

National Conversation

Phase two summary of responses



TSA

**TENANT
SERVICES
AUTHORITY**

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Introduction

Purpose of this document

On 9 June 2009 the Tenant Services Authority (TSA) launched the second phase of its National Conversation. We shared with tenants, landlords, local authorities (in their strategic role), lenders and other partners our proposals for the design of the new regulatory framework, based on the results of the first stage of our National Conversation with tenants and landlords. The discussion document Building a New Regulatory Framework included our initial thoughts on the areas for TSA standards that our regulatory regime will be built on. This document does not re-state those proposals, so should be read alongside the discussion document.

This document gives a summary of the responses we received to the discussion document and other National Conversation events. It brings out the range of opinions on the regulatory approach we have proposed and the issues and concerns expressed around it. It is intended to provide us with a base from which to move into our statutory consultation, so we can be sure that our approach has been discussed with and influenced by all of our stakeholders.

The responses to our Discussion Document have provided us with valuable information on which to base many proposals for the new regulatory framework. In developing the final proposals, the TSA will have to make some difficult choices and we will also have to balance our legal powers and duties. Although we will take into account views and representations made during the National Conversation and reflected in this Summary of responses, we cannot guarantee that our final proposals will include or implement all the suggestions made.

This Summary presents a selection of responses, and we have made the formal written submissions available from our website.

Responses

From 9 June to the closing date on 8 September, we received over 700 written responses, including those to supplementary discussion papers around the governance and viability standards. This was an overwhelming response, which will inform the regulatory framework proposals that we will publish for formal statutory consultation in November 2009.

The responses have given us a clear picture of the richness of opinion and insight into our initial proposals. To show this, we have used direct quotations from many of the responses received to illustrate the most popular points made or where there were differing views on the same subject.

The breakdown of written responses we received is as follows:

Formal written submissions	325
Local Conversation feedback	406
Total	731

These were supported by feedback from 37 regional events hosted or attended by TSA, and a programme of engagement with the TSA's key stakeholders.

Local Conversations with tenants, held by landlords, made up over half the total number of written responses. This has allowed tenants across the country to have their say in our proposals.

The vast majority of responses covered multiple areas set out in the discussion document, although not all responses covered all the topics. The standards most commented on were repairs and maintenance (509) and tenant empowerment

(468). No standard received less than 300 responses addressing it.

The Tenant Services Authority

The TSA became operational on 1 December 2008. Following the 2007 Cave Review of Social Housing and under the terms of the Housing and Regeneration Act 2008, we will be responsible for regulating housing associations and the housing activities of local authorities who own their own stock, including those with arm's-length management organisations (ALMOs). The full range of the TSA's regulatory powers will come into force on 1 April 2010.

The Housing and Regeneration Act created ten statutory objectives for the TSA. These are to:

- encourage and support a supply of well-managed social housing, of appropriate quality, sufficient to meet reasonable demands
- ensure that actual or potential tenants of social housing have an appropriate degree of choice and protection
- ensure that tenants of social housing have the opportunity to be involved in its management

- ensure that registered providers of social housing perform their functions efficiently, effectively and economically
- ensure that registered providers of social housing are financially viable and properly managed
- encourage registered providers of social housing to contribute to the environmental, social and economic well-being of the areas in which the housing is situated
- encourage investment in social housing (including by promoting the availability of financial services to registered providers of social housing)
- avoid the imposition of an unreasonable burden (directly or indirectly) on public funds
- guard against the misuse of public funds
- regulate in a manner which minimises interference, and is proportionate, consistent, transparent and accountable

Executive summary

Responses to our discussion document reveal wide support for the proposed regulatory framework. Respondents generally agree it identifies what tenants want, that the 14 standards cover the right areas and that the TSA's approach in principle is sound. However, they seek further clarification of how the framework will operate in practice.

Key points emerging from the responses were:

- **Local standards** were seen as essential to ensuring that tenants have a say in and receive the services that they require and deserve. They should be used to improve on core levels of performance outlined in national standards. The TSA will need to be clear on what is 'local' and ensure that the arrangements landlords have in place to agree and monitor local standards are fit for purpose. Although mixed views were expressed on whether the TSA had a direct role to play, enforcing local standards was seen in the first instance as primarily between tenants and landlords
- Responses in general supported the TSA's proposals on **monitoring information**, especially the emphasis on collecting only 'used and useful' information. This should include sharing information with tenants to enable them to challenge and scrutinise their landlord
- There were mixed views on the benefits of a **grading system**. Many respondents suggest that the TSA should focus on the key facts and information provided about landlords' performance. Most agree that any grading system should be transparent, easy to understand and provide meaningful information which landlords can use to improve their own performance. A key concern is that it should fairly take into account the wide range of circumstances and local standard arrangements of different landlords while enabling easy and fair comparisons of performance
- Respondents agreed that the TSA must deal with poor performance. However, some urged us to work with landlords and tenants, including the use of peer support, to remedy any issues before **enforcement** powers are applied
- A number of respondents argued that while there may be a need to entice a wider range of organisations to **register**, they must be capable of meeting TSA requirements and these should be the same for all types of registered providers
- **permissions** for organisational changes should safeguard tenants' interests, and take into account tenants' concerns and local issues, particularly when considering disposals. Greater use of general consents for non-contentious decisions has been advocated

- **Diversity and tenants with care and support needs** have been welcomed as cross-cutting themes that should be integral to all individual standards
- Respondents broadly support the **quality of accommodation** standard, although some have suggested that the scope could be widened and taken beyond 2010 to make it more aspirational
- Respondents generally supported the **tenant choice and customer service** standard, including the view that this might be mainstreamed across other standards. There were some more balanced messages about the costs and benefits of providing more choice
- There was support for the **repairs and maintenance** standard ensuring delivery of core services to all tenants, avoiding over prescription and ensuring local standards added to rather than detracted from national standard service delivery requirements
- There was general support for the **neighbourhood and estate management** standard. Respondents feel that this standard should be one which enables details to be agreed locally between landlords and tenants, so that specific issues affecting a particular neighbourhood can be addressed effectively
- **Anti-social behaviour and security** are acknowledged as key concerns for tenants. Most responses are in favour of a standard in this area. However, it is also recognised that landlords may not be able to resolve all issues without effective partnerships with other agencies. Again there is support for local standards in this area
- The proposals for the **tenant empowerment and involvement** standard attracted widespread interest and support. Key themes included support for open approaches to methods for involvement, support for tenants, how empowerment is defined and continuing concerns about tenant involvement with larger landlords and group structures. Achieving existing accreditation in resident involvement was also cited by some to be a useful guide as to how well landlords are empowering their tenants
- A standard on **complaints** has been generally welcomed as highlighting the importance that landlords should attach to this area. The approach to developing this standard was similarly supported, with comments stating the importance of making the complaints process open and accessible, and realising the benefits that learning from complaints can bring

- As with some other standards, whilst there is support for a standard on **local area co-operation**, there are some reservations given that it requires the effective engagement of other partners. Respondents have noted the need for effective partnership arrangements agreed locally, proportionality in what landlords are accountable for achieving and careful performance monitoring arrangements
- Respondents in general saw **rents** as a straightforward area where government set the terms. Tenants' main concern in this area is that rents and service charges are kept affordable. Some respondents do feel that new thinking around the rents framework is due and that more could be done for the benefit of tenants if a greater degree of flexibility in setting rents were introduced
- The **tenure** standard and the principle of offering the most secure form of tenancy appropriate have been warmly welcomed. Some respondents also asked for some flexibility in order to meet the needs of different tenant groups
- Most respondents agree that the TSA should also set a standard for **allocations**. The importance of landlords working closely with local authorities has been raised if local needs are to be addressed effectively and to help ensure that the system of allocation is fair, transparent and effective
- There is overwhelming support for a **governance** standard, with a mixed response on which of the three options for the standard presented in the discussion document should be adopted. Most respondents agree that the TSA should not seek to be too prescriptive in its standard. Any code of practice it issues should reflect the wide differences in the nature of landlords in the sector
- There is broad support for a **viability** standard and the proposed approach
- There have been mixed views on the proposed **value for money** standard: many have agreed with the concept that this is key to providing good services to their tenants. However, there was some uncertainty around how a national standard could regulate this effectively and a feeling that a local approach to spending resources, defining value for money and measuring performance was required. Given the diversity of opinion within different groups of tenants and landlords on what constitutes value for money, it was also suggested that performance comparisons would be problematic

Co-regulation and our regulatory approach

Introduction

In this chapter we look at the responses we had to our proposals for our overall regulatory approach, as well as answers to the key consultation questions 1-6 and 13-18 in our discussion document.

Developing the regulatory approach

This section addresses key question 1: **Do the main findings from our National Conversation research have resonance with your experience and are we drawing the correct messages for the development of the new regulatory framework?**

There is wide agreement that the findings from the National Conversation so far do reflect respondents' understanding of what is important to tenants, and that we are basing the development of our regulatory framework on the correct messages.

Our approach and guiding principles

This section addresses key question 2: **Does our approach to regulation seem a reasonable basis on which to proceed and one best designed to ensure we achieve improvements for tenants, whilst generating a sense of ownership from landlords?**

Generally, there has been wide support that the proposed regulatory framework addresses the correct areas and that the TSA's approach, in principle, is sound. However, there have been concerns over how the framework will operate in practice, such as the cost and bureaucracy implications for landlords – especially small landlords – and how it will fit neatly with other regulatory arrangements.

Key recommendations were:

- the regulatory framework is not made overly complex
- the cost of regulation is kept as low as possible, for tenants' sake
- compliance with the framework will not represent an intensive administrative burden

- making the regulatory regime apply fairly to all types of social housing landlord
- making the co-regulatory approach work

“We share the broad vision set out in the paper that encourages landlords and tenants to work together in setting aspirations for and delivery of high quality services, and expanding the availability of choice wherever possible. It is right to take a co-regulatory approach that focuses on outcomes for tenants by freeing good landlords of unnecessary burdens while supporting self-improvement and providing regulatory intervention where needed.”

Local Government Association

“A co-regulatory regime that focuses on outcomes rather than processes will minimise regulatory intervention for the best-performing housing providers. It will leave them free to adopt approaches to service delivery that are appropriate for their organisation and their residents.”

National Housing Federation

“The NFA supports the co-regulatory approach in principle. However, we are concerned that the indirect approach to ALMO and TMO managed property could create confusion for tenants and be a potential obstacle to service improvement. We would suggest it would be more effective and efficient if the TSA should always deal direct with ALMOs initially (copying the council in where appropriate) and only go directly through the council (as the landlord and statutory regulated body) where there is a performance concern. Councils, via the LGA, would need to be agreeable to sign up to such a principle.”

National Federation of ALMOs

“Effective proportionate regulation requires a cultural change that leads to a shift in power and responsibility to tenants. This emphasis needs to be consistent through the new regulatory framework.”

Tenant Participation Advisory Service (TPAS)

“We are a very small housing association (less than 20 units)... our main concern is that you will not impose a regulatory regime which creates a new burden for our entirely voluntary management and secretarial structure.”

Welwyn Garden City – unnamed landlord

“We welcome the TSA's commitment to placing tenants at the heart of the new regulation to ensure that services truly reflect the needs and expectations of our tenants.”

Hastoe Group

“We welcome the TSA's support for co-regulation and feel strongly that this is a positive direction for the Authority to take.”

