

London Tenants Federation

RSH Consumer Standards Consultation

London Tenants Federation is a membership organisation bringing together a range of borough, neighbourhood and London-wide federations and organisations of tenants (including leaseholders) of social housing providers (both council and housing association). Our membership also includes the London Federation of Housing Cooperatives and the National Federation of Tenant Management Organisations. Together these organisations form our decision-making membership focused on strategic housing, planning and regeneration policy.

We also have individual tenants' and residents' associations, tenant management organisations and cooperatives as members. These along with individual social housing tenants are able to engage in a wide range of London Tenants Federation meetings and events that feed into the London Tenants Federation members' decision-making processes.

London Tenants Federation members engage in Examinations in Public of the London Plan, respond to regional and national consultations related to housing, planning and regeneration and at times are invited to engage in London Assembly Housing and Planning meetings. London Tenants Federation is a member of the London Housing Panel.

We often produce tenant-led policy alternatives, significantly including the London Tenants Manifesto for a Positive Future for Social Housing in London (published in January 2021).

London Tenants Federation are submitting our response as a single document. We will refer to the headlines in the consultation document and the questions.

Executive Summary

'These requirements must therefore make a meaningful difference to tenants, be deliverable by landlords...' We agree with this statement. However, the finances must be there to deliver them. We would ask the government to regard it as its responsibility to provide adequate funding to councils and housing associations so that they can fulfil these requirements.

Introduction

4.4 states as an aim 'that tenants have a degree of choice...' In the current situation of severe shortage of social rented housing, tenants have no meaningful choice in who their landlord is. 'The 2023 Act has expanded our consumer regulation objective to include safety, transparency and energy efficiency...' While this is welcome, landlords need to have enough staff to perform these expanded functions, which means they need the funding to employ the staff.

4.5 'We take a co-regulatory, risk-based approach to regulation, which allows us to exercise our functions in a way that minimises interference...' From the tenants' point of view, this is not good enough. We want interference where the quality and safety of our housing is concerned. (Also 4.23)

Our regulatory approach

4.20 We welcome the move from a reactive to a proactive approach. But how does this square with 4.5 above?

4.21 We welcome the inclusion of local authorities in regulatory inspections.

4.22 'Our approach to regulation within our four yearly cycle of inspections will remain risk based...' This is not good enough and appears to contradict 4.20 above.

4.25 'We consider how we use our powers on a case by case basis...minimise interference...' This approach is not good enough. Tenants and indeed landlords want consistency from the regulator.

Safety and Quality Standard

Consultation Question 1

Stock quality

SE1 'Registered providers must have an accurate record at an individual property level of the condition of their stock, based on a physical assessment of all homes and keep this up to date.' This is very desirable, we might say necessary, from the tenants' point of view, but requires a great deal of staff input. Government needs to ensure that landlords are funded to have the staff levels to undertake this work along with all their other tasks.

Health and Safety

SE2 'Registered providers must ensure that all required actions arising from the legally required health and safety assessments are carried out within appropriate timescales.' This is vague; the timescales should be specified. Also, see points on staffing at SE1 above.

6.14 '...Landlords will be expected to provide repairs, maintenance and planned improvements that are "effective, efficient and timely".' The same criticisms apply here as at SE2 above.

6.16 'We are proposing to remove the objective of "right first time" repairs for landlords...' We disagree. Tenants have a right to expect that repairs should be right first time.

Repairs, maintenance and planned improvements

SE5 '...the delivery of repairs, maintenance and planned improvements...provides value for money..' We question the use of the term 'value for money'. This can come down to the cheapest, which is by no means necessarily the best.

6.18 '...The English Housing Survey 2019/20 estimated that 56 per cent of housing association tenants with a long standing physical or mental health condition lack the adaptations they need..' This is extremely regrettable and clearly against the Equalities Act. But the root of the problem needs to be sought in over forty years of underfunding of the social rented sector and solved by an injection of public funding.

