



Ministry of Housing,
Communities &
Local Government

A new deal for social housing

A Consultation



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A new deal for social housing

Introduction

This consultation seeks views on making sure that social housing provides safe and secure homes that help people get on with their lives. The consultation is open to everyone. We are interested to hear from a wide range of interested people including residents, landlords and lenders.

The consultation is divided into 5 parts:

Part 1: Ensuring homes are safe and decent

Part 2: Effective resolution of complaints

Part 3: Empowering residents and strengthening the Regulator

Part 4: Tackling stigma and celebrating thriving communities

Part 5: Expanding supply and supporting home ownership

Respondents are invited to respond to each specific part and the relevant responses to each part will be considered in taking forward that particular proposal.

This consultation begins on 14 August 2018 and runs for 12 weeks until 11.45pm on 6 November 2018.

The Ministry of Housing, Communities and Local Government will process your personal data in accordance with the law and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties. A full privacy notice is included at Annex A at the end of this survey. Individual responses will not be acknowledged.

About you

1. Are you responding:

- On behalf of an organisation
 As a private individual

About you - organisation

6. If you are responding on behalf of an organisation, please tell us which sector your organisation is in:

- | | |
|--|---|
| <input type="checkbox"/> Local Authority | <input type="checkbox"/> Tenant Management Organisation |
| <input type="checkbox"/> Housing Association | <input type="checkbox"/> Trade Association |
| <input type="checkbox"/> Cooperative | <input type="checkbox"/> Tenant Representation Group |
| <input checked="" type="checkbox"/> Other | |

7. If you chose 'other' please tell us the sector which your organisation is in:

Local Government

8. If you are responding on behalf of an organisation, please tell us the name of your organisation:

The District Councils' Network

In addition to completing these consultation questions have any documents to support your response please attach them to this survey

9. We may want to contact you about your response. If you are willing for us to do this please provide an email address.

DCN@local.gov.uk

Consultation on the Social Housing Green Paper

About the District Councils' Network

The District Councils' Network (DCN) is a cross-party member led network of 200 district councils. We are a Special Interest Group of the Local Government Association (LGA), and provide a single voice for district councils within the Local Government Association.

District councils in England deliver 86 out of 137 essential local government services to over 22 million people - 40% of the population - and cover 68% of the country by area.

District councils have a proven track record of building better lives and stronger economies in the areas that they serve. Districts protect and enhance quality of life by safeguarding our environment, promoting public health and leisure, whilst creating attractive places to live, raise families and build a stronger economy. By tackling homelessness and promoting wellbeing, district councils ensure no one gets left behind by addressing the complex needs of today whilst attempting to prevent the social problems of tomorrow.

Principles of our response:

The DCN welcomes the Social Housing Green Paper and the opportunity to respond to the consultation. We are pleased to represent the position of district councils in contributing to the Government's aim to improve services for social housing tenants.

Social housing provides accommodation for households in the greatest housing need. The DCN believes that social housing should be affordable for households with a low or uncertain waged income and for those who rely on welfare benefits. This is particularly important when other sources of accommodation are becoming increasingly unaffordable, unavailable, lacking tenancy security or adequate quality.

A fundamental role of social housing is the prevention of homelessness and rough sleeping, by providing good quality, affordable accommodation. The experience of district councils is that there is insufficient social housing to meet the increasing demand from households who cannot access or sustain other tenures of housing. 50% of district councils who responded to a recent DCN survey about the impact of the first six months of the Homelessness Reduction Act have reported an increase in homelessness approaches to their authority. 70% reported an increase in the visible signs of homelessness in their area.

The DCN believes that there is a link between this increase in homelessness and the lack of affordable social housing. The reduction of homelessness and the elimination of rough sleeping will be dependent upon increased investment to ensure there is sufficient social housing to meet housing need.

Therefore we welcome the Prime Minister's recent announcement to abolish the Housing Revenue Account borrowing cap. We look forward to greater detail on this opportunity for local authorities to build Council housing at scale and we also call for borrowing opportunities to be made available to non-stock holding councils so that they may re-enter social housing provision. We welcome the decision to abandon the High Value Asset Levy which would have reduced the resources available to district councils to meet housing need.

