

London Tenants Federation

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Submission to London Assembly Housing Committee investigation - Social housing following Grenfell

1. Introduction and background to London Tenants Federation:

- 1.1 London Tenants Federation (LTF) is an umbrella organisation, bringing together borough- and London-wide federations and organisations of tenants (including leaseholders)¹ of social housing providers. Our membership also includes the London Federation of Housing Co-operatives and the National Federation of Tenant Management Organisations. A number of our member organisations involve both council and housing association tenants and a few (a minority) involve some private tenants. Ultimately, we are the largest democratic and accountable social housing tenants' organisation in London.
- 1.2 Our key focus is on engaging our member organisations in London-wide strategic housing and planning policy and facilitating the strongest possible consensus voice for social housing tenants in the capital. We organise conferences and events sometimes in partnership with other tenant or voluntary and community sector organisations.
- 1.3 LTF and its forerunner the London Tenants Federation Forum, has had decades of experience in formally representing social housing tenants in the capital. Over this period of time there have been huge changes in housing policy, both around development of new housing and management of existing social-rented homes; reductions in overall percentages of social housing, residualisation and increased negative stereotyping of social housing tenants. The result is a housing crisis that impacting significantly on households with less than median income levels.
- 1.4 London Tenants Federation Forum, established in the 1980's linked strong and active council tenant federations and organisations across London. It had no collective funding but many federations had their own funding. It also had some support from the London Housing Unit with provision of accessible briefings and information on national housing policy changes.
- 1.5 London Tenants Federation has had part time workers since 2002, initially from the Association of London Government's Housing Steering Group and later London Councils Grants Committee. It gained representation on the Mayor's Housing Forum from 2004 until it was dissolved by the previous London Mayor, Boris Johnson. The Forum's community engagement sub-group was established as a result of our delegates bring a paper to the Forum on engaging tenants and hard to reach groups in the regional agenda in 2005. An LTF delegate was elected to chair the subgroup for part of its existence. Boris Johnson closed the sub-group soon after he was elected as Mayor. The issues of how tenants (of all tenures) and hard to reach groups are engaged in the regional agenda is still a significant and unaddressed issue.

¹ When referring to 'tenants' we mean both tenants and leaseholders (as set out in our Articles of Association)

- 1.6 In 2012 LTF became a company limited by guarantee and has since had independent funding from Trust for London and academic awards through our work with academics from University College London, Kings College London and Leicester University.
- 1.7 Some of our project work has involved establishing and supporting wide networks of community and voluntary sector groups alongside tenants including in London's two Mayoral Development Corporation Areas - in attempt to influence and or challenge planning policy in areas of large scale development areas. In some of this work, we commissioned Just Space to work with us. We established and supported [Grand Union Alliance](#) (with Just Space) from 2014 until the end of May 2018.
- 1.8 We have over the years made strong links with other community and voluntary sector groups in London that also have an interest in housing, planning and community related issues as well as academics.

2. Tenant involvement in decision making – what works and what matters?

2.1 What matters for tenants is

- to be able to have the opportunity to share and exchange with other tenants about strategic policy and the management of our homes at the local, landlord-wide, regional and national level;
- to know that through this we can be adequately informed to express a representative view in discussion with the authorities that make decisions on strategic policy and housing management at the local, landlord-wide, regional and national level;
- to be empowered with the knowledge that the time, effort and energy we put into engaging, gathering a range of diverse views, contributing those views and highlighting our concerns have been heard, respected and effectively influenced;
- and to hold our landlords to account, in respect of the contracts we have with them through our tenancy and lease agreements, for the rents and service charges we pay.

2.2 For too long social housing has been seen by landlords as 'welfare' which tenants should tap their forelocks and be ever-so grateful for, rather than respecting the fact that we not only pay for the services delivered to us but since we live in social housing, we should be afforded with respect for the wealth of intimate knowledge and information we hold about the impact of strategic policy and delivery of services relating to our homes.

2.3 Provision of genuine active participation of tenants (in a fair, just, democratic and accountable way in any decision-making that impacts on our homes - at the local, landlord-wide regional and national level) demonstrates that we are taken seriously by our landlords and ultimately results in better delivery of services.

2.4 Citizenship and participatory models:

- encourage tenants to share, exchange, discuss and learn from one another;
- facilitate provision of - mutual support, collaboration, expression of a stronger collective voices and stronger possibilities of effectively making influence;
- give tenants the confidence to speak out;
- provides opportunities for tenants to develop new ideas for, or alternative ways of, managing and maintaining homes;

- facilitate understanding of and engagement in strategic local, London-wide and national housing policy.

