for millions of people.

Yet, as the 8,000 conversations and submissions behind this Green Paper show, many people living in England's four million social homes feel ignored and stigmatised, too often treated with a lack of respect by landlords who appear remote, unaccountable and uninterested in meeting their needs.

It's a situation the residents of Grenfell Tower have spoken about in powerful terms, not just in the wake of last year's tragedy but also in the months and years before – only for their voices too often to go unheard.

As this Green Paper shows, this was not an isolated case. If we are to truly make this a country that works for everyone, it's imperative that government works with local councils and housing associations to address such issues and provide a new deal for social housing.

This Government is committed to getting more of the right homes built in the right places, sold or rented at prices local people can afford – and that includes building a new generation of council homes to help fix our broken housing market.

Towards the end of the last century council house building virtually came to a halt. Since 2010 that has begun to turn around, but now we need to get back to the scale of new social housing that will deliver a real difference to communities – that's why we've already

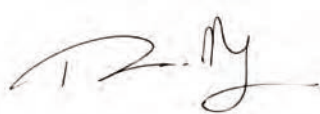
made it easier for councils in the most expensive areas to access the money they need to build homes for Social Rent.

This Green Paper will provide a further boost to the number of council houses. But it goes further still, renewing and deepening our commitment not just to the fabric of social homes, but also to the people who live in them.

Driven by the priorities of social residents, it will empower them by giving them greater control over their lives and homes.

Taken alongside our wider work – from building more homes to tackling rogue landlords and managing agents to scrapping unfair fees for private rented sector tenants – it underlines this Government's commitment to fixing our broken housing market and getting more people on the housing ladder.

Regardless of whether you're a tenant in the private or social sector, your home should be affordable and safe and you should be treated with fairness, respect and dignity. To make sure that is always the case, we need a new deal for social housing – and this Green Paper is the first step in delivering it.



The Rt Hon Theresa May MP
Prime Minister



Foreword from the Secretary of State

The ‘first social service’ – that was how the 1951 Conservative Manifesto described housing. It was a recognition that our homes are more than just a roof over our heads. They are our safety net and springboard to a better life.

Although we live in different times, our focus must still be to build those thriving communities people are happy to call home for generations to come.

Everyone deserves a decent, affordable and secure place to live. It’s the most fundamental of human needs. And while we have made important strides to build the homes we need in recent years, I recognise we have much further to go when it comes to making our housing market work for all parts of our society – not least for residents in social housing.

Our Green Paper is an important step towards this. It is a reaffirmation of that idea of housing as our ‘first social service’. It outlines our desire to rebalance the relationship between residents and landlords, to tackle stigma and ensure social housing can be both a safety net and a springboard to home ownership.

Ministers met almost 1,000 people – including the bereaved and survivors from the Grenfell Community – and the Department reviewed more than 7,000 online submissions. I would like to thank everyone who took part for their valuable input. What was heard made a profound impression on me and my team.

We have heard what people love about social housing – stories of people’s pride in their homes and communities.

But we also heard what needs to change. Many of the same issues came up: the stigma associated with social housing, the need for landlords to listen to residents and the desire for a culture of accountability and respect.

We have listened, and we agree major reform of social housing is needed.

This Green Paper offers a landmark opportunity to do this. It is underpinned by five principles.

The first principle is about ensuring homes are safe and decent. Residents were not only concerned about

safety, but also maintenance, repairs and poor living conditions.

The second principle underlines the need for swift and effective resolution of disputes. This was one of the biggest concerns highlighted by residents with a common perception the process of redress takes too long.

The third principle concerns empowering residents and making sure their voices are heard. This will drive better services and ensure residents have more choice and control.

There is a powerful case for strengthening the Regulator so it not only focuses on the governance and financial viability of housing providers, but also on how residents are treated and the level of services they should expect.

But we also want to empower residents, to give them the tools they need to hold their landlords to account. To achieve this, we need to make it easier for residents to see how their landlord is performing compared to others.

We are considering a range of options, but our proposals – such as an NHS-style ‘friends and family test’ and league tables – can give residents the transparency they need and provide direction to the Regulator.

Equally important is the need to address the stigma that residents in social housing so unfairly face – the fourth of our principles.

It’s sad – and utterly unacceptable – to hear about people being treated with less courtesy and respect because of where they live. This has to come to an end. I believe it is also the job of government to challenge basic false assumptions – assumptions that have somehow fuelled a belief that people in social housing don’t deserve or demand quality customer service or good design. This does not reflect our values as a country.

We have to improve people’s experience of living in social housing, by encouraging greater professionalisation and more of a customer service culture in housing management – and this Green Paper is an important step towards putting this right.

The fifth principle focuses on boosting the supply of social housing and supporting home ownership.

Significant work is already underway to increase our housing supply. We’ve put a further £2 billion into the Affordable Homes Programme alongside flexibility to offer Social Rent, increased local authority borrowing by £1 billion, built new strategic partnerships with larger housing associations and offered housing associations longer term funding certainty to help them deliver more homes.

This Green Paper seeks views on how we can build on this. We will not require local authorities to make a payment in respect of their vacant higher value council homes and are exploring new flexibilities over how they spend Right to Buy receipts. We commit to actively investigating the benefits of going further with our strategic partnerships with housing associations by offering longer term certainty. We will help those in shared ownership progress to outright ownership more easily.

But we are also ambitious for those who rent. We are consulting on longer tenancies in the private rented sector and in the social rented sector we are now proposing not to implement at this time the provisions in the Housing and Planning Act 2016 to make fixed term tenancies mandatory for local authorities, after listening to residents’ concerns.

Ultimately, these measures – combined with those in this Green Paper – ensure everyone has their part to play, be they landlords, representative groups, the wider public and residents themselves.

Together it represents one of the most important steps we can take to reaffirm housing as this country’s first social service – for everyone.



The Rt Hon James Brokenshire MP
Secretary of State for Housing,
Communities and Local Government

Executive summary

This Green Paper, '*A new deal for social housing*', proposes a rebalancing of the relationship between residents and landlords. We will ensure our social homes are safe and decent, that issues are resolved and residents' voices are heard. We will begin to tackle the stigma which for too long has been associated with social housing. And we will ensure we build the good quality social homes that we need.

This Green Paper sets out a new vision for social housing. A vision which values and respects the voices of residents, with landlords treating them with decency and respect, backed up by clear consequences when they do not. A vision centred on how social housing can support people to get on in life, making it more likely, not less, they will go on to buy their own home, as well as providing an essential, good quality and well run safety net for those who need it most.

The tragedy at Grenfell Tower on 14 June 2017 brought the significance of social housing to the attention of the nation. It should never have happened and must mark a turning point in how the country thinks and talks about social housing.

Successive governments, of all political colours, have failed to consider sufficiently the role social housing plays in a modern mixed tenure housing market. We are determined to renew our commitment to social housing and this Green Paper will kick-start a national conversation about its future.

To shape this Green Paper, Ministers from the Ministry of Housing, Communities and Local Government met and talked with almost 1,000 residents of social housing at events across England. Over 7,000 people also contributed their views online, sharing their thoughts and ideas about social housing. These views and suggestions have informed and shaped this Green Paper from the beginning.

We heard from people about the stigma they experienced as social housing residents, they want more accountability from their landlords, and want to see government tackle the sense of 'institutional indifference' which they experienced all too often.

This Green Paper represents a fundamental shift in the state's approach to social housing and the people who call it home.

Residents spoke of the need for important changes in how social housing is run, managed and viewed in this country. They wanted a renewed pride in social housing and quite simply to be treated with respect. Whether you rent or own your home, the housing market should offer you dignity and security.

A new deal for social housing

Five principles will underpin a new, fairer deal for social housing residents:

- a safe and decent home which is fundamental to a sense of security and our ability to get on in life;
- improving and speeding up how complaints are resolved;
- empowering residents and ensuring their voices are heard so that landlords are held to account;
- tackling stigma and celebrating thriving communities, challenging the stereotypes that exist about residents and their communities; and,
- building the social homes that we need and ensuring that those homes can act as a springboard to home ownership.

Delivering good quality and safe social homes with the right services from landlords relies on a robust regulatory framework. It is nearly eight years since the last review of social housing regulation,¹ and the proposals in this Green Paper present the opportunity to look afresh at the regulatory framework.

¹ <https://www.gov.uk/government/publications/review-of-social-housing-regulation--2>

Alongside this Green Paper, we are publishing a Call for Evidence which seeks views on how the current regulatory framework is operating. This Call for Evidence, along with questions about regulation in the following chapters, will inform what regulatory changes are required to deliver regulation that is fit for purpose.

We have a collective responsibility to tackle the stigma associated with social housing and treat everyone with respect, regardless of where they live or the type of home they live in. This Green Paper marks an important step towards that goal by celebrating social housing, encouraging professionalisation in the sector and supporting good quality design.

To deliver the social homes we need we will support local authorities to build by allowing them to borrow, exploring new flexibilities over how they spend Right to Buy receipts, and not requiring them to make a payment in respect of their vacant higher value council homes. We will support housing associations to build by providing funding certainty through strategic partnerships. We are also considering how to help people buying shared ownership properties to build up more equity in their homes. Having listened to the concerns of residents, we have decided not to implement at this time the provisions in the Housing and Planning Act to make fixed term tenancies mandatory for local authority tenants.

The 'first social service'

The 1951 Conservative manifesto referred to housing as the 'first social service'. While we live in very different times that real long term need for social housing persists. For many people, particularly those living in areas of acute affordability pressure, the reality of the cost of housing makes renting in the private sector or saving for a deposit difficult. *'A new deal for social housing'* will play a vital role in delivering the homes this country needs.

This Green Paper explains the important role social housing plays in the housing market. It is an integral part of thriving and diverse communities and Government wishes to protect and grow this contribution. That place you call home, no matter where or what type it is, should offer you security and dignity.

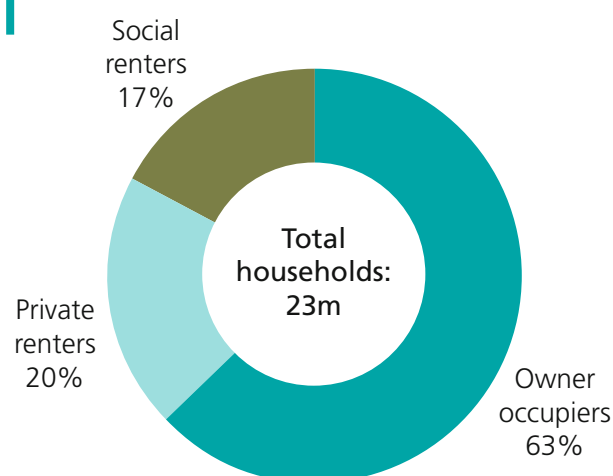
We know that to deliver this change we need everyone to play their part – whether it is landlords, representative groups, the wider public or residents themselves. We are determined to work with everyone who shares our vision to deliver a new deal for social housing.

Introduction

Almost 4 million households live in social housing

1 Social homes are an important part of our national housing story. Around 3.9 million households, approximately 9 million people, live in the social rented sector in England, just under a fifth of all households.²

Figure 1: Share of households by tenure, 2016/17³



2 Social housing is housing to rent below market level rents or to buy through schemes such as shared ownership. It is made available to help those whose needs are not served by the market. Social Rent levels take into account a measure of relative local earnings as well as relative property values. It is typically set at around 50-60 per cent of market rents. Affordable Rent was introduced in 2011 to support building more new homes below market rents. Affordable Rent levels are set at a maximum of 80 per cent of the market rent (except in London where both Social Rent and Affordable Rent levels tend to be lower). Around 95 per cent of rented social housing is let at Social Rent, with around five per cent let at Affordable Rent.⁴ Since 2010 over 100,000 new affordable home ownership homes have been delivered, including 60,000 for shared ownership.⁵

² English Housing Survey 2016/17

³ ibid

⁴ MHCLG Local Authority Housing Statistics; HCA Statistical Data Return; VOA Private Rental Market Statistics

⁵ MHCLG Live Tables 1000 and 1012

There is a mix of local authority and housing association landlords

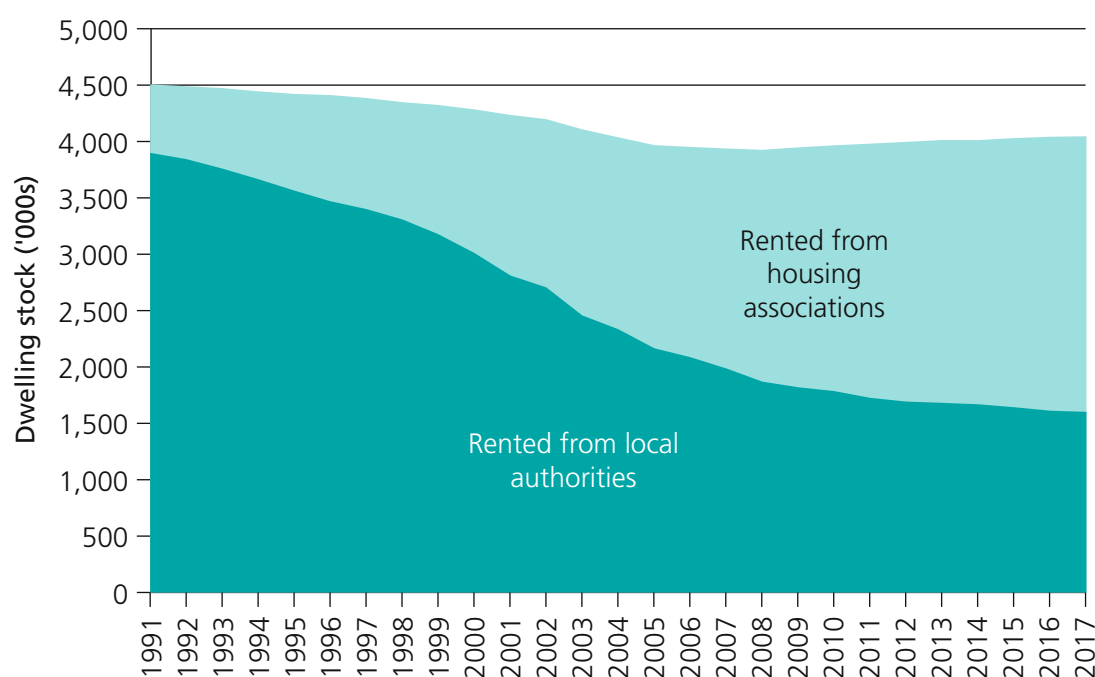
3 The social housing sector is a diverse part of the housing market, with many different providers. Social housing is provided by local authorities and private registered providers, which are primarily housing associations.

4 Since the 1980s there has been a shift towards most of the provision being by housing associations, through a combination of homes transferred from local authorities, and housing associations mainly taking over the role of building new social homes.

There is a continued need for more social housing

5 Various measures suggest there will be a continued need for more social housing. The number of households is projected to rise, with average annual household growth of around 220,000 over the next few years.⁶ Not everyone will be able to meet their housing needs through the market. There are consistently over 1 million households on local authorities' waiting lists.⁷ There are over one million households in the private rented sector receiving Housing Benefit,⁸ and roughly 50-60,000 households are accepted as homeless and in priority need in England each year.⁹

Figure 2: Social stock by provider¹⁰



6 MHCLG Live Table 411

7 MHCLG Live Table 600

8 DWP (2018) Stat-Xplore

9 MHCLG Live Table 784

10 MHCLG Live Table 104

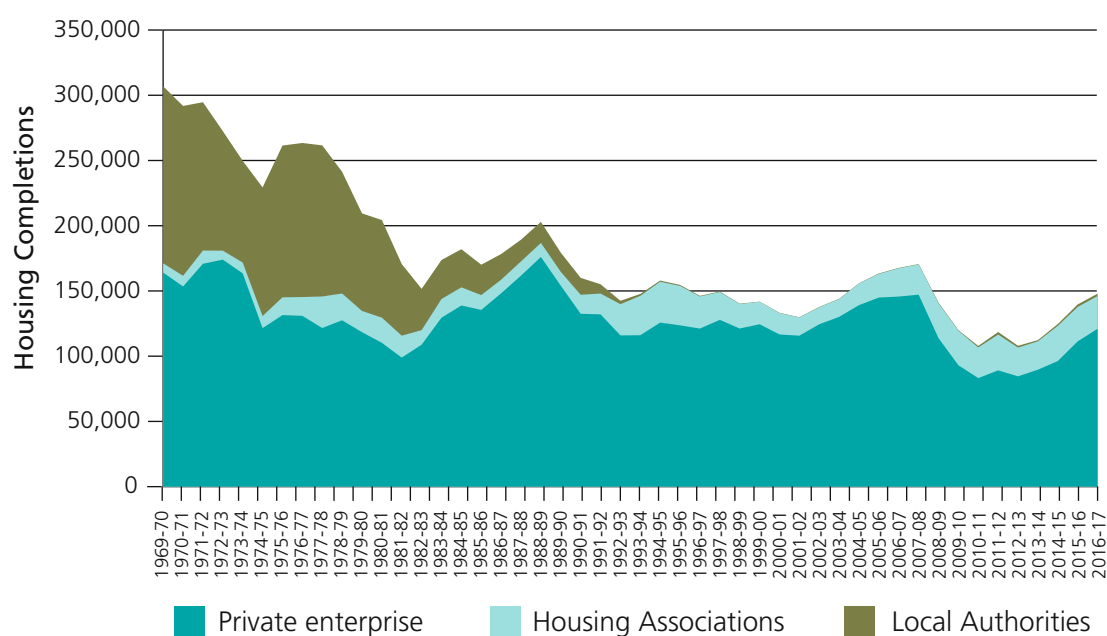
6 It is estimated that around 14 per cent of social housing is supported housing.¹¹ Supported housing is accommodation provided alongside support, to help people live independently. It has a key role to play in supporting some of the most vulnerable in our society, including older people, people with mental ill health, learning disabilities, physical and sensory disabilities, autistic adults, care leavers, people fleeing domestic abuse, rough sleepers, those with drug and alcohol dependencies, vulnerable ex-service personnel and ex-offenders. However, as set out below, the value and function of social housing goes well beyond this important role.

