



## Response to the Housing Green Paper 5/11/18

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

Housing 21 is a Registered Provider for older people of modest means. We provide Retirement and Extra Care housing which incorporates communal facilities as well as individual apartments.

We agree that residents should be given the opportunity to work with their landlord to ensure their homes are safe. In order to support residents to undertake this important role, there needs to be proactive engagement with residents which will include raising awareness of the checks which are undertaken by the landlord. The opportunities to become involved will then need to be widely communicated.

It is important to clearly and openly explain to residents the role that they can play in ensuring the safety of their homes as well as the role of the landlord. There should also be a clear and accessible channel for residents to raise any concerns they have about the safety of their homes and a commitment by the landlord to respond to and investigate thoroughly such concerns.

It is important that residents feel that their voices have been heard and taken seriously and there is a channel to express whether this has not been the case and for the landlord to be held to account.

We believe that there should be a requirement for all landlords to make a statement explaining how they will ensure they are working with residents to ensure their homes are safe.

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

Housing 21 believes that when speaking about the safety of residents there should be parity between the public and private sectors irrespective of tenure. The safety of residents whether in the social or private rented sectors should be the fundamental consideration and it is important that any concerns raised by any resident should be listened to and acted upon.

Any monitoring and enforcement should also apply to all sectors.

### **3. Are there any changes to what constitutes a Decent Home that we should consider?**

All of 21's properties meet and exceed the Decent Homes Standard.

It is recognised that the last revision of the Decent Homes Standard took place in 2006, so we believe there is a need for it to be updated. However, it is also recognised that changes are made each time there is a new or amended statutory requirement on a landlord or developer. In addition to this, the language used around the 'reasonableness criteria' enables it to remain applicable at a point in time.

We believe that the Decent Homes Standard should be viewed as the absolute minimum standard to be met, rather than a target, and landlords should be encouraged to go beyond the set standards.

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

The resolution of disputes at a local level is a more effective way for landlord and residents to work together to achieve a mutually agreed outcome. If effectively implemented it can avoid the barriers which serve to lengthen the complaints procedure.

Local housing staff should be available for residents to raise their concerns. However, the next stage of the process should also be clear and accessible to enable residents to understand the overall process.

To ensure that the mediation opportunities work effectively, there should be a greater focus on the response of the landlord. This should include the way in which the landlord engages with the resident and the opportunities which they offer to discuss the complaint.

All relevant supporting documentation should also be available in alternative formats if required.

### **5. Should we reduce the eight week waiting period to four weeks, or should we remove the requirement for the 'democratic filter' stage altogether?**

At Housing 21, we believe that the complaints process should be timely in nature. The bottom line is that the resident wants the complaint to be dealt with and resolved as soon as possible.



We therefore believe that a simpler complaints process should be implemented and all delays and barriers, including the democratic filter, should be removed completely.

The Ombudsman currently takes too long to respond to complaints indicating that they are not sufficiently resourced to deal with the volume of complaints. To enable complaints to be responded to and resolved within an acceptable timeframe, more resource needs to be made available to the Ombudsman.

Where a resident's complaint is upheld by the Ombudsman then that landlord should be subject to a financial penalty. This approach would also contribute towards the additional required resource for the Ombudsman.

## **6. What can we do to ensure that the designated persons are better able to promote local resolutions?**

From the perspective of Housing 21 and based on anecdotal evidence from across the sector, there is a lack of awareness in the designated person's route. This has resulted in its lack of use and understanding. This lack of understanding includes the designated persons (MPs, Councillors) themselves.

Local resolutions need to be backed by local accountability. This should be underpinned by sanctions if landlords fail to address the complaint effectively.

Although Housing 21 has established and uses a Residents Panel, this is not a model which is operated by all social landlords, thus leading to a reliance on those MPs and Councillors who may not be well informed to undertake the role. If this route is to continue to operate into the future there needs to be a programme of work to raise awareness amongst the designated persons which would also include ensuring that they are adequately equipped with the knowledge and expertise to undertake this role.

## **7. What can we do to ensure that residents understand how best to escalate a complaint and seek redress?**

Although it is essential to have an effective process in place to ensure that residents understand how to escalate a complaint, it is more important that the landlord demonstrates a willingness to listen and to respond appropriately to any complaint.

