



Housing LIN

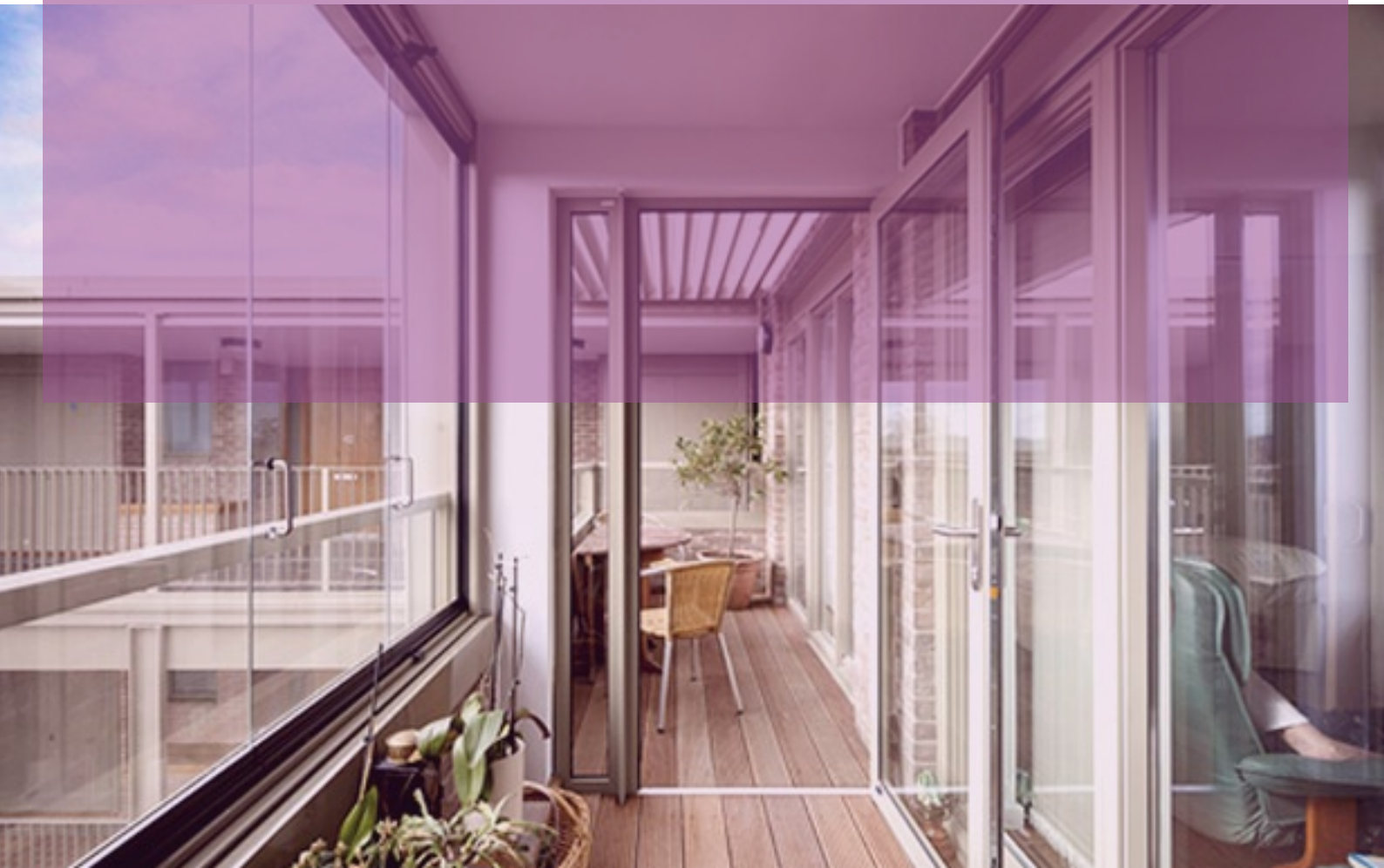
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Viewpoint 108

What do the new consumer standards and inspection regime mean for providers in the specialist housing sector?

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Introduction

The Social Housing Regulation Act 2023 came into force in July 2023. To coincide, the Regulator of Social Housing (“RSH”) has been busy preparing its new “proactive” consumer regulation regime. Following a range of consultations which concluded early this year, the new regime came into force on 1st April 2024. This viewpoint for the Housing LIN considers what the new consumer standards and inspection regime mean for registered providers of social housing in the specialist housing sector.

A new approach

Central to the new regime are the implementation of new consumer standards sitting alongside the RSH’s existing Governance and Financial Viability, Value for Money and Rent Standards. These are supported by a new code of practice. Inspections from 1st April will be carried out to include consideration of compliance against these standards.