The DCN believes that residents of social housing should receive any support they may need to sustain their accommodation and to avoid the risk of homelessness. We welcome the flexibility for social landlords to decide about the use of fixed term tenancies, as this will allow housing authorities to determine whether lifetime tenancies will contribute to homelessness prevention strategies. However, the support required for effective tenancy sustainment is reliant upon housing authorities having adequate resources to provide this support. It also relies upon sufficient investment in housing-related support by county councils to support the work of district councils.

We believe that local authority housing offers community-based, high quality accommodation, managed through the local democratic process. We do not support the proposal to transfer local authority housing stock to community-based housing associations.

However, we agree that social housing provision should be shaped by and involve the users of social housing. Ministers should continue their roadshows to hear tenants' voice across the country. Residents living within social housing areas should be listened to and must be given opportunities to participate in decision-making about the management of their homes, irrespective of tenure: including social housing tenants, leaseholders, those placed in temporary accommodation or living in private rented properties in former Council housing stock. Social landlords should be assisted to develop transparent and accessible processes for the management of residents' concerns and complaints, without unnecessary delays, with additional priority given to complaints about health, safety and property conditions. Best practice in complaint management will involve residents in determining how problems will be resolved, with shared responsibility between landlord and resident to achieve a positive outcome.

Social housing should be safe, healthy and free from hazards for all residents. The infrastructure of multi-occupancy blocks and the living areas of all social housing must be safe and compliant with safety standards. We agree that there should be

adequate centralised regulation, performance management and oversight of the management of social housing to ensure transparent compliance and there should be effective mechanisms to address breaches in standards.

Performance Indicators should be clear and should avoid duplication with data that is already collected. KPIs should reflect the factors that are important to residents and which will allow them to compare the performance of their social landlord to others. A comparative approach to KPIs, along similar lines to the Housemark model, would allow meaningful comparison and sharing of good practice with local authorities with a similar profile. We believe that social housing providers should produce sector-led best practice to support the ambitions of the green paper.

We support the ambition to remove the stigma associated with social housing and believe that increased quality standards will reinforce the desirability of living in accommodation provided by a social landlord. We would welcome a review of space standards in new-build social housing to ensure households have adequate living space to support wellbeing.

The DCN calls for the rising financial costs of tackling homelessness to be reflected in the fair funding formula, in order to provide greater security of funding for district councils to tackle homelessness. The DCN also calls for sufficient subsidy and new burdens funding for district councils to meet the ambitions of the Social Housing Green Paper.

A new deal for social housing

Chapter one - Ensuring homes are safe and decent

Dame Judith Hackitt's independent review of building regulation and fire safety 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.

10. How can resident's best be supported in this important role of working with landlords to ensure homes are safe?

We fully support the implementation of the recommendations from the Hackitt review of fire safety and building regulations, and agree that there should be clear lines of communication between residents and landlords/managing agents in order to raise concerns. District councils have the powers to step in, in cases where residents are unable to reach their landlords and/or managing agents and we actively encourage the reiteration of this available district council support to those tenants struggling to be heard.

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 rented sector 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.

11. Should new safety measures in the private rented sector also apply to social housing?

- Yes
 No
 Not sure

Please explain your answer further below, if you wish to.

Social housing must be safe, healthy and free from hazards for all residents. The infrastructure of multi-occupancy blocks and the living areas of all social housing must be safe and compliant with safety standards. We agree that there should be adequate centralised regulation, performance management and oversight of the management of social housing to ensure transparent compliance and there should be effective mechanisms to address breaches in standards.

The Decent Homes Standard requires social homes to be free of hazards that pose a risk to residents, 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.

12. Are there any changes to what constitutes a decent home that we should consider?

- Yes
 No
 Not sure

Please explain your answer further below, if you wish to.

We support a review of the Decent Homes Standard but would call for additional funding being made to be available to assist social landlords to implement any additions required to meet the expected standard.

13. Do we need additional measures to make sure social homes are safe and decent?

- Yes
 No
 Not sure

If you answered yes, are there measures you would suggest? Please answer below.

Any new safety measures which may be introduced in line with private sector landlords should also apply to leaseholders in blocks of social housing. To ensure safety measures are implemented by leaseholders, the government should consider grants/charges on properties for those on lower incomes to enable works to be undertaken. To ensure total transparency and compliance all materials & components should be traceable.

We call for any new requirement to have a named responsible person for the safety of a dwelling which should be provided to district councils.

Providing a stable financial platform will support district councils to make long term investment into making local housing stock safe and decent.