Yorkshire Housing

The standards framework

This section addresses key question 3: **Do our key propositions for shaping the new standards framework seem a reasonable basis on which to proceed?**

There is general agreement that the standards framework is broadly based around the correct areas. Where expressed, comments reflect the more practical elements of the framework. Some respondents have pointed out that, in order to avoid over-regulation, the TSA should set its framework in concert with existing regulatory demands on landlords.

Some respondents have pointed out that in order to be effective, the regulatory framework should be simple enough to be easily understood and avoid being prescriptive. Some may regard a proliferation of TSA codes of practice as adding to the complexities here.

“The exercise to inform the new standards has clearly been inclusive and the issues around agreeing clear criteria and understandable outcomes are welcomed.”

The Gateshead Housing Company

“We concur with the proposition for the new national standards framework as indicated. The standards need to be formed upon clear criteria, and must set exact tenant expectations in terms of outcomes and how monitoring will be communicated to them.”

Stevenage Homes

“The standards need to be supported by and consistent with a revised set of KLOEs (Key Lines of Enquiry). However, there is potential for over-regulation with national standards, codes of practice, KLOEs etc.”

East Durham Homes

“The relationship of codes of practice to the Commission’s Key Lines of Enquiry used for inspections will be particularly important.”

Audit Commission

“We would caution against codes of practice that become too prescriptive. We favour the setting of challenging outcomes but would suggest co-regulation has to be central to achieving outcomes, not step-by-step codes of practice... Recommendation 5: That the TSA develops good practice guidance in preference to prescriptive Codes of Practice.”

TPAS

“Proscriptive codes of practice should be avoided unless absolutely necessary as these will otherwise inhibit innovation and local decisions – one size cannot fit all.”

National Federation of ALMOs

Standards and cross-cutting themes

This section addresses key question 4: **Does the initial list of areas for national standards and our approach to diversity and tenants with care and support needs seem appropriate?**

Responses generally agree that the list of areas for national standards is appropriate and has been based on proper consultation.

‘Diversity’ and ‘tenants with care and support needs’ have been generally welcomed as cross-cutting themes that should be integral to all individual standards, however some respondents have warned that in taking this approach the TSA should be careful that the objectives of both are not lost or made less prominent amongst the other outcomes of each standard. There is also a feeling that our approach to equality and tenants with care and support needs is correct and this should be mainstreamed across the framework as a whole. (See next chapter, on equalities and tenants with care and support needs for further information and responses to this key question.)

“THCH believes that diversity and inclusion should be mainstreamed into each of the relevant national standards but also that these are areas which would benefit from the publication of codes of practice.”

Tower Hamlets Community Housing

Local standards

This section addresses key question 5: **Do our initial thoughts on the areas where local standards might supplement national standards seem appropriate?**

And key question 6: **How do you think the tensions should be managed with regard to whether local standards are within or outside of the regulator's intervention and enforcement powers?**

The issue of local standards generated a lot of comments from respondents. Some felt that local standards were essential to ensuring that tenants had a say in and received the services that they require and deserve. Given the diverse nature of landlords, tenants and localities, it was felt that national standards alone might struggle to provide this. Many were also of the opinion that local standards should be used to improve on core levels of performance demanded by national standards. This would avoid a situation where one landlord could deliver significantly worse performance than another under the terms of their respective local standards.

The difficulties in providing and making available local information, and then judging this nationally, has been noted by some respondents. They feel that tenants should play a central role in setting and judging performance standards, which would better allow for wide differences in the approaches of different landlords and for the local circumstances in which they operate.

On the term 'local', respondents pointed out that this should allow tailored offers for different client groups as well as geographical areas. On enforcing local standards, some were of the view that compliance could best be done locally with tenant involvement, although there were mixed views on whether the TSA had a direct role to play. Most responses on this point generally agree that there does need to be some level of regulatory oversight and that the TSA should ensure that the arrangements landlords have in place to agree and monitor local standards are fit for purpose.

"We welcome the opportunity that local standards present for local innovation and responsiveness. Local standards can often also better reflect the tenant 'ask' and the landlord 'offer' and this should be encouraged wherever possible and viable."

Local Government Association

“Effective frameworks have to be developed locally, with those communities, and the only true measure of success is anecdotally the levels of satisfaction felt by residents.”

London Borough of Hillingdon

“We believe that there should be clarity around national standards and flexibility to build and improve on this locally in co-operation with other providers and agencies.”

Axiom Housing Association

“We would wish to ensure that the ‘local’ should not necessarily be solely spatial, but refer also to client groups or service delivery methods. It may be that a local authority may want to agree particular service standards with its older residents, for example.”

Homes for Northumberland

“One point of clarification that would be useful in the standards is to define exactly what is meant by ‘local’. For example, this could mean setting standards across similar geographical areas but we would argue that a local authority area is not necessarily the right focus and flexibility should be allowed for it to be larger or smaller, for example to accommodate a difference between urban and rural areas. Equally, it could mean

setting standards across certain demographic groups, eg black and minority ethnic tenants, older tenants or single parents.”

Town and Country Group

If the customer is dissatisfied with the local standards not being met, this should be a guidance of concern to be investigated and where oversight has occurred time-scaled rectification should be permitted prior to any enforcement.”

Resident board member, Roundshaw Community Board

“The TSA should not regulate associations’ compliance with local standards, but should instead rely upon their arrangements for self-assessment, undertaken with the customers with whom local standards have been agreed. Any attempt by the TSA to regulate compliance with local standards is likely to be disproportionate and will undermine the local focus and therefore local ownership of the standards. The TSA should, however, subject assessments to challenge in order to ensure that associations properly consider and assess their standards and compliance with them, and identify any opportunities for improvement.”

Peabody Group

Information monitoring

This section addresses key question 13: **Does our approach to monitoring information appear a reasonable basis on which to proceed?**

In the main, responses in this area have supported the TSA's proposals to monitoring information, especially the emphasis on collecting only 'used and useful' information, which will minimise unnecessary effort. We were further urged to make full use of existing sources of data before requesting new ones. Some respondents also supported the use of existing external accreditation to reduce further the burden of information a landlord needs to provide, depending on the criteria necessary to achieving that accreditation. Overwhelmingly, responses support the commitment to limit the amount of information required from landlords by collecting the right data and making the best use possible of it.

Some respondents noted that the amount of information required from landlords should be proportionate to that landlord's performance: that way, a well-performing landlord can focus more of its time and resources on service delivery. Finally, the role of performance information in enabling tenants to challenge and scrutinise their landlord

was supported, with the TSA urged to put the conditions in place for this to happen.

"The principle of collect once, use many times must be applied to the housing monitoring information collected by the new regulator. The CLIP housing sub-group supports the streamlining of housing statistics and the emphasis on reducing the data burden."

Central and Local Information Partnership Housing Sub-Group

"Any data collected should be only that which is meaningful to tenants and landlords and should be kept to the minimum."

G15 (group representing London's largest housing associations)

"The approach to monitoring information should seek to utilise as much information as possible that is already being provided through performance indicators, statutory returns, CORE and NROSH and to minimise the additional information required."

Bury Council

"The use of third-party judgement, qualified or validated appropriately, has the potential of reducing the extent of analysis required of

the TSA, whilst removing the requirement for repeated data provision from landlords.”

Stevenage Homes

“We have no difficulty with the general principle of using accreditation as part of the assessment framework, but this aspect needs some careful working to ensure the model is robust, reliable and independent of influence from providers and commercial bodies. Some forms of accreditation can tell little about the performance of an organisation or how customers are served. Other forms are more meaningful and get to the heart of how an organisation operates.”

Audit Commission

“With monitoring information, again the key issue is about ensuring that it is kept to a minimum unless a housing provider is failing.”

Circle Anglia

“Landlords must act transparently, and make a range of accurate performance information available in accessible forms... landlords should be obligated to agree with tenants the range, type and format of performance information that they need to provide to tenants... benchmarking information is essential so that tenants can contextualise the performance information...”

landlords should be required to support the training and capacity building of tenants.”

Tenants and Residents Organisations of England (TAROE), events feedback

“Information provided to tenants... must be provided in a format that tenants find easy to understand and use. Tenants may also value the provision of contextual information – to assist understanding ‘the story’ behind ‘hard’ data. In the context of local standards in particular, and resident scrutiny in general, registered providers need to ensure that performance measures are developed in conjunction with tenants.”

HouseMark

Grading and assessment

This section addresses key question 14: **What are your views on the potential options for a grading system for assessing relative performance of landlords?**

Respondents' views on a potential grading system focused on the principles that would underpin it, namely that it should be transparent, easy to understand and enable easy and fair comparisons between landlords. Landlords responding on

this point, in general, preferred the idea of being assessed on each standard or theme which would give them useful performance information which they could then use to target resources to improve services.

Many suggested that focusing on key facts and information might be better than a judgmental approach to grading service delivery standards. Some respondents also expressed a view that warned that comparisons between landlords should include some appreciation of the context and local environment in which individual landlords were operating. Some suggested that benchmarking could be used to assist this process.

“Lenders do value the regulator’s judgement on governance and viability and, therefore, would need to see this continue. The type of grading system used should be as simple and clear as possible and allow for comparison across the sector.”

Council of Mortgage Lenders

“Any assessment scheme needs to meet two criteria – ease of understanding and comparison with other providers for tenants; (and) clarity in

understanding where to direct resources and achieve improvement for landlords.”

City of York Council

“The accent should be on ensuring that tenants understand the key facts about landlord performance on a consistent basis and can therefore draw their own informed conclusions on the performance of their own and other landlords.”

Local Government Association

“The grading system needs to be transparent and fair and based on evidence that not only takes account of performance, but also the context within which any particular landlord is operating.”

Shoreline Housing Partnership

“Caution should be exercised in respect of a grading system as direct comparison might not always be possible, especially where landlords have agreed local standards.”

Thrive Homes

Encouraging good performance and best practice

This section addresses key question 15: **What are the best ways we might incentivise good landlord performance and encourage best practice?**

A number mentioned that the promise of a lighter burden, and therefore cost, would provide a good incentive. There was also support for the TSA having a role that promotes and inspires good practice and improvement through the capture and dissemination of best practice examples of all kinds. Although there was a feeling that financial benefits would incentivise good performance, most respondents mentioning this referred to it in terms of a specific context, such as linking Homes and Communities Agency (HCA) grants to minimum performance in key areas or overall. However, caution was raised that incentives should pay regard to the views of tenants and the system should not inadvertently incentivise a landlord to put its effort against tenants' priorities.

There were suggestions that a variety of types of performance measure could be used and that performance against these could be published to

compare landlords. Other suggestions included the use of existing performance improvement facilities – eg benchmarking clubs and accreditation – and a continual, pre-planned 'raising of the bar' of the TSA's minimum standards that landlords could plan to achieve.

“Linking HCA funding to performance of local authorities would act as an incentive to improve housing services.”

North Kesteven District Council

“We would propose that those landlords who achieve a high level across all standards should be offered a radical reduction in TSA scrutiny for a significant period of time (probably five years).”

Servite Houses

“The TSA should facilitate the sharing of examples of good practice and best practice through some sort of 'bank' and the publication of good practice guidelines.”

Gateway Housing Association

“We welcome the proposals around tenant excellence as a way of promoting and disseminating best practice. Could go further and ask for a self-assessment against best practice

and development of plans and timescales to meet them.”

North Star Housing Group

“Incentives for improvement should come from service users rather than from the regulator. Use of financial incentives can work but it can also interfere with tenants’ choice. For instance, to set up a financial reward for delivering an improvement, achieve a target or set up a service delivery in a particular way goes against tenants’ priorities and inadvertently penalises those groups of tenants/organisations that have other priorities in mind.”

