**SEP Newsletter Autumn 2011**



**Read on for the latest news on:**

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* Complaints
* Tenant Panels
* Report about lessons learnt from the co-regulatory champions
* CIH tenant qualifications available
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**CLG directions to the TSA, consultation on 9th July 2011**

The CLG published their consultation paper on changes to the way housing will be regulated and delivered in July. There is still time to comment on this. SEP intend to send in some “advice” to the CLG by 29th September, we would be happy to recognise any contributions you want to send us which we use in our response.

Please send your comments to Yvonne ([yvonne@tenantadvisor.net](mailto:yvonne@tenantadvisor.net)) by close of business on 15th September, in particular on the complaints panels.

**In the words of the CLG:**

This consultation outlines the areas on which the Secretary of State proposes to direct the social housing regulator to set standards. These are:

**Tenure reform:** to allow social landlords to issue flexible tenancies, subject to conditions, to make better use of existing and future stock. In implementing these reforms, we will respect the rights of existing secure and assured tenants.

**Mutual exchange:** to require landlords to enable access to internet-based mutual exchange schemes allowing tenants who want to move the best possible opportunity of finding a match, making the scheme truly national for the first time.

**Tenant involvement:** to strengthen landlord accountability to tenants and support the Tenant Cashback model, providing new opportunities for social housing tenants to get involved in commissioning repair and maintenance services for their homes.

**Rent:** to make changes to reflect the introduction of the Affordable Rent model.

**Quality of accommodation:** to clarify that providers are expected to maintain their stock at a decent level.

**In summary the CLG direction to the TSA on complaints and scrutiny says:**

* The TSA will be abolished and its functions transferred to the HCA
* Consumer regulation will in future focus on setting clear service standards, with the Regulator's monitoring and enforcement powers only used where necessary to address failures against those standards that give rise to actual or potential serious detriment to tenants (or potential tenants).
* Instead there will be greater emphasis on **local mechanisms to scrutinise performance** and **stronger tools for tenants to hold registered providers to account on service delivery.**

**On Complaints**

* The Review (of Housing regulation) recommended a **localist approach to the resolution of routine service problems, with an enhanced role for elected councillors, MPs and tenant panels** in the complaints process.

**On Scrutiny Panels**

* To help **drive the shift to local challenge and scrutiny**, the Review recommended that the Secretary of State should direct the Regulator to issue a **new standard on tenant involvement and empowerment.**
* This standard would **require registered providers to ensure that tenants are given the opportunity to form tenant panels** (or equivalent groups) that will enable them to hold registered providers to account and scrutinise service delivery.
* In order to **support effective scrutiny by tenants**, the standard would require registered providers to provide timely, useful information about their performance in a form which providers should seek to agree with their tenants. The proposed direction on tenant involvement and empowerment is designed to deliver these outcomes.

**On Tenant Cashback**

* The purpose of the **Tenant Cashback model** is to give social housing tenants opportunities to be involved in the management of repair and maintenance services for their homes
* Rather than registered providers always carrying out or commissioning repairs, the model would **give tenants opportunities to undertake or commission routine repair tasks themselves**, as agreed with their landlords.
* Tenants who choose to take up these opportunities will be able to take more responsibility for the upkeep of their homes and neighbourhoods. They will have a **chance to share in resulting efficiencies**, potentially building up worthwhile savings through the scheme. They may also gain practical and transferable skills.
* We recognise that **local circumstances,** including the age, condition and type of housing, will need to be taken into account in each locality. We do not therefore propose to prescribe how registered providers should run local Tenant Cashback schemes. However we are proposing that registered providers should offer opportunities to their tenants to be involved in managing repairs and maintenance services and to share in savings made
* We **are piloting the Tenant Cashback model** to work through the detailed practicalities of how a scheme will work in practice. We envisage that evidence from pilot schemes will be made widely available to help registered providers to run their own schemes successfully.

**Questions for consultation relating to complaints and scrutiny**

The CLG poses the following 3 questions relating to empowerment in their 9 questions from the consultation paper:

**Question 3:** Does the draft direction set out the right minimum protections for tenants of registered providers?

**Question 5:** Do you agree with the principle and detail of our proposed revisions to the direction on tenant involvement and empowerment?

**Question 6:** What type of models for involving social tenants in repair and maintenance services are registered providers likely to offer, how many tenants might participate in these and what costs and benefits might they result in?