SE2 'Registered providers must cooperate with tenants, appropriate local authority departments and other relevant organisations so that a housing adaptations service is provided to tenants.' Here the loss by local authorities of 40 per cent of their funding in the past ten years is relevant. Restoration of funding is vital to enable this essential service to be provided.

Transparency, Influence and Accountability Standard

Questions 2 and 3

We disagree with the change of name to Transparency, Influence and Accountability Standard from Tenant Involvement and Empowerment Standard. Tenant involvement and empowerment is a fundamental principle advocated by London Tenants Federation. It is crucial for a tenants' voice to be listened to and heard. The change of name is likely to undermine the implementation of this principle.

7.4

SE3 We believe that in person services must be available in addition to online services.

SE4 We strongly support the statement: 'Registered providers must allow tenants and prospective tenants to be supported by a representative or advocate in interactions about landlord services.'

7.11

SE2 We strongly support 'Registered providers must assist tenants who wish to implement tenant-led activities.' Tenant-led representation is vital. We believe that democratic, bottom up, tenants' and residents' associations and other elected tenant bodies are the best way to represent tenants' interests. At the moment tenants are largely excluded from decision-making processes.

SE6 We strongly support. On changes of landlord, as on every other matter that affects them, tenants must be consulted 'at a formative stage' and their views taken 'into account in reaching a decision'. Tenants need to be consulted at every stage throughout any process that affects them. This needs to be not just lip service to listening to tenants; their views need to be embedded in the end result of the consultation.

Information about landlord services

Specific expectations

We strongly agree that tenants must be provided with information about all these matters, in particular SE1 c) 'rents and service charges that are payable by tenants'. Information should be available in an easily accessible, understandable form. Tenants should also be able to ask for independent advice where necessary, paid for by the landlord, for example the advice of an independent surveyor.

Performance information

We are concerned that this collection of information will become a time consuming tick box exercise which does not actually lead to an improved service.

Complaints – Self-referral

7.21 We find this section too vague. In particular we are concerned that an emphasis on landlord self-referral will result in many problems going unnoticed by the regulator, and would recommend a more proactive approach.

Neighbourhood and Community Standard

Question 4

We find this section vague. We would also like to point out that dealing with anti-social behaviour effectively can be time consuming and would emphasise once more that if landlords are expected to perform this function, they must have the funding to be staffed accordingly.

8.4 'Social housing tenants are more likely to experience anti-social behaviour and be victims of crime than those in other tenures.' The paper provides no figures attached to this bald statement, and we object to it. It goes along with a stigmatising and stereotypical characterisation of housing estates and we would like it removed.

To further expand, there are a range of factors involved in anti-social behaviour. These include: high density housing – for example, the closer people live together, the more noise nuisance affects them; overcrowded homes – the social housing sector suffers more from this than any other sector; loss of funding to the community, leading to closure of community facilities like community halls; a run-down of council youth services, and a shortage of services which aren't just policing young people – aggressive policing can lead to a more negative result; more widespread mental health issues associated with low pay, unemployment and a high cost of living; poverty.

We also feel that whereas anti-social behaviour on housing estates gets media coverage, anti-social behaviour in other strands of society, for example the vandalism of organisations like the Bullingdon Club, goes on unremarked, and will never get the perpetrators into trouble. So certain groups are stigmatised, and others are let off the hook.

We would also like to emphasise that anti-social behaviour in social rented housing is committed by a small minority, but is used to characterise all of us. Finally, there are many measures which can lessen anti-social behaviour: good sound insulation and good building quality in general, how things are managed, gardening and other measures to improve the appearance of the housing environment.

The many positive features of housing estate life include: settled communities with secure tenancies who get to know each other; shared community rooms and gardens, where they exist; strong independent democratic tenants' organisations which create a sense of community and in a social sense police themselves. The destruction of many housing estates has destroyed these established communities, one of the many reasons why London Tenants Federation strongly supports refurbishment, not demolition, of social rented housing.