- 2.5 However, over a number of years the ways of engaging tenants have changed with landlords preferring 'consumerist models' significantly with tenants increasingly feeling that what they say is dismissed or simply not heard. While the tragic example of Grenfell has highlighted this at its very worst, it is a very common cry from tenants.
- 2.6 Without doubt, this has increased alongside huge negative stereotyping of social-housing tenants - assertions that we are all lazy good for nothings with feral children, apparently lacking in ambition, and being heavily subsidised in a way that home-owners are not (which is just not the case).
- 2.7 The fragmentation of the social-housing sector since the late 1980's and the fact that social-housing tenants have never had collective rights to be consulted or fully engaged in respect of decision-making about our homes, has made it much easier for landlords to adopt tokenistic ways of engaging tenants as the norm.

Tenants, for example, being led to believe that they will really have a real say if they are selected and allowed to sit on landlord boards, (a position in which they have no remit to couch the views of other tenants nor to feedback to them) is perhaps the worst possible example. In fact, as with the notion that tenants need to be trained up (if selected) to engage with landlords and their business, turns upside down very notion that engaging tenants for their grass roots knowledge and experience results in better service delivery. We find this incredibly when time and again the evidence shows that good participatory engagement delivers better services.

We are aware that some landlords refuse to recognise tenants' associations unless they adopt their landlord's model which sometimes is clear that association will not be recognised if they are critical of their landlords. Some have found it difficult to have associations recognised if they live on housing estates have different landlords.

- 2.8 A wide range of cherry picked forums and panels now exist across the housing association and increasingly also the local authority sector. At one time these would have been seen as possible and occasional supplements to full democratic and accountable engagement (via elected tenants and residents' associations brought together under a landlord-wide umbrella), but increasingly, these are just replacing the more democratic and accountable models.
- 2.9 We are aware that at times, consultants' assessments of tenant participation processes have seen tenant-led federations or organisations shut down and / or their funding (provided via tenants' rents) removed (such as the funded tenants federation in Hammersmith & Fulham and the unfunded Tenants Council in Waltham Forest).

There is a lack of evidence to show that these consultants' conclusions have been solidly supported by tenants. Instead they appear just to fit with the notion that consumerist models offering a wide range of ways for individual tenants to engage (whether these are effective or not, from a tenants' point of view) is a better model.

- 2.10 Our member organisation reports that these consumerist models engage fewer tenants, not more; elected tenant representatives become more disengaged (because their representative voice has been reduced); tenants are less informed about housing policy (from the local to national level) and there is a much greater feeling of disempowerment.

- 2.11 While non-participatory, democratic and accountable models of engagement have been commonly used within the housing association sector, it would appear that local authorities are rapidly adopting similar models.

Our own data shows that in 2005/06, almost all boroughs still supported some form of borough-wide tenants federation, organisation or network. Since then, tenant-led borough-wide federations or organisations in Barnet, Camden, Hackney, Hammersmith & Fulham, Hillingdon, Hounslow, Islington, Lambeth, Newham and Waltham Forest have had funding removed or been reorganised to fit with a new authority determined models or have just been derecognised. While some of these boroughs still have some quite established ways for tenants' representatives to share and exchange in local areas (such as Camden's district management committees) many are left with relatively weaker local forums and in some instances virtually no formal tenant engagement structures.

The absence of support for landlord-wide structures means that tenants don't know whether the issues, or difficulties they experience on their estates or locality are more widely experienced. It removes the facility for tenants' representatives to express a louder and stronger voice.

- 2.12 We are a long way from the norm that was acknowledged in the report completed in 2007 by Helen Cope on 'engaging tenants and hard to reach groups in the regional agenda' (which was produced as a result of the paper that LTF delegates presented to the Mayor's Housing Forum in 2005) – attached.
- 2.13 It should be of no surprise though that where tenants manage their homes there is always a higher satisfaction rate than achieved by any local authority or housing association landlords. While clearly not all tenants want to manage their homes, landlords should acknowledge this difference and work (with tenants) to achieving the same levels of participatory, democratic and accountable ways of managing homes and ultimately facilitating tenant empowerment.
- 2.14 Finally, while in many respects LTF was quite critical of Every Tenant Matters, the Cave Review of Social Housing Regulation 2007², Cave did highlight that "the evidence the review team has received from many organisations representing tenant interests is that strengthening the voice of tenants requires resources. **The voice of tenants needs to be heard not just by their landlord but at a local authority, sub-regional, regional and national level – in other words, at all levels where decisions that affect tenants are taken**".

Cave also commented in two separate sections about 'legitimacy of representation'.