Some additional financial flexibility would help on this. For example, where councils are not able to spend all their right to buy receipts on replacement homes they could use this to fund health and safety work in existing buildings, rather than returning the money to the Treasury.

A new deal for social housing

Chapter two - Effective resolution of complaints

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.

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.

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

- Yes
- No
- Not sure

If you answered yes, you can provide suggestions below.

District councils do not have the resources to intervene in every residential dispute and we would support sector-led good practice to help social landlords resolve local disputes, to enable local and quicker resolution

Where a complaint is not resolved, a resident should refer their complaint to a “designated person”, such as a local MP, councillor or tenant panel, (known as the democratic filter), but if they do not want to do this or the designated person does not resolve or refer it on themselves, a resident must wait for eight weeks before the complaint can be referred to the Housing Ombudsman. There is a perception that the process of seeking redress took too long, and that the “democratic filter” contributed to delays.

15. Should we reduce the eight week waiting time to four weeks? Or should we remove the requirement for the 'democratic filter' stage altogether?

- Support the option to reduce the waiting time to four weeks
- Support the option to remove the 'democratic filter' stage altogether
- Support no change
- Not sure

We support the principle of disputes being resolved locally with the involvement of 'designated persons' and therefore do not support the removal of the 'democratic

filter'. However, in light of the concerns regarding the contribution to delays, we agree that there should be a removal of time constraints that prevent early resolution of residents' complaints should the democratic filter not provide resolution.

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.

16. What can we do to ensure that "designated persons" are better able to promote local resolutions?

Efforts should be made to ensure thorough Training and information should be made available to assist local councillors in the 'designated person' role and a clear course of action laid out to ensure the correct steps are taken.

We are looking at awareness of housing dispute resolution services more widely as part of our housing redress consultation. We also want to consider if there is a case for an awareness campaign to support social residents in particular to understand their rights to seek redress and to know how to make complaints and escalate them where necessary.

17. How can we ensure that residents understand how best to escalate a complaint and seek redress?

Best practice in complaint management involves residents in determining how problems will be resolved, with shared responsibility between landlord and resident to achieve a positive outcome.

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.

18. How can we ensure that residents can access the right advice and support when making a complaint?

We support the sharing of good practice to help social landlords to review their complaints procedures and consider ways to ensure the process is transparent for residents. Information should be readily available to residents to understand the agreed complaints procedure, with transparent means of communication to raise complaints and information on the escalation procedure should be easily accessible in a variety of formats including tenancy agreements.

There are no statutory guidelines setting out time frames within which providers should handle complaints. Dissatisfaction with the length of time it takes to resolve issues was mentioned at our engagement events. We therefore want to consider how to speed up landlord complaints processes.

19. How can we best ensure that landlords' processes for dealing with complaints are fast and effective?

We support the sharing of good practice to help social landlords to review their complaints procedures and consider ways to ensure the process is transparent for residents. The lowering of the waiting time from 8 weeks to 4 weeks to escalate to the Housing Ombudsman will hopefully encourage faster responses to issues raised and, where issues aren't resolved, will allow an opportunity to address the landlord's complaints procedure and share best practice to ensure faster and more effective resolution in future.

20. How can we best ensure safety concerns are handled swiftly and effectively within the existing redress framework?

By reducing the opportunity to escalate from 8 weeks to 4 weeks it will allow a better understanding of current procedures and allow intervention and an opportunity to share best practice with those landlords whose procedures to address safety concerns do not allow swift and effective resolution, District councils can play a key part in sharing this best practice and act as mediator before reaching the level of Housing Ombudsman and we would encourage active inclusion of the support and services we can provide in the framework to ensure residents are aware of all avenues they can consider to tackle a concern over safety..

A new deal for social housing

Chapter three - Empowering residents and strengthening the Regulator

We consider that 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.

21. Do the proposed key performance indicators cover the right areas?

- Yes
- No
- Not sure

22. Are there any other areas that should be covered?

- Yes
- No
- Not sure

Please explain your answer further below, if you wish to.

Centralised performance indicators can drive in disproportionate and bureaucratic behaviours, with organisations focussing unnecessarily on achieving targets rather than doing what is right in meeting demand. It is important that key performance indicators are locally determined in order to effectively address local issues which vary considerably throughout the country.

While there may be national advice provided on key issues, KPIs should be locally determined in order to effectively reflect the factors that are important to local residents and which will allow them to compare the performance of their social landlord to others.