The question for specialist registered providers of social housing (“Providers”) is what this actually means, and what Providers need to be doing in order to demonstrate compliance. The RSH has stated that *“all landlords, no matter their size or organisational structure, will need to deliver the outcomes in these standards from 1st April”*, so the pressure is already on!



Trailway Court in Blandford, Dorset

The new standards and code of practice and what these entail can be found on the gov.uk website - [Regulatory standards for landlords](#), and broader implications for the sector are considered by my colleague Bukola Obadun-Craigs in a recent article for Social Housing magazine - [Why the new consumer standards are set to shake up social housing](#), and a guest Housing LIN blog by Shakespeare Martineau Consultant Sushma Maharaj - [Calling all Social Housing providers - do you know about the new standards and regulations and how they will impact on heat networks?](#)

Finally, the government is also currently running a consultation on proposed Social Tenants Access to Information Requirements until 15th July 2024. The new STAIRs will require Providers to publish certain information and set out how they should respond to information requests. More detail on this is set out in the consultation documents which are accessible through the Housing LIN - [Have your say on Social Tenant Access to Information Requirements](#), or through the government site directly - [Social Tenant Access to Information Requirements](#). Complying with these requirements (once effective) will go towards demonstrating compliance with the consumer standards for the reasons set out below.

Cover image courtesy of Tim Crocker and PRP

Implications for registered providers of later living accommodation

For registered providers whose focus is on later living, this article seeks to set out areas where work may be needed to identify and address potential issues. It also provides a brief review of what is known about the new inspection regime (albeit this is still very much in its infancy).

The Consumer Standards

There are four consumer standards:

- *Safety and Quality Standard* (the provision of safe and good quality homes and landlord services to tenants);
- *Transparency, Influence and Accountability Standard* (to be open with tenants and treat them with fairness and respect so that they can access services, raise complaints, influence decision making and hold their landlord to account);
- *Neighbourhood and Community Standard* (to engage with other relevant parties so that tenants can live in safe and well-maintained neighbourhoods and feel safe in their homes); and
- *Tenancy Standard* (to let and allocate homes fairly and how tenancies are to be managed and ended by landlords).

I take a look at each in turn below.

Safety and Quality Standard

Providers must maintain an *“accurate record at an individual property level of the condition of their homes, based on a physical assessment of all homes and keep this up to date”*. This overlaps with the *Governance and Financial Viability Standard* obligations on record keeping of assets and liabilities. The duty to undertake *“regular physical assessments of the inside and outside of homes”* could have substantial resource implications, although the guidance is silent on how often this needs to be done and can be assessed on a provider-by-provider basis. Homes must also meet the Decent Homes Standard.

Health and Safety (H&S) also falls within this standard. Of particular interest to Providers is the obligation to *“ensure that the safety of tenants is considered in the design and delivery of landlord services and take reasonable steps to mitigate any identified risks to tenants”*. Considering any particular tenants needs when prioritising repairs will often mean a higher standard for providers of later living homes and services. Such consideration should include any associated conditions particular tenants may have (for example, mobility or health issues).



New Ground Cohousing in High Barnet

Linked to H&S is an obligation to provide efficient, effective and timely repairs, maintenance and planned improvement services. Work needs to be completed in as few visits as possible and be fit for purpose. Work should take into account tenant's views and diverse needs and RSH specifically suggest this could mean *"increasing the priority of repairs for some older tenants"*.

With repairs *"Providers should communicate promptly with tenants about repairs, maintenance and planned improvements and keep them regularly updated on progress and how they are resolving issues"* (the guidance suggests prior consultation and updates if timelines have moved), the need to consider *"diverse needs"* of tenants means communications should be particularly considered for older people.

Adaptations also fall within this standard. This will be a key area for registered providers and third parties supporting the later living sector, as well as where an older or disabled tenant lives in 'general needs' housing. Where a provider has an adaptations service, it must be communicated to tenants (including details on any application process), timescales clearly explained, assistance provided if possible (e.g a provider filling out an application on behalf of an older or vulnerable tenant such as for a Disabled Facilities Grant), finally the provider should not unreasonably refuse a tenant's request for an adaptation. Where adaptations services are provided by a third party the provider should not unreasonably withhold permission for the adaptation to be installed. If a tenant is not eligible for an adaptation the provider should consider any suitable alternatives (for example, transferring the tenant to a home that can be adapted or already accessible). Clearly this will require providers to review and potentially streamline their adaptations processes and maintain a register of their accessible properties.