It is vital that all frontline staff and other relevant staff are equipped with the knowledge to inform residents on this matter. The ethos of housing providers should be that complaints are welcomed as an opportunity to make sure that they do the right thing by their residents and adjust their service offering accordingly. In addition to this knowledge of staff, a complaints service helpline and dedicated email address are ways for residents to receive advice on how to escalate a complaint and seek redress.

Landlords should be compelled to make their complaints process available to all residents in formats are applicable to their residents.

It is imperative that a complaint can be made in any way convenient to the complainant or by anyone on their behalf and they will not be treated any less favourably due to making a complaint.

Support for receiving information in alternative formats is also provided.

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

Although it is essential to have an effective process in place to ensure that residents understand how to escalate a complaint, it is more important that the landlord demonstrates a willingness to listen and to respond appropriately to any complaint.

Landlords should be compelled to make their complaints process available to all residents in formats are applicable to their residents. One way to access the right advice and support could be a dedicated mailbox and/or phone line for residents to obtain advice on the complaints process and be directed to the most appropriate person for their particular concern or complaint. Information should also be available on websites.

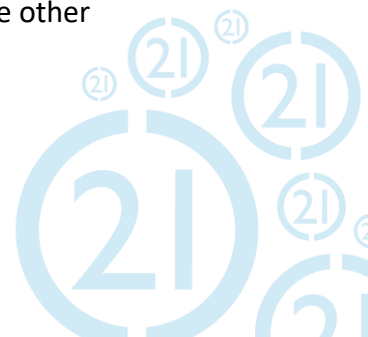
Landlords should commit themselves to responding to various stages of the complaints process within a set timeframe and ensure that the resident is kept up to date of progress with their complaint.

Landlords should monitor their own performance on complaints through such mechanisms as a resident complaint panel. This is fundamentally different to imposing a KPI as it involves other residents reviewing both the process and outcome of the complaint to ensure that it was addressed in the most appropriate and effective way. Such a process also ensures that an organisation is learning from its experience.

## **9. How can we ensure that landlords' processes for dealing with complaints are fast and effective?**

The way in which different landlords deal with complaints reflects the culture of individual organisations. Some view complaints as offering free advice and they are viewed as a form of business intelligence, others see them as an annoyance.

The Green Paper focusing on rebalancing the relationship between resident and landlords and this involves a culture change from within the sector. This culture change is equally applicable to the way in which complaints are dealt with alongside other aspects of being a landlord.



If landlords could be held to account by both residents and the ombudsman and a mechanism was available to support this, it would provide the impetus for processes to be faster and more effective. A consumer standard which contains clear commitments on the level of service which residents could expect across the range of services, including complaints, would provide a framework for a greater level of efficiency. Landlords could be encouraged to monitor their own progress against this and make this information available to residents.

It would be useful to develop a way to ensure landlords have, and are following their own internal complaints process. One way of encouraging the take-up of this by housing organisations could include the possibility of charging housing organisations against the number of complaints which are referred to the Ombudsman. Additionally there could be a fine or similar to housing organisations where it was found by the Ombudsman that they have not effectively followed their own internal complaints procedure.

#### **10. Do the proposed KPIs cover the right areas? Are there any other areas that should be covered?**

In setting KPI's it is important that the local context in which housing organisations work is considered as this invariably has an impact on the metrics which are calculated and reported as well as their subsequent interpretation and use.

Developing sector-wide KPIs which are meaningful and do not lead to unintended consequences will be a challenge. It is also important that any measures are developed in consultation with residents so that the metrics reflect what is important to them rather than the Regulator, Government or individual housing organisations. Of equal importance is the consideration of how KPI's will be measured so that neither an unnecessary level of bureaucracy is created nor an industry to collect, analyse and report on such KPIs.

Housing 21 disagrees with the ideas of league tables. It would be almost impossible for such league tables to reflect the diversity of the sector. They will almost inevitably absolve landlords from their responsibility for thinking about the right and best thing to do and move towards a conformance rather than a performance culture.