Affordable housing plays an important role in delivering new supply

7 As set out in our Housing White Paper '*Fixing our broken housing market*' we need to build more homes.¹² At Budget 2017 we stated that our ambition is to increase the average number of new homes delivered each year to 300,000 by the mid-2020s.¹³ To achieve this we will need to increase all types of supply, including social homes.

8 The last time the country was building at scale was in the late 1960s, when social housing made up almost half of the total supply.¹⁴

Figure 3: Housing completions by tenure¹⁵



11 DWP & DCLG (2016) Supported accommodation review

12 <https://www.gov.uk/government/publications/fixing-our-broken-housing-market>

13 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/661430/Building_the_homes_the_country_needs.pdf

14 MHCLG Live Table 209

15 *ibid*

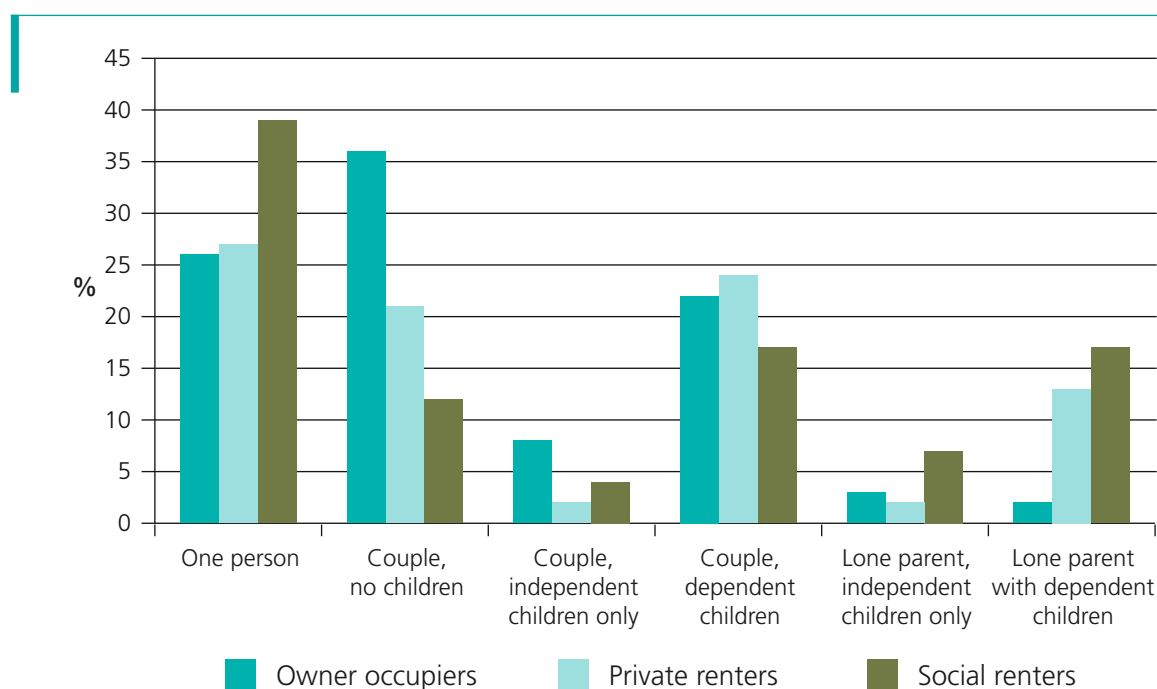
A diverse range of people live in social housing

9 Social housing tenants tend to be of a similar age mix to all households in the population but they are more likely to be living on their own or to be lone parents than those living in other tenures.¹⁶

10 The social rented sector has a similar proportion of ethnic minority households to the private rented sector (around 18 per cent for both sectors compared to 12 per cent for all households). As highlighted by the Race Disparity Audit, some ethnic groups are more likely to rent social housing than others and to be in overcrowded homes. For example, 43 per cent of all black households live in the social rented sector, compared to 16 per cent of white households and 25 per cent of all ethnic minority households.¹⁷

11 In 2016/17, 91 per cent of social housing lettings were made to UK nationals, 4 per cent to European Economic Area nationals, and 4 per cent to nationals of other countries.¹⁸

Figure 4: Household type by tenure, 2016/17¹⁹



16 English Housing Survey 2016/17; figures refer to the 'household reference person' i.e. the 'householder' in whose name the accommodation is owned or rented

17 English Housing Survey 2016/17; where households contain people from different ethnic backgrounds, figures refer to the ethnic background of the household reference person

18 MHCLG social housing lettings Continuous Recording (CORE) statistics; numbers do not sum due to rounding

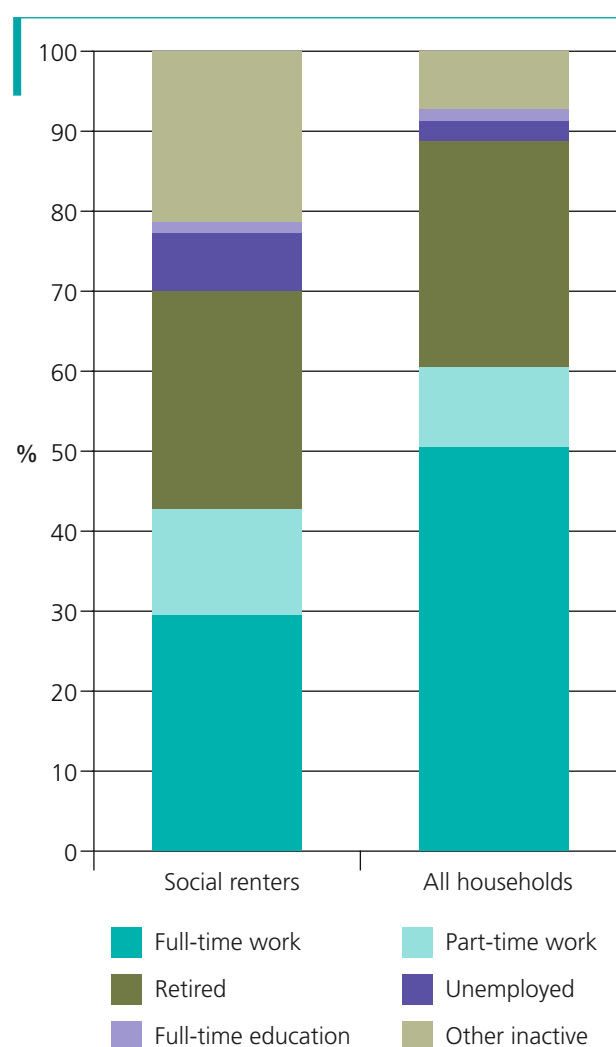
19 English Housing Survey 2016/17

12 43 per cent of social rented households are in full or part-time work. This is higher than it was in 2010/11 (when it was 32 per cent), but remains lower than the average for all households (60 per cent). For those of working age the figure for the social sector rises to 58 per cent. There is a higher proportion of part-time working households in social housing than in other tenures.²⁰

13 7 per cent of social rented households are unemployed, 27 per cent are retired, while 21 per cent are economically inactive (which includes those with a long-term illness or disability, and those looking after family members or the home). Half of social households have at least one member with a long-term illness or disability.²¹

14 Almost three quarters of social renters are in the bottom 40 per cent of the income distribution.²²

Figure 5: Economic characteristics of households, 2016/17²³



20 English Housing Survey 2016/17

21 ibid

22 ibid

23 ibid

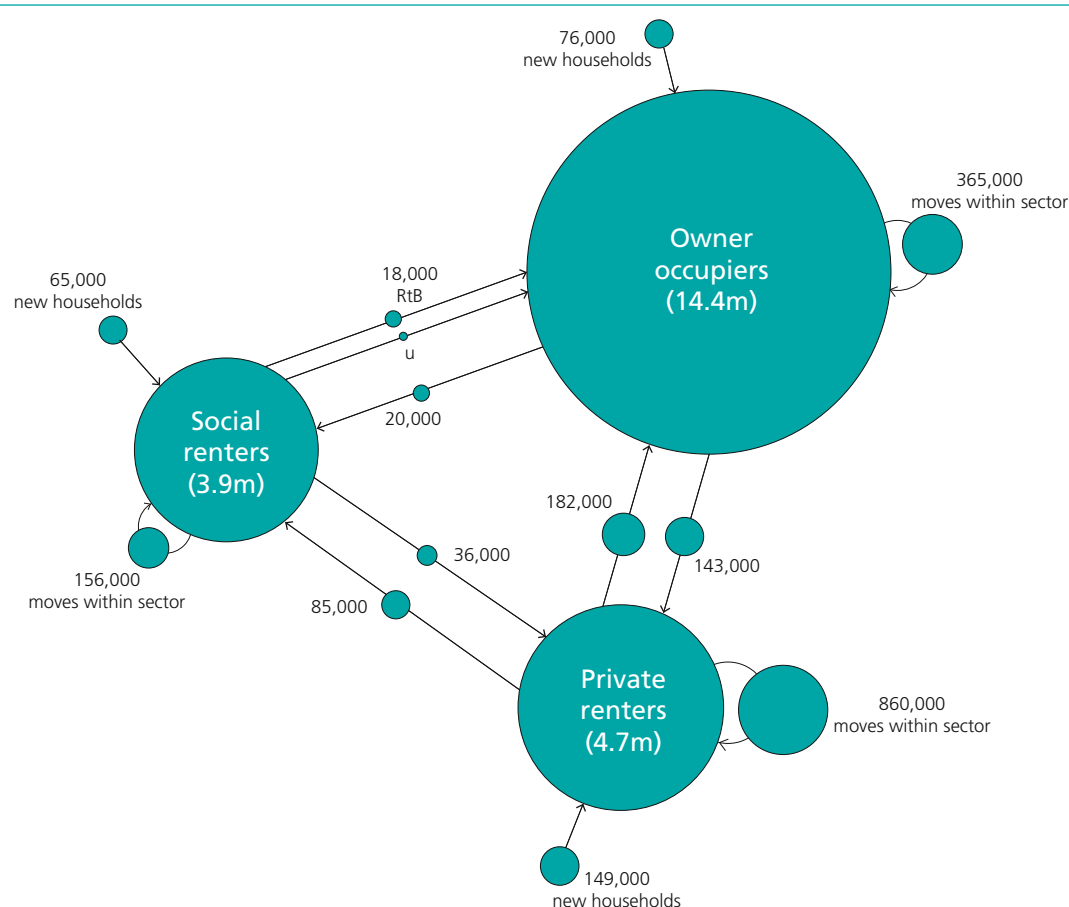
Social tenants move infrequently compared to people in other tenures

15 Local authorities are responsible for deciding access to their own social homes and to a large proportion of housing association homes through nomination agreements, setting their allocations policy within a nationally set framework. There are between 300,000 and 400,000 social housing lettings in England each year, which is around 8 per cent of the homes changing hands in a year. Around a third of these are households moving within the sector, although this varies across the country. Social properties are less likely to change hands where private rents are relatively more expensive,²⁴ which may discourage social renters from changing sector.

16 There is some social housing in all local authorities. London has the highest number of social homes as a proportion of its housing (23 per cent) while the South East and South West have the lowest (at 13 per cent).²⁵ Across the country, there is wide variation in the proportion of homes provided by local authorities and housing associations. Around half of local authorities have no council housing at all,²⁶ but in some areas they own the majority of social housing, particularly across Yorkshire and Humber and the East Midlands.²⁷

17 Last year around 36,000 households moved from social housing into the private rented sector. Just over 18,000 households exercised their Right to Buy, but aside from that there is very little movement into owner occupation.²⁸

Figure 6: Household moves, 2016/17²⁹



24 MHCLG social housing lettings Continuous Recording (CORE) statistics

25 MHCLG Live Table 100

26 MHCLG Local Authority Housing Statistics 2016/17

27 HCA Statistical Data Return 2016/17

28 English Housing Survey 2016/17; MHCLG Live Table 671

29 *ibid*; 'u' indicates sample size too small for reliable estimate

Two thirds of tenants aspire to own their own home

18 Around two thirds of social tenants would prefer to be owner-occupiers if they had a free choice.³⁰ As of 2016/17, only 30 per cent of social renters expect to buy a home in the future (up from 24 per cent in 2014/15), compared to the 60 per cent of private renters who expect to buy. Of the social renters expecting to buy, around half expect to buy their current home.³¹

19 We recognise that some people living in social housing have particular needs and will need specific support. Equally, many residents, including those who are more vulnerable, are active citizens and contribute to the community spirit in their own neighbourhood. Most social housing residents of working age are employed, defying a common stereotype. Many residents that we spoke to described the positive contributions they made to their community through paid and voluntary work.

Responding to the problems we face

20 Social housing residents, landlords and stakeholders have shared many common issues with us. The engagement events in Basingstoke, Birmingham, Bridgwater, London, Newmarket, Nottingham, Oxford, Preston, Sittingbourne and York and feedback online from residents have been critical in deepening our understanding of social housing.

21 Most recognised an imbalance in the relationship between residents and landlords. At the events residents challenged the stereotype that people who live in social housing are passive recipients of a service or benefit. There are many areas where residents said they wanted to become more informed and empowered, from a better understanding of how well their landlord operates, to increased opportunities to exercise choice and control, and to have their voices heard. Chapters one to three look at the issues that impact on this relationship including how we make sure we have the right standards for safe, good quality and well maintained social homes and services. These must be underpinned by the right regulatory system,

and a redress process that makes sure issues are resolved promptly and fairly.

22 Residents and landlords underlined the problem of stigma associated with social housing. Many are proud of their homes and of living in social housing, and proud of working in and delivering social housing. However they see attitudes from across society, the media and public servants as driving negative stereotypes. They feel that the way social housing is managed and run can reinforce these stereotypes. Chapter four brings together the structural shift and policy reform across this Green Paper that we believe can drive changes in attitudes, so that people living in social housing are seen more as active and civic minded neighbours, as well as aspirational consumers in their relationship with their landlords.

23 Residents and landlords raised the need for more homes that are affordable to people on lower incomes, enabling them to stay in and continue to contribute to their communities. Government is committed to helping people that want to own their own home to realise their aspirations. The fifth chapter looks at Government programmes that contribute to driving up supply and support home ownership, while ensuring that we have a continuing stream of social homes for those who will need them in the years to come.

24 Supported housing provides a vital service for vulnerable people in crisis, such as those fleeing domestic abuse or facing homelessness, as well as a lifelong home for people with learning difficulties, mental ill-health and for older people looking to lead an independent life for as long as possible. On 9 August 2018 Government published a response to the two October 2017 consultations on funding for supported housing setting out that we are maintaining Housing Benefit for all supported accommodation. This will give the sector the confidence and certainty they need to continue to invest in new supported homes.

25 Government is also carrying out a comprehensive package of work around domestic abuse, homelessness, disability and adult social care:

- We believe that any person without a home is one too many. We have committed £1.2 billion to tackle homelessness and recently implemented

30 MHCLG (2018) Public attitudes to house building: findings from the British Social Attitudes survey 2017

31 English Housing Survey 2016/17

the Homelessness Reduction Act, which means that more people will get the help they need at an earlier stage.

