

# Consumer Regulation – the new regime for local authorities

24 August 2023

# Consumer Regulation Review 2022-2023

- 10 of 13 registered providers who had breached the consumer standards were local authorities
- It is vital that Councillors and other senior leaders within local authorities understand their core landlord responsibilities as accountability sits with them
- Regardless of management arrangements they must have a clear line of sight and ensure effective mechanisms are in place to quickly identify and tackle under-performance

# Introduction – Sharron Webster (Chair)

Our speakers:

- Kate Dodsworth, Director of Consumer Regulation, RSH
- Jenny Osbourne, Chief Executive – TPAS
- Joanne Drew, Housing and Regeneration Director at London Borough of Enfield

Agenda:

- A Regulator's perspective
- The experience of and gearing up for inspection
- Insight from TPAS
- Panel session for questions

**We will be recording so that you can share**

# Themes from attendees' questions

Themes:

- Governance and oversight
- Tenant engagement
- Naughty step
- ALMOs
- Self referral
- Key challenges
- Gearing up for IDA

# Future sessions

Future sessions:

- Tenant engagement – let's share knowledge and good practice
- Access to information scheme
- Professionalism (maybe with CIH)
- Any others? Please comment



Regulator of  
Social Housing

# Consumer standards consultation

Kate Dodsworth – Chief of Regulatory Engagement

August 2023



# Our vision for consumer regulation

Landlords maintain tenants' homes so that they are safe and of a decent standard and that landlords provide a quality service.

Where things go wrong, complaints are handled effectively, and things are put right.

The relationship between tenants and landlords is underpinned by shared expectations of fairness and respect and a shared understanding of their respective rights and responsibilities.

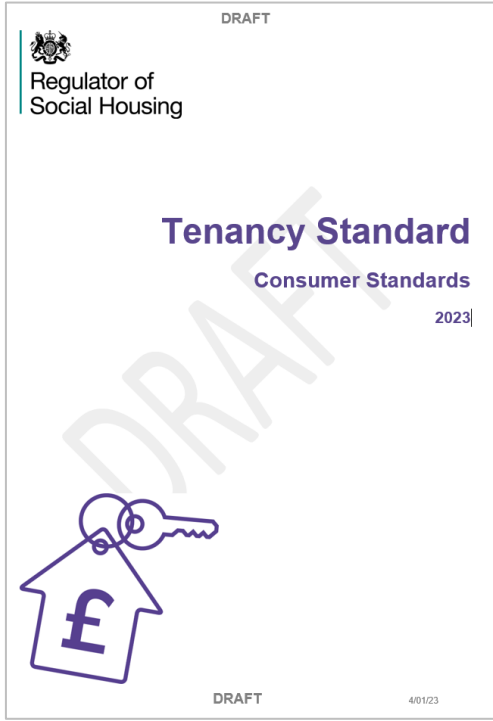
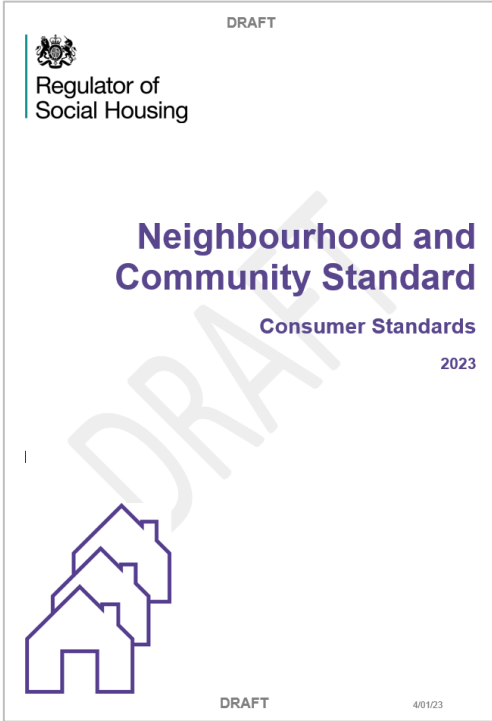
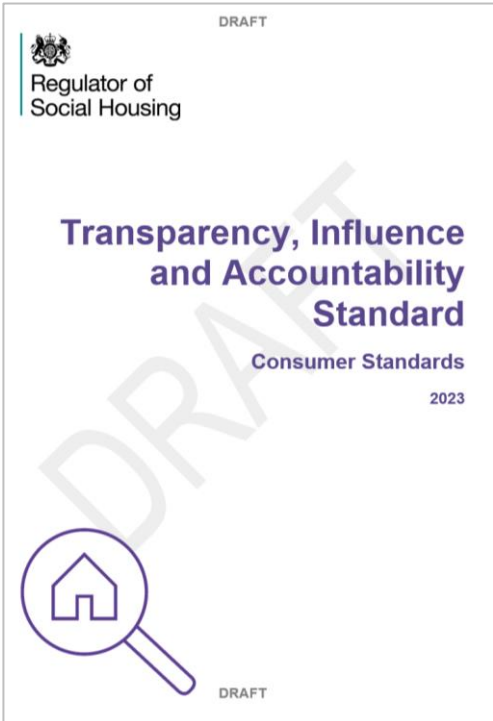
Landlords demonstrate that they understand the diverse needs of the communities that they serve, and their services reflect that.

