

The Social Housing White Paper: “The Charter For Social Housing Residents”

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About the author

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Colin has worked as an independent housing consultant since 2010, providing services to dozens of local authority, housing association and charity clients. He is a former housing association board member and a past chair of the CIH regional committee in the East. He has written extensively on housing and related matters for Inside Housing, 24 Housing, the Guardian Housing Network and On London. He is a co-founder of SHOUT, the Campaign for Social Housing.

1 Introduction

The Social Housing White Paper was finally published on 17 November, 27 months after the Social Housing Green Paper (“A new deal for social housing”) and exactly 41 months and three days after the catastrophic fire at Grenfell Tower.

Green papers are consultation documents. White papers are statements of policy intent that will require legislation. The Charter for Social Housing Residents aims to set out a new vision for the way that social housing residents are treated. It is a comprehensive and valuable document.

This briefing summarises the key proposals in the charter and provides some analysis and commentary.

2 Background

The fire at Grenfell Tower prompted some fundamental soul-searching about social housing. There was a widespread feeling, since confirmed by the Hackitt Review and the ongoing public inquiry, that residents had not been listened to and that this had contributed to the fire.

In her introduction to the Green Paper, the then Prime Minister said:

“...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.”

She promised that the government’s proposals would empower social housing residents, *“by giving them greater control over their lives and homes”*.

The Green Paper set out five key principles:

- 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
- Building the social homes that we need and ensuring that those homes can act as a springboard to home ownership.

There were 928 responses to the Green Paper – 432 individuals and 496 organisations. The government has summarised the responses [here](#).

3 A Charter for Social Housing Residents – summary, analysis and commentary

In his introduction to the White Paper, the Prime Minister (Boris Johnson) describes his experience as a cub reporter visiting a family living in a damp flat in Wolverhampton who had been ignored by their landlord. He writes:

“And while that scene unfolded more than 30 years ago, the culture and attitude that allowed it to happen – the idea that social tenants are less worthy of respect or can be ignored when their views are inconvenient – remains all too prevalent today...We’re levelling up this country, making it fairer for everyone – and that includes making sure social housing tenants are treated with the respect they deserve, so that nobody should ever again feel as hopeless as the man I met all those years ago.”

In his introduction, Robert Jenrick comments on his experiences of consultation sessions with residents during the Green Paper process. *“Time and again, former residents would return to two themes: firstly, that they didn’t feel listened to when they raised concerns and complaints and could only wonder what might have been avoided if their voices had been heard. And secondly, a broader sense that they had not been treated with the dignity and respect they deserved.”*

These ministerial comments are fundamental to understanding the main thrust of the White Paper – treating residents with respect, listening to their concerns and putting in place a fairer and safer system for all those living in social housing.

The Charter *“sets out what every social housing resident should be able to expect”* in seven themes (rather than the five themes of the Green Paper):

- 1 To be safe in your home.** We will work with industry and landlords to ensure every home is safe and secure.
- 2 To know how your landlord is performing,** including on repairs, complaints and safety, and how it spends its money, so you can hold it to account.
- 3 To have your complaints dealt with promptly and fairly,** with access to a strong ombudsman who will give you swift and fair redress when needed.
- 4 To be treated with respect,** backed by a strong consumer regulator and improved consumer standards for tenants.
- 5 To have your voice heard by your landlord,** for example through regular meetings, scrutiny panels or being on its board. The government will provide access to help, if you want it, for you to learn new skills to ensure your landlord listens.
- 6 To have a good quality home and neighbourhood to live in,** with your landlord keeping your home in good repair.
- 7 To be supported to take your first step to ownership,** so it is a ladder to other opportunities, should your circumstances allow.

“Residents” refers to all those who occupy social housing, including tenants, leaseholders and shared owners. Those who rent are referred to as “tenants”.

4 Summary of proposals theme by theme

4.1 To be safe in your home

Safety is at the heart of the charter. It proposes that the consumer standards will be strengthened to include safety, and landlords will be required to identify a nominated person to comply with all health and safety requirements. This mirrors the proposals in the Building Safety Bill to have a named Accountable Person responsible for higher-risk buildings.

The Regulator of Social Housing (RSH) will also be expected to prepare a Memorandum of Understanding with the Health and Safety Executive so that information on safety can be shared with the new Building Safety Regulator. (See our briefing on the new Building Safety Bill [here](#).)

The RSH will launch a consultation on mandatory smoke and carbon monoxide alarms in social housing.

4.2 To know how your landlord is performing

If residents want to hold their landlords to account, they need good information on performance, and how and why decisions are being made. The charter proposes a more proactive approach to the consumer standards so that residents can have more faith in how their landlord is responding to their needs.