23. Should landlords report performance against these key performance indicators every year?

- Yes

No

Not sure

See answer to question 22

24. Should landlords report performance against these key performance indicators to the Regulator?

Yes

No

Not sure

See answer to question 22

25. What more can be done to encourage landlords to be more transparent with their residents?

We believe that social housing providers should produce sector-led best practice to support the ambitions of the green paper.

We would welcome the sharing of sector-led good practice amongst social housing providers to achieve transparency in reporting to local residents.

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 Ombudsman.

26. 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?

Yes

No

Not sure

If yes, how can this be made as clear and accessible as possible for residents?

Social landlords should be encouraged to report locally to their own residents on the outcomes of complaint handling, rather than being obliged to report it centrally. A league table of complaint outcomes will mean a focus on targets and administration

rather than allowing social landlords to focus on improving customer service and getting things right first time.

Social landlords should be assisted to develop transparent and accessible processes for the management of residents' concerns and complaints, without unnecessary delays, with additional priority given to complaints about health, safety and property conditions. Best practice in complaint management will involve residents in determining how problems will be resolved, with shared responsibility between landlord and resident to achieve a positive outcome.

27. Is the Regulator best placed to prepare key performance indicators in consultation with residents and landlords?

Yes

No

Unsure

Please explain your answer further below, if you wish to.

We would support sector-led mechanisms for local authorities to report performance to their residents in ways that are accessible and meaningful at a local level.

28. What would be the best approach to publishing key performance indicators that would allow residents to make the most effective comparison of performance?

A comparative approach to KPIs, along similar lines to the Housemark model, would allow meaningful comparison and sharing of good practice with local authorities with a similar profile.

Should any additional reporting be required this must be compatible with local systems and in line with existing approaches, for instance within the Tenant Involvement and Engagement Standard. Any additional requirements should be treated as a new burden and properly resourced.

We want to consider the role of financial incentives and penalties to promote the best practice and deter the worst performance. For example, whether key performance indicators should help inform or influence the extent to which landlords receive funding and link the Affordable Homes Programme funding to the Regulator's governance rating as well as the viability rating.

29. Should we introduce a new criterion to the Affordable Homes Programme that reflects residents' experience of their landlord?

Yes

No

Not sure

Please explain your answer further below, if you wish to.

We would oppose additional criteria that would increase the bureaucracy of the applications process for the Affordable Homes Programme.

Setting this additional criterion could also mean that residents of poorer-performing landlords could be further penalised by a lack of investment into new homes.

30. What other ways could we incentivise best practice and deter the worst, including for those providers that do not use Government funding to build?

Incentives should be offered for developers and providers who offer a significant proportion of homes at affordable rent levels within their housing developments.

We want to understand more about whether the regulatory framework is setting the right expectations on how landlords should engage with residents, and how effective current resident scrutiny measures are. Landlords are required to consult residents 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.

31. Are current resident engagement and scrutiny measures effective?

Yes

No

Not sure

32 What more can be done to make residents aware of existing ways to engage with landlords and influence how services are delivered?

We believe that social housing provision should be shaped by and involve the users of social housing. Ministers should continue their roadshows to hear tenants' voice across the country however we actively encourage the use of other channels, such as targeted social media, to ensure all residents have an opportunity to share their opinions. Residents living within social housing areas should be listened to and must

be given opportunities to participate in decision-making about the management of their homes, irrespective of tenure.

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 with tenants, to enable them to have their voices heard more effectively at a national level.

33. Is there a need for a stronger representation for residents at a national level?

Yes

No

Not sure

If you answered yes, how should this best be achieved?

To ensure best practice includes the thoughts and concerns of residents, there must be a strong resident representation at a national level, however consideration must be made to the individual needs of local areas and assurances are in place so that a “one size fits all” approach will not be enforced.

We want to offer residents greater opportunity to exercise more choice and influence over the day to day housing services. We are exploring options to demonstrate how community leadership can be embedded in the governance and culture of mainstream landlords.

34. Would there be interest in a programme to promote the transfer of local authority housing, particularly to community-based housing associations?

Yes

No

Don't know

We believe that local authority housing offers community-based, high quality accommodation, managed through the local democratic process. We do not support the proposal to transfer local authority housing stock to community-based housing associations.