London Borough of Camden

Use of statutory powers/special measures

This section addresses key question 16: **What are your views on our high level approach to dealing with landlord failure (or risk of failure)?**

Respondents generally agree that poor performance in the sector should be addressed and that the TSA’s proposed approach is appropriate, provided that it is effective and proportionate to the organisation and the risk involved. Some

respondents made specific suggestions as to how they thought the approach could be developed further, such as by in the first instance providing support for landlords to improve their own performance and by using peer support.

There should be a way for tenants’ views to be considered as part of the TSA’s regulatory engagement with their landlord. There was some support for tenants to have a role in inspection, and a suggestion that tenants could initiate regulator action. When considering its approach to fines, the TSA should bear in mind that fines are paid from residents’ rents. There should be consultation with local authorities and tenants on any proposals for enforced management change. Where appropriate and possible, the cultural ethos of organisations should be retained when determining (rescue) strategies.

“Where the TSA is satisfied that a landlord... is not failing, then the landlord should be allowed to get on with the job without undue interference. Where the TSA does identify poor performance and possible risk of failure, then the landlord should be given the opportunity to address the problem. Where it is clear that a landlord is failing, then the TSA should be able to take

proportionate action using a range of graduated and enforcement powers.”

Gateshead Council

“We fully recognise the benefits to be gained through peer support. There are many examples where BH has successfully provided peer support to other organisations.”

Bolton at Home and Bolton Council

“It is vital that any intervention should be seen as a last resort and that leading up to this, the emphasis must be on support within an aim to avoid failure.”

The Guinness Partnership

“The TSA is required to publish guidance about how it intends to use its enforcement powers. To ensure that enforcement powers are used in a way that is demonstrably fair, these guidelines should provide a clear mechanism for challenge and appeal.”

National Housing Federation

“Where assets are transferred to another registered provider, there should be greater discussion with the local authority over the choice of the next landlord, particularly in the

context of rationalising the number of registered providers in a borough to raise standards.”

Islington Council

“There is a need for tenants to be given the right to be consulted on any enforced change of management.”

Derby Homes

“A high level approach planned for failing landlords is important to protect the tenants. In terms of financial sanctions, though, this should have careful consideration as the fines are, in effect, only paid by the rent payers.”

Coast and Country Housing Limited

“Tenants should be empowered in their relationship with the TSA as well as with their landlord. The TSA should set out a clear protocol and policy about whether and how it will exercise its power following representations from tenants.”

TAROE, Confederation of Co-operative Housing (CCH) and National Federation of Tenant Management Organisations (NFTMO)

“The TSA in commissioning inspections should require tenants to be fully involved in the full range of inspections. The TSA must adopt an

intervention approach that allows tenants to initiate intervention.”

TPAS

“TSA should support and aim to retain the 'cultural ethos' of the association when determining its future destination. TSA should consult meaningfully with tenants of those associations.”

BME National

Registration

This section addresses key question 17: **What approach should we adopt to reviewing the criteria for registration under the new regulatory framework?**

Common themes coming from responses include:

- striking the correct balance between attracting new landlords and risk
- safeguarding tenants from 'bad' landlords
- ensuring the reputation of the sector stays intact
- ensuring new entrants can deliver the expectations of being a social landlord

Respondents were, in the main, keen to see that the reputation of the sector, sound services for tenants and the value of registered status remained intact. Some were also supportive that registration criteria, whilst having in all cases to safeguard the sector, could be flexible enough to suit differences in the nature and intent of a range of organisations.

Respondents argued that while there may be a need to entice more and wider organisations into the sector, this should not be done at the risk of allowing in organisations that cannot meet the TSA's requirements, which should be the same for all registered providers.

In respect of registration criteria, respondents have generally supported the link to the standards, singling out viability, governance and tenant involvement, and that applicants should be required more generally to demonstrate how their approach fits with our overall regulatory framework.

“The TSA should take a robust approach, in order to protect future tenants from providers who are sub-standard.”

Bracknell Forest Homes

“Lenders must be able to rely on the regulator operating a robust registration process for new

organisations who would seek access to public and private funding.”

Council of Mortgage Lenders

“We would want to see a process for registration that supported the fundamentals of developing and managing social housing for future social benefit and would therefore be concerned if the new process was open to any type of body without the appropriate criteria for a long-term future in social housing.”

Southampton City Council

“We would agree with the introduction of a set of minimum common principles across the whole of the domain to ensure there is a level playing field.”

Accent Group

“Until now registration as a housing association (subsequently as a social landlord) has been a powerful accreditation, especially for lenders but also for local authorities and for customers. We believe that the TSA should aim to avoid debasing the currency and set demanding expectations for inclusion on the register.”

Catalyst Housing Group

“Once registration requirements are completed all providers should be subject to the same level of expectation across governance, viability and housing standards (allowing for any inevitable structural variations such as the existence of the local Performance Framework for local authorities).”

The Riverside Group

Consents, disposals and group structures

This section addresses key question 18: **Do you have any views on how we ought to review the system for landlord permissions under the new regulatory framework?**

Respondents to this area were concerned in the main that tenants’ concerns are safeguarded when granting permissions for organisational changes, and that local interests are taken into account. Wider use of a general consent in non-contentious areas is supported, in order to reduce the burden of regulation where it is at all possible to do so.

There has also been a discernable request from local authorities for them to play a greater role in granting consents, especially those concerning

disposals. This is in the main born out of their concern to safeguard the current and future interests of the locality.

Respondents brought out in particular four areas for attention:

- tenant role and safeguarding tenant interests
- how disposals (especially) affect localities
- local authorities' desire for a greater role
- the extended use of general consents

“It is important that tenant interests are protected when mergers are undertaken.”

West Kent Housing Association

“The opinions of tenants and the primary responsibility of the board for good governance should be paramount.”

South Yorkshire Housing Association

“There is a case for greater emphasis on requiring tenants' interests to be centre stage when mergers or group restructures are proposed – with more extensive engagement on restructuring proposals and the implications for service delivery, clear commitments or promises

to tenants and more robust monitoring of the delivery of these.”

Tribal

“It is essential that any disposals are considered within the context of the local authority priorities and that they have an opportunity to comment on the proposed disposal.”

City of York Council

“We agree with the proposal set forward by the Councils with ALMOs Group that there should be a simple notice procedure whereby a formal notice to request a sale be lodged with the TSA and the relevant local authority. Local authorities should then be able to object to the proposed sale by serving a counter notice on both the housing association and the TSA.”

Local Government Association

“We would suggest that the specific role which the regulator has in relation to registered social landlords should seek to minimise the specific approvals which the TSA need to provide and consequently the use of general consents should be widened.”

London and Quadrant

“General consents for non-contentious decisions are welcomed.”

Derby Homes

“Increasing the use of general consent would be very welcome. Providers should be encouraged to be efficient asset managers. Equally, local authorities should be encouraged to allow housing associations freedom to dispose of stock provided this disposal fits within a well-considered asset management strategy which has been consulted on and approved by the board. It is important that registered providers are able to utilise and manage their assets in a way that supports their long-term objectives.”

AmicusHorizon

Equalities and providing for tenants with support needs

The TSA believes that there are key values, which underpin excellent service delivery, and we would expect all landlords to operate on the basis of a commitment to a culture that treats tenants with dignity, respect, fairness and honesty. If landlords do not embrace that commitment, it is unlikely that the way they choose to provide services will ever be an effective or acceptable way to shape service delivery so that they will have met the national standards, much less that they will have the capacity or the will to exceed them.

The TSA has duties under equalities legislation to eliminate unlawful discrimination, promote equality and good relations between people of difference races (which we have extended to include people from diverse groups). It is our intention to use the development of the new regulatory framework to help us achieve those objectives.

As a result of this approach, two key areas, diversity and tenants with care and support needs, were proposed as cross-cutting themes to be included and reflected appropriately in every TSA standard. This section gives a summary of the main responses received pertaining to these two cross-cutting themes.

Responses

Respondents have overwhelmingly supported the TSA in its aims for dealing with diversity and tenants with care and support needs. A majority expressing an opinion have also supported mainstreaming these two areas across the regulatory framework. However, there have also been warnings that if we take this approach we should not, by doing this, dilute the focus on the outcomes we are trying to promote. Tenants in particular have pointed out that they would like to see diversity and support issues more prominently referred to in individual standards.

Underpinning the key areas that respondents believe the TSA could focus on, is the need for all landlords to understand who their tenants are and what their support needs might be. Without this knowledge landlords cannot hope to provide the services required by its tenants and might even be wasting resources on services that aren't required.

Clear and effective communication to all tenants is a commonly cited area where respondents feel the TSA could have a role in improving landlord performance. Related to this is the need for landlords to take a wide view of the activities they use to involve their tenants. Capable and informed staff are also seen as essential in allowing this

involvement and in providing effective service delivery.

Tenants with support needs and diverse groups will often be receiving advice and support from multiple organisations, which respondents feel landlords should be encouraged to engage with closely in order to offer a joined-up service. A similar point has been made to the TSA regarding existing regulators in these areas – the TSA framework should complement these and not confuse things for landlords and their tenants.

On diversity

“Diversity should be reflected in every standard and not be a separate standard in itself.”

Housing for Women

“We believe both diversity and care and support should have clearly identified separate standards... inclusion across a spectrum of all standards risks dilution of their significance.”

Axiom Housing Association

“For diversity, care and support, having a separate standard or cross-cutting all standards

is not the important factor. It is what the standards contain and how they are applied.”

London BME Directors

“Nothing about treating everyone the same, everyone receiving the same quality of service irrespective of their race, gender, religion etc.”

Derby Local Conversation (in response to ‘what do you think is missing?’)

“The residents were disappointed that there was not any mention of equality and diversity in accessing customer services.”

William Sutton Homes Local Conversation in Hull

“The discussion document seems only to recognise diversity as an issue in service delivery. We are keen to see the TSA acknowledge that diversity is equally important to governance, procurement, staffing etc. We would like to see diversity embedded across all the activities of social landlords as well as aspects of the TSA’s work.”

BME National

“The issue of customer profile is cutting across all services, in view of the need to understand

who tenants are in order to tailor services to their specific needs.”

BME and minority groups’ consultation event

“Poor communication is a core problem in the delivery of housing services... language, literacy and lack of the right support are the key reasons why BME tenants are not fully engaged and involved in the participation structures set up by housing associations... The quality of information can undoubtedly help to improve services. Information needs to be available in relevant languages on request.”

BME National

“Information needs to be made available to tenants about what is accessible to them in terms of support services. The lack of appropriate information and guidance makes it really difficult to know where to go for support. Organisational policies need to clearly state support that is available for lesbian, gay, bisexual and transgender tenants and again how this is provided.”

LGBT consultation event

“Again, it cannot be emphasised enough how important meaningful consultation, involvement and the link between consultation and action is. We maintain that the meaningful involvement of BME and other seldom-heard groups in housing processes can ensure that housing will work for all tenants... Tenant empowerment standard objectives should include an expectation that housing providers must take steps to involve those communities who are the most hidden and excluded.”

Race Equality Foundation

On tenants with care and support needs

“There was support for the cross-cutting theme approach, provided that tenants with support needs were not lost or buried. It was felt that there needed to be clear recognition of tenants with support needs in each relevant standard if a cross-cutting theme was going to be successful.”

Homeless Link Provider Forum

“Staff should know about the service users – they should be aware of who they are going to visit, and if there are any particular issues they need to take into account. Staff throughout the organisation should have awareness of people's needs, and treat people accordingly... Staff should be friendly, and shouldn't be intimidating, and should listen – should treat people like people.”