- We have committed to halve rough sleeping by the end of this Parliament and to end it by 2027. We have published a Rough Sleeping Strategy which sets out our initial plans to achieve this.
- The forthcoming social care green paper will set out plans for how to improve care and support for older people and tackle the challenge of an ageing population.
- We have recently commissioned an independent review of the Disabled Facilities Grant to understand how we can best use the Grant to support disabled people to live safely and independently at home.
- We announced a Review and Audit of Domestic Abuse services in July 2018, alongside £18.8 million funding to help support survivors.

26 The proposals set out in this Green Paper apply to England only. In Scotland, Wales and Northern Ireland, housing policy is the responsibility of the Scottish Government, Welsh Government and Northern Ireland Executive respectively. The UK Government retains responsibility for housing policy in England, including funding for England-only bodies such as Homes England (the trading name of the Homes and Communities Agency). The Mayor of London is responsible for housing in London.

27 Throughout this Green Paper we have included online responses from residents and what we heard at the face-to-face engagement events. Some statements have been edited to ensure anonymity.

Key terms used in this Green Paper:

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

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

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

Chapter 1: Ensuring homes are safe and decent



1.1 Ensuring resident safety

28 Social housing must be safe and decent. The Grenfell Tower tragedy should never have happened. In addition to the lives lost and shattered within that community, it shook public trust in the wider system of fire safety. In the days following, we took immediate steps to ensure residents' safety. The Government set up a new expert panel to advise on action. A screening test process was also up and running at the Building Research Establishment the week after the Grenfell Tower tragedy to enable building owners to establish the type of aluminium composite material cladding present on their buildings.

29 Remediation work has started on 70 per cent of buildings in the social housing sector.³² We have announced £400 million funding for local authorities and housing associations to remove and replace unsafe aluminium composite material cladding on social residential buildings 18 metres or over that they own, and financial flexibilities are available to local authorities for other essential fire safety work.³³ Government has consulted on significantly restricting or banning the use of "desktop studies" to assess cladding systems, and is consulting on banning the use of combustible materials in the external walls of high-rise residential buildings.

30 As well as taking immediate measures to make existing buildings safe, we asked Dame Judith Hackitt to carry out an independent review and the final report, the '*Independent Review of Building Regulations and Fire Safety*' was published on 17 May 2018.³⁴ We are committed to bringing forward legislation that delivers a far-reaching overhaul of the system, and gives residents a much stronger voice in an improved system of fire safety.

31 One of Dame Judith's recommendations relevant for this Green Paper is that residents should be proactively given information about building safety, including setting out what their responsibilities are, and residents should have the right to access detailed safety information, such as fire risk assessments.

32 <https://www.gov.uk/government/publications/building-safety-programme-monthly-data-release-june-2018>

33 <https://www.gov.uk/government/news/government-announces-it-will-fully-fund-unsafe-cladding-removal-in-social-housing>

34 <https://www.gov.uk/government/publications/independent-review-of-building-regulations-and-fire-safety-final-report>

The final report also recommends that landlords should have a resident engagement strategy for their buildings which sets out how they will share information and engage with residents on safety.

Residents told us

Fire safety concerns me most because a lot of young families reside in these blocks. This can be improved by educating residents.

I am happy with my flat. Annual fire safety checks carried out. I am grateful to have somewhere to live that suits me and is affordable.

32 The Government agrees with Dame Judith's assessment and supports the principles behind the report's recommendations for a more effective system. We are committed to bringing forward legislation that delivers meaningful and lasting change across all tenures. Reform of the scale envisaged by Dame Judith will take time and Government has identified an opportunity to accelerate a social sector early response, building on the existing good practice in the sector. We will be developing a new programme to support residents to engage with their landlords on issues of building safety in social housing.

33 It is critical that landlords work closely and openly with residents on this so we also want to establish a pilot with a small group of social landlords who would innovate and trial options for communicating with and engaging with residents on safety issues.

34 Alongside the recommendations with respect to requirements on landlords, Dame Judith's report states that residents have an important role to play in identifying and reporting issues that may impact on the safety of the building and in meeting their obligations, including co-operating with crucial safety-related works, to ensure their own safety and that of their neighbours.

35 How can residents best be supported in this important role of working with landlords to ensure homes are safe?

Residents told us

In general, the building is in good upkeep. However, when things go wrong, e.g. there is a leak, the housing association doesn't act appropriately.

1.2 Reviewing the Decent Homes Standard

36 As well as being safe, all homes should be provided and maintained to a decent standard. We want to use this Green Paper to consider a review of the standard that we set for social homes. The Regulator of Social Housing ("the Regulator") requires that social homes meet the Decent Homes Standard,³⁵ which requires social homes to be free of hazards that pose a risk to residents,³⁶ to be in a reasonable state of repair, to have reasonably modern facilities and services such as kitchens and bathrooms and efficient heating and effective insulation. Progress has been made in improving standards of decency. Between 2011 and 2016 we provided a total of £1.76 billion to the Decent Homes Programme.³⁷ Non-decent homes made up 13 per cent of all social housing in 2016. This is down from 20 per cent in 2010.³⁸ Progress in the social sector has been made, but we want to ensure all homes are safe and decent.

Residents told us

Quality of the buildings and the maintenance of them - they should be monitored and if they need replacing such as new bathrooms, kitchens windows etc. then those should be carried out.

37 Moreover, the Decent Homes Standard has not been revised since 2006, so we believe it should be reviewed to consider whether it is demanding enough and delivers the right standards for social housing alongside other tenures. The standard could also be updated to reflect Government's current and forthcoming priorities.

35 <https://www.gov.uk/government/publications/a-decent-home-definition-and-guidance>

36 "Category 1 hazards" under the Housing Health and Safety Rating System

37 <https://www.gov.uk/government/publications/2010-to-2015-government-policy-rented-housing-sector/2010-to-2015-government-policy-rented-housing-sector>

38 English Housing Survey 2016/17

Residents told us

We have a gas fire that throws absolutely no heat out at all. All the radiators in the bedroom are also old and no good and the council go on about a warm home campaign and saving money, but it costs us a fortune in fuel to try and get the house warm. We might as well sit outside, it makes no difference half the time.

38 There have been recent changes to drive up safety that apply to the private rented sector but not the social sector. For example, in 2015, we introduced a requirement to install smoke alarms on every storey in a private sector rented home, and carbon monoxide alarms in every room containing solid fuel burning appliances. Government has recently announced that there will be a mandatory requirement on landlords in the private rented sector to ensure electrical installations in their property are inspected every five years.³⁹ In reviewing the Decent Homes Standard, where practicable we will also consider the outcome of the Government's consultation on 'The Clean Growth Strategy' on whether the energy performance of social homes should be upgraded to Energy Performance Certificate Band C by 2030 where practical, cost-effective and affordable.⁴⁰

39 For all of these reasons, Government would like to explore whether the Decent Homes Standard continues to cover the right issues. **Should new safety measures in the private rented sector also apply to social housing? Are there any changes to what constitutes a Decent Home that we should consider? Do we need additional measures to make sure social homes are safe and decent?**

Questions

1. How can residents best be supported in this important role of working with landlords to ensure homes are safe?
2. Should new safety measures in the private rented sector also apply to social housing?
3. Are there any changes to what constitutes a Decent Home that we should consider?
4. Do we need additional measures to make sure social homes are safe and decent?

39 <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2018-07-19/HCW5890/>

40 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/700496/clean-growth-strategy-correction-april-2018.pdf

Chapter 2: Effective resolution of complaints



Image © Help on Your Doorstep

40 Residents should have a stronger voice to influence decisions and challenge their landlord to improve performance. They must also be able to access good complaints processes, as well as swift and effective redress where appropriate.

41 We are already taking a number of steps to improve this across the housing market. Our recent consultation '*Strengthening consumer redress in the housing market*' sought views on how to make current in-house complaints processes better, raise consumers' awareness of redress schemes, and improve the accessibility, speed and transparency of alternative dispute resolution processes.⁴¹ It also considered whether bringing together redress schemes into a single housing ombudsman service could help simplify access and reduce confusion for both tenants and owners.

Residents told us

The complaints process is opaque, inaccurate and chaotic with too many stages and little clarity on the roles and responsibilities of those involved.

42 Many of the issues raised by social housing residents are being considered as part of that consultation. We are currently analysing responses and will publish a formal response later this year.

43 We now want to consider what else should be done specifically to improve the current complaints process for social housing residents, outlined in Box 1, to ensure problems are resolved swiftly.

41 <https://www.gov.uk/government/consultations/strengthening-consumer-redress-in-housing>

Box 1: The current process for complaints

The first course of action if residents have a complaint is through the landlord's in-house complaints process. Social housing landlords are required to provide residents with a complaints handling service, to publish information on the nature and number of complaints received and to inform residents of how information on complaints is used to improve services.⁴²

If residents are unhappy at the end of this process, the resident can refer their complaint to a "designated person" (such as a local MP, councillor or tenant panel) but if they do not want to do this or the designated person does not resolve or refer it themselves, a resident must wait for eight weeks before the complaint can be referred to the Housing Ombudsman.⁴³

The Housing Ombudsman provides a free, independent and impartial complaints resolution service to residents. The Ombudsman aims to provide residents and landlords with sufficient advice and assistance to enable them to resolve their complaints locally and early wherever possible. This ensures the best outcomes and improves landlord and tenant relationships. Where an early resolution or mediation has failed or is not possible or appropriate, then the Housing Ombudsman will investigate and determine cases fairly and impartially.

Residents can also approach the **Regulator of Social Housing** directly with their complaint at any time. However, the Regulator only acts in such circumstances where there is evidence of systemic, corporate failure of an organisation rather than individual issues. All of the information received about complaints is used to determine whether there is evidence that a landlord is, or may be, responsible for a breach of the Regulator's standards. Most complaints brought to the Regulator's attention in this way do not meet such criteria and so are signposted on to the Housing Ombudsman for consideration. The Housing Ombudsman itself may make referrals to the Regulator where it believes there is a possible breach of regulatory standards, based on complaints it has received. A Memorandum of Understanding between the two bodies underpins this working relationship.⁴⁴

2.1 Removing barriers to redress

44 Alternative dispute resolution and mediation services can be critical in allowing issues to be resolved swiftly and locally, while sustaining positive relationships between the parties involved. We are considering whether and how we might strengthen the mediation available for residents and landlords after initial attempts at resolution have failed.

Are there ways of strengthening the mediation opportunities available for landlords and residents to resolve disputes locally?

45 Currently, residents can seek advice and support for local resolutions of their complaints from the Housing Ombudsman at any time. In 2017/18, 7,087 cases were closed by the Housing Ombudsman, and of that 5,467 were closed through local resolution while the complaint was going through a landlord's complaints procedure and did not need to be formally determined by the Housing Ombudsman.⁴⁵ However if residents wish to submit their unresolved complaint to the Housing Ombudsman for a formal investigation they must first refer it to a "designated person" – that is a local councillor, MP or tenant panel – or wait eight weeks. This is known as the "democratic filter".

42 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/628396/Tenant_Involvement_and_Empowerment_Standard.pdf

43 <http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted>

44 <https://www.housing-ombudsman.org.uk/2017/04/21/memorandum-understanding-regulator-social-housing-signed/>

45 <https://www.housing-ombudsman.org.uk/about-us/corporate-information/publications/>

Case study – The Housing Ombudsman resolving a complaint through local resolution

A tenant, who was registered blind, complained to the landlord about the condition of their property at the start of their tenancy. The tenant took steps to clean and redecorate the property and requested compensation from the landlord for the costs incurred. The landlord acknowledged that the property had not met its void standard, apologised and offered £140 in recognition of service failures such as the condition of the property, the failure to inform the tenant of procedures, and the cost of cleaning materials. The tenant was not happy with the landlord's offer and brought the complaint to the Housing Ombudsman. The Ombudsman facilitated a conference call between landlord and tenant and as a result the landlord increased its offer of compensation to £1,120 to cover the costs of works which would not have been incurred had the property met appropriate standards at the start of the tenancy, as well as for time and trouble. The tenant was satisfied with the result. The Ombudsman then asked the landlord to consider how it works with vulnerable tenants, they identified a number of lessons from the complaint and invited the tenant to join its local scrutiny panel.

46 The “democratic filter” was introduced in the Localism Act 2011, as part of a wider ambition to drive local resolution of issues. However, our engagement revealed that the process does not appear to work for residents. There is a perception that the process of seeking redress takes too long. This may be particularly problematic where urgent action is required, for example where a resident is at risk of harm or if there are other safety concerns.

47 The Housing Ombudsman's own recent consultation uncovered similar concerns.⁴⁶ It found that although some local “designated person” arrangements work well, in many cases they do not, and that there are designated persons who did not fully understand their role. We are also aware that in some areas there are either no tenant panels or those that do exist are not used.

48 The “democratic filter” is an additional hurdle before accessing the Housing Ombudsman that does not apply to people with complaints in most other sectors. We are considering how best to improve access to the Housing Ombudsman for social housing residents. **Should we reduce the eight week waiting period to four weeks, or should we remove the requirement for the “democratic filter” stage altogether?**

49 Reforming the filter stage would require primary legislation. We therefore also want to explore what more could be done in the meantime to help ensure that “designated persons” better understand their role and help to deliver swift local resolutions for residents. **What can we do to ensure that the “designated persons” are better able to promote local resolutions?**

46 <https://www.housing-ombudsman.org.uk/about-us/corporate-information/publications/our-consultations/>

2.2 Supporting residents to raise complaints

50 Residents should be aware of all routes open to them to raise concerns and feel confident using them. In 2017/18, 91 per cent of customers said that the Housing Ombudsman treated them well and 75 per cent said that the Ombudsman helped resolve their cases.⁴⁷ However, a number of residents told us that they had not been aware of the Housing Ombudsman's services.

51 Within the social sector we have heard suggestions that more could be done proactively to raise awareness of residents' options for escalation, for example supplying details on redress options at every new letting. We are looking at awareness of housing dispute resolution services more widely as part of our consultation on strengthening consumer redress in housing. We also want to consider if there is a case for an awareness campaign to support social residents to understand their rights to seek redress and to know how to make complaints and escalate them where necessary. **How can we ensure that residents understand how best to escalate a complaint and seek redress?**

Residents told us

*[Before the Grenfell tragedy] I didn't know what the full formal complaints procedure was.*⁴⁸

*Organisations expect to wear you down. I wish it was easier for me.*⁴⁹

52 We also heard from some residents that they fear the consequences of making a complaint, something we take very seriously. There are a number of existing services that can provide advice and support to residents when considering or making a complaint. This includes organisations such as Shelter, Citizens Advice and TAROE Trust as well as innovations such as Resolver – a digital tool that helps consumers to raise and resolve issues. We want to understand whether more residents need to be able to access independent advice and potentially advocacy to support them in

making a complaint. Options could include more active signposting to existing advisory services or the creation of a single advice or advocacy service, which we could consider in the context of our wider ambitions to streamline and improve access to redress in housing. **How can we ensure that residents can access the right advice and support when making a complaint?**

2.3 Speeding up the complaints process

53 Residents must be able to obtain high quality, timely responses to complaints that they raise. There are no statutory guidelines setting out timeframes within which landlords should handle complaints and residents told us they were dissatisfied with the length of time it can take to resolve issues. We therefore want to consider how to speed up landlord complaints processes. One option might be for the Regulator to set out more specific timescales in a Code of Practice. **How can we best ensure that landlords' processes for dealing with complaints are fast and effective?**

Residents told us

The housing association is not quick at responding to issues. It's as though I don't live there so I don't have to worry about it.

*No one is the right person and residents are passed along frequently, it takes a long time, causes a lot of stress and issues remain unresolved.*⁵⁰

54 The speed of decisions is equally important when issues are escalated. We are already working with the Housing Ombudsman to reduce the time it takes to determine their cases. We have recently approved the Housing Ombudsman's Business Plan for 2018-19, which sets a priority target of reducing the time taken for a determination to six months. In 2017/18 the average time taken for a determination was eight months, compared to nine months in 2016-17.⁵¹ Meeting the six month priority target will

47 <https://www.housing-ombudsman.org.uk/about-us/corporate-information/publications/>

48 Comment from face-to-face engagement event

49 *ibid*

50 *ibid*

51 <https://www.housing-ombudsman.org.uk/wp-content/uploads/2018/06/Business-plan-2018-19.pdf>

require the Housing Ombudsman to hire and train new staff. We will work with the Housing Ombudsman as they prepare their new corporate plan. This will be a good opportunity to ensure they have what they need to deliver the best outcomes for both residents and landlords. We will align this work with our recent consultation considering measures to strengthen redress across the housing market.

Residents told us


The full complaints system was difficult to find initially and three complaints have not been addressed promptly and fairly. The recently amended version gives our landlord the right to refuse escalation if it believes the outcome will not change.