35. Could a programme of trailblazers help to develop and promote options for greater resident-leadership within the sector?

Yes

- No
 Not sure

36. Are Tenant Management Organisations delivering positive outcomes for residents and landlords?

- Yes
 No
 Don't know

Please explain your answer further below if you wish to.

We would caution against any generalisations as there is no “one size fits all” approach.

37. Are current processes for setting up and disbanding Tenant Management Organisations suitable? Do they achieve the right balance between residents' control and local accountability?

- Yes – the current processes are suitable and achieve the right balance.
 Yes – the current processes are suitable but do not achieve the right balance
 No – the current processes are not suitable and do not achieve the right balance
 Not sure

Please explain your answer further below, if you wish to.

There have been schemes, such as Local Management Agreements and Community Cashback (called Give it a Go grants) which have been designed to support social residents to take responsibility for a service within their local community.

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

No response

39. Do you think there are benefits to models that support residents to take on some of their own services?

- Yes

No

Not sure

If yes, what is needed to make these work?

40. How can landlords ensure residents have more choice over contractor services, while retaining oversight of quality and value for money?

Include customer satisfaction criteria within procurement requirements, whilst recognising that social landlords will need to give further weight to value for money and quality criteria.

The Government has recently announced a significant programme of leasehold reform which will benefit all leaseholders, both in the private and social sectors.

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

All residents living within social housing areas should be listened to and must be given opportunities to participate in decision-making about the management of their homes, irrespective of tenure. This should include leaseholders and the sub-tenants living in leasehold properties.

A new deal for social housing

Chapter three continued - Empowering residents, making sure their voices are heard

Parliament has set the Regulator of Social Housing a consumer objective, 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.

42. Does the Regulator have the right objective on consumer regulation?

Yes

No

Not sure

Please explain your answer further below, if you wish to.

The Tenant Involvement & Empowerment Standard 2017 includes sufficient requirements for the way that social landlords should involve the consumers of their services.

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

1. The Tenant Involvement and Empowerment Standard (July 2017) which includes a requirement for landlords to provide choices and effective communication of information for residents on the delivery of all standards, and to have a clear, simple and accessible complaints procedure.
2. The Home Standard (April 2012) which requires homes to be safe, decent and kept in a good state of repair.
3. 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.
4. 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.

43. 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?

Yes

No

Not sure

If yes, how?

An increased focus on residential health & safety requirements.

We also want to know whether landlords and residents would benefit from further guidance on what good looks like, without being overly prescriptive.

44. 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?

Yes

No

Not sure

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 residents. The Regulator interprets this as meaning where there is “serious actual harm or serious potential harm to tenants.”

45. Is “serious detriment” the appropriate threshold for intervention by the Regulator for a breach of consumer standards?

Yes

No

Not sure

If no, what would be an appropriate threshold for intervention?

The Regulator should intervene in potential residential safety breaches at earlier opportunities rather than waiting for 'serious detriment' to be declared. These earlier interventions could be at the point of residents' concerns or following internal whistleblowing.

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.

46. Should the Regulator adopt a more proactive approach to regulation of consumer standards?

- Yes
- No
- Not sure

The Regulator has carried out regular consultation on the consumer standards. The Tenants Involvement and Empowerment standard was last updated in May 2017, we call for this standard to continue to be regularly reviewed and it will be important to be specific about the type of information to be included within annual reports

47. Should the Regulator use key performance indicators and phased interventions as a means to identify and tackle poor performance against these consumer standards?

- Yes
- No
- Not sure

If yes, how should this be targeted?

A sector led approach that collaborates with the Regulator would be more consistent with the approach that Government has taken in other areas, although guidance setting out a clarity of expectations would be helpful.

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 against the need to ensure that residents are protected.

48. Should the Regulator have greater ability to scrutinise the performance and arrangements of local authority landlords?

Yes

No

Not sure

If yes, what measures would be appropriate?

We believe better collaboration to provide best practice guidance would ensure the best possible outcomes

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.

The Regulator is able to use a number of regulatory and enforcement powers where necessary to ensure compliance with the standards. The Regulator has different tools available depending on the landlord, and has published guidance setting out how it will use its powers. The key powers include:

Powers applicable to all 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
- Requirement to tender some or all of its management functions
- Requirement to transfer management of housing to a specified provider

Powers applicable only to private registered providers:

- 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)
- Suspension and removal of officers in cases of mismanagement (during or after Inquiry)
- Appoint a new officer to address service failure and improve management of company

Power applicable only to local authority landlords:

- Appoint an adviser to improve performance

49. Are the existing enforcement measures described above adequate?

Yes

No

Not sure

If you answered no, what other enforcement powers should be considered?