Tenants understand, use, and have confidence in the recourse that they have to get problems resolved.

Stakeholders have confidence that landlords' commitment to their tenants is underpinned by effective consumer regulation, whether that landlord is a housing association, council, or for-profit provider.

# Proposed consumer standards

Themes: Safety - Quality - Transparency - Influence - Accountability - Neighbourhood - Tenancy





# Safety and Quality Standard

## Stock quality

- New requirements for RPs to have an accurate and up to date record of stock condition of individual homes and to use this understanding to ensure they provide good quality, well maintained and safe homes

## Decency

- 2012 Directions on Quality of Accommodation remain in place

## Health & Safety

- Explicit that all legal assessments are completed and arising actions carried out within timescales
- We expect landlords to consider the safety of tenants in all aspects of landlord service delivery

## Repairs, maintenance and planned improvements

- Requirements aim to be more tenant-centric with emphasis on easy reporting and good communication
- Moved away from right first time to setting timescales that achieve effective, efficient and timely repairs

## Adaptations

- Greater prominence – landlords must assist tenants to access adaptations service
- Recognition that not all landlords provide an adaptations service

# Transparency, Influence & Accountability Standard

## Fairness and respect

- Required outcome and cross cutting in the delivery of all requirements
- Underpins the aims of the White Paper

## Diverse needs

- RPs are expected to use data, taking action to improve access and equitable outcomes
- Greater focus on accessibility of communications, information & services

## Engagement with tenants

- 2023 Tenant Involvement Direction: give tenants opportunities to influence and scrutinise their strategies, policies and services
- Landlords must continually improve their approach service delivery including tenant engagement

## Information about landlord services

- RPs must provide essential information that all tenants need in order to be able to interact with their landlord

## Performance information

- Includes current TSM requirements alongside additional requirements to broaden the performance information that must be provided to tenants

## Complaints

- Policy continuity

## Self-referral

- White Paper expectation with a new power in the Act
- Largely mirrors the equivalent expectation in the G&FV standard, extending the expectation to LA providers

# Neighbourhood and Community Standard

## Maintenance of shared spaces

- Shared spaces are those used by tenants that are not the responsibility of the landlord
- Despite not having direct responsibility, landlords have a role to play in co-operating with others so those spaces are safe and well-maintained for tenants

## Local cooperation

- Very similar to our existing requirements - when considering their role, landlords must consider their strategic objectives and tenants' views as well as their presence in an area

## Safer neighbourhoods

- New requirements seek to better reflect the realities of an RP's role in deterring and tackling ASB
- We propose introducing requirements for landlords to have a specific approach for dealing with hate incidents

## Domestic abuse

- White Paper expectation with a new standard setting power in the SHR Act 2023
- Requirements recognise that landlords have a role to play in tackling domestic abuse

# Tenancy Standard

## Allocations and lettings

- Requirements aim to be more tenant-centric, recognising landlords need to balance competing demands to ensure stock is used appropriately
- We have given great emphasis to allocating adapted housing appropriately, to make the best use of homes

## Tenancy sustainment and evictions

- Greater prominence to expectation that providers support tenants to maintain their tenancy, and where that is no longer appropriate, providers should provide timely advice to those tenants

## Tenure

- 2012 Directions remain in place
- Future changes subject to a new Direction

## Mutual exchange

- New mutual exchange direction provides continuity; RPs providing support to tenants seeking to mutually exchange
- New expectation that landlords will offer tenants information on implications of a mutual exchange

# Aims of the draft Code of Practice

- Elaborates on some requirements, by giving examples where we think they are useful
- Amplify some of the requirements
- Does not seek to define every term
- Not to prescribe how providers comply with the standards
- Helps providers to understand what we are looking for when seeking assurance that they meet the standards
- Delivers key messages to the sector
- Providers should have regard to the Code – we can take the Code into account when considering compliance, but cannot enforce against it