55 Speed of response is particularly important when dealing with safety concerns. Dame Judith Hackitt's '*Independent Review of Building Regulations and Fire Safety*' states that residents should have a clear and direct route of escalation and redress in relation to building and fire safety issues.⁵² The final report is informing our consideration of the responses to the '*Strengthening consumer redress in housing*' consultation in relation to any future redress system, but we want to hear views on options which could improve the position in the meantime, pending such wider reform. **How can we best ensure safety concerns are handled swiftly and effectively within the existing redress framework?**

Questions

5. Are there ways of strengthening the mediation opportunities available for landlords and residents to resolve disputes locally?
6. Should we reduce the eight week waiting period to four weeks, or should we remove the requirement for the "democratic filter" stage altogether?
7. What can we do to ensure that the "designated persons" are better able to promote local resolutions?
8. How can we ensure that residents understand how best to escalate a complaint and seek redress?
9. How can we ensure that residents can access the right advice and support when making a complaint?
10. How can we best ensure that landlords' processes for dealing with complaints are fast and effective?
11. How can we best ensure safety concerns are handled swiftly and effectively within the existing redress framework?

52 <https://www.gov.uk/government/publications/independent-review-of-building-regulations-and-fire-safety-final-report>



Chapter 3: Empowering residents and strengthening the Regulator

3.1 Arming residents with information on landlord performance

56 For residents to be empowered they need good information on how their landlord is performing compared to others. While landlords have to provide residents with annual reports on their performance, residents told us that these were not always accessible to use or easy to compare.

Residents told us

Their performance needs to be monitored by an independent authority so there is help when they don't do these things.

They do not issue their performance data, so nobody knows if they are or are not meeting key performance indicators.

57 We want residents to be able to compare performance more easily. We want landlords to be assessed against standards that matter to residents. To achieve this, performance data needs to be published in a clear, regular and consistent format. We consider that the most effective way of doing this is for the performance of all landlords to be assessed against a number of agreed and meaningful key performance indicators which will be made publically available in a way that enables easy comparison.

58 We think that any key performance indicators should be focused on issues of key importance to residents, covering those identified through our engagement, such as:

- keeping properties in good repair;
- maintaining the safety of buildings;
- effective handling of complaints;
- respectful and helpful engagement with residents; and,
- responsible neighbourhood management, including tackling anti-social behaviour.

59 Several pieces of data might be needed to effectively assess performance. For example, key performance indicators on repairs could assess how quickly a landlord responds to repairs and satisfaction with the outcome of repair work.



60 We also want to make sure that residents' overall experience and satisfaction is effectively measured and reported. Since 2012 the NHS has introduced a 'friends and family test' to ask users whether they would recommend a service provider.⁵³ We want to explore whether it would be useful to introduce a similar indicator for residents in social housing.

61 We think that the best way for these key performance indicators to be made available publically is for the information on performance to be provided to the Regulator every year for publication. **Do the proposed key performance indicators cover the right areas? Are there any other areas that should be covered? Should landlords report performance against these key performance indicators every year? Should landlords report performance against these key performance indicators to the Regulator? What more can be done to encourage landlords to be more transparent with their residents?**

62 We are considering a new key performance indicator for landlords' performance on dealing with complaints, to help drive improvements within the sector and ensure more issues are put right first time.

63 We also want to ensure residents are able to compare the performance of different landlords' complaints handling more easily. For example, in the energy market, data is published showing how many complaints energy suppliers receive, how many Citizens Advice handle, and how many are accepted by the relevant ombudsman after failing to be resolved by the supplier. The Regulator already expects landlords to publish information about complaints each year, but approaches vary. We are considering setting out a consistent approach on how landlords should report their complaint handling outcomes, by asking them to report how many complaints were resolved, how many were resolved after repeated complaints and how many were referred to the Housing Ombudsman. **Do you think that there should be a better way of reporting the outcomes of landlords' complaint handling? How can this be made as clear and accessible as possible for residents?**

64 Our current thinking is that these key performance indicators should be prepared by the Regulator, and we would expect the Regulator to engage with relevant bodies, such as landlords and landlord organisations, and resident groups, in their preparation.

65 We also want to consider the best way to publish and present this data so that it can be easily drawn on by residents. The Scottish Housing Regulator makes available reports on the performance of individual landlords and publishes data which sets out how all Scottish landlords have performed on average across all performance indicators from the Scottish Social Housing Charter.⁵⁴

66 We think the Regulator is best placed to publish landlord performance in the form of league tables. However other approaches should be considered, including that used in Scotland. We would also welcome views on whether it would be helpful if landlord performance on key performance indicators is also reflected in a "consumer" ratings system, in addition to the governance and viability ratings, which the Regulator currently publishes for larger housing associations. **Is the Regulator best placed to prepare key performance indicators in consultation with residents and landlords? What would be the best approach to publishing key performance indicators that would allow residents to make the most effective comparison of performance?**

3.2 Rewarding good performance

67 We want to make sure that the transparency proposed by key performance indicators and league tables drives better services for residents in practice. In addition to publishing this information for residents, we want to consider the role of financial incentives and penalties to promote the best practice and deter the worst performance.

⁵³ <https://www.england.nhs.uk/fft/>

⁵⁴ <https://www.scottishhousingregulator.gov.uk/find-and-compare-landlords/statistical-information>

68 Government's £9 billion Affordable Homes Programme supports landlords' delivery of affordable homes. We want to explore whether the key performance indicators should help inform or influence the extent to which landlords receive funding and are minded to link Affordable Homes Programme funding to the Regulator's governance rating as well as the viability rating. We will work with the Regulator to understand how the governance rating could be informed by the key performance indicators and how that rating could then inform the Affordable Homes Programme bid assessments. We will also consider how the key performance indicators could be used to help develop the requirements for any future strategic partnerships with social housing landlords. These partnerships are explained further in chapter five. The overarching aim is to ensure the standards reasonably expected by residents in their day-to-day lives are being effectively monitored by the regulatory regime that we put in place.

69 We recognise that this may not incentivise all landlords, since many do not build new homes or rely on our funding. But most of the larger landlords do, and we want to assure ourselves that we are spending our money wisely and supporting a safe, decent social housing offer. **Should we introduce a new criterion to the Affordable Homes Programme that reflects residents' experience of their landlord? What other ways could we incentivise best practice and deter the worst, including for those providers that do not use Government funding to build?**

3.3 Ensuring residents' voices are heard

70 Effective resident engagement can benefit everyone – landlords and residents as well as the wider community. A detailed study by the University of Westminster showed a strong correlation between involving residents and delivering value for money.⁵⁵ And yet too many residents we met told us that their landlord did not take their views into account.

71 We want to ensure a more consistent picture across the country of genuine engagement with residents, to ensure they have influence over the decisions that affect their lives. The information that we are considering making available through the key performance indicators should help, including monitoring whether landlords are engaging effectively with residents. Better knowledge of how services compare can help people be more informed consumers and push for service improvements – for example in the health sector people are supported to find, choose, feedback on and compare services.⁵⁶

72 However, to make this work it is critical that landlords take residents' views seriously and use feedback to shape services. Landlords are required to consult tenants at least once every three years on the best way of involving them in the governance and scrutiny of the housing management service, and demonstrate how they respond to tenants' needs in the way they provide services and how they communicate.⁵⁷ Through the proposed regulatory review we will consider whether these expectations need to be clarified to ensure greater consistency and transparency of expectations.

Residents told us

Our efforts to be meaningfully involved with the management of our homes have been extremely difficult as the landlord refused to effectively work with some residents to identify and repair warranty defects, ongoing maintenance and improvements to services. The landlord claims to be complying with the regulatory framework and ignored my application to join a tenants' panel.

73 All landlords should use customer feedback to improve services, and some are finding increasingly sophisticated ways to do this. Some landlords go further and actively work with residents to co-design services from the outset. However, landlords tell us that it is not always easy to engage all of their residents, particularly those who are vulnerable or isolated. We want to understand more about whether the regulatory framework is setting the right expectations on how landlords should engage with residents, and

55 University of Westminster (2015), *Success, Satisfaction and Scrutiny: The Business Benefits of Involving Residents*. Available: http://westminsterresearch.wmin.ac.uk/15493/1/AH_final%20report_published_270315.pdf

56 Health Watch, NHS Choice

57 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/628396/Tenant_Involvement_and_Empowerment_Standard.pdf paras 2.2.4 and 2.3.1

how effective current resident scrutiny measures are.

Are current resident engagement and scrutiny measures effective? What more can be done to make residents aware of existing ways to engage with landlords and influence how services are delivered?

74 It is positive to see that the sector is already taking steps towards improving engagement between landlords and residents. The Local Government Association is working with local authority landlords to look at examples of effective empowerment and engagement of their residents. From this they will produce advice and guidance for local authorities. The National Housing Federation is working with housing associations to develop an accountability and transparency offer that includes a trust charter to be developed with tenants, setting out what they can expect from their landlord. We expect the sector to continue to work closely with residents in developing new opportunities to have their voice heard in decisions that affect them.

75 A number of national tenant and resident organisations in the sector have been exploring the option of an independent platform for tenants, based on widespread engagement, to enable them to have their voices heard more effectively at a national level. To be successful it would be important that it represents the voices of a wide diversity of tenants across the country and can win their confidence as an independent resident champion. **Is there a need for a stronger representation for residents at a national level? If so, how should this best be achieved?**

3.4 Strengthening choice over services

76 Social housing residents do not have the same level of choice on the quality and nature of their housing management services as consumers in other markets. There can be limited options for residents who are dissatisfied with their service, and it can be difficult to 'switch' provider to try a different service.

Residents told us

We informed the housing association that we didn't want the services of the present cleaners, which we pay for in the service charge, but we were told we had no choice in the matter.

77 To date, a number of initiatives have been designed to address this. Local authority tenants have the legal right to seek to take on housing management functions themselves by exercising their statutory Right to Manage. If they are assessed as competent and have the support of tenants via a ballot they can set up a Tenant Management Organisation.

78 We are conscious that, following criticism of the Kensington and Chelsea Tenant Management Organisation after the tragedy at Grenfell Tower, questions have been raised about the capability of Tenant Management Organisations.⁵⁸ We respect the role of the Grenfell Tower Inquiry in examining the actions of the Kensington and Chelsea Tenant Management Organisation. We recognise that there have been different ways of establishing Tenant Management Organisations, as well as varied practice and experiences for residents. We want to understand more broadly how effectively this option is working for local authority tenants, and indeed their range of experiences.

79 In addition to Tenant Management Organisations, there are other ways for tenants and landlords to establish new structures. Local authority tenants have the right to request that their homes are transferred to a housing association, while social landlords are also free to explore alternative governance structures, including community-based models. A small number of local authority landlords have transferred all or part of their stock to newly formed community housing associations enabling residents to take a central part in decision-making and become shareholding members. Some housing associations have taken the decision to restructure as a community-based housing provider on a co-operative or mutual model and to be managed, either entirely or mainly, by their residents.

⁵⁸ Kensington and Chelsea Tenant Management Organisation became an Arms Length Management Organisation in 2002

Case study: Resident engagement



Image © Soha Housing

Soha Housing is a social landlord and a not-for-profit business with over 6,600 homes operating in and around Oxfordshire. It is managed through a system of co-regulation and became a 'mutual' in September 2017, meeting a long-term vision to devolve further control to its residents. While the Board is responsible for the effective running of the organisation, they are held to account by residents who monitor performance. Ultimately shareholding members have the right to vote on the biggest decisions, including Board membership and changes to the rules.

Tenant groups include:

- The Tenants' Forum – a group of 21 elected resident representatives who hold the Board to account and advise on policy;
- The Tenant Scrutiny Group – a 'critical friend' challenging Soha's Board that they are meeting the regulatory standards and Soha's aims and objectives; and,
- The Tenant Auditors – who carry out robust assessments on Soha's performance against service standards. They also write reports that are publically available on request.

When a complaint has exhausted Soha's internal complaints procedure, it may go to an Independent Tenant Panel for review. Tenants are also involved in reviewing the complaints process making sure it is inclusive and fit for purpose.

Soha sees resident engagement as a key part of its success and 90 per cent of residents are satisfied with their service.

80 Our preferred approach is to increase transparency for residents over the performance of landlords, including through key performance indicators and league tables. Following that increase in transparency we want to offer residents greater opportunity to exercise more choice over their day-to-day services, while recognising that landlords need to retain clear oversight in standards, quality and safety, as well as keeping clear control over the value for money of contracts.

81 We are therefore seeking views on options to create the right organisational culture and promote community leadership:

- We are considering a new stock transfer programme to promote the transfer of local authority housing particularly to community-based housing associations. **Would there be interest in a programme to promote the transfer of local authority housing, particularly to community-based housing associations? What would it need to make it work?**
- We are exploring options to demonstrate how community leadership can be embedded in the governance and culture of mainstream landlords, for example through a series of trailblazers to test new models and principles of structure and governance that allow for stronger community leadership. **Could a programme of trailblazers help to develop and promote options for greater resident-leadership within the sector?**
- Around 200 Tenant Management Organisations have been established following tenant ballots to manage homes on behalf of a local authority and their practice, remit and scope varies considerably. It is important that groups have the resources, capacity and capability to take on these significant responsibilities, which they need in order to pass the assessment process. Once an organisation is up and running, tenants have the opportunity through a regular ballot to confirm their support for the Tenant Management Organisation to continue. The management agreement between the local authority and Tenant Management Organisation includes measures to assess their performance and to disband the organisation if there is sufficient evidence of failure in fulfilling its obligations under this agreement. **Are Tenant Management Organisations delivering positive outcomes for residents and landlords? Are current processes for setting up and disbanding**

Tenant Management Organisations suitable? Do they achieve the right balance between residents' control and local accountability?

- **Are there any other innovative ways of giving social housing residents greater choice and control over the services they receive from landlords?**

82 The amount of choice and control on a daily basis that particular households might want is likely to vary depending on their personal circumstances. Many will not have the time or desire to take over management responsibilities themselves, and might be more interested in smaller scale control over particular services. Housing management comes with significant responsibilities and liabilities, and tenant groups who wish to take more control can need support to build their skills and capacity, as well as the commitment to sustain their role over time.

Residents told us

Many services are unwanted, unnecessary and costly. Giving real choice about what we have to pay for and allowing us to choose would be good.

83 Local Management Agreements have been used by residents to enter into an agreement with their landlord to take control of small-scale services on a voluntary basis. Using these principles, the Community Cashback scheme (later called Give it a Go grants) ran from 2013 to 2015, designed to support social residents to take responsibility for a service within their local community, such as cleaning or gardening, with any savings made to be reinvested into the community. In such examples, residents could choose to provide a service themselves as a group, employ someone to do it or engage a contractor or supplier. **Do you think there are benefits to models that support residents to take on some of their own services? If so, what is needed to make this work?**

84 We also want to understand better whether satisfaction with contractor services could be increased by encouraging landlords to provide greater choice to residents around services such as repairs and improvements, for example by routinely providing a list of approved contractors for individual tenants to choose from. **How can landlords ensure residents have more choice over contractor services, while retaining oversight of quality and value for money?**

3.5 Value for money for leaseholders

85 In many ways leaseholders of social landlords have been less affected by high profile abuses in the leasehold market than private leaseholders, such as onerous ground rents, and can benefit from a cap on service charges for capital works. Individuals who are leaseholders in social housing also have access to the Housing Ombudsman to help resolve complaints about the services provided by their freeholder.

86 But they can also experience unique challenges. As there are often fewer leaseholders in a block than social tenants, they can feel their views can be crowded out.

Residents told us

I am a leaseholder. The service charges paid monthly do not reflect a good service i.e. council repairs, cleaning and the quality of it. The local authority should not offer the service if it cannot be completed.

87 A lack of transparency around service charges can lead to fears that leaseholders are cross-subsidising other residents. Consultation over major works can often be seen as failing to obtain meaningful input from leaseholders or to take their views on board, especially when maintenance and repairs are managed through broad framework agreements or longer term contracts. And, unlike in the private market, there is no real sanction for social landlords who do not comply with requests for information because the local authority can be both the landlord and enforcer.

88 Buying out a freehold in a block for those leaseholders (this does not include shared owners where different rules apply) is also often harder in the social sector and can be complicated in a shared block where taking on the freehold may require managing services on behalf of social renters. The qualifying threshold of two thirds of residents being leaseholders and wanting to enfranchise can be a problem as in many cases there will be a mix of renters, shared owners and leaseholders.

89 We are already taking a number of steps to address these issues. The Government has recently announced a significant programme of leasehold reform which will benefit all leaseholders, both in the private and social sectors. This includes restricting future ground rents and making buying a freehold or extending a lease easier, faster, fairer and cheaper. A working group is being established to consider standards around service charges, how they should be presented and to explore the best means to challenge fees which are unjustified. We will also explore how social leaseholders can better input into consultation on major works through our sector advisory group.