Transparency, Influence and Accountability Standard (TIA)

Providers should foster a strong culture throughout the organisation of fairness, courtesy and respect. This includes *"listening to tenants fairly"* and considering how services and communications can be adapted to meet individual tenants' needs.

Providers are also obliged to *"consider the diverse needs of their tenants... in relation to the housing and landlord services they provide. This consideration should be integral to the culture of the organisation"*. The code of practice provides examples of what this might entail including investigating complaints of discrimination promptly, providing regular Equality, Diversity and Inclusion (EDI) training for staff, board members or councillors, and *"carrying out work to understand the barriers different groups of tenants might face in accessing services and working to remove those barriers"*.

To achieve this, providers will need to obtain robust information on tenants, including protected characteristics. The methodology to collect this should be reviewed to ensure the best possible information is collected. Face-to-face contact is suggested as one option, alternatively making communication with tenants available pictorially or in different languages, and avoiding online services where this might be difficult. For older tenants this would be a good idea. Providers

should supplement this information with census or English Housing Survey data. This will clearly have resource implications.

A requirement to engage with tenants puts a burden on providers to *“take reasonable steps to ensure that all tenants have an equitable opportunity to be involved in influencing and scrutinising strategies, policies and services”*. This extends to supporting tenant-led activities to do the same, for example, by providing meeting venues, administrative support, funding and/or training.

A significant part of the TIA standard is the requirement for tenants to have access to reliable and accurate information on providers. In addition to the requirement to publish performance against Tenant Satisfaction Measures (TSM), providers should also *“consider publishing some or all TSM data at a more granular level and/or on a more frequent basis, in order to support tenant scrutiny”*. The code of practice specifically suggests publishing separate TSM data for property types for older people, and publishing data from tenants sharing protected characteristics.

From this data, providers need to demonstrate that they understand changes in performance. They should also demonstrate how they support tenants to understand information, and where a change has been made how this has been influenced by TSM data or tenant feedback.

Neighbourhood and Community Standard

The Neighbourhood and Community Standard is primarily concerned with “shared spaces” (being those associated with a providers’ homes but not under the control of the provider). They are therefore different to communal spaces under the control of a provider. This covers a need to co-operate with other third party agencies operating in the space and the guidance particularly relates to anti-social behaviour and domestic violence. Whilst this is of general interest to providers, there is no particular ageing focus to these standards.

However, providers could explore how to encourage “shared spaces” to be age-friendly.



Limestone View in Settle, North Yorkshire

Tenancy Standard

Providers should have effective policies and processes in place for allocating homes, which includes “robust and accurate” understanding of local housing need, their homes (including which have been designed or adapted to meet a specific need). This will be particularly applicable to later living providers where homes are designed are accessible or adapted for purpose. Post-allocation, providers must have fair, reasonable and simple appeals processes.

Providers should support tenants to help them maintain their tenancy or service and prevent unnecessary evictions. Examples of this kind of support (whether provided by the provider or a third party) may include financial management, welfare benefit and/or energy advice. If a tenant does have to move alternative accommodation, advice and assistance must be promptly supplied and in a way that is easy for the tenant to understand.

Underlying all of the above points, is the obligation on the provider to publish clear and accessible policies which outline their approach to tenancy management, expectations on tenants, types of tenancies (including where shorter term tenancies are provided), and most importantly *“their policy on taking into account the needs of those households who are vulnerable by reason of age, disability or illness”*.

Some emerging themes for consideration

It should be clear reading the above that a number of common themes can be identified through the new consumer standards:

1. Understanding Specific Needs

What particular requirements do older or disabled tenants, or those with long-term health conditions, have from the properties they occupy and/or housing services they receive? Are these needs being understood and reflected in operational housing management, care and support services, asset management, or tenant service provision? Do providers know what specific needs their tenants have (particularly protected characteristics) to help inform their operational decision making, investment or development plans? Are senior staff undergoing EDI training to keep their knowledge up to date?

2. Usefulness of Data

What information do providers collect? Is the information collected actually useful in improving customer services, housing management, asset management, or other tenant-related service delivery? Are any particular needs being missed by the type of data collected? Similarly, do providers obtain relevant data from local authority and other partners about prospective tenants needs pre-letting, for example, in nominations, referrals or allocations?

3. Methods of Communication

This could be an overarching theme given how often the point is raised in the standards. What methods are used to collect data? Is this the most appropriate for your tenants? Likewise where information is produced in document format is this available in different languages? Easy-read? Pictorially? Is it easy to understand, particularly given the specific needs of tenants (for example, larger font for older or visually impaired tenants)? Is information available online only (and therefore potentially inaccessible)?