Bournemouth Churches Housing Association Service Users and Residents Forum (SURF)

“Different agencies need to work together to achieve the best results for the service user involved. People often have a wide range of needs, which are met by different organisations – this is particularly the case for tenants with support needs. These different bodies need to share information and talk to each other, so that there is a joined-up approach. Communication is key.”

Torbay Voice – notes from meeting

“Centrepoin'ts concerns about the draft framework relate to how it will link up with existing regulatory frameworks... We are keen to see a more joined-up approach to regulation through the removal of any duplication and overlap between different housing regulatory frameworks. Centrepoin't is subject to a variety of different regulatory frameworks in our capacity as a charity, a registered provider and as a management agent for other registered providers. As a supported housing provider, Centrepoin't is also subject to an extra layer of regulation through the Supporting People Quality Assessment Framework.”

Centrepoin't

The service offer to tenants

This section addresses key question 7: **What objectives should we have in mind in shaping the national standards that relate to the service offer to tenants?**

Quality of accommodation

Keeping homes up to date and in a decent condition is a key concern for tenants as they told us during the first phase of our National Conversation consultation. It is also central to how all landlords provide social rented housing. In addition, the quality of accommodation standard will be subject to a direction by the government and sets out the condition that social housing should be maintained to.

Generally, it appears respondents are happy with the TSA's proposals for this standard, although some have suggested that the scope could be widened, for example by including energy efficiency, and taken beyond 2010 to make it more aspirational. An element of tenant choice in defining local standards may go some way to achieve this. However, this should be done with close regard to financial constraints on landlords.

Tenants being able to understand the standard, especially in relation to the Decent Homes Standard, will play a central role in tenants helping to monitor landlords against this standard and simple guidance from the TSA as to what tenants can expect from this standard sometime in the future could be helpful.

"Homes should be a minimum government Decent Homes guidance and improved as per funding available. Standards of homes must improve and not deteriorate. Energy efficiency."

Local Conversation event, Peterborough

"Property should be at acceptable standard and inspected prior to letting."

William Sutton Homes Local Conversation in Widnes

"Decent Homes has too narrow a definition. It doesn't account for people's needs or stage in life of the customer, eg the standard for an elderly tenant may focus more on security, for a younger tenant a garden with a boundary for children to play in."

Leeds ALMOS and BITMO Local Conversation

“TSA should go beyond the Decent Homes Standard in framing the standard on quality of accommodation. For instance, including communal areas and energy efficiency. This standard should extend to new build and/or reflect the requirements of the Homes and Communities Agency.”

Northwards Housing

“The Decent Homes Standard is quite a basic standard and in many councils with ALMOs higher local standards are applied. In the longer term, we would want to move towards a decent neighbourhood standard and a higher energy efficiency standard.”

National Federation of ALMOs

“The Decent Homes Standard needs to be expanded to include some indicators of acceptable quality in the neighbourhood and environment, or perhaps a requirement that each landlord should develop local standards giving choice to tenants of what additional neighbourhood and environmental criteria need to be achieved. This would have to reflect what is within financial limitations as well as the consensus among customers of what the criteria should be.”

Wrekin Housing Group

“We are supportive of the need for good quality accommodation and design practices. We just question the extent to which supported housing providers are going to be able or encouraged to invest given the current uncertainty around Supporting People revenue.”

Look Ahead Housing and Care

“The Decent Homes Standard is complex and difficult to explain to customers.”

Longhurst Group

“Tenants asked for a clear but easy to understand definition of a ‘decent standard’”

Plymouth Community Homes Local Conversation

Tenant choice and customer service

The promotion of choice for tenants and potential tenants is explicitly incorporated in the TSA’s fundamental objectives. This standard is concerned with choice in respect of the services provided by landlords. Throughout the first stage of the National Conversation, tenants repeatedly said that quality customer service was important and that they

wanted a choice over the services offered by their landlord.

Respondents generally supported the aims of this standard, although there was some feeling that the principles of good customer service could also usefully be mainstreamed across the entirety of the regulatory framework.

Some responses have highlighted that landlords have limited resources for further improving their services and that offering further choices to tenants has a potential cost impact. On the other hand, some respondents have pointed out that tenant choice could also help landlords focus their resources on the services that are really important to them and use less resources for the remainder. This is an area where a considered and balanced approach needs to be taken, and landlords want assurance that they will not be asked to achieve the impossible.

Local Conversation responses especially noted the need to include reference to diversity and support issues in this standard to ensure that all tenants get a fair say and receive the services that are most important to them.

“Suggest this is included in all other standards as choices can then be more prescriptive, one standard for choice and customer service would be too overarching.”

YMCA Kingston Local Conversation

“This (national standard) should encourage landlords to develop local service level agreements so that they develop a more customer-style experience for tenants.”

Contour Homes Local Conversation

“There will be a juggling act to manage raised customer expectations whilst tackling financial viability. For some social housing providers it could be a tough act to fully provide choice and meet customer expectations beyond ‘getting the basics right.’”

Midland Heart

“We need to recognise that choice costs money, and all tenants may end up paying for the choices of a few.”

Sovereign Group Residents’ Forum

“Hyde residents felt that the TSA should monitor performance against this standard through customer feedback and the review of complaints.”

The Hyde Group

“The key objectives should be encouraging resident focus, delivering great customer services, involving residents in shaping service standards, responding to specific customer needs and demands and encouraging innovation and diversity within the sector. Prescriptive standards will stifle innovation and drive inflexible and mediocre performance.”

Amicus

“Choice in other sectors is a given in order to stay competitive within the market, and yet it is something social landlords continue to struggle with. Bringing in more techniques from other sectors around market research and customer segmentation could help to break this down.”

Thames Valley Housing Association

“While we fully support the principles of customer choice and welcome the TSA’s focus on this, there is still a lack of clarity about what ‘choice’ actually means across the housing sector... There are clear disparities as to what

organisations understand and deliver under the banner of choice.”

Chartered Institute of Housing

“Would question how high the issue of ‘choice’ is in tenant priorities. Surely what most tenants want is high quality, accessible, reliable services, responsive to local needs and representing value for money. More important is their ability to influence how these services are provided and to be able to challenge or replace poor service providers when standards are consistently not met.”

Kirklees Neighbourhood Housing

“We believe that customer service should be the key requirement in the standards, with choice as a dimension that might enhance customer service in some dimensions for some residents. We do not have evidence that choice, as an end in itself, is especially valued by residents. The key is to understand what residents want and whether choice provides a good and cost-effective means of providing that.”

Moat Housing Association

“Residents should be given choice/right to change contractors if the service is not up to a standard. Landlords should provide choice for residents, let the residents choose what is suitable for them, eg cost of quarterly newsletters, and let residents decide how many issues they think we should produce etc.”

Local Conversation, Manchester

“Tenants should be allowed to opt out of standards where appropriate, eg older tenants who may choose not to have major work to their homes to achieve the Decent Homes Standard.”

Runnymede Borough Council

The feedback overwhelmingly supports a national standard in this area. The two most important priorities confirm previous National Conversation findings: ensuring that landlords get repairs and maintenance ‘right first time’ and avoid delays. Brought out clearly in responses is the concern felt for vulnerable groups for whom even routine repairs and maintenance may have extra importance, and who may also have special requirements.

Though a debate has emerged over how this standard should be set in practice, especially with regards to national versus local standards, it is clear that most respondents still want more or less the same things delivered from this standard:

Repairs and maintenance

Repairs and maintenance was the top priority arising from the first stage of the National Conversation. Repairs and maintenance affects all tenants and all types of landlord. This is one of the most significant service areas for landlords and tenants, in terms of the cost of providing it, the challenges of delivering a good quality service and the impact it has on tenants’ satisfaction generally with the service that their landlord provides.

- a standard set and measured involving tenants, that meets the local needs of tenants themselves
- a core standard for all landlords to adhere to, so tenants can see how well their landlord is performing against others, especially those in the local and similar areas

From this it might be concluded that an overly prescriptive standard in this area would be extremely difficult to make work, whereas guidance that helped landlords and tenants produce their own standards based on the national requirements would be welcomed. There is wide support for a

measure of tenant satisfaction to be incorporated in the assessment process for all elements of this standard.

Responses highlighted that for some vulnerable groups, for example the elderly, certain repairs, maintenance, aids and adaptations will be a higher priority than they would be for other tenants. Landlords will need the freedom to respond to particular needs in their local areas and amongst their own tenants.

“‘Right first time’ is very important – it must be fixed and stay fixed.”

Milton Keynes Local Conversation

“The TSA and all social landlords should really understand how frustrated people feel when there is a long delay for repairs.”

Moat Residents’ Forum

“We are very pleased at the departure from output-based measures, and the emphasis on resident satisfaction, which we believe will enable us to provide greater flexibility and customer focus in our services.”

Sovereign Housing Group

“Should be monitored by customer satisfaction, right first time, reduced repeat repairs... satisfaction measure but these need to be something which people can trust, is appropriate and meaningful – need to move away from the tick-box approach of measuring satisfaction. It’s difficult to compare landlords, given the different contexts in which organisations work. Tenant satisfaction to be used as a barometer.”

Group feedback, Manchester launch event

“Residents should be involved in the setting of criteria for reactive repairs under each category.”

Local Conversation, London

“The residents disagreed with a local standard for repairs and maintenance. They believed in the majority of cases all registered social landlords should be bound by the same service standards.”

William Sutton Homes Local Conversation, Hull

“Local standards could be an option but there would need to be some consideration about how services are procured to ensure they remain efficient and cost-effective.”

Cestria Community Housing

“All the residents liked the idea of comparing us to other landlords but also felt local standards may be needed for supported housing/vulnerable tenants. They felt it was a shame both are not possible together.”

Local Conversation, St Helens

“A code of practice may be difficult to frame to cover every landlord and may best be developed as a set of principles and guidance on how to frame local standards.”

Northwards Housing

“It was suggested that the standard could include a shorter response time for non-urgent repairs for vulnerable/sheltered/supported tenants to take account of their needs.”

Plymouth Community Homes

Neighbourhood and estate management

The servicing and maintenance of common and communal areas was a key issue raised in the first phase of the National Conversation. This proposed standard also supports the TSA's fundamental objective to encourage landlords to contribute to the environmental, social and economic well

being of the areas where housing is situated. Most tenants tell us that they value the work done under the Decent Homes programme, but that a 'decent community' where people feel safe and secure matters too.

There is general support for the aims of this standard, and landlords and tenants alike recognise the responsibility they have for neighbourhood and estate management. The clear consensus is that this standard should be one where details are agreed locally between landlords and tenants so that specific issues affecting a particular neighbourhood can be addressed effectively.

However, respondents feel that this standard should recognise that in not all cases is a single landlord solely responsible for the management of the estate or neighbourhood: in many cases responsibility should be shared with other organisations and other landlords.

Tenants also have an important role to play in maintaining their neighbourhoods, and there is some feeling that the national standard should recognise and encourage this.

“The proposed standard focuses on how landlords manage communal areas of housing

estates and/or social housing. We would like to see a broader focus which considers how landlords and their partners can support the wider ambitions of neighbourhood management and the creation of successful communities.”

Chartered Institute of Housing

“It is vital that as the standards are developed, care is taken to avoid duplication and overlap, eg between anti-social behaviour and neighbourhood management... It should also be noted that local area co-operation may often need to be the response to neighbourhood management and anti-social behaviour.”