What more could we do to help leaseholders of a social housing landlord?

3.6 A stronger Regulator

Understanding what a good service looks like

90 The latest evidence from the English Housing Survey suggests that most tenants are satisfied with housing management services, with 66 per cent of tenants saying they were either very or fairly satisfied with the way the landlord carries out repairs and maintenance.⁵⁹

91 However, it is clear from our engagement events that not all tenants were satisfied with the services they receive, and a significant proportion reported very poor experiences. More broadly, many were also unsure about how to assess the level of service they received from their landlord, because they had nothing to compare it to. We think that a further problem is a lack of clarity over what should be considered a reasonable service.

92 Strong sector-led initiatives play an important role in driving continuous improvement. However, such initiatives must be underpinned by a robust regulatory framework. Annex A sets out the current regulatory framework for social housing in more detail. The Regulator has two objectives covering economic and consumer matters which are underpinned by seven outcome-focused and high level standards that it sets.

59 English Housing Survey 2016/17, Social rented sector report

Box 2 – Existing consumer regulation objective and consumer standards

Parliament has set the Regulator of Social Housing a consumer regulation objective,⁶⁰ which is:

- to support the provision of social housing that is well-managed and of appropriate quality;
- to ensure that actual or potential tenants of social housing have an appropriate degree of choice and protection;
- to ensure that tenants of social housing have the opportunity to be involved in its management and to hold their landlords to account; and,
- to encourage registered providers of social housing to contribute to the environmental, social and economic well-being of the areas in which the housing is situated.

The Regulator has published four outcome-based consumer standards to deliver the consumer regulation objective.⁶¹ These are:

- **The Tenant Involvement and Empowerment Standard (July 2017)** which includes a requirement for landlords to provide choices and effective communication of information for tenants on the delivery of all standards, and to have a clear, simple and accessible complaints procedure;
- **The Home Standard (April 2012)** which requires homes to be safe, decent and kept in a good state of repair;
- **The Tenancy Standard (April 2012)** which requires registered providers to let their home in a fair, transparent and efficient way, and enable tenants to gain access to opportunities to exchange their tenancy; and,
- **The Neighbourhood and Community Standard (April 2012)** which requires registered providers to keep the neighbourhood and communal areas associated with the homes that they own clean and safe; help promote social, environmental and economic well-being in areas where they own homes; and work in partnership with others to tackle anti-social behaviour in neighbourhoods where they own homes.

93 The minimum level of service that landlords are expected to deliver to their residents is set out in the consumer regulation objective and the four consumer standards set out in Box 2.⁶² Landlords have flexibility over how they meet the requirements in these standards, which enables them to consider the best approach to meet the needs of residents locally.

94 Resident dissatisfaction with their landlords could stem from the adequacy of the current consumer standards, the way in which they are enforced, or a combination of the two. Unlike the economic standards, the Regulator's ability to enforce the consumer standards is limited by the "serious detriment" test. We want to find out if the consumer regulation objectives and standards need to be changed to help landlords and consumers to understand what a good service looks like, and to

relate them directly to the new key performance indicators that we propose. For example, we could expand the objective on well-managed social housing to require an effective complaints procedure.

Does the Regulator have the right objective on consumer regulation? Should any of the consumer standards change to ensure that landlords provide a better service for residents in line with the new key performance indicators proposed, and if so how?

95 We also want to know whether landlords and residents would benefit from further guidance on what good looks like, without being overly prescriptive. The Regulator currently issues two Codes of Practice which further develop the requirements of the economic standards and we want to consider if a Code of Practice for consumer standards would be

60 Section 92K of the Housing and Regeneration Act 2008

61 Section 193 of the Housing and Regeneration Act 2008

62 Section 92K of the Housing and Regeneration Act 2008 and Section 193 of the Housing and Regeneration Act 2008

helpful to residents and landlords, to further develop the requirements of the consumer standards.⁶³ **Should the Regulator be given powers to produce other documents, such as a Code of Practice, to provide further clarity about what is expected from the consumer standards?**

Strengthening regulation of consumer standards

96 As well as its role in making sure that homes are safe, we want the Regulator to have the tools it needs to deliver robust oversight of the social housing sector, and we want to ensure that it has all the necessary structures in place to properly regulate and respond to breaches of regulation. We also want to ensure that we have sufficient oversight in place to hold the Regulator to account.

97 The legislation is clear that where a landlord breaches a consumer standard, the Regulator can only use its regulatory and enforcement powers if there is or may be a “serious detriment” to existing or potential tenants.⁶⁴ The Regulator interprets this as meaning where there is “serious actual harm or serious potential harm to tenants”.⁶⁵ This is a higher threshold for regulatory intervention than for breach of economic standards. In addition, the Regulator’s approach to regulation of the consumer standards is reactive,⁶⁶ in that it responds to issues as they emerge, and it does not monitor landlords’ performance on consumer standards.

98 Where a breach of the consumer standards meets the “serious detriment” test, the Regulator will publish a regulatory notice and consider the most appropriate course of action. In the great majority of cases, landlords act quickly and decisively to rectify problems once they are identified, without need for further action. The Regulator is able to use a number of regulatory and enforcement powers where necessary to ensure compliance with the standards, and so far it has only had to use its statutory powers rarely. The key powers are set out in Box 3, and the Regulator has published guidance setting out how it will use its powers.⁶⁷ The Regulator has different tools available depending on the landlord. For example, current legislation does not allow the Regulator to levy fines on local authorities for a breach of standards. In addition, the Regulator does not have the power to look at the governance arrangements of local authorities, since its economic standards apply only to housing associations and other private registered providers.

63 <https://www.gov.uk/government/publications/value-for-money-code-of-practice> and <https://www.gov.uk/government/publications/governance-and-financial-viability-standard-code-of-practice>

64 Section 198A of the Housing and Regeneration Act 2008

65 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/698332/Regulating_the_Standards_April_2018.pdf

66 *ibid*

67 <https://www.gov.uk/government/publications/guidance-on-the-regulators-approach-to-intervention-enforcement-and-use-of-powers>

Box 3 – Key regulatory and enforcement powers of the Regulator of Social Housing

Power	Applicable to private registered providers ^a	Applicable to local authority landlords
Survey to assess the condition of stock	✓	✓
Inspection to establish compliance with the regulatory requirements	✓	✓
Hold an Inquiry where it suspects landlord mismanagement	✓	✓
Issue an Enforcement Notice	✓	✓
Issue Fines	✓	
Order payment of compensation to a resident	✓	
Appointment of manager to improve performance of the landlord	✓	
Transfer land to another provider to improve management of land (following an Inquiry)	✓ ^b	
Suspension and removal of officers in cases of mismanagement (during or after Inquiry)	✓ ^c	
Appoint a new officer to address service failure and improve management of company	✓ ^c	
Appoint an adviser to improve performance		✓
Requirement to tender some or all of its management functions	✓	✓
Requirement to transfer management of housing to a specified provider	✓	✓

a) This includes registered charities, housing associations and “for-profit” private sector landlords, b) Does not apply to registered charities, c) Applies to not-for-profit providers only

99 We wish to consider a number of possible regulatory changes to enable consumer standards to be enforced in a similar way to the economic standards. This would enable the Regulator to take a more rigorous and proactive approach to enforcement, like other regulators such as Ofsted. We want to ensure the “serious detriment” bar does not prevent the Regulator from taking a more proactive approach, and if it does, then we will consider removing it. At the same time, we are clear that the Regulator should continue to focus on cases of persistent and/or serious failure by landlords, leaving individual complaints to be addressed through the landlord’s own complaints process and the

Housing Ombudsman. **Is “serious detriment” the appropriate threshold for intervention by the Regulator for a breach of consumer standards? If not, what would be an appropriate threshold for intervention?**

100 To support a more proactive approach to enforcing the consumer standards we are considering arming residents with information through the introduction of a number of key performance indicators and for landlord performance to be published. Our current thinking is that the Regulator should monitor the key performance indicators to identify where there may be issues of concern with

performance. The Regulator would then be able to make a risk-based assessment of how and where to intervene, including through more regular or phased interventions. This could take the form of greater use of its powers to carry out surveys of homes where there is a potential problem with their condition, or inspections of the landlord's financial affairs where landlords consistently fail to provide an adequate service to residents. **Should the Regulator adopt a more proactive approach to regulation of consumer standards? Should the Regulator use key performance indicators and phased interventions as a means to identify and tackle poor performance against these consumer standards? How should this be targeted?**

101 We want to make sure that regardless of whether someone is a resident of a housing association or a local authority, the same minimum standards of service apply. The Government respects the democratic mandate of local authorities but this must be balanced with the need to ensure that residents are protected. **Should the Regulator have greater ability to scrutinise the performance and arrangements of local authority landlords? If so, what measures would be appropriate?**

102 We also want to improve the enforcement tools available to the Regulator to intervene where there is a consistently inadequate level of service. Given the requirement that action taken by the Regulator should be proportionate, we would still expect these powers to be used only when necessary. **Are the existing enforcement measures set out in Box 3 adequate? If not, what additional enforcement powers should be considered?**

103 As part of examining the scope of the Regulator's role we want to consider the case for extending its remit to other organisations that manage social housing. For example, around 200 Tenant Management Organisations and 34 Arms Length Management Organisations are in operation to manage homes on behalf of a local authority, which remains the landlord. The Regulator will hold the local authority landlord to account for the way the services are delivered, so it is vital that the local authority has good oversight arrangements in place to ensure that management organisations provide a good

service. There is a further question about whether more is needed to set out the accountability of the landlord for management services that are outsourced, or whether the Regulator should have direct oversight of how these management organisations operate.

Is the current framework for local authorities to hold management organisations such as Tenant Management Organisations and Arms Length Management Organisations to account sufficiently robust? If not, what more is needed to provide effective oversight of these organisations?

104 As we look to strengthen consumer standards, we need to make sure that the economic regulatory regime remains strong. Consumer and economic regulation need to reinforce and complement each other for the regulatory framework to work effectively. The regulatory review will look at how we can best deliver this outcome.

105 We want to be clear and transparent about how the Regulator is accountable to Parliament for meeting its statutory objectives. The Regulator is currently part of the Homes and Communities Agency, but upcoming legislative changes will shortly establish it as a standalone Non-Departmental Public Body.⁶⁸ As such it will be accountable to Parliament in the same way as other Non-Departmental Bodies.⁶⁹

106 As we develop the arrangements for the new organisation, we plan to review whether this standard approach needs to be tailored to the specific circumstances of the Regulator. **What further steps, if any, should Government take to make the Regulator more accountable to Parliament?**

107 These proposals will mean a greater role for the Regulator in ensuring landlords deliver better services to their residents. We want to make sure that the Board of the Regulator contains the right level of experience and skills to cover the functions that it carries out. As the existing Regulation Committee of the Homes and Communities Agency looks to make new appointments, it will seek to recruit someone with extensive experience of consumer regulation.

68 <http://www.legislation.gov.uk/ukdsi/2018/9780111166475/contents>

69 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/690951/Public_Bodies_-_a_guide_for_departments_-_chapter_8.pdf

Questions

12. Do the proposed key performance indicators cover the right areas? Are there any other areas that should be covered?
13. Should landlords report performance against these key performance indicators every year?
14. Should landlords report performance against these key performance indicators to the Regulator?
15. What more can be done to encourage landlords to be more transparent with their residents?
16. Do you think that there should be a better way of reporting the outcomes of landlords' complaint handling? How can this be made as clear and accessible as possible for residents?
17. Is the Regulator best placed to prepare key performance indicators in consultation with residents and landlords?
18. What would be the best approach to publishing key performance indicators that would allow residents to make the most effective comparison of performance?
19. Should we introduce a new criterion to the Affordable Homes Programme that reflects residents' experience of their landlord? What other ways could we incentivise best practice and deter the worst, including for those providers that do not use Government funding to build?
20. Are current resident engagement and scrutiny measures effective? What more can be done to make residents aware of existing ways to engage with landlords and influence how services are delivered?
21. Is there a need for a stronger representation for residents at a national level? If so, how should this best be achieved?
22. Would there be interest in a programme to promote the transfer of local authority housing, particularly to community-based housing associations? What would it need to make it work?
23. Could a programme of trailblazers help to develop and promote options for greater resident-leadership within the sector?
24. Are Tenant Management Organisations delivering positive outcomes for residents and landlords? Are current processes for setting up and disbanding Tenant Management Organisations suitable? Do they achieve the right balance between residents' control and local accountability?
25. Are there any other innovative ways of giving social housing residents greater choice and control over the services they receive from landlords?
26. Do you think there are benefits to models that support residents to take on some of their own services? If so, what is needed to make this work?
27. How can landlords ensure residents have more choice over contractor services, while retaining oversight of quality and value for money?
28. What more could we do to help leaseholders of a social housing landlord?
29. Does the Regulator have the right objective on consumer regulation? Should any of the consumer standards change to ensure that landlords provide a better service for residents in line with the new key performance indicators proposed, and if so how?
30. Should the Regulator be given powers to produce other documents, such as a Code of Practice, to provide further clarity about what is expected from the consumer standards?

31. Is “serious detriment” the appropriate threshold for intervention by the Regulator for a breach of consumer standards? If not, what would be an appropriate threshold for intervention?
32. Should the Regulator adopt a more proactive approach to regulation of consumer standards? Should the Regulator use key performance indicators and phased interventions as a means to identify and tackle poor performance against these consumer standards? How should this be targeted?
33. Should the Regulator have greater ability to scrutinise the performance and arrangements of local authority landlords? If so, what measures would be appropriate?
34. Are the existing enforcement measures set out in Box 3 adequate? If not, what additional enforcement powers should be considered?
35. Is the current framework for local authorities to hold management organisations such as Tenant Management Organisations and Arms Length Management Organisations to account sufficiently robust? If not, what more is needed to provide effective oversight of these organisations?
36. What further steps, if any, should Government take to make the Regulator more accountable to Parliament?



Chapter 4: Tackling stigma and celebrating thriving communities



Image © Clive Lawrence

Residents told us

It's time we looked at the problem of stigma.

108 Stigma was the most consistent theme raised by residents at the engagement events. Residents told us that they were made to feel like “second-class citizens”. They reported being treated as “an underclass” and “benefit scroungers”, rather than hardworking and honest people. Some residents told us of a “demonisation” of social housing and their communities in the media. There has been a stark failure to recognise and celebrate the best examples of community spirit in social housing in the same way that people take pride in the NHS. We agree that we should take pride in the best of our social housing, and that this Green Paper offers an opportunity for a change in the way social housing residents are treated, viewed and respected.

109 These experiences are not unique to the residents we spoke to. Research by Shelter shows that 24 per cent of families in social housing feel looked down on because of where they live, compared with only 8 per cent of families who are private renters or homeowners.⁷⁰ 90 per cent of social housing residents say the media portrays a stereotype of them.⁷¹

Residents told us

[I am] stigmatised for being in social housing and treated as a second-class citizen.

I am made to feel less of a person than the person that has bought their house.

[My main concern is] the perception of council tenants as benefit scroungers when there are many tenants who are hardworking, honest people.

⁷⁰ https://england.shelter.org.uk/media/press_releases/articles/shelter_launches_new_social_housing_commission

⁷¹ <http://benefittosociety.co.uk/wp-content/uploads/2018/02/B2S-publication-final.pdf>

110 Residents of social housing and their communities have felt stereotyped for years. It was common to hear from residents that others assume they are unemployed, lacking aspiration or involved in anti-social behaviour. Some reported being treated with the most basic lack of respect or courtesy by their landlords.

111 It is clear from the engagement events and research that these prevailing stereotypes and prejudices are not a true reflection of the reality. 72 per cent of the public over-estimate the number of people in social housing who are unemployed.⁷² Contrary to stereotypes, the English Housing Survey shows that 7 per cent of social housing residents are unemployed compared with 4 per cent in the private rented sector.⁷³

112 We recognise that public perceptions have contributed to the stigma felt by residents. Residents told us that for decades politicians and the media have contributed to the problem with some of the negative language they have used, which can have a lasting impact on how social housing and its residents are perceived.

113 This Government is determined to tackle such prejudice to ensure that the positive contribution that social housing residents make to their communities, and to society as a whole, is recognised.

114 The proposals in this Green Paper to rebalance the relationship between residents and landlords, along with our proposals to increase supply, will contribute towards changes in attitudes over time. This chapter looks at further ways to tackle this stigma.

4.1 Celebrating thriving communities

115 We want to celebrate the thriving communities that exist across the country with social housing at their heart. In doing so, we can learn from their success and challenge misleading stereotypes about neighbourhoods with social housing. We heard from many residents that they feel fortunate to live in social housing and take great pride in their homes and

the communities in which they live. We must recognise the important contribution social housing residents make to the vibrant and diverse communities that make up our country.