4. Empowering Tenants

Are providers publishing TSM data that is useful to tenants? Can providers help tenant-led activities by providing space and administrative support? Are tenants able to feedback on providers homes or services? Are providers supplying information to tenants (whether on allocation, evictions, repairs or adaptations) promptly and clearly so that they are able to understand and participate in these processes? Is there scope for coproduction?

Assessing the Standards

The previous in-depth assessment process carried out by RSH has now been replaced. In practice the new process will continue to review against the existing standards but will now also cover the consumer standards.

Programmed inspections of larger registered providers (1,000 or more social homes) will take place at least once every four years. Inspections may be more frequent if RSH believes there are risk factors which make it appropriate to do so. For smaller providers inspections are linked to risk. Inspection will take place where the RSH becomes aware of a material issue (or potential issue) to a provider's ability to deliver the standards and inspection is an appropriate way to assess that.

During an inspection, RSH will judge performance against seven criteria:

1. Strategy

- delivery of short/medium term priorities and approach to delivering value for money;

2. Structure

- corporate and financial structures, interaction between landlord and third party organisations;

3. Service Outcomes

- stock quality, repairs and maintenance, H&S compliance, local co-operation, anti-social behaviour, domestic abuse management and tenancy sustainment;

4. Risk Management

- all aspects of risk and control management including stress-testing;

5. Transparency, Influence and Accountability

- all the information detailed above;

6. Financial Resilience

- financial performance, debt, liquidity, funding requirements and costs; and

7. Governance

- role of the board ensuring delivery, long term sustainability and alignment of leadership and delivery.

Only "Service Outcomes" and "Transparency, Influence and Accountability" apply to programmed inspections of local authority providers. Particularly notable is the emphasis given to the TIA consumer standard.

Gradings and Enforcement

As a result of the above inspections, providers will be graded. In addition to the existing standards, there will also be a new C grade varying from C1 (where a Provider is delivering the consumer standards overall) and C4 (where there are very serious failings).

The Social Housing Regulation Act provided RSH with a number of new and amended enforcement and information gathering powers. Perhaps most significant of these is the removal of the “serious detriment” test where consumer standards have been breached, resulting in a lower threshold for RSH intervention. Other provisions cover performance improvement plans, emergency remedial action, potentially unlimited fines, and suspension/removal of officers.

Moreover, a memorandum of understanding with the Housing Ombudsman should result in greater co-ordination between the two organisations.

Conclusion

The net result of the above is that Providers should take the new consumer standards seriously. Until we see a suite of C gradings and associated enforcement however it is difficult to assess what Providers should prioritise. Further, the current economic climate and financial restraints on Providers should also be factored into these discussions. Resource spent obtaining a perfect C1 grade would be wasted if this means the organisation sacrifices its economic viability to achieve it.

That said, not all the measures needed to comply with the standards will be costly, and some are as much to do with culture as stock. More importantly the consumer standards do provide an opportunity for Providers to reflect and to put themselves “on the front foot” in demonstrating that tenants are a key part of their thinking. By complying with the consumer standards, not only will homes and services be improved, but should result in fewer complaints, issues and negative press. All of which can only be a good thing for the sector.

Note

The views expressed in this paper are those of the author and not necessarily those of the Housing Learning and Improvement Network.

About the Author

Ellis Pugh specialises in advising social housing providers, charities, other not-for-profit organisations and social enterprises with a particular interest in governance matters.

A member of our social housing team, Ellis advises registered providers on matters including corporate governance, mergers, restructuring, collaborative working, and regulatory compliance.

As a charity lawyer he is able to help social housing providers navigate the charity land disposal regime, along with providing advice on a range of charity law matters including registration with the Charity Commission, responding to regulatory inquiries, drafting and amending governing documents, incorporation, mergers and transfers, dissolution, the creation of group structures, compliance, trustee duties, trading matters and other ad hoc queries.

Ever enthusiastic about charity governance, Ellis is a trustee of two local charities in his spare time. He also enjoys playing badminton and singing in a male voice choir.

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About the Housing LIN

The Housing LIN is a sophisticated network bringing together over 20,000 housing, health and social care professionals in England, Wales and Scotland to exemplify innovative housing solutions for an ageing population.

Recognised by government and industry as a leading 'ideas lab' on specialist/supported housing, our online and regional networked activities, and consultancy services:

- connect people, ideas and resources to inform and improve the range of housing that enables older and disabled people to live independently
- provide access to intelligence on the latest funding, research, policy and practice developments
- raise the profile of specialist and supported housing with developers, commissioners and operators, and
- attract business to help and support clients plan, design and operate aspirational housing and services for people of all ages.

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