**The CLG in their draft direction say - on tenant involvement and empowerment:**

We are proposing to amend the existing tenant involvement and empowerment direction in order to:

* implement several recommendations set out in the Review of Social Housing Regulation on strengthening the ability of tenants to hold registered providers to account15; and
* reflect the Government’s Tenant Cashback scheme

**The draft direction reflects three key recommendations set out in the Review of Housing regulation, the CLG say:**

1. Firstly, that **there should be a clear expectation in regulation that tenants are able to scrutinise registered providers’ performance.** The text in sub-paragraph 4(2)(a) of the proposed direction is designed to deliver this outcome. In particular we are proposing that tenants should have a wide range of opportunities to influence and be involved in *“the scrutiny of their landlord*’s *performance and the making* of *recommendations to their landlord about how performance might be improved.”*

Alongside effective scrutiny, the Government wishes to ensure that registered providers provide further opportunities for tenants to take responsibility for managing their homes, and support tenants in exercising this choice, including through the **Right to Manage** where this is appropriate. Sub-paragraph 4(2)(b)(i) reflects this policy.

1. Secondly, that **registered providers should welcome scrutiny via a tenant panel (or equivalent group).** The text in sub-paragraph 4(2)(b)(ii) of the draft direction reflects this recommendation. The proposed text is designed to sit alongside the provisions in the Localism Bill for tenant panels that have been recognised as a designated person for the purpose of **referring complaints to the Housing Ombudsman**. It is recognised that tenant panels will not necessarily choose to fulfil the function of a designated person for the purpose of referring complaints.
2. Thirdly, that **there should be a clear regulatory obligation on registered providers to provide timely, useful performance information to tenants in order to support effective scrutiny.** The Review also proposed that the Regulator’s statutory power to require registered providers to submit an annual report of their performance should be replaced with a regulatory obligation to provide an annual report of performance to tenants. The text in sub-paragraph 4(2)(b)(iii) of the draft direction reflects these commitments.
3. Sub-paragraph 4(2)(a)(v) of the draft direction reflects the **Tenant Cashback model. The intention is to give tenants opportunities to be involved in the commissioning or carrying out of routine repairs, as agreed with their landlord, and to share in any financial savings made as a result.** We believe that the publication of information about repair and maintenance budgets will help tenants to judge whether local schemes are sufficiently ambitious. Sub-paragraph 4(2)(b)(iii) is designed to achieve this outcome via registered providers’ annual reports.

**Inside Housing comments from Mike Biles, Housing Ombudsman, 1st September 2011**

The housing ombudsman has set out how his organisation will handle complaints from tenants once it takes full responsibility for the sector in 2013.

In an article for Inside Housing, Mike Biles says the changes should increase the trust tenants and landlords have in dispute resolution, and improve relations between the two parties.

From 1 April 2013 the housing ombudsman will take responsibility for all ‘escalated complaints’ against social landlords. At present some disputes are handled by the local government ombudsman.

Under changes in the Localism Bill the ombudsman will no longer be able to deal with complaints made direct by tenants. Instead concerns will have to first go to a local representative – such as a **Councillor or MP – or through a tenant panel** before being passed to the ombudsman.

In the article Mr. Biles says this is designed to ‘strengthen the role of locally elected representatives and tenant groups and address a perceived democratic deficit in understanding of housing issues at the local level’.

He says the service will publish a set of ‘dispute resolution principle’ setting out how it will handle complaints.

He states: ‘We aim to achieve accessible dispute resolution that will be of benefit to both landlords and tenants and encourage landlords to use these outcomes to improve the services they provide.’

**SEP meeting with CLG, 6th September**

Linda and I met with Simon Gundry for a couple of hours this week.

On the issue of complaints, he is working with Rafael Runco on a working party to discuss how the complaints systems on the **Local Government and Housing Ombudsman** will join to be delivered only by the Housing Ombudsman from April 2013 and also how the **democratic filter** will work, as a when the Localism Bill is passed.

The Housing stages of the **Localism Bill** are being discussed this week. The Bill should have passed through by the beginning of October and the CLG will issue **“indicative final directions”** to the TSA to enable them to start to consult the sector on the revised standards. The Bill will receive Royal Accent by the end of the year.