116 We have seen great examples of activities led by residents that are making a positive difference including gardening projects, household recycling schemes and buddying activities to tackle social isolation.

117 We want to celebrate the role of residents in shaping fantastic places by recognising the best neighbourhoods. Awards could include investment to support successful initiatives to grow, or funding for an event or a street party to bring people together across housing tenures and generate a sense of pride. **How could we support or deliver a best neighbourhood competition?**

118 Too many residents across the country talked of the stigma of social housing, when they actually saw themselves as ambitious and hardworking. We need to do more to explain and value the diversity of residents in social housing – from the most vulnerable who need support, to the majority of adult residents working and those supporting vital services like the NHS.

119 We want the stories told about social housing to reflect the experiences of residents and the contribution they make to their communities and wider society. If we can do that, we can begin to tackle the stigma faced by many of the 3.9 million households living in social housing.

120 The 'See the Person' campaign, previously known as 'Benefit to Society', promotes positive stories about social housing residents. Residents have shared a wide range of stories about their lives and the contribution they make to society. Hundreds of people have pledged their support to the campaign including residents, landlords, politicians and journalists, and we encourage others to do the same.

121 **In addition to sharing positive stories of social housing residents and their neighbourhoods, what more could be done to tackle stigma?**

⁷² YouGov online survey of 2,075 adults carried out on behalf of Soha Housing. Fieldwork was undertaken between 16-19 February 2018. The figures have been weighted and are representative of all GB adults (aged 18+).

⁷³ English Housing Survey 2016/17

Case study: Tackling stereotypes of social housing residents



Images © Soha Housing

'See the Person' is an independent tenant led campaign sponsored by more than 30 housing organisations across the country, which aims to tackle the common misrepresentations of people living in social housing. Research has shown that this stigma has damaging effects on individuals and communities. The campaign aims to tackle stigma by changing the language, range of stories and images used by the media and the public. It has published a *Fair Press* guide for journalists, asking for fair and representative coverage. Tenants leading the campaign have worked with their local media and political representatives, asking them to pledge their support. Campaigners have sought to reach people with no direct experience of social housing to present a more accurate picture of the people living in social housing by sharing the stories and experiences of social housing tenants and highlighting their contributions to society. The campaign asks people to 'see the person' irrespective of tenure. It brings together residents, housing associations, local authorities and Arms Length Management Organisations to ask politicians, social landlords and members of the public to pledge their support to tackling stigma.

4.2 Embedding good customer service and neighbourhood management

122 Too many residents felt they were treated with contempt by their landlord – that they were spoken down to, or treated as a nuisance, and that this contributed to a sense of stigma. This cannot be tolerated.

Residents told us

If you ring the helpline you are treated with contempt and talked to as though you are a child who knows absolutely nothing.

Being spoken to by staff on the phone in a condescending manner, it's sometimes humiliating and always demoralising.

I work full time but the council assume all council tenants don't work and are available to sit around for all day appointments, [it's] ridiculous the amount of holiday and unpaid leave I've taken.

123 We want to embed a customer service culture and attract, retain and develop the right people with the right behaviours for the challenging and rewarding range of roles offered by the sector. Some sectors have found that professional qualifications or industry codes of practice support this. We want to encourage professionalisation, building on the work already delivered by organisations such as the Chartered Institute of Housing. **What is needed to further encourage the professionalisation of housing management to ensure all staff deliver a good quality of service?**

124 Landlords have an obligation to meet the Neighbourhood and Community Standard. This includes cooperating with partners to promote social, environmental and economic wellbeing to prevent and tackle anti-social behaviour in neighbourhoods where they own homes.⁷⁴

125 It is clear that residents do not feel landlords are consistently meeting this standard. Therefore we are considering introducing a key performance indicator that will capture how well landlords undertake their neighbourhood management responsibilities. **What key performance indicator should be used to measure whether landlords are providing good neighbourhood management?**

Residents told us

They are very tenant and community minded and have great Community Development and Tenancy Services Teams. They encourage and support community involvement. They take into account the 'all round' wellbeing of all tenants and their properties.

The landlord organises occasional social events and has given out hampers to over sixty-fives for the festive season.

The greatest thing however is making sure our community is well informed and have the choice to get involved in all community activities through our community centre, a vital social aspect, especially of sheltered housing, that [the social landlord] excels at. The local volunteers are just wonderful, and are very dedicated to helping tenants who are old, infirm and vulnerable in not feeling so isolated. Our community centre has become a vital hub of human contact for those who live alone.

126 Some landlords are clearly going beyond meeting regulatory requirements. This can include providing employment support and signposting to vital services. Landlords have told us that investing in these wider activities can deliver many benefits, including building trust between the landlord and residents.

127 Many residents shared positive experiences including community activities that supported participation and community centres which acted as a hub for information and social interaction. Black, Asian and minority ethnic residents told us they particularly valued these additional services which helped to break down barriers between residents and

⁷⁴ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/419766/Neighbourhood_and_Community_Standard_2015.pdf

support everyone in developing important skills. This included activities such as training, language classes and cultural festivals which play a significant role in encouraging integration.

128 Housing associations play an important role in the financial inclusion of residents, including through offering financial guidance, signposting to affordable credit providers and offering furniture rental through initiatives such as the Newcastle Furniture Service. This activity increases the financial resilience of residents and helps to build stronger communities.

Case study: Poole Housing Partnership



Image © Lisa Mirkhandan, Poole Housing Partnership

Poole Housing Partnership runs a programme of residents' inspections against a range of criteria including litter, cleanliness and quality of green spaces.⁷⁵ Results are used to inform investment decisions in partnership with the local authority. In 2017, work was undertaken to install new fencing, create new bin storage areas, widen roads and carry out resurfacing works. Poole Housing Partnership has also undertaken 'tidy up' days where skips were provided so that residents were able to dispose of their bulky waste.⁷⁶ The grading system has been very successful, allowing Poole Housing Partnership to benchmark its performance against other organisations whilst enabling a greater focus of neighbourhood management and resources on those areas where it is most required.

⁷⁵ <https://www.yourphp.org.uk/residents-and-leaseholders/resident-involvement/estate-gradings/>

⁷⁶ PHP Estate Grading Report 2017

129 What evidence is there of the impact of the important role that many landlords are playing beyond their key responsibilities? Should landlords report on the social value they deliver?

130 Some residents were concerned that their landlords were not taking appropriate action to tackle anti-social behaviour. Residents told us that they felt their concerns were not taken seriously or were resolved too slowly. This created tension in communities and resulted in residents feeling unsafe in their homes.

Residents told us

[My main concerns are] anti-social behaviour from neighbours and over offending behaviour taking place next door to where I live, seemingly with little my housing provider can do about this.

[My main concern is] safety: it is important that tenants (and all residents) feel safe both in their homes and in the communities they live, particularly when raising families and children.

131 Local authorities and housing associations have a range of powers to tackle anti-social behaviour. Landlords are required to publish a policy on how they work with relevant partners to prevent and tackle anti-social behaviour in areas where they own and manage properties.⁷⁷ Informal interventions can be used by housing providers, offering a proportionate response to first-time or low-level incidents and a chance to intervene early to prevent behaviour from escalating, for example, warning letters, acceptable behaviour contracts and mediation.

132 Proposals in this Green Paper, including those to strengthen regulation, will help tackle anti-social behaviour. In addition we are considering introducing a key performance indicator to help tackle anti-social behaviour, but we will want to consider how this could impact on areas, and whether it could lead to some people feeling more stigmatised. **How are landlords working with local partners to tackle anti-social behaviour? What key performance indicator could be used to measure this work?**

4.3 Promoting good design

133 The design and quality of homes and their surrounding area is important to wellbeing, integration, tackling stigma and encouraging existing communities to accept new homes in their area. 84 per cent of residents report that better quality buildings and public spaces improve people's quality of life. The same proportion thought living in a well-designed community improves people's happiness.⁷⁸

134 Some residents told us they were concerned that the design and quality standards of new affordable homes are being compromised to reduce costs. They also felt that the attitudes of developers contributed to them feeling marginalised. In some cases, developments have separate entrances for social and private residents. In others, social housing can be too easily identified, for example through different coloured front doors to private properties on mixed tenure estates.

Residents told us

The structures that are being built are lacking modern style.

[My main concern is] the lack of improvement in housing from an architectural perspective. Homes are made...but are the mistakes learned, i.e. where badly thought out room spaces don't work are they improved?

77 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/419766/Neighbourhood_and_Community_Standard_2015.pdf

78 <https://policyexchange.org.uk/wp-content/uploads/2018/06/Building-More-Building-Beautiful.pdf>

135 We want to ensure that good design is applied regardless of tenure. Earlier this year Ministers held the first Design Quality Conference, calling on industry to embrace the latest innovations to make sure we are building the good quality and well-designed homes that our country needs.

136 The Prime Minister has announced missions to cut the energy use of new buildings by at least half by 2030 and to ensure that people can enjoy at least five extra healthy, independent years of life by 2035. The success of both of these missions depends on innovation in housing. We need to provide clear leadership to make sure that new buildings are safe, high quality and more efficient. Homes must support healthy, independent living for an ageing population by being flexible for changing needs.

Case study: Good design in the social sector



Image © Nick Kane

Peabody's Darbishire Place at the historic Whitechapel Estate, is an example of good quality social housing. Designed by Niall McLaughlin Architects, the building completes an arrangement of six housing blocks surrounding an internal courtyard, and respects the form and characteristics of the existing Victorian buildings on one of the oldest Peabody estates.

The scheme comprises 13 family homes, all of which are social housing. The design is sympathetic to its context, has a simple form and appearance and addresses the day-to-day needs of residents.

The project was shortlisted for a Stirling Prize in 2015 and won a RIBA regional and national award.

Case study: Mixed tenure sustainable communities



Image © Tim Crocker

Derwenthorpe is a mixed tenure, exemplar sustainable community of 540 high-quality, energy efficient homes. With 40 per cent for rent and shared ownership and 60 per cent for private sale, all houses are designed to the same standard and with the same appearance regardless of tenure. The affordable homes are integrated with other tenures across the whole site, avoiding grouping of tenure and promoting equality and diversity. The project has won numerous awards for its design approach and its social and environmental sustainability credentials.

137 The revised National Planning Policy Framework which was published in July, is clear that the Government is committed to ensuring the planning system can deliver high quality buildings and places.⁷⁹ The National Planning Policy Framework sets out policies which make clear that:

- plans or supplementary planning documents should use visual tools such as design guides and codes, to provide a framework for creating distinctive places with a consistent high quality standard of design;
- planning policies and decisions should ensure that developments are visually attractive and will function well and add to the overall quality of the area;
- the local character and history should be considered, to ensure a strong sense of place is created. This is important to make sure we are developing distinctive places to live, work and visit, but this should not prevent or discourage appropriate innovation or change; and,

- accessibility and provision of local and green infrastructure and amenities should also be a key consideration, as well as the density and mix of uses. This is important to make sure that places are safe, inclusive, well-connected, facilitate social interaction, support healthy lifestyles and promote a high quality of life for the community, whilst also delivering the number of homes needed.

138 We want to ensure this is applied to social housing in the right way, as part of the guidance which will be published later this year. In particular we will:

- strengthen planning guidance to take into account the principles of Secured by Design: to ensure that external spaces, parks, streets and courts are well-lit and well maintained so they are safe from crime and the fear of crime;
- strengthen guidance to encourage healthy and active communities: building on the National Planning Policy Framework's healthy and safe communities chapter;

79 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/728643/Revised_NPPF_2018.pdf

- strengthen guidance to encourage new affordable homes to be designed to the same high-quality as other tenures and well-integrated within developments; and,
- encourage design that reflects changing needs: for example, inclusive design for an ageing population and family housing at higher densities for effective use of land.

What other ways can planning guidance support good design in the social sector?

139 We heard from residents that they often feel a strong sense of community in the areas they live precisely because there is social housing. Residents will often have the best insights into the opportunities and challenges their neighbourhoods present. We want to give residents a stronger voice in the design, delivery and on-going management of social housing by helping to develop the skills for effective participation – particularly in leading, or engaging with, existing community-led housing developments.

140 Neighbourhood planning already gives communities power to agree and implement a shared vision for their neighbourhood. Since 2012 over 2,200 groups have started the neighbourhood planning process, in areas that cover over 12 million people.⁸⁰

141 However, the Government is aware that too often local people hear about schemes after a planning application has been submitted. The revised National Planning Policy Framework makes clear that communities should be engaged early in shaping local design policies. Our new 2018-2022 £23 million support programme will provide the resources and expertise that communities may need to plan for the future of their areas.⁸¹ **How can we encourage social housing residents to be involved in the planning and design of new developments?**

Questions

37. How could we support or deliver a best neighbourhood competition?
38. In addition to sharing positive stories of social housing residents and their neighbourhoods, what more could be done to tackle stigma?
39. What is needed to further encourage the professionalisation of housing management to ensure all staff deliver a good quality of service?
40. What key performance indicator should be used to measure whether landlords are providing good neighbourhood management?
41. What evidence is there of the impact of the important role that many landlords are playing beyond their key responsibilities? Should landlords report on the social value they deliver?
42. How are landlords working with local partners to tackle anti-social behaviour? What key performance indicator could be used to measure this work?
43. What other ways can planning guidance support good design in the social sector?
44. How can we encourage social housing residents to be involved in the planning and design of new developments?

⁸⁰ <https://www.gov.uk/government/news/228-million-boost-to-give-power-back-to-communities>

⁸¹ *ibid*



Chapter 5: Expanding supply and supporting home ownership



142 Our Housing White Paper set out our plans to fix the broken housing market and deliver the homes that this country needs.⁸² We have set a challenging goal to deliver 300,000 homes a year by the mid-2020s. The last time we built homes at this sort of scale, social housing made up almost half of the total.⁸³ Social housing remains central to our supply ambitions. It can be built out more quickly because it does not rely on the mortgage market, can provide up-front funding to unlock sites, and can ensure new homes are acceptable to local people.

Residents told us

[There is] not enough social housing being built, where will my children live? They cannot afford a mortgage and private renting is too expensive with no security.

I will never get on the property ladder as I'm unable to save for a deposit at the same time as paying rent.

143 There remains a long term need for social housing, especially in London and the South East. However we acknowledge that there are housing pressures in other places too, including rural areas. It is worth bearing in mind that, while social housing supports some of the most vulnerable in our society, 58 per cent of working age social tenants are in work.⁸⁴ For many such working tenants, particularly those living in areas of acute affordability pressures, the reality of housing costs will make renting in the private sector or saving for a deposit more difficult.

144 Social housing provides a stable base that supports people when they need it. But our social housing offer must also be one that supports social mobility – not one that provides a barrier to aspirations. Around two thirds of social tenants would prefer to be home owners given a free choice.⁸⁵ This is not surprising as ownership provides people with greater control over their home and access to a valuable asset.

⁸² <https://www.gov.uk/government/publications/fixing-our-broken-housing-market>

⁸³ MHCLG Live Table 244

⁸⁴ English Housing Survey 2016/17

⁸⁵ MHCLG (2018) Public attitudes to house building: findings from the British Social Attitudes survey 2017

145 Since the introduction of Right to Buy nearly 2 million households have been helped to become home owners,⁸⁶ but still less than one third of social renters expect to realise these aspirations.⁸⁷ In our conversations with residents, some said they wanted to access the Right to Buy offer that had been promised, or think that they would like to take advantage of it in the future, while others were concerned that the homes being sold are not being replaced quickly enough. Some of those who had bought through Right to Buy mentioned that home ownership would have been impossible for them without the scheme. We want to continue to help people become home owners. Equally, given high property prices and rents in the private sector, we are mindful that we will need to replenish the stock of subsidised housing for the foreseeable future. The fundamental challenge is to reconcile our ambition to extend the opportunity of home ownership to as many social tenants as possible, with the responsibility to maintain and increase the stock of social housing for those who need it.

Residents told us

[My main concern is a] lack of replacement of homes sold as a result of right to buy. This will end up with no places for people who need and can't afford to buy their own homes in the private market.

The right to buy option meant that when the houses were sold that money was not available to local councils to reinvest in more dwellings. I feel this has been a large factor leading to not enough social housing being built.

146 To deliver the social homes we need, central and local government, housing associations, private developers and others must pull together and radically increase the number of homes built every year. This chapter sets out our vision to:

- help local authorities build by allowing them to borrow, exploring new flexibilities over how they spend Right to Buy receipts, and not requiring them to make a payment in respect of their vacant higher value council homes;
- unlock additional supply through community land trusts and local housing companies;
- actively investigate how to provide longer term certainty to help housing associations build more; and,
- help people living in affordable home ownership schemes progress more easily to owning outright.