An alternative approach could be the adoption of a consumer standard to sit alongside the Governance and Viability ratings. We believe that this would offer the opportunity to look at trends in the area of resident satisfaction, complaints, resident engagement as well as offering the opportunity to increase understanding of lessons learnt. An approach similar to the IDA would enable the context of an organisation to be understood as well as the opportunity to target specific areas and possibly foresee future incidents. However, we do recognise the difficulties of enforcing such a standard

with the current resources available to the Regulator who is currently only equipped to monitor performance at the level of 'serious detriment'.

Although not agreeing with the idea of league tables, we offer some thoughts on the KPI's given in the Green Paper:

- Keeping properties in good repair – This appears to be a sensible measure and is something which we consistently strive to achieve
- Maintaining the safety of buildings – A very sensible metric in our opinion and a given fundamental requirement of a landlord
- Effective handling of complaints – Agree, although along with the other proposed KPIs, it is important that the correct metrics are captured. Experience in Housing 21 has shown that the results of questions around this are inextricably linked to the outcome of the complaint rather than a response around the process. It is important that any KPI linked to complaints does not discourage complaints being raised by residents
- Respectful and helpful engagement with residents – We feel that this is a more subjective measure and we would question how this would be captured. Also there are a multitude of factors which may influence the responses, so it is important that these primarily external factors and their impact on the metric are recognised. Additionally, we think that the description of what is being measured needs to be more tightly defined as 'helpful engagement' will have different meanings across the different parts of the sector and amongst residents themselves.
- The proposed KPI of 'responsible neighbourhood management including tackling anti-social behaviour' is again prone to subjectivity. It is essentially two separate KPI's requiring different measures. The ability to achieve this will differ between those landlords who are more geographically contained and those with housing which is more pepper potted across a number of neighbourhoods of differing characteristics.

#### 11. Should landlords report performance against these KPI's every year?

Yes, Housing 21 believe this is the correct thing to do.



## **12. Should landlords report performance against these KPI's to the Regulator?**

Housing 21 think that the performance of landlords should be assessed by their compliance against the Regulator's consumer code.

## **13. What more can be done to encourage landlords to be more transparent with their residents?**

Housing 21 believe that more can be done to increase the transparency of landlords and we are actively working to increase our own transparency. Examples of greater transparency could be the publication of resident facing information such as Fire Risk Assessments and Service Charge Agreements.

We believe that there should be a requirement for landlords to demonstrate how they are engaging with residents and involving them in decisions about the services which they receive and how the landlord is operating. This should also include open and transparent information on the choices residents can make, such as choosing contractors and suppliers.

Landlords should be required to develop and publish a charter to cover response times and commitments to action across a range of their services. On a frequent basis, landlords should be required to publish their performance against these commitments.

## **14. 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?**

As reflected in many of the other comments within this consultation response, the need to be transparent is paramount. To this end, Housing 21 would suggest that landlords are required to make public any adverse findings from the Ombudsman. The channel by which this is achieved should be whichever is the most efficient for the residents and their individual landlord. Reference should be made to the availability of this information in key documents produced by housing organisations.

## **15. Is the Regulator best placed to prepare KPI's in consultation with residents and landlords?**

Housing 21 does not believe that the Regulator is best placed to prepare KPI's rather individual landlords should be responsible for this and the Regulator has a role to play in assessing effectiveness.

Housing 21 supports the notion of landlords being open and transparent but any data or KPIs which are developed need to be meaningful to residents and landlords alike. If

correctly implemented, such measures could also help to drive improvement and allow the sector to showcase its strengths and identify areas for improvements. However, we are concerned about the adoption of league tables which can descend into a crude measure of performance which don't take account of local circumstances. Such an approach has the potential to lead to unintended consequences as housing organisations may strive to improve specific measures and maybe lose sight of that similarly important work which doesn't form part of the league table.

We are committed to driving up performance across the housing sector and believe that relevant and appropriate measures could be incorporated into a consumer standard which, it could be argued, would allow reporting at different levels for different audience. A top level report of a consumer standard could sit alongside the V and G ratings with more information and data held below this if further interrogation was needed.