In section 6.36. he said - a fully representative national tenant body that has regional and local elements would provide a level of legitimacy that the other options would not achieve. Incredibly, this was then passed over with – suggestions that time and resources would hinder this occurring. Thus what finally appeared in the (short lived) National Tenants Voice was something where most members were selected and so never had the legitimacy desired.

LTF had suggested (i) the need for existing organisations regional and national to come together to provide 'voices of tenants' rather than necessarily one voice – noting wide differences across the country and that these groups might operate by consensus

² <http://www.thinkhouse.org.uk/archive/cave.pdf>

(as LTF does) to provide strength on issues where there is commonality and (ii) that mapping should be carried out to identify where tenants in part of the country had no formal representation. Again, these very reasonable suggestions were ignored – still leaving even larger gaps in tenants’ representative voices today.

2.15 Regarding tenant involvement at the regional level. We have, on two occasions proposed how the Mayor might engage tenants and other with an interest in housing in both developing and monitoring of the London Housing Strategy. Our proposals³ been submitted in responses to consultations on A city for all Londoners and the draft London Housing Strategy. However, neither the Mayor nor his officers have responded to our proposals. The Mayor could offer a good example to landlords and government.

3. Acting on complaints – what happens when things go wrong?

3.1 **We are of the view that the co-regulatory system just doesn’t work.** It assumes an equal balance of power and interest between tenants and social landlords, when this is just not the case. This means that when things go wrong tenant find it very difficult to get issues resolved.

3.2 **While in the past Local Authorities and their staff viewed themselves as working for public good, however, changes** in them being deemed as facilitating rather than providing housing has resulted in huge changes, in terms of their own democratic and accountable decision making, large levels of outsourcing and turn-over of staff occurring. These have significantly reduced the amount of knowledge held by local authority staff collectively (within departments) and providing no solid way for new staff to learn from others more experienced. We feel this has had a significant impact of the quality of services delivered.

3.3 **Large housing associations are increasingly focused on developing all types of market and so-called affordable housing, at the expense of existing social housing tenants and the management and maintenance of their homes,** or those who are in need of social housing. We are advised that councillor’s mail-boxed are often full of complaints by housing association tenants. Failures to properly maintain homes and delivery of shoddy workmanship is a significant issue that the Mayor could directly tackle. Strategically with such high levels of housing need it is essential that existing homes are protected through good maintenance so that they last as long as possible. There are huge concerns that many of the large housing associations are moving far from their original social objectives.

3.4 **The *Independent* reported in July 2017 that 244,000 (from 2016 English Housing Survey data) social-rented properties in England were deemed to have a category one safety hazard,** the highest category of risk, which includes potentially fatal hazards such as exposed wiring, overloaded electricity sockets, dangerous boilers, leaking roofs, vermin infestations or inadequate security. The newspaper also reported that 364,000 social homes were classed as being in a state of ‘substantial disrepair’, while 205,000 had damp in one or more rooms.

3.5 Inside Housing reported in October 2017 that there had been **a 15% increase in complaints since the Grenfell disaster.**

³[http://www.londontenants.org/publications/responses/LTF%20VCS%20engagement%20proposal%20to%20the%20Mayor%20\(F\).pdf](http://www.londontenants.org/publications/responses/LTF%20VCS%20engagement%20proposal%20to%20the%20Mayor%20(F).pdf)

- 3.6 **Our members feel that their member TRAs are left to deal to deal with poor contractors (rather than landlords doing this on their behalf).** LTF produced a document called 'problems with landlord contractors'⁴ for its members groups' as such a large number of complaints that were being reported to us.
- 3.7 **Tenants feel that landlords too often accept lowest bids from contractors and that this results in poor quality work.** We note that on 4 June 2018 Rebecca Rees a partner at Trowers & Hamlins wrote a comment piece in Inside Housing entitled "We need a radical rethink of procurement in the wake of the Hackett Review" in which she says "relying on lowest prices can result in flawed contracts, adversarial relationships and poor-quality outcomes."
- 3.8 **Transparency and accountability is incredibly weak.** This is the case in respect of general conditions of homes; the apparent need for demolition rather than refurbishment; business plans for mergers of housing associations or hiving off social housing stock. Tenants often struggle to gain access to information they want about their homes and the decisions that are being made on their behalf and find that comments they have made in consultations have not been heard.
- 3.9 **Opportunities for tenants to shape delivery of services is increasingly weak** (as highlighted in section 2)- too often being little more than tick box exercises, excluding proper debate.
- 3.10 **Complaints systems are long and arduous** – with many tenants being ground down and or giving up before even attempting to get through to the Ombudsman. Even where complaints are acknowledged there are often failures to changes methods of operation to prevent similar complaints having to be made again.
- 3.11 **The abolition of local government committees and replacement with cabinets or elected Mayors by the Labour Party in 2000 was a significant loss in terms of local democratic accountability.** While the theory was that local councillors would have more time to engage with their electorate, in practice it has created a huge democratic deficit, resulting in little public debate on important housing issues locally.