Local Government Association

“Agreeing standards for services with tenants at a ‘local level’ feels right.”

Local Conversation, Plymouth

“The TSA needs to bear in mind that some landlords may not necessarily be in full control of delivery of some of these services and could well be restricted to lobbying or trying to influence other service providers.”

The Gateshead Housing Company

“Residents can help to identify service areas requiring attention. The national standard

should compel landlords to consider ways of tackling resident apathy. A national standard should encourage landlords to foster resident ‘ownership’ of communal areas, particularly where residents have already improved the ambience of a communal area, via recognition and reward.”

Moat Residents’ Forum

Anti-social behaviour and security

This standard relates to the ways in which landlords are meeting the expectations of their tenants to be able to live in a safe environment. During the first stage of the National Conversation, tenants told us that safety and security were a priority for them. Taken together, safety, security in the neighbourhood and anti-social behaviour (ASB) were the top three issues after repairs and maintenance that tenants wanted their landlords to pay attention to.

Most responses are in favour of having a standard in this area. Respondents in general have also welcomed and encouraged the role of local standards in this area which could play an invaluable role in addressing the wide variety of issues that

can be captured under the title 'ASB and security'. Some suggest a definition of ASB within the standard might help, although others imply the standard should be carefully worded not to exclude legitimate areas that groups of tenants might believe are ASB problems for them.

There are concerns expressed that individual landlords may be held too much to account for solving ASB and security problems in isolation. Respondents have pointed out that often these issues can only be dealt by other agencies or in partnership with other agencies, and that it is difficult for landlords to have a major influence in areas where the concentration of their stock is low.

Measurement of performance against this standard, given the wide range of issues faced and reliance on partnership solutions, is another area to be approached with care. Some caution is raised about how far the TSA can rely on measuring compliance with this standard through the Respect Standard, given its voluntary nature and the fact its terms – and changes to them – are outside the remit of the TSA, although many landlords already support commitment to it.

“This was felt to be an area that was appropriate for local standards due to the variety of differing and challenging issues that can arise within particular communities.”

TAROE

“Landlords alone cannot take the action required.”

Group feedback, London launch event

“Partnership working is not mentioned and this is a vital part of the ASB process.”

Local Conversation, Borehamwood

“Anti-social behaviour is a catch-all term and security is just one aspect of this. There needs to be a different response to low-level incidents and priorities across the stock, ie ‘hot spots’ need to be factored in when prioritising resources. Service standards in this area therefore need to be more sophisticated than a national standard.”

Thames Valley Housing Association

“The standard concentrates on controls and nothing has been said about increasing victim support, enhancing community cohesion and mediations.”

Local Conversation, Manchester

“Include communication to tenants, ie service expectations of landlords; tenants’ rights to information; clear processes that show how tenants will access and receive ongoing service... plain English so tenants can understand what landlords will need to do... tenant involvement expectation in ASB service development, delivery and monitoring... more expectation on landlords to introduce preventative/diversionary measures to reduce ASB and work with communities.”

TPAS tenant consultation feedback

“In terms of measurements, the residents suggested compliance with the initial response time target and ensuring that we keep the complainants informed. We would add that a measure of satisfaction with the way we have dealt with the nuisance problem is probably as good a common performance measure as anything but we would caution against trying to have data of this sort disaggregated to local authority level as the number of cases is so low as it make the results very unreliable.”

Hexagon Housing Association

“[The] Respect [Standard] is a voluntary code which landlords can choose to sign up to, according to what is right for their tenants, neighbourhoods and businesses. Basing the standard, key performance indicators or code of practice on respect would make it a mandatory part of regulation which would be unacceptable.”

National Housing Federation

Tenant empowerment and involvement

This section addresses key question 8: **What objectives should we have in mind in shaping the national standards that relate to tenant empowerment and involvement?**

Tenant empowerment

The first stage of the National Conversation clearly indicated that many tenants want to be involved in decisions about their homes, and they want good communication from their landlord. Tenant involvement is an area on which the government has a power to direct the TSA in relation to standards.

The proposals for this standard have attracted widespread support and interest, which in turn generated many comments from respondents. There is support for both views as to whether this area should be handled as a standard in itself, or as cross-cutting theme incorporated across the rest of the framework. There are also strong links to diversity and support issues for tenants, as landlords will need to ensure that all tenants have the same opportunity for involvement.

The principle that there should be opportunity for all tenants to participate has been strongly put forward;

and this includes a tenant role in setting up the methods through which tenants are involved in the first instance. This links to the point that landlords should not be too prescriptive in what they consider to be tenant involvement.

In addition, tenants in particular have pointed out that often allowing all tenants to be involved requires support of all kinds, which largely should be supplied by the landlord. This could include, for example, the provision of clear information to tenants, training for tenants on key issues and how to get involved, and provision of places to hold meetings.

The question of how to promote tenant empowerment has also led to the question of how 'empowerment' is defined, alongside related concepts of 'involvement' and 'engagement'. There have been requests for the TSA to specify what is meant by each of these terms.

A small number of respondents have noted a particular concern over tenant involvement in the decisions made by big landlords or landlords that are part of a wider group structure.

In terms of measurement, most respondents considering this decided that service improvement

measured locally by tenants was probably the best guide to performance. Achieving existing accreditation in resident involvement was also cited by some to be a useful guide as to how well landlords are empowering their tenants

Other common issues brought out in the many and varied responses on this topic include:

- the standards need to have 'teeth' for tenants to be truly empowered
- not all tenants want to be involved or empowered, keeping tenants informed is just as important
- decisions should not be dominated by the 'usual suspects'
- more emphasis on the tenant scrutiny role and how this will work in practice
- all should have the opportunity to be involved, especially vulnerable and/or hard-to-reach groups
- to be understood correctly the standard needs to be written in plain English with no jargon
- there have been calls for more explicit guidelines on what the standard will mean in practice. In particular, what 'good practice' in tenant empowerment is could be defined so tenants know what to expect

"The standards need to include explicit requirements that landlords provide a spectrum of opportunities for tenants to be involved in the influencing and management of their services at a level and frequency that suits their needs."

TAROE

"Residents again emphasised the importance of communication and listening. It was recognised that it is hard to get people involved, and that there should be a wide range of methods to get people involved."

Matrix Housing Partnership Seminar

"It is not about the numbers of tenants involved, but the range of opportunities available to engage at different levels."

The Riverside Group

"We have to take into account service users with a range of different needs living in very difficult provision, eg from women's refuges to care homes, so we may need to consult and involve people in many different ways about many different issues. Again we would not want any standard to be too prescriptive about how or what we consult and involve tenants on."

Nottingham Community Housing Trust

“In shaping national standards that relate to tenant empowerment and involvement, regard should be had to local frameworks and different levels and a prescriptive ‘one size fits all’ approach avoided.”

Acis Group

“The tenant involvement standard must belong to tenants or identify a clear partnership approach. The opening proposals should state tenants must be a key partner in the development of tenant involvement opportunities and support specifically and across all services, that gives real influence and decision-making opportunities.”

TPAS

“That registered providers must devote resources to ensure participation is effective and developed over time.”

TPAS

“Extra support should be provided for tenants to get involved and express themselves, especially if they are vulnerable or have specific needs... more help for those who cannot express themselves; support and listen... education and training should be provided as well as information, so tenants know how to interpret what they are being told... Tenant groups should

be given support to hold meetings. Housing associations should contribute towards the provision of local meeting places, eg community centres.”

Selwood Housing Local Conversation

“There was a very strong feeling and consensus regarding the use of the word ‘empowerment’ when the standard is about tenant ‘involvement’. The group thought that ‘empowerment’ was misleading and that the majority of tenants wanted ‘involvement’ not ‘empowerment’.”

NHF East Midlands regional committee

“Need to get a clear definition of engagement, empowerment, involvement.”

Group feedback, London launch event

“The driver for local authority level information will limit what the TSA can do in this area. The expectation therefore needs to be around a range of involvement mechanisms being available which are well used by residents and have an impact on measurable service improvements. The measures should therefore be around the numbers involved and to what extent services have improved as a result.”

Thames Valley Housing Association

“Only meaningful measurement is improved services, improved range of services, and improved quality of services.”

Group feedback, Manchester launch event

“The resident involvement statement should be shaped around locally agreed standards and developed and monitored by residents. All agencies should be required to move towards accreditation (such as TPAS) for resident involvement activities.”

One Vision Housing

Complaints

Tenants at regional National Conversation events generally said that landlords should aim to get it right first time when dealing with tenants and, although there was support for robust complaints procedures, there was a feeling that landlords should be resolving issues without having to fall back on these procedures. However, where failures occur, they want an excellent complaint-handling process. Diversity and support issues were brought out strongly here, as respondents felt that the TSA should ensure that all tenants had the same opportunities to complain, regardless of any language or other difficulties they may have.

Further, all tenants should feel comfortable about complaining and have the support they need to do so if and when required.

A standard on complaints has been generally welcomed as highlighting the importance that landlords should attach to this area. The role of the ombudsmen and tenants in shaping the standard has also been welcomed.

Some respondents stated that the standard should encourage a system of complaining that is open and accessible to all regardless of support needs, and that all complaints should be able to be made in an environment that is supportive and not threatening. Some respondents also saw a valuable role in tenants monitoring the complaints process and the performance of landlords in this respect.

A significant number of respondents agreed that the major benefit from complaints was the learning that could be taken from them. Finally, some responses also stated that they thought compliments and other comments should also be included within the remit of this standard.

“Complaints should be handled properly and taken seriously.”

Liverpool Housing Trust Local Conversation

“TAROE would support the production of a detailed code of practice in this area, developed in partnership with the ombudsmen services. However, TAROE would also expect tenants to be involved in the production of such guidance, and believe that representative tenant organisations such as TAROE should therefore be engaged in this process.”

TAROE

“Reassuring tenants that they can make legitimate complaints without fear of reprisal.”

National Conversation, London summary event

“[Tenants] sometimes feel uncomfortable about making complaints as are worried about the implications, and if this will put them at risk in the future (in terms of the support they receive or their tenancy). There was concern over potential repercussions. Would want to see something in the standard which prevented this, and ensured people felt comfortable making complaints, and where needed, there was support for them to do this.”

Bournemouth Churches Housing Association Service Users and Residents Forum (SURF)

“We welcome your proposal for a national standard for handling customer complaints as we view all complaints and customer dissatisfaction with our service as essential customer feedback.”

West Mercia Housing Group

“Complaints should be part of providing good customer service. The focus of the complaints process should be on learning from complaints. This is not highlighted.”

Sutton Housing Partnership

“No mention of compliments or comments as a way also of improving services. We should not always assume that things have to be wrong before they can get better.”

Accord Group Local Conversation

Local area co-operation

The 2008 Act includes a specific provision that registered providers should co-operate with local authorities in taking part in preparing or modifying Sustainable Community Strategies if the local authority asks them to do so.

Respondents have generally supported the aims and objectives for this standard, but have in equal measure also been uncertain about the practicalities.

Effective partnership working between landlords, local authorities and other agencies has been widely seen as central to achieving the objectives of this standard. However, some respondents have urged the TSA to ensure that any requirement or encouragement to engage in partnership working does not in reality mean that local authorities will direct landlords. In addition, the TSA has been prompted to strike the right balance and not be too prescriptive in setting out how individual partnerships should work: the details are best arranged locally.

The emphasis on partnership working should also be reflected in any assessment process, as should some measure of proportionality based on how much influence a landlord is expected to have in areas where they have small amounts of stock. Assessment of activities that are considered 'non-core' should also be approached with caution, as while these can sometimes contribute most to achieving the aims of the standard, a landlord's ability and opportunity to provide these varies widely

and the right level of activity in one area will not be the same as for another.