Simon is also responsible for reviewing the consultation which closes on 29th September 2011 on the **CLG directions to the TSA** and will major on the Involvement Standard. The standard includes tenant cashback; the right to manage and the new involvement standard on scrutiny.

We discussed the roles of the **Scrutiny Panel** and whether they could act as the **Tenants panel** for complaints. He felt this was possible provided the individuals did not include Board/Council members.

It is not clear **YET,** if that means that if you do have **Councillors or Board members** **or Staff** on your panel, then they must exclude themselves from complaints discussions, or whether their presence on the panel in itself will mean that panel cannot register with the Ombudsman.

The process which will run is that the **Ombudsman must register the Tenant Panel** for it to be recognised. Part of this process will be for landlords and tenants to prove their **independence** for such decision making.

**The Centre for Public scrutiny (CfPS) and the LA Ombudsman, June & July 2011**

The CfPS published a report on their website called:

**“Aiming for the best -Using lessons from complaints to improve public services.”**

The LA sector has been using scrutiny for some time as a tool for continuous improvement and many of the examples given are not relevant to housing, but nevertheless, worth a read if you are reviewing complaints.

They have also produced another publication on the **Young Peoples scrutiny panel in the City of Westminster,** which might also be of interest. Again this is more related to the LA sector, but worth a read.

Here is a link to their website [www.cfps.org.uk](http://www.cfps.org.uk)

**SEP working with the CfPS**

The CfPS and SEP have been asked by the TSA to produce an independent report of the **lessons learned by the 10 co-regulatory champions, to include best practice and top tips.**

We should be in a position to do a consultation on the first draft in November, with the full report being issued in the New Year.

We are proud to have been asked and look forward to disseminating lessons and good practice through this membership website.

**SEP Forthcoming events**

* **Tenant cashback seminar at Halton** **Housing Trust** for landlords and tenants on 6th October 2011, with free workshop in the afternoon on tenant coaching and mentoring (£60 for landlords and £50 for tenants), includes lunch and handouts (10% discount for SEP members). Contact Linda to book your place ([linda@tenantadvisor.net](mailto:linda@tenantadvisor.net))
* **Involving young people in scrutiny**, **at Halton** **Housing Trust**, for landlords and tenants on 21st November 2011 with a free workshop in the afternoon on accreditation of scrutiny panels. (Costs as above)
* **Centre for Public Scrutiny and SEP Joint report on excellence in scrutiny**, based on the evaluation of the roles taken by the 10 co-regulatory champions. London. Consultation on findings on 22nd November, (date awaiting confirmation) chaired by Nick Raynsford in London, to test the findings, followed by greater discussion at joint SEP NHC event on 30th November
* **The first national tenant panel conference**, for those involved in and with tenant panels, in conjunction with the NHC at York racecourse. This will include national speakers as well as unveiling the expectations from the TSA on scrutiny, empowerment, complaints, cashback and the right to manage. Dates, workshops & speakers to be confirmed. 30th November. We aim to repeat the conference in London as we launch the report.

**Accreditation for tenant panels and their landlords**

We are delighted to announce that we have developed an accreditation scheme for scrutiny arrangements. 5 organisations and their tenants have agreed to test our 3 stage Accreditation Framework, which offers an opportunity for landlords and tenants to assess the effectiveness of their scrutiny arrangements. The scheme also recognises good practices in tenant scrutiny and offers awards for achievement at each stage of accreditation.

More detail on this will follow in October 2011, so keep an eye on our website <http://www.tenantadvisor.net>

. In the meantime let us know if you are interested in finding out more.

**SEP offering CIH accreditation**

We are in an early partnership to offer our scrutiny training and at the same time enable tenants to achieve the Level 2, certificate in housing practice

More detail to follow in October, but let us know if you are interested

**SEP training on the new standards with the Northern Housing Consortium and TSA**

SEP is going to deliver specific training on **each new tenant standard** with the CLG and TSA, in partnership with the NHC. This will be for tenants and landlords and will be run with the TSA.

More details will be available on our website in October 2011.

**Can we help you?**

In the autumn and winter, we will be running further events, ideas include use of social media, Complaints Panel Good Practice and many others.

**ALL IDEAS ARE WELCOME** for future events and information you would like us to cover in our newsletter, just drop one of us a line.

Best wishes,

Yvonne & Linda

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