5.1 We will support local authorities to build more

Residents told us

[I'm concerned] that there may not always be council homes for my grandchildren. You never know what life throws at you.

147 We have built more council homes since 2010 than in the previous 13 years.⁸⁸ However building remains at a low level when compared to the peak of council house building – when local authorities delivered nearly half of new homes.⁸⁹ Local authorities have identified barriers preventing them building new homes:

- restrictions imposed by the Government on their ability to borrow money to fund house building;
- uncertainty about the level of rent that they can charge residents from 2020/21; and,
- limitations on how they are able to use their receipts from homes sold under the Right to Buy.

148 To address the barriers to local authorities building – and deliver the Prime Minister's commitment to a new generation of council house building – we are already taking action by:

86 Table 678, <https://www.gov.uk/government/statistical-data-sets/live-tables-on-social-housing-sales> and Table 1, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/695299/Right_to_Buy_sales_in_England_2017_to_2018_Q3.pdf

87 English Housing Survey 2016/17

88 <https://www.gov.uk/government/statistical-data-sets/live-tables-on-house-building>

89 MHCLG Live Table 209

- announcing that we will raise the housing borrowing cap by up to £1 billion in areas of high affordability pressure;⁹⁰
- giving landlords much greater confidence and certainty in their future rental income through the new rent settlement of Consumer Price Index +1 per cent to 2025;⁹¹ and,
- publishing a consultation on how local authorities can use the money raised from Right to Buy sales to help them build more homes.

We want to use this Green Paper to explore how we could go further.

Raising the housing borrowing cap

149 We have heard from local authorities that they can and want to build more of the homes people need, but are constrained by the borrowing cap. The overall housing borrowing cap for local authorities is set at £29.8 billion, and there is currently £3.6 billion of borrowing headroom available to local authorities in total,⁹² but this capacity is not always in the areas where local authorities are ready and able to build. In reality, many local authorities, especially those who are more ambitious and have already borrowed to build, have very little headroom left to borrow. 47 local authorities have less than 5 per cent of their borrowing headroom available,⁹³ so they simply cannot build any new council homes.

150 We will use the new £1 billion borrowing programme to measure the appetite and ambition of local authorities and their effectiveness at building new homes, with a view to considering whether further reforms are needed. We must also weigh the continuing need to drive down public sector debt. We hope to see the borrowing programme fully subscribed and to receive evidence of a wide range of proposals from local authorities for new development.

151 Recognising the need for fiscal responsibility, this Green Paper seeks views on whether the Government's current arrangements strike the right balance between providing grant funding for housing associations

and Housing Revenue Account borrowing for local authorities.

Reforming Right to Buy Receipts

152 We are publishing a consultation paper alongside this Green Paper which sets out proposed changes to the way local authorities can use Right to Buy receipts to deliver new homes. We are considering allowing local authorities to keep the Right to Buy receipts they already hold for longer than the current three years to ensure the receipts can be used alongside the borrowing cap increase. We are also considering allowing a greater proportion of the cost of new Social Rent council homes in areas of high affordability pressure to be met through Right to Buy receipts and to allow greater flexibility over the tenure of replacements – to include shared ownership as well as Affordable Rent and Social Rent. We are seeking view on these and other options and welcome input to the consultation which was published alongside this Green Paper and can be found at: <https://www.gov.uk/government/consultations/use-of-receipts-from-right-to-buy-sales>.

Giving Local Authorities confidence to invest in home building

153 We have also been listening to councils about their concerns that the Government may decide to implement provisions contained in the Housing and Planning Act 2016 which would mean they have to make a payment in respect of their vacant higher value council homes and return some of the funds raised to the Government. Many councils have told us that without knowing for certain whether this policy might be implemented in future years, it is difficult to make long term investment decisions. The Government remains committed to the principle that councils should use their housing assets effectively and should consider selling high value homes and using the funding to build more affordable housing. However, this should be a decision to be made locally, not mandated through legislation and we understand that the uncertainty around the future of this policy could prevent councils from building. Therefore to increase councils' confidence to plan ambitious house building programmes, we are confirming in this Green Paper that the Government will not bring the Higher Value

90 <https://www.gov.uk/government/topical-events/autumn-budget-2017>

91 <https://www.gov.uk/government/news/2-billion-boost-for-affordable-housing-and-long-term-deal-for-social-rent>

92 MHCLG Local authority revenue expenditure and financing England: 2016 to 2017 individual local authority data – outturn <https://www.gov.uk/government/statistics/local-authority-revenue-expenditure-and-financing-england-2016-to-2017-individual-local-authority-data-outturn>

93 *ibid*

Assets provisions of the Housing and Planning Act 2016 into effect. We will look to repeal the legislation when Parliamentary time allows.

The role that local housing companies can play

154 Housing companies can be an effective way to deliver new homes that the private sector is not delivering or that local authorities cannot deliver through their Housing Revenue Account. Generally, local authorities should deliver new affordable housing through their Housing Revenue Account. However, there are occasions where delivering these homes through housing companies might be appropriate. This could include situations where local authorities do not have a Housing Revenue Account because they have previously transferred their stock, or where the Housing Revenue Account cannot sustain new building. In these circumstances, local authorities should consider whether they could transfer new affordable homes to a registered provider once they are complete.

155 Where a local authority applies to us for consent to dispose of more than five council homes to a local housing company, we will want to see proposals which maximise the number of affordable homes and increase the overall level of housing supply. In these situations a company might support bringing existing social homes back into use or be able to replace them with higher numbers, or a more appropriate mix, of homes.

156 The Government believes it is important that social housing residents have the opportunity to realise their aspirations and become homeowners. Where housing companies are delivering and retaining affordable homes we would expect them to offer an opportunity for tenants to become homeowners. Where our consent is required for schemes to go ahead, local authorities should explain how they plan to make a home ownership offer to tenants of any new affordable homes.

5.2 Community-led housing

157 Community-led housing is about local people playing a leading and lasting role in solving local housing problems, creating genuinely affordable homes – including for ownership – and strong communities. The very fact that community-led

housing enjoys the support of local people helps unlock sites for new homes. This has been particularly successful in rural areas and on smaller sites where other developers are unwilling to build.

158 In 2016, we awarded £60 million in grants under the Community Housing Fund to 148 local authorities most affected by local affordability issues.⁹⁴ We have now launched a new £163 million Homes England programme to deliver the Community Housing Fund outside London.⁹⁵ The programme will provide revenue funding for community groups bringing housebuilding projects forward and capital funding for local authorities to provide local enabling infrastructure (such as access roads). As part of this programme, Homes England is also developing a new capital funding product that is suitable for the tenures used in community-led housing.

Residents told us

Housing Co-ops are a great way to live. For the tenant there is power, rather than relying on an external landlord, we can deal with issues as they arise, and take responsibility for getting things done... It would be great if this way of living was more widespread, so that more tenants had direct control over their own housing.

The landlord is governed by a Board made up of a majority of residents, who are elected by members. This works because those who are most affected by decisions such as rent setting, service provision and new developments have the final say on those decisions. Board members are doubly accountable to their tenants because they live next door to them and are accountable to them via elections.

159 The level of new housing delivery from the community-led housing sector in England is much lower than in comparable countries in Europe and North America, where several per cent of overall new homes is not unusual.⁹⁶ **How we can boost community-led housing and overcome the barriers communities experience to developing new community owned homes?**

94 <https://www.gov.uk/government/news/60-million-boost-for-communities-affected-by-second-homeownership>

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

96 'Housing Cooperatives Worldwide' 2017 Available: <http://www.housinginternational.coop/housing-co-operatives-worldwide/>

Case study: Rame Cross, Cornwall



Initiated and led by a Wendron Parish Council based housing working party, Cornwall Community Land Trust negotiated a land deal, designed and prepared a brief and secured planning permission for this 16 affordable home project in Rame Cross, a rural village in West Cornwall. Cornwall CLT then partnered with Coastline Housing Association to build the homes. The project received £378,000 from the Community Housing Fund which was critical to the scheme's delivery.

The houses are a mixture of affordable rent (11) and shared ownership (5), with the dwellings a mixture of bungalows and houses. The land is owned by Cornwall CLT and leased to the housing association. Construction finished in March 2018 and all dwellings are now occupied.

Resident-led estate regeneration

160 At the resident engagement events many raised concerns about the process and benefits of estate regeneration. We know that this can be an uncertain and anxious time for residents with some telling us that they feel like regeneration is something that is "done to them", that they do not have enough say over what is going to happen to their homes and their estate. We also know that when done well residents talked of estate regeneration providing opportunities to improve the quality of their lives and provide good quality homes.

161 Building on the good practice set out in the Estate Regeneration National Strategy, we will explore how the £400 million Government investment announced at Budget 2017 can attract wider local public and private investment into estates and the surrounding communities to create new and improved homes and more opportunities for local residents to be partners in the process and benefit directly from the changes. We will work with public, private and community sector partners to better understand how public and private investment can lead to improved social and economic outcomes for the existing community.

5.3 Helping housing associations and others develop more affordable homes

162 The Government recognises and values housing associations as important partners in delivering new affordable homes, as well as for their role in boosting social mobility through successful affordable home ownership products.

Residents told us

I feel privileged and lucky to be a housing association tenant, having an affordable, secure and quality home means everything and has helped me into employment and the security has also helped my children be happy and successful. My eldest has completed university and is in full time employment. My 18 year old also has a full time job. My youngest is settled and doing well in a local school.

163 We are already investing over £9 billion in our Affordable Homes Programme, including an additional £2 billion announced by the Prime Minister in October 2017, alongside flexibility to deliver Social Rent. We announced on 26 June 2018 how we will deliver a further 23,000 affordable homes outside of London, including at least 12,500 at Social Rent in the areas of highest affordability pressure.⁹⁷ This represents a real change in how we focus the Government's grant funding – targeting affordable homes to the areas where they are most needed. The programme will support the delivery of over 250,000 homes of a range of affordable tenures by March 2022.

164 Government funding is of course not the only source of investment for new affordable housing; indeed, capital grant only meets a minority of the cost of development. Housing associations invest significantly in the delivery of new affordable homes – particularly through private borrowing and their own resources. The Government has made it easier for housing associations to access the lending markets in order to develop affordable housing by:

- giving landlords much greater confidence and certainty in their future rental income through the new rent settlement of Consumer Price Index +1 per cent to 2025;
- guaranteeing £3.25 billion of borrowing under the Affordable Housing Guarantee Scheme; and

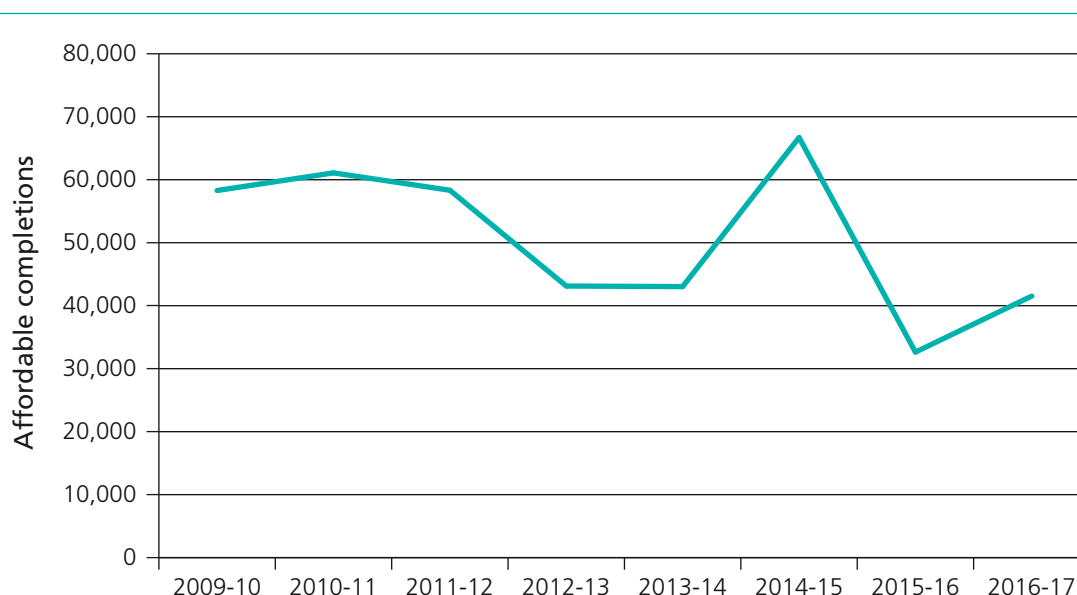
- implementing deregulatory reforms to give housing associations greater freedom over how they run their organisations and use their resources.

Longer term certainty

165 The Government has delivered capital investment in social housing for many years, but the stop-start nature of programmes has led to peaks and troughs in delivery. Housing associations and others tell us this makes it more difficult to plan ahead over the longer timeframes needed to build more affordable homes. This affects the risk appetite of their Boards and slows down the pace of delivering new homes. Government has also been told by developing housing associations that these peaks and troughs can affect the cost of labour and materials, providing poorer value for taxpayers' money, as providers rush to meet deadlines at the end of programmes.

166 We want to give housing associations and others the certainty they require to develop ambitious plans to deliver the affordable homes this country desperately needs. We have already announced strategic partnerships with eight housing associations up to 2022. Government will actively investigate the benefits of going further by providing funding certainty to some housing associations over an even longer period.

Figure 7: Affordable housing delivery, 2016/17⁹⁸



⁹⁷ <https://www.gov.uk/government/news/broken-shire-confirms-social-housing-investment-boost>

⁹⁸ MHCLG Live Table 1000

167 The eight strategic partnerships announced on 3 July 2018, will deliver an extra 23,500 homes by 2022 over their previous plans, including 14,280 additional affordable homes.⁹⁹ The Greater London Authority is also building strategic partnerships with ambitious housing associations to increase the number of affordable homes built over a longer time period.

168 These strategic partnerships demonstrate that funding certainty can make a real difference to how many affordable homes are delivered. This will support housing associations to further increase their delivery to meet the Government's overall supply ambition of 300,000 homes by the mid-2020s.

169 The Government seeks views on the impact of providing longer term certainty over investment.
What level of additional affordable housing, over existing investment plans, could be delivered by social housing providers if they were given longer term certainty over funding?

The role of guarantees in supporting new affordable housing

170 At Budget 2017 the Chancellor announced £8 billion worth of new guarantees to support new housing supply.¹⁰⁰ Through our extensive market engagement in recent months, housing associations have told us that the previous Affordable Housing Guarantee Scheme was helpful, particularly for smaller and medium-sized providers who are less well placed than the larger associations to access the capital markets in their own right. We have taken on board that providing access to the capital markets in the way the Affordable Housing Guarantee Scheme previously did would help support more affordable homes to be built.

Ensuring a strong regulatory environment

171 The economic regulatory regime is crucial to securing the confidence of lenders. We know that mergers and acquisitions have resulted in some very large developing housing associations, which are important to delivering the homes people need. In addition, different types of landlords are being set up and new business models are being developed. These include "for profit" companies (who, unlike housing associations, do not have to reinvest their profits into

their stock and new homes), and housing associations which exclusively lease rather than own all their properties.

172 To ensure that the economic regulatory regime remains strong and the consumer regulation meets our expectations for residents, we are undertaking a review of regulation. We will also be looking at how economic regulation can continue to provide lenders with the assurance they need to invest in new affordable homes. We welcome input to the call for evidence which was published alongside this Green Paper and can be found at: <https://www.gov.uk/government/consultations/review-of-social-housing-regulation-call-for-evidence>.

Unlocking more affordable homes

173 The Government remains committed to delivering more affordable homes to support the delivery of the 300,000 overall supply ambition and meet the needs of those let down by the broken housing market. To support this we have revised the National Planning Policy Framework, are increasing the supply of land and affordable homes in places of high housing demand through housing deals with local areas,¹⁰¹ and investing £9 billion through the Affordable Homes Programme (including £400 million of capital grant committed to building more supported and specialised housing).

Boosting social investment in social housing

174 We also recognise the role that social impact investors can play to increase supply of social housing, including for people going through tough times. Investments include:

- financing for housing associations which have a particular social focus, to supplement existing commercial investment streams;
- ethical property developments which deliver a higher proportion of affordable housing;
- increasing support for smaller housing providers;
- social lettings agencies and property funds that serve people facing mental health issues or substance abuse problems, domestic abuse victims and those with offending histories; and,

99 <https://www.gov.uk/government/news/homes-england-agrees-first-wave-of-strategic-partnerships-to-ramp-up-building-of-affordable-homes>

100 <https://www.gov.uk/government/topical-events/autumn-budget-2017>

101 <https://www.gov.uk/government/publications/oxfordshire-housing-deal>

- financing for specialist housing for adults with long term disabilities.