Tenant satisfaction measures: The RSH will put in place a set of tenant satisfaction measures for all landlords on “*things that matter to tenants*”. These will reflect the themes in the Green Paper, around properties being in good repair, building safety, engagement and neighbourhood management, and will include measures on anti-social behaviour. The aim is that these measures will provide tenants with greater transparency about their landlord’s performance and inform the regulator about how the landlord is complying with the consumer standards under a proactive consumer regulation regime (See 4.4 below).

This will require an annual statement for residents as a minimum (this already happens, although the quality is variable) and the wider use of technology, such as apps, so that residents can access up to the minute data.

The satisfaction measures will cover issues such as compliance with the Decent Homes standard, safety, overall satisfaction with repairs, complaints, being respectful and helpful, satisfaction with the upkeep of communal areas etc. Data will be submitted relative to the size of the landlord, so landlords with a greater proportion of complaints or issues relative to their size can be identified. See Appendix A for the full list of data that will likely be required.

Financial reporting: Landlords will also be required to publish information about staff salaries.

- Chief executive’s salary relative to the size of the organisation
- Executives’ salary relative to the size of the organisation
- Management costs relative to the size of the landlord.

This reflects growing concerns about excessive executive pay. Providers already provide salary information in their annual accounts but there will presumably be a requirement to publish this information in a more understandable and digestible format – for example, by stating how much each tenant is paying per week towards the CEO’s salary.

Landlords will also be required to provide clearer information on how their funds are being spent. More work will be carried out with the sector on how best to do this.

New access to information scheme: The White Paper proposes a new “Freedom of Information” right for housing association residents. Good landlords are already open and transparent, but others less so. The new scheme will require all registered providers to provide information to residents upon request, or with the support of others such as councillors, MPs, solicitors, advocates, or local journalists.

This is a big change and the government will have to tread carefully as the Freedom of Information Act only applies to public bodies. There is a danger that this requirement will push providers closer towards being classed as “public bodies” rather than “private non-financial corporations”. The government had to rush through legislation in 2017 to re-define housing associations as private and not public bodies. This followed a decision by the [ONS](#) that the level of regulation and government control required English housing associations to be defined as public rather than private bodies.

Leadership on the consumer standards: Regardless of their size, landlords will be required to identify a “responsible person” who will ensure compliance with the consumer standards. They will drive performance and culture within the organisation. In smaller landlords this could be the chief executive. Again, this reflects the proposals in the Building Safety Bill for accountable persons to be identified in respect of higher-risk buildings, and the proposal elsewhere in the White Paper that a responsible person should lead on safety.

4.3 To have complaints dealt with promptly and fairly

The White Paper proposes to strengthen the role of the Housing Ombudsman, with stronger powers to set timescales for information being provided by landlords and ensure quicker response times for dealing with complaints.

The democratic filter, which prevented residents going direct to the Housing Ombudsman, will end. Residents will be enabled to contact the Housing Ombudsman directly without delay.

Various additional measures are proposed, including:

- Landlords will be required to comply with the Housing Ombudsman’s Complaint Handling Code, and make sure that they have good processes in place to respond swiftly and effectively to complaints
- The government will run an awareness campaign so social housing residents know their rights, are confident in navigating their routes to complain, and are aware of how to escalate to get redress where needed
- The relationship between the RSH and the Housing Ombudsman will be strengthened and formalised by requiring both bodies to co-operate with each other in holding landlords to account
- The Housing Ombudsman will become a statutory consultee for any changes to the regulatory standards.

These are all sensible proposals. The end of the democratic filter is to be particularly welcomed.

4.4 To be treated with respect, backed by a strong consumer regulator for tenants

This is a key theme in the White Paper, with a focus on a stronger role for the RSH in regulating the consumer standards. Co-regulation should continue – a partnership between boards and the RSH – but the consumer standards will be regulated more proactively. At present, economic regulation is proactive and consumer regulation reactive. Our previous briefings on this topic have highlighted the fact that around 250 staff regulate the economic standards and only two regulate the consumer standards. As a result, only around 1% of

referrals result in a serious detriment judgement. Many residents have felt that the consumer standards are not enforced effectively, because the RSH has been under-resourced.

The charter proposes “a similar level of regulatory oversight of both the consumer and economic standards”. The approach to consumer regulation will “proactive, proportionate, outcome focused and risk-based”.

This means that staffing in the RSH will need to increase significantly in order properly to regulate the consumer standards. To achieve this, an entirely new function will be created with “senior leadership and staff with the right expertise in consumer regulation, customer service and tenant engagement to effectively deliver the new proactive consumer regulation regime”.

