**Self-regulation, co-regulation and diversity**

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These are times of change in social housing.

Consumer regulation is changing. The order of the day for customer service is to move to self-regulation and accountability through partnership between landlord and tenant (co-regulation). Economic regulation and value for money become more important for the regulator.

**So who will ensure diversity remains a priority in housing?**

It is mainly down to you (the reader) to make the case within your own organisation, with a little help and encouragement from the TSA and of course the skills and support you get from us at SEP.

**How the TSA regulates diversity**

The TSA had 3 priorities in its first 3 years. One of these was “securing a fair deal for tenants”. They executed much of this duty through the tenant standards which remain the focus of consumer regulation.

In particular, the TSA set a standard within the Tenant Involvement and Empowerment Standard for landlords “understanding and responding to the diverse needs of tenants”.

**The diversity standard required landlords to:**

* Treat all tenants with fairness and respect
* Demonstrate that they understand the different needs of their tenants, including in relation to the seven equality strands and tenants with additional support needs
* Demonstrate how they respond to tenants’ needs in the way they provide services and communicate with tenants.

**How the TSA measures this:**

The landlord is expected to set out in the **annual report for tenants** how they are meeting these obligations and how you intend to meet them in the future. The TSA are currently awaiting direction on the new Involvement and Empowerment standard from the CLG. This will be subject to consultation and regulation on a replacement standard, but will not begin until April 2012.

In 2010, landlords were asked to send a copy of the annual report for tenants to the TSA. For 2011 landlords are likely to be required to complete a report, but this will not be required be sent to the TSA. All of this is subject to review and the TSA are still considering their position on this, but the standard currently requires this. In 2012 when the full impact of changes in social housing regulation will be felt, this might change.

The Tenant Involvement and Empowerment Standard is a **cross cutting standard** and so landlords are obliged to consider this standards when setting other standards.

The TSA’s new role in consumer regulation will be **backstop regulation**. The TSA will step in if they feel there is **serious detriment.** Serious detriment is out to consultation now until 29th September. See the consultation paper on [www.tenantadvisor.net/blog](http://www.tenantadvisor.net/blog)

The move to priorities like viability (including value for money) and governance in regulation leaves diversity with the **Boards and governing bodies** to ensure delivery and excellence.

The **Ombudsman** has a new and enhanced role across all landlords and in complaints, though complaints will be subject to a democratic filter, where tenants first have to get a sponsor for their complaint prior to being heard (a Tenant Panel, any MP -including Mr. Cameron and Mr. Shapps - or any local Councilor). The House of Lords may change this, but otherwise the new role comes into play in 2012 after the Localism Bill receives Royal Assent in late 2011.

Social Housing reform is being played out in the **Localism Bill**, now at the reporting stage in parliament.

This is a time for **sector led improvements**, as the good practice role of the TSA is also reduced.

SEP can step in to support the sector maintain focus and high standards on diversity? We can help you self-regulate and we can take up the mantle to promote good practice on diversity nationally.

**How can you up the game on self-regulation on diversity?**

A few issues to think about:

**1 Did you complete a local offer on diversity?**

Local offers were expected on the involvement and empowerment standard by April 2011. This includes the diversity standard. In a recent trip around England at conferences in Manchester, Plymouth, Sunderland and Norwich, we did not meet anyone who had specifically written a local offer on Diversity, though many felt they had considered and incorporated diversity into other offers.

How clear is your commitment to vulnerable tenants? Who are your vulnerable tenants?

The recession has brought new inequalities. Working in an area where unemployed white males (25-40years) are considered to be subject to more deprivation than more traditional equality groups is not unusual. The reform of social housing will mean that those on affordable rents; flexible tenancies and reduced Housing Benefit due to overcrowding might be added to the traditional accepted list of protected characteristics in the Equality Act 2010. Are you supporting people budgets being cut, where does that impact?

Can you maintain services to those people in receipt of floating support, for example those with enduring mental health difficulties?

Localism asks you to consider your role in the area you work. Can you write a local offer for vulnerable tenants?

**2 How strong was your annual report on diversity?**

For 2011, it is likely that you will have to produce an annual report. Will you update your old report or will you write a fresh report with your tenants?

According to the report completed by the National Tenant Organisations “First year annual report to tenants: Tenant Perspectives”, March 2011 (available from the TSA website), only 32 reports had above adequate sections on diversity, whilst others skirted over it or did not mention it at all. Over half of the reports (132) were considered to have below adequate reference to diversity. In particular, very few referred to the lesbian/gay/bisexual/transgender and religion/belief strands.

Given this feedback, how will you incorporate diversity into the 2011 annual report?

How about considering the 9 protected characteristics on equality (age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex & sexual orientation) against each and every tenant standard. Are you doing enough? Have you got more to do? Self-assess where you need to do more and include it in your annual report and promises to tenants.

**3 Can you evidence your work on diversity?**

If you fall into the 1-2% of organisations which do become subject to backstop regulation or new private sector inspection, can you demonstrate your self-regulation on diversity?

Can you evidence?

* How you assured the governing body your compliance with the diversity standard?
* How diversity performance is reviewed, monitored and improved?
* How targets are set and outcomes demonstrated
* What independent challenge you have, relating to diversity?
* How you have tailored local services to meet local need?
* Completion of equality impact assessments?
* Collection and use of customer profiling data?

This is not just about equality; you can apply these questions to every standard, so the whole organisation can join in challenge of self-regulation.

**4 Co-regulation and scrutiny**

The way we collect views from and with tenants is changing. The government has decided that it no longer wishes to undertake the Place survey, the Citizenship survey and satisfaction surveys (STATUS) are now optional. This could be the last Census.

Scrutiny will be incorporated into the Involvement and Empowerment standard and is subject to consultation from July to September by the CLG. See the consultation paper on [www.tenantadvisor.net](http://www.tenantadvisor.net)

Where are you up to on tenant scrutiny?

How far have your thoughts developed on scrutiny of equality & diversity?

* Consider existing involvement arrangements and how diversity scrutiny fits in with service standards; local offers; service improvement groups; existing participation arrangements and reality checks which might all consider diversity in some way. Are you sure it is fully covered?
* Decide to have a stand-alone vulnerable people/equality scrutiny panel for the whole organisation which looks at specific subject like equality, or will equality be the subject to a more generic tenant panel.
* Decide how you will incorporate the views of vulnerable tenants both as panel members and consumers of services
* SEP are working with Places for People to train a panel across the group specifically looking at Diversity – the Diversity Advisory Panel – is in its infancy at the moment, but is this a way to ensure your scrutiny focuses on what the most vulnerable want from services?

Are you assured that tenants?

* Are aware how you are compliant with the diversity standard and happy with the standard set?
* Have opportunities to tailor priorities and effectiveness of services designed for vulnerable people?
* Have opportunities tenants to scrutinise equality and then monitor the outcomes of their recommendations?

**Self-regulation in diversity - why not join the debate?**

The new TSA standard will be out to consultation in the autumn of 2011.

Will it beef up the equality standard to take account of the single equality scheme that each landlord should be operating form April 2011?

We are here to help you, just ask

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