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. The Regulator will hold the local authority landlord to account for the way 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.

50. 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?

Yes

No

Not sure

If you answered no, what more is needed to provide effective oversight of these organisations?

There should be powers for local authorities to take TMOs and ALMOS back into the local authority's control when they fail to meet the Regulator's standards.

We want to be clear and transparent about how the Regulator is accountable to Parliament for meeting its statutory objectives. Upcoming legislative changes will shortly establish it as a standalone Non-Departmental Public Body. As such it will be accountable to Parliament in the same way as other Non-Departmental Bodies.

51. What further steps, if any, should Government take to make the Regulator more accountable to Parliament?

No comments

A New Deal for Social Housing

Chapter Four - Tackling stigma and celebrating thriving communities

We want to celebrate residents' role in shaping fantastic places by recognising the best neighbourhoods.

52. How could we support or deliver a best neighbourhood competition?

We would advocate putting resources into opportunities for communities to receive funding for local initiatives which empower and promote involvement rather than a more top down approach although we welcome any opportunities for new funding to support our communities .

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

We fully support the ambition to remove the stigma associated with social housing and believe that increased quality standards will reinforce the desirability of living in accommodation provided by a social landlord.

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.

54. What is needed to further encourage the professionalisation of housing management to ensure all staff delivers a good quality of service?

Ensuring the most robust and clear guidance is in place to ensure that both residents and staff are supported and any decisions made by housing management is not undermined through ambiguous guidance.

We are minded to introduce a key performance indicator that will capture how well landlords undertake their neighbourhood management responsibilities.

55. What key performance indicator should be used to measure whether landlords are providing good neighbourhood management?

We would support sector-led mechanisms for district councils to report performance to their residents in ways that are accessible and meaningful at a local level.

56. What evidence is there of the impact of the important role that many landlords are playing beyond their key responsibilities?

Social landlords go beyond their statutory responsibilities in all area of housing services. District council housing teams understand the holistic nature of the issues they are dealing with and will routinely reach out to partners and other agencies for a joined-up approach to problem solving.

57. Should landlords report on the social value they deliver?

We would support sector-led mechanisms for local authorities to report performance to their residents in ways that are accessible and meaningful at a local level however we believe social value is difficult to measure and should not be a requirement for social landlords to report on but should be encouraged as a means of sharing best practice and positive messaging.

We are proposing to introduce 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.

58. How are landlords working with local partners to tackle anti-social behaviour?

Working with partners to tackle ASB is essential for social landlords: each case is different and therefore varied tools & powers may be needed to achieve an effective solution.

District Councils are increasingly finding themselves bridging the gap left by changes in resources allocated to neighbourhood policing teams, with housing and anti-social behaviour teams bearing the brunt of the lack of Police officers and PCSOs based within social housing areas. This has led to a reduction in preventative measures by Policing teams, based on gathering local intelligence within the community.

There are multiple examples of district councils' housing and community safety teams working collaboratively to take enforcement action to remedy serious ASB and criminal activity, using powers within the ASB, Crime & Policing Act. This allows the use of a range of criminal and civil actions that can be taken by local authority landlords as well as the Police, such as injunctive powers and Closure Orders.

59. What key performance indicator could be used to measure this work?

Percentage success rate of ASB team (or local partners) to undertake early interventions with perpetrators.

Satisfaction ratings amongst the local community that ASB is being managed effectively by local authority / Police / partners.

We want to ensure that the revised National Planning Policy Framework is applied to social housing in the right way. 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 NPPF's healthy and safe communities chapter.
- Strengthen guidance to encourage new affordable homes to be designed to the same high-quality as other tenures and well-integrated within developments.
- 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.

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

Given that many affordable/social homes are delivered by private developers, as part of section S106 obligations, the introduction of more stringent planning design may cause challenges on the basis of viability. While the DCN would strongly support guidance supporting good design and quality in the social sector this must be balanced with ensuring developers do not seek to deliver fewer affordable homes on the basis of viability issues.

This risks becoming particularly true for social housing, as the new National Planning Policy Framework which requires 10 per cent low cost home ownership products before social homes can be delivered regardless of local need.