Domestic abuse

8.8 This is a prime case where the severe shortage of social rented housing is making it impossible for landlords and local authorities to safely rehouse victims of domestic abuse and their children. Many women's refuges have also closed because of funding problems. Government needs to see proper funding of more social rented housing and women's refuges as a priority.

Tenancy Standard

Questions 5 and 6

9.2 It is impossible to consider fair allocations without taking into account the serious shortage of social rented housing, which leads local authorities to reduce eligibility for being on the waiting list for social rented housing, and to direct desperate families into temporary accommodation which is often unsuitable and far from temporary, and into the expensive, insecure, poorly regulated private rented sector. Government's priority should be funding to provide more social rented housing.

A further problem in allocations / eligibility for social rented housing is that different councils have different criteria for who is permitted to join the waiting list for social rented housing. This makes it difficult for individual households, as well as making it harder to see how councils are dealing with homelessness and overcrowding. By arbitrarily tightening the criteria for who can join the housing waiting list, councils can give a very false impression of the social housing need in their borough. Then there is the question of how many households are housed out of borough or in our case even outside London, sometimes far away, with no support from the council which rehoused them.

We would ask the regulator to look into this issue of out of area accommodation.

9.3 We strongly disagree with the proposal to remove the requirement for landlords to minimise the time that properties are empty between each letting. The excuse: 'This is because it is primarily an economic issue' only proves how artificial such a separation is. Every one of these empty properties is urgently needed.

In the same vein, SE1, SE2, SE3 – which mentions overcrowding, a greater problem in social rented housing than in any other sector - pose aims that are far from achievement given the shortage of social rented housing. While there are definitions of overcrowding, being overcrowded does not guarantee a household a bigger social rented home, as it would have forty years ago. We strongly advocate the construction of more family sized housing. For every family relieved of the stress of living in overcrowded conditions, a home is freed up and this transfers down the line, making smaller social rented homes available for new occupants.

We would also like to place on record London Tenants Federation's opposition to fixed term tenancies. Landlords have clear rights to evict when tenancy conditions are seriously breached. Therefore there is no reason why every social renting tenant household should not have a permanent tenancy, giving them the necessary security to live and bring up their families. We call for an end to fixed term tenancies.

Code of Practice

Question 7

It is currently unclear how co-regulation will work in practice. How providers balance the two basic objectives in legislation will be crucial to delivering the Regulator's repeatedly reiterated objective that the Consumer Standards should 'make a meaningful difference to tenants' whilst 'being possible for landlords to achieve'. How that fits with the parallel standard 'to make sure that registered providers (landlords) are well-managed and financially stable' is currently unclear though may become clearer with the forthcoming enforcement consultation. No-one will benefit from a 'case by case' system which leaves all parties unclear about which standards will be enforced and which are regarded as matters of co-regulation and so only enforced in some cases if at all.

Regulatory Impact Assessment

Question 8

In the context of the situation as described in our comments on the Code of Practice, the Regulatory Impact Assessment covers the basic bureaucracy of disseminating the Consumer Standards but supplies no information on the extra costs of landlord actions flowing from implementation. Is it likely that those will be negligible if there is to be a 'meaningful difference' to safety and energy efficiency? And, if costs are significantly underfunded, will the two objectives and their standards be 'something we can regulate' if 'we' can only co-regulate?

Equality Impact Assessment

Question 9

We have mentioned a number of vital equalities issues that are affected by the shortage of resources, and would add that, while class is not included by the government as a protected characteristic, we strongly feel it should be, and would point out that the Mayor of London does include class as a protected characteristic.

Additional comment - the environment

We feel the environment should be a stronger element in the document. It should be part of the overall guidance and something the regulator looks on as a prime duty. Retrofitting to improve the climate resistance of homes should be a priority with additional funding provided by the government. In considering the environment of housing, we need far more trees, as they greatly help to lower the temperature and improve air quality.