In addition, many respondents noted other regulatory and assessment arrangements in this area, in particular the Comprehensive Area Assessment. There was a strong feeling that the TSA's regulation should certainly not impose duplication of effort or repeat what is already being measured, but should fit neatly within the context of the measures already in place.

There were also comments from tenants expressing their desire to be a part of setting local objectives and monitoring performance in this area. Finally, there was broad support for the TSA to encourage good performance, but less support for heavy sanctions against landlords that are not doing so well.

"Effective partnerships are central to the delivery of sustainable places and in this local area co-operation is important. We know that no one organisation can deliver alone. Local authorities, community organisations and third sector groups in communities are essential partners for housing providers. With their strategic housing and planning roles, local authorities in particular

have a key leadership role across sectors, tenure and markets.”

Chartered Institute of Housing

“This is not about landlords reporting to local authorities, as it is often mistakenly perceived. Instead, co-operation between landlords is often the only way to deliver the service offer that tenants want, given that they see the health, safety and vitality of their local areas as being as important as the state of their homes.”

Local Government Association

“The TSA’s initial thoughts on local area co-operation do not recognise the independence of housing associations and the discretionary nature of much of the work we do in local neighbourhoods... There can be no expectation that we should fill the gaps in service left by local authorities or any presumption that we will commit resources that will benefit the wider neighbourhood unless there is tangible benefit for our residents and our business.”

G15

“[The TSA should not imply] an intrusive degree of regulatory interest in a relationship that must be allowed to develop according to the specific needs of the area based on dialogue between

the various providers, the local authority, and above all, tenants and residents. Seeking to impose a uniform approach will be deeply damaging, and will enmesh the regulator in the complexities of local relationships to which it can make no useful contribution.”

National Housing Federation

“Doing the basics well is really important – it’s the primary thing. ALMOs have the presence and density in an area but they have less flexibility around funding. It’s not about doing more activities. In fact, partnerships are very important when you’re doing the core management well, so you can co-ordinate well with other organisations that do other activities. If an organisation does the basics well, they are already contributing to the SCS – by providing people with a stable home.”

Notes from consultation meeting with National Federation of ALMOs and a number of ALMOs

“The TSA mustn’t regulate non-core activities.”

Notes from consultation meeting with small registered providers

“There must be flexibility in the depth and scope of providers and any standards should reflect the size, coverage and presence, but also the stock types, customer profiles and, very importantly, the extent of local needs with those communities. What is appropriate in one affluent area may not be so in a more deprived one.”

City West Housing Trust

“Further thought needs to be given to how performance is measured, particularly for landlords with only a relatively small number of homes in a particular area, and given that co-operation is of course a two-way process.”

Waterloo Housing Group

“Whilst we acknowledge that the level of co-operation will differ depending upon the presence landlords have in specific areas, the level of co-operation should be sufficiently proportionate to their stock holding. Additional guidance for landlords on this would be useful.”

Sanctuary Housing Group

“Effective partnerships with shared goals, priorities and action plans at strategic and local levels should be agreed and measured collectively, feeding into the Comprehensive Area Assessment. Performance information is already shared, as are specialisms, and a lack of shared information has never been identified a barrier to the LSP development, so it questions what further information needs to be shared.”

Incommunities Group

“Local area co-operation says nothing about tenant involvement.”

Greenfields Local Conversation, Braintree

“Local area co-operation is important, but a difficult area to define a standard for. Again, we consider that the involvement of tenants should be central to the standard. Through this standard, it should be the responsibility of landlords to enable their tenants to become involved in the place shaping and strategic roles of local authorities.”

CCH and NFTMO

The tenancy agreement

This section addresses key question 9: **What objectives should we have in mind in shaping the national standards that relate to the tenancy agreement?**

Rent

Rents were a key issue arising from the first stage of the National Conversation. Tenants identified reasonable and affordable rents as a top priority. The rent standard for housing associations will be subject to direction that the government has consulted on.

Respondents in general saw this as a straightforward area where government set the terms, hence comments in this area were limited compared to some other standards. However, some respondents do feel that new thinking around the rents framework is due and that more could be done for the benefits of tenants if a greater degree of flexibility in setting rents was introduced.

Tenants' main concern in this area is that rents and service charges are kept affordable and, if links are to be made with other standards, one could suggest that through tenant choice and empowerment

tenants might welcome a say in how charges are set against the services they receive.

A final point made by respondents concerned their ability to understand the rent-restructuring regime. Some respondents reported that tenants did not understand the regime sufficiently to comment on it, and there was also a comment that tenants sometimes misunderstand their landlord's control over rent levels. In response to these concerns, the production of a clear guide to rent restructuring for tenants might be helpful.

"The CLG direction on rents (Para 3) effectively confirms that existing policy should continue (subject to a floor on rent decreases) and therefore the proposed objectives relating to the rents standard applies."

Catalyst Housing Group

"The main issue relating to this area is that it may give tenants the impression that landlords have control over rent levels. There is very limited scope to influence rent setting with the current system. If this is to remain, this needs to be explicit and we are unsure how this could be reflected in inspection."

Your Homes Newcastle

“Should include that landlords should look at keeping rents and service charges down as much as possible.”

Local Conversation event, Peterborough

“TPAS has concerns about the level of rents charged and the levying of service charges on top of the net rent. We note the proposed CLG Direction and have concerns that the rent strategy may impact adversely on tenants.”

TPAS

“This standard is the only place in the framework where investment in new homes is mentioned. We are disappointed that there is no new thinking yet on rents. The current approach does not encourage excellence, and is inflexible in enabling landlords to support choice and respond to tenants’ preferences... We hope for more creative thinking in this area in relation to the approach post 2012.”

Sovereign Housing Group

“We would also welcome a degree of debate over which elements of property improvement and design can be reflected in rent levels. It is the case that retrofit activity, for example, can

significantly reduce a household's fuel cost. Some degree of rent increase to offset the retrofit cost could be made whilst not causing a net cost to a household owing to the fuel cost savings.”

Gentoo Group

Tenure

The form of the tenancy agreement used by landlords is the formal legal agreement between them and their tenants, setting out their respective rights and responsibilities.

There were no real objections raised to the objectives of this proposed standard and respondents felt that the principles on which it was based were sound. The needs of tenants with care and support needs were brought out in responses to this standard, as well as a reminder that clear information that is understandable by all tenants is required in order that all tenants understand their tenancy agreement.

Some respondents did indicate that they would value some flexibility in the standard to allow them to respond to changing circumstances, but there was no suggestion that this would be done

counter to the principle of offering the most secure tenancy possible. Starter tenancies were mentioned in particular as having already proved useful to respondents.

“The tenants’ rights to security. We must not interfere with that at all. Talk of doing so merely reinforces thinking that social housing is a tenure of last resort for those who cannot access ‘better’ options, as opposed to a tenure of choice that people select and then build their life around.”

Incommunities Group

“Overall, TAROE is supportive of the TSA’s assertions that a standard is required in relation to the protection of tenancy rights and security of tenure. TAROE is also supportive of the current TSA stance, in line with earlier undertakings, that it will not propose any changes in relation to tenure options from April 2010.”

TAROE

“TPAS does not support weakening security of tenure.”

TPAS

“We would like to see a standard that promotes a framework of core requirements that must be included in all social rented tenancy agreements, to provide all tenants with consistency and security, whilst allowing the scope and flexibility to reflect individual landlord and tenant relationships.”

Anchor Trust

“At Harvest we have over 40 different tenancy agreements in operation. This is due to how we have acquired the stock or relates to housing legislation changes over the years. This standard needs to bear this in mind as any standard agreed may only be relevant to new tenants.”

Harvest Housing Group

“The use of starter tenancies has been a useful tool in helping to ensure tenancies are sustainable and their continued use should be preserved.”

Bolton at Home and Bolton Council

“On tenure, we would expect the TSA to continue the Housing Corporation’s line about requiring us to use the most secure form of tenancy. This is generally not an issue, although it is often the case now that we expect tenants living in specialist supported housing to move on

within two years and it is not helpful to issue an assured periodic tenancy in these cases, so some recognition of the need to use assured shortholds in this type of Supporting People-funded service would help.”

Hexagon Housing Association

“This standard must give due acknowledgment that not all forms of social housing are the same or exist within the same circumstances. Particularly, the conditions of supported housing are not the same as those of many general needs providers.”

Look Ahead Housing and Care

“With regard to type of tenancy agreement, it is also important to stress that this should be in a format accessible to the individual tenant concerned.”

Advance Housing and Support

Allocations

The way tenants and potential tenants are allocated social housing is a fundamental issue for our regulation, although it is important that this complements statutory government allocations

guidance. Tenants said this was important to them in the first phase of our National Conversation.

In general this is an area that most agree is appropriate for a standard.

The importance of landlords working closely with local authorities has been raised if local needs are to be addressed effectively and to help ensure that the system of allocation is fair, transparent and effective. The standard also needs to recognise and not confuse existing regulation and local responsibilities and, in order to make the allocations process work most effectively, some respondents have supported the use of local standards in this area.

There has been some qualified support voiced for common allocations policies with respondents seeing benefits in these. However, there have also been strong views that the main driver to allocations policy should be local need. Tenant involvement in this has also been seen as useful, if handled in the correct way.

Some respondents would also like to see the standard fit with existing guidance in this area, and agree that ensuring an adequate provision of

information to tenants and prospective tenants is a helpful area to address.

With regard to choice-based lettings, most respondents are broadly supportive of the approach and see benefits in all landlords being part of the system. However, there are difficulties recognised about how smaller and specialist landlords fit into the system.

“Local authorities should have primary responsibility for identifying local need. This fulfils their role as the local strategic housing authority and their responsibilities as the locally elected authority. In identifying need, the local authority should engage with registered social landlords and other stakeholders. Priorities to meet identified needs should be developed within the constraints of the proposed objectives of the allocations standards and registered social landlords should work closely with local authorities, for example through Local Strategic Partnerships, to meet identified need.”

Greater London Authority

“Local authorities and registered social landlords need to co-operate more closely at local level to agree the requirements of the local authority

and map needs over say a five-year period. They need to ensure that their records of actual lettings match. At a very local level there should be an agreed lettings plan. These plans should be flexible and meet the needs of both new and existing tenants and the sustainability of estates into the future.”

Helen Cope, consultant

“Encourage council/ registered social landlords forums, good quality communications, choice-based lettings partnerships like the one we have here which works so well.”

London Borough of Harrow

“Within local authority areas this is very desirable in terms of ease of access for customers and cost efficiency. However, allocations policies need to be responsive to local needs and therefore development beyond local authority boundaries needs to be more cautious and perhaps more incremental.”

Newcastle City Council

“People believed that the current system is communicated in a way that means they are unable to make informed and realistic decisions. They felt that they have no knowledge of how

allocations priorities are decided and some had no idea what the 'bidding process' involves. People realise that there is a shortage of social housing and would often like to know about private rented sector options."

Homeless Link Focus Groups

"All allocations policies should be freely available – in plain English and other languages as appropriate to local need. Decisions for not accepting a tenant should be very clear and challengeable – an appeals process is essential. Which also needs to be a quick process as properties will otherwise be let to the next on the list."

Shelter Herefordshire

"NCHA's Care and Support department does not use a choice-based lettings system. We are funded to provide care and/or support and our allocations must take this into account or we put our funding at risk. The NCHA would

therefore need a standard that allows this level of flexibility."