In addition, the government will legislate to remove the ‘serious detriment test’ as soon as parliamentary time allows, so that the RSH can take a more proactive approach.

This more proactive approach will involve:

- Regular desktop reviews to identify the providers at greatest risk of failing the standards
- Routine inspections to obtain assurance from landlords that they are complying with the consumer standards. This will be based on a risk profile to ensure that those landlords at greatest risk of failing, or where failure might have the greatest impact on tenants, are subject to greater oversight
- The RSH will aim to inspect those landlords with over 1,000 homes every four years. It may carry out inspections at more frequent intervals where a routine inspection finds a breach or significant risk of a breach of its standards
- The RSH will publish its findings and be open and transparent about the actions it has taken. Landlords who fail the standards will have a Performance Improvement Plan imposed upon them
- The RSH will also be empowered to carry out repairs in an emergency where there is a clear systemic failure by the landlord. (This is an interesting proposal that could be widely taken up by some disaffected tenants.)
- The RSH will be empowered to produce a Code of Practice on the consumer standards – to mirror the current Code for the Governance and Financial Viability standard
- Removing the current cap on fines that can be levied (fines do not currently apply to local authorities and the White Paper does not specify whether this will change)
- Ensuring a level playing field so that all landlords, whether housing associations, local authorities, ALMOS or TMOs, are subject to the same regulatory regime.

Landlords should also have policies in place on tackling domestic abuse and it is likely that the consumer standards will be updated to include this requirement.

This section of the charter also includes proposals to broaden the skills mix and diversity of board members, and ensure that more board members have consumer regulation

experience. Disappointingly, this is the only part of the White Paper that refers to the need to improve the quality and calibre of board members.

Legislation is also proposed to require the RSH to set up an advisory committee to provide independent and unbiased advice to the RSH on discharging its functions. This committee will not be a decision-making body, but the RSH will be expected to seek its views on specific regulatory issues. This mirrors the proposals in the Building Safety Bill for an independent committee to advise the new building safety regulator.

4.5 To have your voice heard by your landlord

The charter puts a duty on the RSH to require landlords to show how they have sought out and considered ways to improve tenant engagement. There will be a new opportunities and empowerment programme open to all social housing residents, to support their effective engagement with landlords. The programme will deliver a range of learning and support activities, as well as providing information. Whether this will involve setting up a new national tenants’ body remains to be seen.

The charter also proposes a review of professional training and development to consider the appropriate qualifications and standards for social housing staff.

4.6 To have a good quality home and neighbourhood to live in

This section acknowledges the importance of safe and vibrant communal areas and green spaces for mental health and wellbeing, something that has been brought into sharp focus by the pandemic.

The key headline in the charter is the proposal to review the Decent Homes standard, which was first put in place in 2001. It will be reviewed to see if it should be updated to reflect changes such as climate change and changes in energy sources. Other measures in this section include:

- To review professional training to see how well housing staff are equipped to work with people with mental health needs
- To clarify the roles of agencies involved in tackling anti-social behaviour and signpost tenants to those agencies who can give them the most appropriate help
- To review the way that homes are allocated so that housing is allocated in the fairest way possible and achieves the best outcomes for local places and communities.

Pets are mentioned in this section. The charter recognises that pets are important to mental health and well-being and that landlords should adopt fair and reasonable policies with regard to pets. Blanket bans without good reason are unlikely to be tolerated.

There is also a recommendation that landlords should do everything they can to integrate social housing into the wider community, so that tenants are not made to feel like second class citizens – for example, by denying them access to communal facilities or by making them use “poor doors”.

4.7 To be supported to take your first step to ownership

Having spent 63 pages extolling the virtues of social housing and the need for better regulation it seems the government could not resist the chance to point out that most people want to own their own home. This section describes the steps that have been taken to increase the supply of affordable housing and then outlines the various schemes that will allow tenants to take their first step on the ownership ladder. A full evaluation of the Midlands Right to Buy pilot will be published.

5 Conclusions and moving forward

Most good landlords will have nothing to fear from these proposals. Indeed, most will already be doing much of what is proposed in this White Paper, or be in a position to implement the proposed changes fairly quickly. For others, if the measures are implemented in full, there will be no hiding place. The charter will provide a much greater voice to residents and give them powers to obtain information, and to seek redress for poor service.

Overall, the White Paper is a valuable document and potentially a positive step forward for social housing residents.

Your board or governing body should provide effective leadership on these proposals and ensure that you are in a position to implement them as soon as the relevant legislation comes through. That means putting in place a comprehensive action plan.