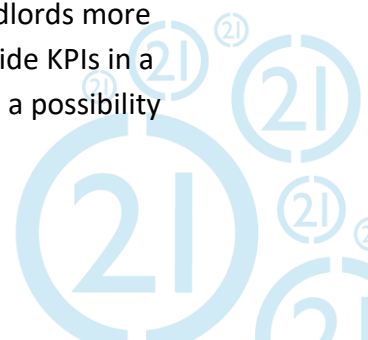
By not highlighting different characteristics of the housing sector, it may be interpreted that the Green Paper presents social housing as one homogenous sector. When considering KPIs or other ways of measuring performance, it is important to recognise the differences inherent within the sector and the different residents which are part of the differing sections. What is important to older people living in our accommodation is likely to be different to someone living in short term emergency accommodation or any other part of the sector. For this reason, if the Regulator is considered best placed to prepare KPIs, it is essential that close and meaningful consultation takes place with both residents and landlords. There will also be a resource issue for the Regulator if they are to take on additional responsibilities as they are currently only equipped to deal with 'serious detriment'.

Whatever data or KPIs are prepared, we feel that there is a balance to be struck between the Regulator preparing the data and individual housing organisations having a sense of ownership.

Whichever approach is taken, the development, analysing and reporting of KPIs needs to remain proportionate to what the Regulator is trying to achieve as opposed to creating an industry around

#### **16. What would be the best approach to publishing KPIs that would allow residents to make the most effective comparison of performance?**

Whilst Housing 21 recognises the intention of the Green Paper to make landlords more transparent we would question the return produced by publishing sector wide KPIs in a way for all residents to access. As stated elsewhere in this response there is a possibility





that this will result in crude league tables which will not reflect the nuances of the provision of different landlords and their respective residents.

Rather, the focus should be on ensuring that other recommendations contained in the Green Paper should be implemented which provide a clear and accessible understanding of the performance of a landlord in the context in which they operate. We completely agree that landlords should define and communicate the standards across their service offer, giving residents the opportunity for redress if these commitments are not met.

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

The current regulatory framework requires landlords to offer the opportunity to engage and subsequently to influence policy, but that is where the obligation ends. To make scrutiny measures more effective, attention should be on the quality of engagement and this should be assessed as part of the regulatory review.

It is felt that some ways in which resident engagement is undertaken is mechanistic rather than being focused on the quality of the outcome which should be able to be translated into tangible actions to impact on service delivery.

Effective communication with residents is key to ensure that resident engagement is meaningful. It is essential that such engagement is a two way process and that residents are listened to, heard and relevant actions developed. The way in which residents engage with landlords will be bespoke to the type of housing organisation but there should be a national minimum expectation for this.

**18. Is there a need for a stronger representation for residents at a national level? If so, how should this best be achieved?**

Housing 21 do not support the idea of a national residents body but do believe that an organisation such as TPAS would be the best way for residents voices to be heard. There should be widespread encouragement for landlords to engage with such a body to ultimately support their residents.

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

Based on the experience of Housing 21, we believe that there a number of innovative ways to give residents greater control over the services and we believe that such models

should be actively promoted and encouraged. Rather than being prescriptive in this approach, examples should be sought of different approaches.

One example which we have experience of includes a leasehold scheme, the residents of which expressed an opinion that our model of service was not right for them. Between the residents and ourselves we reached an agreement on their 'right to manage' the scheme and worked closely with them to provide the necessary support and guidance to ensure a smooth transition into a model in which they managed their own services.

A further example can be found in our 'choice and consensus' model within our retirement housing stock. As a landlord, we have identified the elements of service which we need to have oversight of and have a legal responsibility to manage. Outside of this, a consensus is reached at the local scheme as to what services and responsibilities the resident want to take on.

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

Residents can be offered the ability to express choice over those services which are not statutory and do not have to be delivered by a landlord. Residents and landlords can work together to define the extent of those choices and determine a way in which residents can effectively influence the delivery of some of their services.

Residents can be equipped to become engaged with the procurement process at either a local or national level, or both. The normal oversight which landlords have over quality and value for money can be retained.