61. How can we encourage social housing residents to be involved in the planning and design of new developments?

Encouraging and collating best practise and learning from planning authorities and social housing providers as to how tenants have effectively been engaged in the planning process.

A new deal for social housing

Chapter Five: Expanding supply and supporting home ownership

A new deal for social housing

Chapter Five: Expanding supply and supporting home ownership

62. 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

Yes, current arrangements strike the right balance

x No, they don't strike the right balance

Not sure

Please explain your answer further below if you wish to.

District councils and housing associations have a key role to play in delivering affordable social housing. Policies should ensure that both are able to benefit from sufficient funding, The recent announcement on 30th October to lift the housing borrowing cap was therefore extremely welcome, Both councils and housing associations have a crucial role to play, but as outlined above they are also different as set out below

Right to Buy (RtB) only applies to councils and in a way that makes it difficult for them to deliver replacements. In contrast, the voluntary deal with housing associations is founded on offering them 100 per cent of sales receipts, and also be compensated in full for the discount given to tenants. District Councils must be allowed to retain 100 per cent of RtB sales receipts, and be able to use these over a longer timeframe than is currently the case. The extended timeframe must be for both existing and future RtB receipts

Until last week Housing Associations could borrow without restrictions but that did not apply to stock holding authorities. The Government should also consider providing non stock holding authorities with greater borrowing flexibilities to build more affordable homes.

Whilst additional social housing will reduce demand on homelessness services it is crucial that rising demand currently is reflected in the fair funding formula. New social housing cannot be delivered overnight and therefore until new social housing is delivered, the Government must recognise and reflect additional demand for homelessness services.

Increasing the availability of these tools to district councils will be increasingly important because councils are well placed to deliver value for money, as:

- Councils can borrow at much more favourable rates than housing associations via the Public Works Loans Board.
- Councils often hold their own land, and are increasingly using land to build homes that generate long term revenue generating assets.
- District Councils are well placed to mix social rented development with other housing and infrastructure schemes in ways that join up investment to maximise overall returns. District Councils often develop land that would not be viable for either the private sector or housing associations

Increasing the availability of these tools to councils is critical as councils have a democratic mandate and are therefore more accountable

District Councils hold a wide range of housing, homelessness, planning, infrastructure duties. While they do lots of good work housing associations do not have duties to meet wider housing need and can make investment decisions that do not meet the needs of everyone in the community, councils need the tools to ensure new homes meet the diverse needs of local communities.

District Councils exist in many areas of the country. Housing associations can choose to build where they like and can make decisions to disinvest in some markets, councils need the tools to ensure new homes are meeting the needs in the areas they serve.

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

No answer

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

64. 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 ambitions of councils to deliver more social housing and the increasing demand for it should be matched by equally proposals to match ambition and demand through the forthcoming spending review. Local areas will know best the level of social housing that can be delivered through greater financial flexibilities and a renewed commitment social housing, rather than setting a target that could become a ceiling, the policy framework should be suitably flexible to reflect demand across England.

There is significant scope for the planning system to give developers absolute certainty on the expectation of them to provide an element of social housing within developments. Areas of uncertainty are too often used by developers as a means to reduce section 106 social housing contributions.

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.

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

It should be up to district councils, as part of a wider localisation of finance and decisions on social housing, to determine the mix of products required to support people towards home ownership locally

About this consultation

This consultation document and consultation process have been planned to adhere to the Consultation Principles issued by the Cabinet Office.

Representative groups are asked to give a summary of the people and organisations they represent, and where relevant who else they have consulted in reaching their conclusions when they respond.

Information provided in response to this consultation, , may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA), the EU General Data Protection Regulation, and the Environmental Information Regulations 2004.

If you want the information that you provide to be treated as confidential, please be aware that, as a public authority, the Department is bound by the Freedom of Information Act and may therefore be obliged to disclose all or some of the information you provide. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Ministry of Housing, Communities and Local Government will process your personal data in accordance with the law and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties. A full privacy notice is included at Annex A.

Individual responses will not be acknowledged unless specifically requested.

Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

Are you satisfied that this consultation has followed the Consultation Principles? If not or you have any other observations about how we can improve the process please contact us via the complaints procedure at <https://www.gov.uk/government/organisations/department-for-communities-and-local-government/about/complaints-procedure>.