Nottingham Community Housing Association

"Opportunities should exist and that local and registered social landlord forums – questionnaires, meetings, working groups etc – already exist that this could be a part of rather than setting up new forums. I think groundwork would need to be done to ensure that existing tenants know what this really means and also that you capture a broad range of tenants."

Thames Reach

Governance

This section addresses key question 10: **What objectives should we have in mind in shaping the national standard that relates to governance? What are your views on the options presented?**

The support for this standard has been overwhelming, with many seeing this as one of the most important areas on which the TSA should have a standard for housing associations. Some have advocated that this standard should apply to all registered providers. Overall, respondents are most supportive that this standard ensures that the accepted principles of good governance are upheld.

Responses on which of the three options for a governance standard presented in the discussion paper should be adopted have been mixed.

- Option one is seen as a controlled approach, but one which might be too prescriptive to apply to everyone
- Option two is seen as more flexible and placing more emphasis on landlords to take control, but also that it is defined too loosely and thus could be applied inconsistently across the sector
- Option three has been seen as having the strength of being driven by core principles that respondents agree with. However a standard

framed in this manner might not suit all organisations or lend itself to being measured

In addition, some responses advocate a mixed approach, taking the strengths from each option put forward.

Most respondents agree that the TSA should not seek to be too prescriptive in its standard and any code of practice it may issue, in order to maintain the flexibility required for a diverse domain. Some respondents have also advocated the use of existing codes of governance.

Tenant empowerment is a theme that runs through responses to this standard, especially with regard to the support needs of tenants getting involved with their landlord. Some respondents conveyed a strong feeling that tenants should be involved in governance of their landlord. Some responses have also drawn close links between the importance and objectives of this standard, and the viability standard.

Some respondents also focused on the assessment and grading of governance arrangements, concluding that any system for doing this needed to be intelligent, take into account many different factors and the nature and circumstances of each

individual landlord. Self-assessment has been seen as a useful tool that could be helpful in this area.

“On the options offered for governance of registered providers our initial response is that option one would be the most suitable as, though it initially appears prescriptive, it does in fact allow a great deal of flexibility.”

London Councils

“There is a case for considering whether the TSA should have an interest in ALMO governance since this is critical to the efficient running of an organisation and the ALMO structure and board is modelled on that of housing associations rather than local authorities. It is therefore sensible that the same, or similar, governance standards should apply.”

National Federation of ALMOs

“Effective governance is the most important factor in the success of the whole sector. We find it bizarre therefore that local authorities and ALMOs are to be excluded from the governance standard. This is wrong in principle and undermines fundamentally the intention to create a domain wide regulatory system.”

G15

“We favour the second of the three options for expressing the national standard. This has the advantage of specifying the general requirement without setting out the detail.”

London and Quadrant

“In general, as a provider of support and employment services as well as our housing services, and therefore accountable to several regulators, we are keen that there should be as much commonality between codes as possible. We note that the National Housing Federation code of governance, which is based upon the Nolan principles, and would strongly advocate the use of this as the relevant code and source of governance standards. Option three is closest to this.”

Advance Housing and Support

“Broadly speaking, option one represents controls on the mechanics of governance and should be the minimum expected standard for all organisations. Option three overlays values and principles and whilst this would be useful for values-based organisations, it could present some challenges in assessing others (including private sector organisations). Option three therefore does not appear to work on its own

but should be combined with option one. In fact, option one is how to demonstrate option three.”

St Anne's Community Services

“There is a need for a code of practice and a range of guidance to support boards to comply with a national standard on governance and adapt to a new regulatory approach. Areas that might be included are risk management, internal controls and audit and the boards role in ensuring financial viability.”

Council of Mortgage Lenders

“There is need for a national standard for governance that is not excessively prescriptive and narrow and makes allowance for different organisational types (particularly co-ops and tenant membership organisations).”

Confederation of Co-operative Housing

“We feel that effective governance ensures a well-run, well-performing organisation. The standard should not be prescriptive as different models apply to different types of organisations.”

Aldwyk Housing Group

“In addition to the usual structures, which have worked effectively in the past, the TSA should ensure tenants' voices are heard and reflected at board level and tenants have a greater say about what budgets are spent on.”

Cross Keys Homes

“Our experience of tenant involvement at board level has proven very positive and beneficial in ensuring we focus our attention on tenants' needs and aspirations at all levels of the organisation. We would like to recommend tenant board membership as a positive way forward for any social landlord.”

Kirklees Neighbourhood Housing

"I simply wish to draw the TSA's attention to the fact that with some of the large housing associations now have management structures that deny both members (shareholders) and 'tenants' any direct influence on policies and management issues... Today, group structures are formed with a parent company that dictates policy and management of the organisation."

B. Latter email

“We think that the best approach for governance would be based on self-certification, measured against the ‘combined code’, possibly as modified by the revised governance code currently being drawn up by the sector with input from the TSA. Self-certification would be moderated by external challenge from independent governance experts. The annual assessment of governance would then focus on compliance with the code and be informed by results from the external challenge.”

Places for People

Viability

This section addresses key question 11: **What objectives should we have in mind in shaping the national standard that relates to viability?**

There is overwhelming support for this standard and the proposed approach for housing associations. Few respondents have objections to the current regime of assessing viability and would not like to see too many changes. However, many are supportive of improvements – an evolution of what we have already.

Respondents have indicated a range of areas that might be incorporated within a standard on viability, including, effective financial monitoring and control mechanisms, the level of appropriate financial skills and experience and reflecting financial risk in financial planning. However there is also strong support for the standard as phrased in the discussion document.

There is agreement from respondents that an independent assessment of viability-based appropriate financial information and an informed assessment of risk exposure should continue. Annularity of assessment is preferred, since plans are set annually. However there is recognition that a more frequent assessment may be required, especially in a turbulent economic environment

and in response to specific individual risks. There is support for the TSA to assess both the medium-term view as well as immediate solvency. And whilst there is some variance in views of the period over which an assessment should be made, most respondents consider five to ten years to be reasonable.

There are differing views about a grading structure for viability, where the TSA is urged to consider carefully the potential impact on landlords not receiving the highest grade and consequent views taken by stakeholders. However, there is general support for a multi-layered grading system where landlord assessments are made publicly available, so long as the system makes clear what is meant by each grade.

The close links between viability and governance issues have also been identified (see chapter on governance).

“We agree very strongly with the suggestion in the paper that it is appropriate to build upon the current approach, rather than make wholesale changes. It would be premature to assume that the recent events and risks are past and it is likely that lenders and investors to the sector

will continue to seek greater reassurance on its relatively low risk and its 'no loss' reputation."

Council of Mortgage Lenders

"We agree that it is better to build on the current approach, rather than make wholesale revision."

Great Places

"We agree. In particular it is necessary for there to be an element of independence shown (as funders to the sector are very reliant on this to support their own assessments before lending)."

Orbit Group

"We agree that independent assessment to financial viability should continue."

London Councils

"In almost all circumstances an annual approach is best. We do recognise that on occasions, the regulator might need to adopt more frequent financial monitoring regime, however this should only occur where individual or wider circumstances render it absolutely necessary."

Look Ahead Housing and Care

"Most organisations revise business plans annually for their boards and funders, so an annual cycle would seem appropriate. The

quarterly questionnaires recently introduced could be used to trigger further review."

Worcester Community Housing

"We do believe that the most important view for both registered providers and the TSA is the immediate one-to-five-year view of viability, solvency and liquidity, with years six to ten also being important. Given current methodologies, whereby development is not extrapolated out through 30 years of the plan, the final 20 years of the capacity plan are, in our opinion, significantly less useful and not something upon which either the registered provider or the TSA should focus their regulatory judgement upon."

Accent Group

"There is very little value in assessing 30-year-based models. The landscape for developing associations, the riskiest group, is constantly changing and looking beyond the medium term is inevitably going to be of limited value... The focus for longer-term modelling should therefore be shifted to no more than ten years."

Circle Anglia

"Simple pass/fail is wholly inappropriate, particularly in terms of the impact of the assessed and their customers. Failures can be

recovered. Passes are at a point in time only. Whatever is chosen, consistency over time and confidence in the grading is more important than the number of grades.”

Anchor Trust

“What is really important is the narrative that supports the judgement – this is published in the regulatory judgement. Where an association is not given the top rating, it enables the audience to understand the reason. Is this an association with strong operational cash flows that is pushing the boat out on new development – but could scale this back if needed? Or is it that the underlying cash flows are struggling to fund the existing maintenance liabilities? The former is an example of where not having the top rating is not necessarily a bad thing.”

West Kent Housing Association

Value for money

This section addresses key question 12: **What objectives should we have in mind in shaping the national standard that relates to value for money?**

The TSA's statutory objectives include ensuring that that landlords deliver services to current and future tenants, economically, efficiently and effectively, ie that landlords deliver value for money.

Overwhelmingly, landlords have agreed with the concept that they should be providing value for money services to their tenants. However, significant feedback in this area has suggested that instead of a discrete standard, value for money could be treated in the same way as equality and diversity and incorporated across the wider regulatory framework.

There is also uncertainty about how the TSA intends to approach the assessment of compliance with this standard. One of the main reservations expressed concerns over whether a national standard can improve performance when value for money can often only be reasonably judged locally.

It would be fair to say that many of the objections have been raised against a prescriptive standard, code of practice imposed on landlords or measured

assessment, rather than on the concept of the standard as a whole.

If comparisons between landlords are to take place, respondents have said that they should take into account the wide differences that exist between landlords and their operating environments and be done only with areas where direct comparisons can be made, for example for some cost comparisons. Respondents are generally less in favour of overall performance benchmarking between landlords against this standard. The value of outputs can be difficult to measure, but tenants should be involved.

Some respondents have pointed out that a 'one size' approach to value for money cannot possibly cover the range and complexity of different circumstances that landlords face, and that these are decisions best left to the respective boards.

Finally, respondents highlighted that the TSA should not replicate the work of the Audit Commission in this area with regard to local authorities.

“Although one of the TSA's objectives is to ensure that providers demonstrate value for money, we do not believe that the TSA should introduce a standard on value for money. Instead it should... ensure that associations focus on

value for money as a key strand of governance and financial management.”

G15

“In evaluating value for money, it is vital that proper account is taken of local circumstances and priorities, and that the approach genuinely reflects both value and cost. Within our group, local circumstances vary, and we work together to achieve the best balance between low-cost procurement and reflecting local priorities. We strongly believe that forming a judgement about value for money is a matter for the board, as informed by their tenants and their executive team... We do not believe the TSA has a role.”

Sovereign Housing Group

“We approve of the proposal to develop a national standard on value for money and agree with your statements about how value for money will mean different things to different organisations. We believe tenants have a strong role to play in determining value for money, especially on services of direct relevance to them. As such we are supportive of the co-regulatory approach in this area. This should be based on access to good quality comparative benchmarking information alongside an

assessment of the quality and range of services provided.”

Anchor Trust

“We recognise that ensuring value for money is a statutory responsibility for the TSA but we do not think that it has to be exercised in the way that the regulator has suggested. It should be seen in the context of other requirements, such as governance and financial viability. The key requirement should be that the provider itself, not the TSA, is satisfied that value for money is being achieved.”

National Housing Federation

“The principles set out defining value for money hit the main objective points, but are weak on the important element which covers ‘doing the right thing’. The ‘right thing’ will include doing business-critical activities efficiently and effectively, but there will also be discretionary activities that are of value to tenants. The extent to which tenants can influence these priorities should factor in to the assessment of value for money.”

