

TENANTS' & LEASEHOLDERS' PANEL
1 February 2012

Lead Officer: Executive director of adult services, health and housing

Wards: All

Agenda Item: 10

Subject: - TENANT SERVICES AUTHORITY – REGULATION OF HOUSING SERVICES

1. RECOMMENDATIONS

1.1 The Panel is asked to note this report and decide if it wishes to respond to the Government's consultation.

2. SUMMARY

2.1 This report summaries the Government's proposed changes to the housing regulatory framework introduced by the Tenant Services Authority.

3. BACKGROUND

3.1 From 1 April 2010 the Tenant Services Authority (TSA) became responsible for the regulation of all social housing providers. Following consultation with tenants from across the country they published standards for housing services which they expect all social housing providers to meet.

3.2 The Government had previously announced that the TSA will be become part of the Homes & Communities Agency (HCA) from April 2012. The TSA is proposing to make changes to the standards and the regulatory framework and is currently consulting on these proposals.

4. DETAIL

4.1 The six current regulatory standards now become seven with the splitting of rents from the tenancy standard. In addition the seven standards are split between 'economic' and 'consumer' standards. It must be noted that the economic standards **do not** apply to councils due to the governance and regulatory arrangements already in place for councils. A table of the proposed standards can be seen in appendix A.

4.2 The tenant involvement and empowerment standard reflects the regulator's emphasis on local mechanisms to involve tenants, scrutinise landlord

performance and resolve complaints and disputes, and an increased scope for more tenant involvement in the management of repairs and maintenance. The principles of 'local offers' and annual reporting to tenants are retained.

- 4.3 The tenure elements of the tenancy standard change significantly with regard to the introduction of flexible tenancies, protection for existing tenants, and requirements for tenancy policies. The 'most secure form of tenancy...' wording in the current tenancy standard disappears and different lengths of tenancy agreement will be allowed. New expectations to promote mutual exchanges are introduced including subscribing to a provider who is part of Homeswap Direct.
- 4.4 Councils are still required to meet the relevant standards, with responsibility falling clearly on the councillors who govern service delivery. However, except where there is a risk of serious harm to tenants (see below), it will be for councils to support tenants both to shape and scrutinise service delivery and to hold councillors to account.
- 4.5 The regulator will have a 'backstop' role in consumer matters. Having set the service delivery standards within the framework, it will only intervene where it considers there is risk of serious detriment (or harm) to tenants. The draft framework sets out how it will define and operate the 'serious detriment' threshold, and how it will accept referrals of consumer issues that pass the threshold.

5. SUMMARY

- 5.1 The regulator's proposals will mean that the council will be required to:
- Set up a robust framework to enable tenants to effectively scrutinise their housing services and hold their council to account.
 - Continue to develop local service standards (local offers) with its tenants and enable these to be monitored.
 - The council, together with its tenants, should complete an annual assessment of its performance against the agreed standards and summarise this in an annual report to tenants.
 - The council should consult with its tenants, housing applicants and other stakeholders in the development of its tenancy strategy and allocations policies.
- 5.2 The council has already agreed a framework for tenant scrutiny with tenants and will keep this under review to ensure that it is accountable to tenants, and that tenants have the information and opportunities they need to hold the council to account and shape service delivery.
- 5.3 Consultation on the council's tenancy and allocation policies is already underway.
- 5.4 The TSA is seeking feedback on its proposals. Should this panel or any

individual tenant wish comment, the consultation period is open until 10 February 2012. Full details can be found at www.tenantservicesauthority.org

6. EQUALITIES CONSIDERATIONS

6.1 The TSA regulations require housing providers to treat all tenants with fairness and respect. They must demonstrate that they understand the different needs of their tenants, including in relation to the seven equality strands and tenants with additional support needs.

6.2 The development of the Tenant Scrutiny Panel was subject of a detailed equality impact assessment.

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Background Documents: The regulatory framework for social housing in England from April 2010 – TSA March 2010.

A revised regulatory framework for social housing in England from April 2012, a statutory consultation – November 2011

Appendix A

The new regulatory standards

**The economic standards do not apply to local authorities.*

Economic standards* (s.194 of the HRA 2008 as amended by the Localism Act)	Containing requirements relating to the following areas
Governance and financial viability	<ul style="list-style-type: none"> • Governance • Financial viability
Value for money	<ul style="list-style-type: none"> • Value for money
Rent	<ul style="list-style-type: none"> • Rent
Consumer standards (s.193 of the HRA 2008 as amended by the Localism Act)	Containing requirements relating to the following areas
Tenant involvement and empowerment	<ul style="list-style-type: none"> • Customer service, choice and complaints • Involvement and empowerment • Understanding and responding to diverse needs of tenants
Home	<ul style="list-style-type: none"> • Quality of accommodation • Repairs and maintenance
Tenancy	<ul style="list-style-type: none"> • Allocations & mutual exchange • Tenure
Neighbourhood and community	<ul style="list-style-type: none"> • Neighbourhood management • Local area co-operation • Anti-social behaviour