Improving the welfare system to help people struggling with the cost of housing

175 Residents spoke about their experience of welfare reform and concerns that Universal Credit was contributing to rent arrears. Landlords and the wider housing sector also expressed concerns – and Government has listened:

- To support low-income households in the private rented sector the Government created Targeted Affordability Funding. This is aimed at those areas where benefit rates have diverged the furthest from local rents. At Budget 2017, this funding was increased by £125 million, enabling the Government to increase 213 Local Housing Allowance rates, of which 203 were in England.
- At Budget 2017 we also announced that Universal Credit claimants will not be subject to any ‘waiting days’ and can now apply for an advance of 100 per cent of their indicative entitlement immediately, with the repayment period increasing from 6 months to 12 months. These changes will reduce rent arrears, provide a more stable rental income and restore confidence to landlords.

176 Universal Credit is designed to mirror the world of work, to give people control over their lives and encourage them to take responsibility for their financial affairs. This is important in minimising the difference between paid employment and receiving benefits. It also supports the rebalancing of power between residents and landlords in the social sector – giving residents clear ownership for their rental and service charge payments and empowering them as consumers.

5.4 Ensure we are using existing social housing efficiently for those who need it most

177 No matter how many affordable homes are built social housing will still be a precious resource so ensuring it is allocated fairly is crucial. Access to the

social rented sector is managed at a local level within a national framework. Local authorities set their own policies for allocations which will be published, but which must be in line with national legislation, regulations and statutory guidance.

178 The development of policy changes and local differences across England in terms of housing pressures has meant that the national picture of allocations is a complex one. We need to better understand how the system is playing out in local areas in order to understand if it is striking the right balance between fairness, support and aspiration.

179 We therefore propose an evidence collection exercise to help us understand how the allocations framework is working across the country. This evidence collection exercise will focus on:

- How local authority flexibilities on qualification and prioritisation are being used in practice – this will help us understand what is working and where the system and its implementation might be creating barriers or disincentives to people taking up opportunities or fulfilling their aspirations. It will also help to further understanding of how local authorities are making their decisions and supporting those most in need.
- How housing associations work with local authorities in allocating social housing – almost half of housing association general needs lettings are let to people on local authority waiting lists, as part of nomination agreements with the local authority.¹⁰²
- The role of local variations in lettings delivery including how they facilitate choice for residents – most social housing is let through some form of ‘choice-based lettings’ approach under which vacancies are openly advertised and people can apply for those that meet their needs. However, some local authorities have adopted other methods for matching residents to available properties.

Local authority tenancies

180 Our engagement with residents highlighted the importance they attach to housing stability in protecting vulnerable people and supporting strong communities, work and education.

102 MHCLG social housing lettings Continuous Recording (CORE) statistics

181 Currently, most people living in social housing have tenancies with lifetime security of tenure. These residents can stay in their social home indefinitely as long as they keep to the conditions of their tenancy agreement.

182 Since April 2012 all social landlords have had the flexibility to grant fixed term tenancies of two years or more, as well as existing lifetime tenancies.

183 Given the pressures on social housing the Government introduced further changes in the Housing and Planning Act 2016 to restrict the use of lifetime tenancies by local authority landlords. These changes are not yet in force but would require local authorities generally to grant tenancies on a fixed term basis and to review them towards the end of the fixed term period to decide whether to grant a further tenancy.

184 Since this legislation there has been a growing recognition of the importance of housing stability for those who rent. The challenges facing renters, including those in the private sector, were recognised in our White Paper, *'Fixing our broken housing market'*, and we are consulting on how to overcome the barriers to longer tenancies in the private rented sector.¹⁰³

185 Many residents spoke about the benefits of security in their tenancies, saying that they created strong, supportive communities, and particularly enabled people with vulnerabilities to thrive. Some felt that residents were more likely to look after their property, their neighbours, and the community if they had a lifetime tenancy. While some people thought it was right that residents should move out of social housing if they no longer needed it given the pressures on housing, many also had concerns about the uncertainty when fixed term tenancies came to an end and the impact this could have on their families and communities.

186 We have listened carefully to the views and concerns of residents and have decided not to implement the provisions in the Housing and Planning Act 2016 at this time.

187 We continue to recognise the benefits of fixed term tenancies in the right circumstances and social landlords can continue to consider how they can make use of them to get the best use out of their social

housing. But we think that how social landlords use fixed term tenancies should generally be decided at the local level, in consultation with residents, the wider community, and other social landlords in the area, in order to get the right balance between providing security for individuals and communities, and making best use of the homes available.

188 We have recently taken steps to ensure that when the mandatory fixed term tenancies provisions were implemented, lifetime tenants who suffer domestic abuse would retain lifetime security, when granted a new tenancy by a local authority. We want to make sure that similar protections for victims of domestic abuse are in place where local authorities offer fixed term tenancies at their discretion, and will therefore seek to bring forward legislation to achieve this when parliamentary time allows.

189 In the meantime we strongly encourage local authorities to give careful consideration to the safety and welfare of victims of domestic abuse, by ensuring that where they are offering further tenancies to lifetime social tenants as a result of domestic abuse, such tenancies are granted on a lifetime basis.

5.5 Ensuring social housing is a springboard to homeownership

Voluntary Right to Buy

190 There was significant interest from housing association tenants in an initial, small-scale pilot offering them the Right to Buy on similar terms to local authority tenants in 2016. Building on the success of the first pilot, we will launch a £200 million large-scale pilot of the Voluntary Right to Buy for housing association tenants this summer, which will give thousands of housing association residents in the Midlands the opportunity to purchase their own home.¹⁰⁴ We are using this pilot to test how the Voluntary Right to Buy works in practice within housing associations. It is important that we ensure the process works for tenants, and that housing associations are able to replace the homes sold under the pilot. We will test a new feature of the Voluntary

¹⁰³ <https://www.gov.uk/government/news/longer-tenancy-plans-to-give-renters-more-security>

¹⁰⁴ <https://www.gov.uk/government/topical-events/autumn-budget-2017>

Right to Buy – a “portable discount” which allows a tenant to move their discount to a different property where their home is not for sale.

Improving routes to affordable home ownership

191 We have taken action to increase the delivery of shared ownership homes. This includes a range of measures introduced in 2016 that made over 170,000 new households eligible, providing more people with a route into homeownership and greater social mobility.¹⁰⁵

192 However we know that some people can struggle to buy more equity in their homes. We have heard from both providers and shared owners and identified three main barriers:

- a) The minimum 10 per cent staircasing requirement – raising the money to buy a 10 per cent share can be difficult while trying to manage all other monthly outgoings. For some this may take many years, which can be a deterrent.
- b) The increasing value of the home – house price inflation creates uncertainty and this can make it difficult for shared owners to plan for the future. House prices rising faster than incomes in recent years has also made it more difficult.
- c) The additional fees – shared owners potentially need to pay mortgage and legal fees each time they purchase additional shares.

193 We are determined to remove the barriers that many shared owners face. We want everyone who enters shared ownership to have the opportunity to increase equity in their home. **How can we best support providers to develop new shared ownership products that enable people to build up more equity in their homes?**

Case study – new approaches to Shared Ownership: SO Resi Plus



Thames Valley Housing (TVH) is a housing association based in South East England. In 2015 they introduced “SO Resi plus” – a shared ownership model that allows shared owners to staircase in increments of 1 per cent at a price set at the point of purchase. “SO Resi plus” has proved to be a very popular product for TVH. In 2016 they signed up the 100th person to the scheme, and there are currently just under 500 customers taking part. Last year they achieved a 94 per cent sign up rate. Overall an average of 18 per cent of applicants are choosing to buy the extra 1 per cent each year, compared to an average of 3-4 per cent who staircase in traditional shared ownership.

¹⁰⁵ <https://www.gov.uk/government/news/help-to-buy-new-announcements>

194 Rent to Buy was introduced to the Government's Affordable Homes Programme in 2016 to support those who aspire to home ownership but have struggled to save for a deposit. Tenants pay sub-market rent (at or below 80 per cent of the market rate) for a minimum of five years, to help them save for a deposit to buy their home.

195 For those who are still unable to purchase their home after the fixed term, we are encouraging more housing providers to offer the homes as shared ownership – providing Rent to Buy tenants with an opportunity to buy a stake in their home while still having the ability to buy more shares and achieve full ownership. We want to encourage innovative models that help tenants that are struggling to raise deposits.

Questions

45. Recognising the need for fiscal responsibility, this Green Paper seeks views on whether the Government's current arrangements strike the right balance between providing grant funding for housing associations and Housing Revenue Account borrowing for local authorities.

46. How we can boost community-led housing and overcome the barriers communities experience to developing new community owned homes?

47. What level of additional affordable housing, over existing investment plans, could be delivered by social housing providers if they were given longer term certainty over funding?

48. How can we best support providers to develop new shared ownership products that enable people to build up more equity in their homes?

Consultation details

Consultation Summary

Topic of this consultation:	This consultation seeks responses to proposals relating to social housing.
Scope of this consultation:	The Ministry of Housing, Communities and Local Government is consulting on proposals relating to social housing.
Geographical scope of this consultation:	The proposals set out in this Green Paper relate to England only.
Impact Assessment:	<p>The purpose of the consultation is to gather evidence and seek views on proposals.</p> <p>Any policy changes brought forward as a result of the consultation would be subject to appropriate assessment.</p>

How to Respond

To:	This consultation is open to everyone. We are keen to hear from a wide range of interested parties from across the housing sector, including residents, landlords, local government, tenant engagement organisations and housing charities.
Body/ bodies responsible for the consultation:	Ministry of Housing, Communities and Local Government.
Duration:	The consultation will begin on 14 August 2018. The consultation will end on 6 November 2018. All responses should be received by no later than 23:45 on 6 November 2018.
Enquiries:	During the consultation, if you have any enquiries, please contact: SocialHousingGreenPaper@communities.gsi.gov.uk
How to respond:	<p>Consultation responses should be submitted by online survey: https://www.surveymonkey.co.uk/r/A_new_deal_for_social_housing</p> <p>We strongly encourage responses via the online survey, particularly from organisations with access to online facilities such as local authorities, representative bodies and businesses. Consultations on housing receive a high level of interest across many sectors. Using the online survey greatly assists our analysis of the responses, enabling more efficient and effective consideration of the issues raised for each question.</p> <p>We have listened to concerns about the use of online surveys and have made a number of adjustments ahead of this consultation. The online survey will allow respondents to: select the sections they wish to answer without having to go through the whole survey; save and return to the survey later; and, submit additional information or evidence to support their response to this consultation.</p>
	<p>Should you be unable to respond online we ask that you complete the pro forma available at https://www.gov.uk/government/consultations/a-new-deal-for-social-housing and send it to: SocialHousingGreenPaper@communities.gsi.gov.uk</p> <p>or:</p> <p>Social Housing Team Ministry of Housing, Communities and Local Government Third Floor Fry Building 2 Marsham Street London SW1P 4DF</p> <p>When you reply it would be very useful if you confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include:</p> <ul style="list-style-type: none"> • your name, • your position (if applicable), • the name of organisation (if applicable), • an address (including postcode), • an email address, and • a contact telephone number.

Glossary

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

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

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

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

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

Community Land Trust: a non-profit organisation for the ownership and/or management of assets (e.g. housing) for the benefit of the local community. They are member organisations – with membership open to any person within the defined community – and may take various legal forms.

Consumer Price Index: a measure of inflation.

Council flat/house: a home rented from a local authority as distinct from a housing association.

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

Fixed Term Tenancy: a tenancy that lasts for a defined period of time at the end of which the landlord will decide whether to bring the tenancy to an end or grant a further one. In social housing the fixed term must be at least two years.

General Needs Housing: a way of describing social housing for rent that is not supported needs.

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

Homes England: the national housing delivery agency.

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

Housing Benefit: a benefit that is administered by local authorities, which is designed to assist people who rent their homes and have difficulty meeting their housing costs.

Housing Co-operative or Mutual: a form of home ownership whereby the residents each own part of a corporation that owns the building(s). The term "fully mutual" means that membership of the co-operative is mandatory for all tenants.

Housing Health and Safety Rating System: a risk-based evaluation tool to help local authorities identify and protect against potential risks and hazards to health and safety from any deficiencies identified in dwellings.

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

Household Reference Person: the 'householder' in whose name the accommodation is owned or rented. The concept is widely used in household surveys such as the English Housing Survey.

Key Performance Indicators: a measurable value that demonstrates how effectively main objectives are achieved.

Local Housing Allowance: a scheme applicable in the private rented sector, which limits the maximum amount of Housing Benefit or the Housing Cost Element of Universal Credit to an applicable rate, based on household size and Broad Rental Market Area.

Local Housing Company: independent commercial organisations wholly or partly owned by local authorities to buy, develop or manage properties.

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

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

Non-Departmental Public Body: a body which has a role in the processes of national government, but is not a government department or part of one, and which accordingly operates to a greater or lesser extent at arm's length from ministers.

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

Private Rented Sector: homes rented from private landlords.

Rent To Buy: an affordable home ownership scheme that allows tenants to pay sub-market rent for a limited period, to help them save for a deposit to buy their home.

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

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

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

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

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

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

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

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

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

Universal Credit: a single, means-tested working-age benefit; paid to people whether in work or not.

Vacant Higher Value Council Homes (Higher Value Assets): A policy in the Housing and Planning Act 2016 that would enable the Government to ask local authorities to make a payment based on the market value of their vacant higher value council homes, with the expectation that they would sell these homes and the money raised would be used to fund a replacement home and extend the Right to Buy to Housing Association tenants.

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

White Paper: policy document produced by the government that set out their proposals for future legislation and may include a draft version of a Bill that is being planned.

Annex A – The Regulatory Framework for social housing

The Housing and Regeneration Act 2008 sets out specific duties and responsibilities for an independent Regulator of Social Housing ("the Regulator").

Who is regulated?

The regulatory framework applies to all "registered providers" of social housing. Local authorities who own homes are automatically registered and there is a registration process for private sector providers (such as housing associations, registered charities and "for profit" landlords) and bodies such as Arms Length Management Organisations.

What is the purpose of Regulation?

What are expectations of landlords?

The principal regulatory tool is a set of **seven outcome-based standards** to deliver these objectives. This comprises:

Parliament has set the Regulator two fundamental objectives:

- a) an **economic regulation objective**, which seeks to ensure a viable sector that is well-governed and efficient to command lender confidence and support delivery of new housing through a combination of private finance and public funding, and
- b) a **consumer regulation objective**, which seeks to support the provision of social housing that is well-managed and of appropriate quality, and to protect and empower residents.

No.	Name of Standard	Published	Type	Requirement
1	Governance and Financial Viability	April 2015	Economic	Effective organisational governance and resource management
2	Value for Money	April 2018	Economic	Ensure assets and resources deliver the best value possible
3	Rent	April 2015	Economic	Setting and charging rent in line with Government rules
4	Tenant Involvement and Empowerment	July 2017	Consumer	Landlords should provide choice and effective communication to tenants, including complaint handling
5	Home	April 2012	Consumer	Ensure homes are kept safe, decent and in a good state of repair
6	Tenancy	April 2012	Consumer	Letting homes in a fair, transparent and efficient way
7	Neighbourhood and Community	April 2012	Consumer	Keeping the wider area clean and safe, promoting wellbeing and tackling anti-social behaviour

How are the standards monitored and enforced?

Legislation requires the Regulator to carry out its responsibilities in a way that minimises interference and (so far as is possible) is proportionate, consistent, transparent and accountable.

Consistent with this approach, the operation of the regulatory framework is based on the principle of 'co-regulation'. This means that the Regulator regards

Boards of organisations and local councillors as being responsible to their tenants for ensuring that the business and its services are managed effectively and that providers comply with the requirements of all regulatory standards.

The Regulator is asked to adopt a proactive, risk-based approach to enforcing the economic standards, which apply only to private registered providers. In contrast, the Regulator's role in enforcing the four consumer

standards – which apply to all registered providers – is limited. It may only intervene for a breach of a consumer standard if it thinks there are reasonable grounds to suspect that a landlord's failure to meet a consumer standard has caused, or may cause serious detriment to tenants or potential tenants. The Regulator may also intervene where it considers there is a significant risk that if no action is taken, the failure to meet a standard will result in serious detriment to tenants or potential tenants. The Regulator interprets 'serious detriment' as actual or potential harm to tenants and where there has been systemic failure.

Where there is a breach of standards, the Regulator will initially work with the landlord to improve its performance. However, if this approach does not yield results or the landlord refuses to cooperate then the Regulator has a range of other powers it can use.