Our Chief Executive, Alistair McIntosh, has provided a useful checklist of the key actions that you should be thinking about. You can find this at Appendix B.

Appendix A

Draft tenant satisfaction measures

Properties to be in good repair

- Compliance with the Decent Homes standard
- Completing repairs right first time
- Overall tenant satisfaction with repairs.

Safety

- Compliance with all safety standards on gas, electrics, fire, asbestos water and lifts
- Overall satisfaction with the health and safety in homes.

Handling complaints

- Number of complaints relative to size of landlord
- % resolved on time
- Overall satisfaction with complaint handling.

Respectful and helpful engagement

- Number of complaints relating to fairness and respect relative to size of landlord
- Tenant satisfaction that their landlord listens to views and takes notice and overall satisfaction with landlord’s engagement with tenants.

Responsible neighbourhood engagement

- % areas meeting the required standard
- Number of complaints relative to the size of the landlord
- Overall satisfaction that areas are clean and safe
- Tenant satisfaction with landlord contribution to the neighbourhood
- Number of ASB complaints relative to the landlord size and overall satisfaction with ASB handling.

Overall satisfaction

- Overall tenant satisfaction with services.

Appendix B

A checklist of actions that you should be taking now:

Chapter one: To be safe in your home

Actions

- Identify and train up your nominated person responsible for complying with health and safety for residents
- Get quotes for smoke and carbon monoxide alarms for all homes and fit these
- Ensure up to date survey data on electrics across all your homes and act on it
- Develop a programme of consulting residents on health and safety
- Meet the requirements of emerging legislation on building safety and fire safety.

Chapter two: To know how your landlord is performing

Actions

- Identify and prime a senior person to be in charge of meeting the consumer standards
- Monitor how the RSH plans to gather satisfaction – the banking regulator appoints a contractor to run the surveys on their behalf (so you may well not be graded on a survey commissioned by yourself as the landlord)
- Nevertheless you ought to be checking how you are doing by way of surveys, focus groups and social media comments across the RSH’s draft satisfaction measures, which cover keeping homes in good repair, maintaining building safety, effective handling of complaints, respectful and helpful engagement, and responsible neighbourhood management
- Improve services in the light of what residents are saying
- Benchmark your CEO’s salary
- Benchmark your management costs
- Associations need to get ready for an access to information regime akin to the Freedom of Information Act 2000
- Work out how you will give residents a “clear breakdown” of what you spend money on via an app.

Chapter three: To have your complaints dealt with promptly and fairly

Actions

- Comply with the Housing Ombudsman’s complaint handling code (self-assessment due 31 December 2020)

- Improve the speed and effectiveness of complaints handling to be more responsive to residents and avoid being named and shamed by the Housing Ombudsman with follow up action from the new arm of the RSH
- Track and implement good practice on complaints.

Chapter four: To be treated with respect, backed by a strong consumer regulator for tenants

Actions

- Self-inspect your services against the consumer standards (you can see how to do [this via this link to HQN's guide](#) – we will update it to take account of the end of the “serious detriment” test)
- Set up a protocol for advising the RSH of breaches of the consumer standard
- Advise boards that the level of fines imposed by the RSH may be increased.

Chapter five: To have your voice heard by your landlord

Actions

- Get better at listening to residents and giving them useful and timely information
- Show how residents influence your decisions, eg, via surveys, focus groups, scrutiny panels, and board membership
- Improve staff training to get ready for new qualifications.

Chapter six: To have a good quality home and neighbourhood to live in

Actions

- Plan to finance and deliver the de-carbonisation of your homes
- Train staff so they are equipped to work with people with mental health needs
- Allow domestic pets where possible – no blanket bans
- Clarify which agency does what on ASB to improve effectiveness of responses
- Work out what role you will play when a Community Trigger sets up a multi-agency case review on ASB in an area
- Ensure new developments are integrated with other tenures to avoid stigmatisation and improve access to green spaces
- Make sure your allocation policies remove barriers to homeless people and are easier to navigate for vulnerable people
- Get ready for a regulatory standard on tackling domestic abuse
- Improve access to your homes for the armed forces and veterans.

Chapter seven: To be supported to take your first step to ownership

Actions

- Local authorities to assess viability of building more homes
- Assess viability of using new finance streams for supported housing
- Assess viability of new shared ownership model (10% stake and 10-year repair- free period)
- Assess viability of right to shared ownership on new grant funded homes
- Improve transparency of billing and VfM to leaseholders.

Final thoughts

Your main job is to work with your residents to build more homes in a better sector. Let’s do it. If you have any good ideas about taking the White Paper forwards, I’d be pleased to hear from you.

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