## Consultation documentation

- Draft consumer standards
- Draft Code of Practice
- Draft Regulatory Impact Assessment
- Draft Equality Impact Assessment
- Plain English summary
- ‘Easy Read’ summary including response booklet

# How to take part in the standards consultation

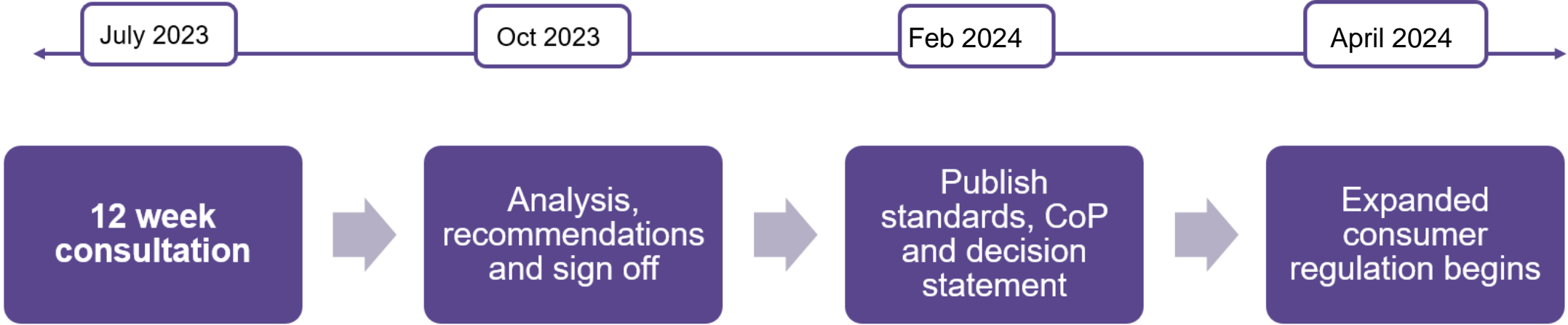
- Review consultation documents on RSH web page, including a summary of the consultation proposals
- Respond to the consultation questions online, or if preferred email your response to RSH's consultation email inbox or post it to our Leeds office

We want to hear from landlords, tenants and anyone with an interest in social housing.



**Make sure you have your say!**

# Next steps on the consumer standards and Code of Practice





Question time



# Governance and oversight

- The structure of councils decision making is different from that of housing associations – thoughts on options for approaching decision making and oversight of compliance
- How will the assessment of councils differ from the assessment in housing associations?

# Governance and oversight

- How would you suggest authorities approach self-assessment?
- We are preparing for the inspection regime and would be interested to hear about the work you did with members in the process

# Tenant engagement

- Subjectivity of measuring tenant engagement – How will the Regulator assess and measure meaningful and effective engagement with residents?
- What did the inspection pilots lead the Regulator to conclude of direct engagement with tenants during inspection?

# Tenant engagement

- How can we ensure that cabinet members understand the importance of engaging with residents
- How does the tenant voice feed into organisational decision making?

# Will there be a naughty step?

- Do you believe that a significant number of LAs will fall short of the standards (initially) and what is likely to happen?
- Where do you perceive the LA sector is most behind the curve in terms of readiness for the new standards?

# ALMOs

- Thoughts on the implications and nuances for LAs with housing ALMOs

# Self referral

- Guidance on approach to transparency in the absence of serious detriment test
- Guidance on "materiality"



# Challenges

- What in relation to the new consumer standards do you feel will be the biggest stretch for the LA sector?
- What are the key challenges for LA landlords identified through the pilots and thoughts on overcoming them?

# Learning from and gearing up for IDA

- What are the key learning points from the consumer pilot IDAs and how are they likely to shape forthcoming IDAs?

From both the pilot associations' and Regulator's perspective

- Once all the info and insight from the pilots has been concluded, will there be a full report on best practice/lessons learnt?
- What if some councils are not ready for the change? Will they receive any assistance ?

# Contact



**Sharron Webster**  
**Partner, Real Estate**

020 7423 8479

London

swebster@trowers.com



**Kate Dodsworth**  
**Director of Consumer Regulation**  
**Regulator of Social Housing**



**Jenny Osbourne**  
**Chief Executive**  
**TPAS**



**Joanne Drew**  
**Housing and Regeneration Director**  
**London Borough of Enfield**

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