## **21. Is 'serious detriment' the appropriate threshold for intervention by the Regulator for breach of consumer standards? If not, what would be an appropriate threshold for intervention?**

Housing 21 do not believe that serious detriment is the appropriate threshold for intervention, as this is considered to be action at too late a stage. As argued throughout this consultation response, Housing 21 believe that a consumer standard would be a more appropriate way of identifying when an association is failing. It is suggested that this consumer standard sits alongside the G and V ratings. In-depth work would be needed to be undertaken in conjunction with the housing sector and its residents as to what should be included within a consumer standard.

It is recognised that there are challenges with how to assess and perform a consumer standard as the Regulator is currently not resourced or minded to monitor performance



above the level of serious detriment.

**22. Should the Regulator adopt a more proactive approach to regulation of consumer standards? Should the regulator use KPI's and phased interventions as a means to identify and tackle poor performance against these consumer standards? How should this be targeted?**

The last review of the regulation regime was in 2010, with an update in 2015. It would therefore seem timely to review the current approach. Housing 21 suggest that the regulation should be more outcomes focused rather than its current focus on systematic failure. However, any changes to the Regulator or the Regulation regime have financial implications for the sector so these need to be consulted upon.

Phased interventions would appear at first sight to be a sensible approach to enable the Regulator to identify what improvements need to be made.

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

As a specialist older people's housing provider, Housing 21 are aware that it is common for older people to be partially blamed for the housing crisis by under-occupying their homes and for being selfish by staying in their family homes. This is within the wider current conversation around the baby-boomers who, it is perceived, have done very well financially. As well as being home owners, they have benefited from free university education, final salary pensions etc. In reality, this is not the case and it is not accurate for the older generation to be referred to as a homogenous group of people, but such rhetoric reinforces ageism.

As a specialist provider of housing for older people, Housing 21 believe that our residents are less stigmatised by the fact that they are living in social housing than the mere fact that they are older. There are still outdated views of extra care housing being a residential care home with all of the negative connotations and language which accompanies that. We believe that the real issue of ageism is something which should be tackled.

More generally on the stigma associated with social housing, there is a question around whether the terminology of 'social housing' including 'affordable rent' actually reinforces that stigma. Also, social housing is not generally seen as a tenure of choice which leads the general public to believe that there is a 'reason' as to why someone is in social housing. Could this stigma be tackled if more social housing was built so that living

in it became more mainstream as was the case historically?

The Green Paper also refers to social housing as a stepping stone to another tenure but the alternative of home ownership may not necessarily be of better quality than the high standards of social housing which are currently being built.

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

The research which has been undertaken to try and evidence this is limited in its scope, availability and value.

Social value is notoriously difficult to measure and report in a way which makes it applicable across the sector. If there was an appetite to measure social value then an easily understood and accepted methodology would need to be developed across the sector.

Housing 21 together with Hanover and Anchor commissioned IPSOS Mori to measure the impact which our preventative services had on the health and social care services. Some interesting data was produced but there is a reticence from the health sector to give credibility to research which does not include Random Controlled Trials which demonstrates the gold standard of research.

**25. Should we introduce a new criterion to the Affordable Homes Programme that reflects residents' experience of their landlord? What other ways could we incentivise best practice and deter the worst, including for those providers that do not use Government funding to build?**

Housing 21 recognise that consumer standards and house building commitments are both legitimate concerns but questions the merit of a formal link.

We have concerns about directly linking KPIs (or an alternative) to funding decisions, especially in the short to medium term when the impact of the KPIs (or alternative) are not fully understood.



The Green Paper emphasises the important role of Housing Associations and whilst it does not offer much detail on supply, there is a recognition of the role which Housing Associations are playing in boosting the supply of housing. At this current time when there is a crucial need to increase supply, it appears counter intuitive to impose a penalty which may decrease that activity.

The introduction of a consumer code to compliment the ratings of G and V would allow the Regulator to identify any issues between residents and landlords. However, caution should be expressed on any overly simplistic measure as there is the possibility that landlords may be penalised due to resident feedback which relates to external factors outside of their control. The development of a consumer code must be done in conjunction with residents and housing organisations so that those issues of importance to residents, as opposed to Government are reflected.

There may also be examples where Housing Associations are undergoing a period of change and the fall in standards may be linked to actions which are being taken at a particular moment in time. This short term penalisation will have a negative impact on the supply which housing organisations are planning to deliver in the longer term. It is therefore important that discretion is used in such cases.