4. Legislative duties and gaps – what change is needed to protect all residents?

- 4.1 Housing association tenants have fewer legislative rights than local authority tenants do, but there are gaps for both.
- Section 105 of the Housing Act 1985 gave secure tenants the right (as individuals) to be consulted on issues of management and maintenance of their homes, on improvements or demolition. The 1988 Housing Act however removed security of tenure for new housing association tenants. Any rights are in the form of regulation.
 - There are no collective rights around tenant consultation or involvement in decision making about our homes, which we feel there should be to facilitate effective tenant participation.
 - The following are not accessible to housing association tenants: The Local Audit and Accountability Act; Freedom of Information; the Public Sector Equalities Duty and Gunning or Sedley rules around consultation.

⁴[http://www.londontenants.org/publications/briefings/Problems%20with%20contractors%20\(short%20version%20for%20OTRAs\)FF.pdf](http://www.londontenants.org/publications/briefings/Problems%20with%20contractors%20(short%20version%20for%20OTRAs)FF.pdf)

5. Make resident involvement work – sharing best practice

- 5.1 While there has never been a halcyon past in which social housing tenants have felt listened to and respected by their landlords, but at times there have been attempts to address this. There have been waves of legislation to promote tenants' rights, including the limited elements introduced by the 'Tenants Charter' (Housing Act 1980), 2000 participation compacts and the establishment of the short-lived Tenant Services Authority in 2008.
- 5.2 Sadly, experience and evidence show that social landlords will often not have meaningful dialogue with residents unless compelled to by strong legislation or threats or enticed with promises around funding.
- 5.3 Again, we feel there is no good replacement for democratic and accountable grassroots tenants' groups. They play a huge role in supporting and developing strong, supportive local communities. When joined together to form borough- or landlord-wide organisations we gain strength in shared knowledge and numbers to amplify our voice and ensure we are heard. In the past, we've seen landlord-wide tenants federations funded through a weekly levy on rents to enable tenants to self-organise structures.

This meant that democratic structures were quite widespread from TRAs to borough or organisational structures which worked at a senior, strategic level. These best suited tenants' needs and gave us an ability to hold landlord to account.
- 5.4 Such organisations, while not as well supported as they were in the past still enable our London-wide organisation to provide as best we can a consensus voice for social housing tenants and our friends to input at the London-wide level. Opportunities to contribute to the London Assembly's investigation, we hope, at the very least supports essential wider debate on this issue.
- 5.5 The Hackitt Report is the most recent of many government reports that have now advocated tenant involvement. We cannot allow what happened at Grenfell to occur again. We can't let this be another moment where a landlord's responsibility to listen to their tenants is brief and then subsequently forgotten about.
- 5.6 We now have an opportunity to embed the right of tenants to be heard in how we regulate and fund councils and housing associations. This should start here in London.

We ask that the London Mayor:

1. Encourage social housing landlords in London to use participatory, democratic and accountable ways of involving tenants in relation to decision-making about their homes – from the local to the regional level.
2. Lead by example. Establish a community forum for tenants (of all tenures) and other housing and homelessness groups to inform London Housing Strategy policy and engage in monitoring outcomes. This is needed as a replacement for the disbanded Mayor's Housing Forum and its Community Engagement Sub-Group. LTF has previously put forward this proposal on this, but it has not been acknowledged by the Mayor's office.
3. Host the launch of a London Tenants Federation publication on participatory, democratic and accountable involvement of tenants in decision-making about their homes, later this year or early next year.

4. Require social housing landlords, as a condition of any GLA affordable housing contracts, to have good (participatory, democratic and accountable) tenant involvement processes in place and evidence that they are properly maintaining their existing homes.
5. Publish regular monitoring reports relating to the condition of existing social / affordable homes.
6. Encourage boroughs in London to use the powers of the Localism Act to reinstate housing committees so that more councillors and tenants' representatives are involved in developing and overseeing local authority housing policy.
7. Ensure that social housing landlords that have contracts with the Mayor's office for delivering new social / affordable housing are compliant with the Public Sector Equality Duty.

Encourage wide debate on the extent to which socio-economic disadvantage and negative stereotyping of social housing tenants was a key issue in respect of the poor treatment of Grenfell tenants and potentially of social housing tenants elsewhere.

8. Lobby Government to provide housing association tenants with the Right to Manage and the Right to Transfer.

Yours sincerely

Ron Hollis and Pat Turnbull
LTF regional delegates