Kirklees Neighbourhood Housing

“We believe that the TSA does have a role in providing cost comparison data and tools, not least because it will provide a consistent approach to this subject that the sector can use to base its judgements about how it manages the services provided to its customers.”

Places for People

“Given the massive differences in operating environments and between individual registered social landlords, we do not feel that value for money can be judged other than through inspection. In particular, we believe that benchmarking can have nothing of worth to say about value for money.”

Catalyst Housing Group

“On value for money, local authorities are already regulated by the Audit Commission, and (so far as the council as a whole is concerned) this function should not be duplicated by the TSA.”

Local Government Association

Annex 1: Full list of respondents

Formal responses

Written responses to the discussion document and supplementary consultations.

A1 Housing Bassetlaw
A2Dominion
Accent Group (3 Responses)
Accord Group
Acis Group
Adactus
Advance Housing and Support
Agamemnon Housing Association
Alan Marsden (3 responses)
Aldwyk (2 responses)
AmicusHorizon
Anchor Trust (3 responses)
Anne Budd
Anthony Collins Solicitors (2 responses)
Arena Housing Group (2 responses)
Aspire Housing (2 responses)
Aster Group
ATIC
Audit Commission
Axiom HA
Barnet Homes
Barry Worwood
BCHA SURF

Berneslai Homes
Birmingham City Council
BMENational
Board Development Agency (2 responses)
Bolton at Home Bolton Council
Bournville Village Trust
BPHA
Bracknell Forest Homes (3 responses)
Brian Latter
Bristol Community Housing Foundation
Broadland Housing Association
Bromford Housing Group (3 responses)
Broxbourne HA
Bury Council
Campbell Tickell
Catalyst Housing Group
CCH
CCH NFTMO
Central and Cecil Housing Trust
Central Borders Housing Group (3 responses)
Centrepoint
Chapter 1
Chelmer Housing Partnership (2 responses)
Cheshire Peaks and Plain Housing Trust
CIH
CIH in the East Midlands
CIPFA
Circle Anglia (3 responses)

Citizens Advice	Enfield Council
City of York Council	Estuary
City South Manchester Housing Trust	Fabrick Housing Group
City West Housing Trust	Feedback from LB Lewisham
CLIP (2 responses)	Festival Housing Group
CML (3 Responses)	First Wessex Housing Group
Coast and Country (2 responses)	Flagship Housing Group (3 responses)
Colchester Borough Homes	Freebridge
Commission for Local Administration	Frendcastle
Community Gateway Association	G15
Contour Homes	Gateshead Council
Councils With ALMOS Group	Gateshead Housing Company
Cross Keys Homes	Gateway Housing
Dale and Valley Homes	Gentoo
David Bayat (2 responses)	Gentoo Tenant Manifesto Group
Dawley Housing Coop	Gerald Davies (2 responses)
DC Hall	Grant Thornton
Derby Homes (2 responses)	Great Places Housing Group (3 responses)
Development Trusts Association	Greenfields Community Housing
Devon and Cornwall Housing Trust	Guinness Partnership (3 responses)
Devonshires (2 responses)	Haig Homes (2 responses)
Dudley Metropolitan Borough Council	Halton Housing Trust (3 responses)
DWP Financial Inclusion Champions	Harvest Housing Group (4 responses)
East 7	Hastoe Group
East Durham Homes	Hastoe Housing Association (2 responses)
East Thames Group	Havebury Housing
Ekaya Housing Association	Helena Partnerships (2 responses)
EMH Group	Hexagon Housing (2 responses)

Home (3 responses)
Homeless Link (3 responses)
Homes for Northumberland
HouseMark (3 responses)
Housing Diversity Network
Housing for Women
Housing Law Practitioners Association
HQN
Hyde Group (2 responses)
IDS
Incommunities Group (2 Responses)
Innisfree Housing Association
Investors in Excellence (2 responses)
Irwell Valley Housing Association
Islington Council
Isos Housing
Jennie Ferrigno
Jonathan Broad
K Kay email
Keep Britain Tidy
KHT (3 responses)
Kirklees Federation of Tenants and Residents Associations
Kirklees Neighbourhood Housing
Lawrence Graham LLP
Leeds ALMOs and BITMO
Leeds Tenants Federation
LGA

Lincolnshire Rural Housing Association
Liverpool Mutual Homes
London and Quadrant
London BME Directors
London Borough of Camden
London Borough of Hillingdon
London Borough of Lewisham
London Borough of Southwark
London Borough of Sutton
London Councils (3 responses)
London Leaseholders Network
Longhurst Group
Look Ahead Housing and Care (3 responses)
Luminus Group
M G Forde
M Gower
Magna Housing Group
Maidstone Housing Trust
Matrix Housing Partnership
Melv Chislett
MHP
MHS Homes Group
Michael Beach
Midland Heart
Milton Keynes Council
Moat Homes (2 responses)
Moat Residents Group
Network Housing Group

New Charter Housing Trust	Plymouth CH
Newark and Sherwood Homes Ltd	Procurement for Housing
NFA (2 responses)	Progress Housing Group (3 responses)
NHF (6 responses)	Quality Housing Services (2 responses)
NHF Central Region Group	Race Equality Foundation
Nick Wigg PEP	Raj Kumar (2 responses)
North Kesteven District Council	Ray White
North Star Housing Group	Regenda First
Northern Housing Consortium	Regional Implementation Group
Northwards Housing	Rita Egan
Notting Hill Housing	Riverside Group
Nottingham City Homes (2 responses)	Robert Brown
Nottingham Community Housing Trust	Rooftop Housing Group
NS Housing	Roundshaw Community Board (2 responses)
Octavia Housing	Runnymede Borough Council
One Vision Housing	Saffron Housing Trust
Orbit Group (3 responses)	Salix Homes
Orwell Housing Association	Sanctuary Group
P Dury	Savills (2 responses)
Pam Lockley	Sector Weedon Grant
Paragon Community Housing Group	Selwood Housing Society
Partners in Change	Sentinel Housing Association (3 responses)
Paul Tilbury	Servite Houses
Peabody	Shelter (2 responses)
Petula Glassey	Shepway District Council
Places for People (3 responses)	Shoreline Housing Partnership (2 responses)
PlaceShaper	Soha Housing
Plus Dane Group (2 responses)	Solihull Community Housing

Somer Housing Group
South Tyneside Homes
South Yorkshire Housing Association
Southampton City Council
Sovereign Group (3 responses)
Spitalfields Housing Association
St Annes Community Services
St Mungos (3 responses)
Stafford and Rural Homes
Stevenage Homes
Stonewall Housing
Stroud District Council
Suffolk Housing Society
Sutton Fed (SFTRA)
Sutton Housing Partnership
Swan London
Swan London
TAROE
TAROE CCH NFTMO
Teign Housing
THA Tenants Conference
Thames Valley Housing
The Governance Forum
The Social Democratic Forum
Thrive Homes
Torbay Voice
Tower Hamlets Community Housing
Town and Country Housing

TPAS (2 responses)
Trent and Dove
Tribal (3 responses)
Trowers and Hamlins
United Kingdom Accreditation Service
Unspecified Respondent (2 Responses)
Vale of Aylesbury Housing Trust
Vicinity Group
Wakefield and District Housing (2 responses)
Wandle Housing Association
Water Tower Housing Coop
Waterloo Housing Group (3 responses)
West Kent Housing Association (3 responses)
West Lancashire Borough Council
West Mercia Housing Group
West Midlands Fire Service
Westminster City Council and CityWest Homes
Wigan and Leigh Housing
Wirral Partnership Homes
Wolverhampton Homes
Worcester Community Housing (3 responses)
Yorkshire Housing
Your Homes Newcastle

Events

Feedback received from hosted events that were not Local Conversations

Audit Commission Central Team Events (2 events)
Cestria Community Housing Event
Chairs Liaison Meeting - July
Chatham House event
CIH NFTMO Conference Notes
Essex Extravaganza
Feedback from Tenant Lunch at Harrogate
Greenfields Working Together Events (2 events)
Harrogate text voting results
IDS staff conference
London Events (2 events)
London Launch Event
London Summary Event

Manchester Chairs Event
Manchester Event
Manchester Launch Event
Northern Housing Consortium (2 Events)
Salford Event
Social Landlords Crime and Nuisance Group - East Midlands Event
Social Landlords Crime and Nuisance Group - London Event
Social Landlords Crime and Nuisance Group - North West Event
TAROE (2 events)
Tendring District Council
The Forum
TPAS
TPAS Regional Events
York Housing Association

Local Conversations

Consultation events with tenants run by landlords

A2Dominion Group (2 Conversations)
Affinity Sutton
Aire Valley Homes Leeds (2 Conversations)
Alymouth
AMIP
Andover
Ashington
Atherstone
Barnet
Barrow-in-Furness (5 Conversations)
Bath (3 Conversations)
Bedford
Beeston
Beverley
Bexley (2 Conversations)
Birchwood
Birmingham (4 Conversations)
Birstall
Blackburn
Blackpool
Bolsover
Bolton at Home
Bolton upon Trent

Borehamwood (2 Conversations)
Boughey Roddam Housing Association
Bracknell
Bristall Batley
Bristol (2 Conversations)
Bristol City Council
Burnley
Burton Latimer
Burton-on-Trent
Buxton LC
Cambridge
Cannock
Canterbury
Carlisle
Carrick Housing
Cestria
Chapter 1
Chase Tenants Residents Forum
Chatham (2 Conversations)
Cheltenham
Chesterfield
Christchurch
CityWest Homes (6 Conversations)
Colchester Homes
Colne (3 Conversations)
Contour Homes LC
Corby Borough Council (2 Conversations)
Cosmopolitan Housing

Coventry	Gillingham
Crawley	Gloucester (4 Conversations)
Croydon	Gosport
Dale and Valley Homes (2 Conversations)	Grays (2 Conversations)
Darlington	Greenfields Braintree (2 Conversations)
Daventry	Greenfields Halstead
Derby (5 Conversations)	Greenfields Witham
Derbyshire (2 Conversations)	Guildford
Dibden	Guinness Midsummer
Dolmanstown	Guinness Trust
Dorchester	Halifax
Doxley LC	Harrogate LC
East Durham	Hattersley (2 Conversations)
Eastbourne (2 Conversations)	Havant
Elgar	Heanor
Elim Housing	Hednesford
Elmbridge Housing Trust	Helena Homes
Elmswell	Hemel Hempstead
Endeavour Housing Association	Hendon
Ewanrigg	Hillingdon
Exeter (2 Conversations)	Hinckley
Fallowfield	Houghton Le Spring
Fareham	Houghton Regis
Gedling Homes	Hove
Gentoo Sunderland (2 Conversations)	Hull (10 Conversations)
Gentoo Trailblazer Tansey Centre Local Conversation	Hull City Council
Gentoo Washington	Ipswich
	Johnson Housing

Joseph Rowntree Housing Trust Beverley
Joseph Rowntree Housing Trust DAG
Joseph Rowntree Housing Trust Dower
Joseph Rowntree Housing Trust JBHP
Joseph Rowntree Housing Trust Mistral
Joseph Rowntree Housing Trust New Earswick
Joseph Rowntree Housing Trust Sandacre
Joseph Rowntree Housing Trust Selby
Joseph Rowntree Housing Trust Victoria Geldof
Kendal
Keniston HA
Kettering (3 Conversations)
Keynshaw
Kidsgrove
Lancaster
Leasowe (2 Conversations)
Leeds (7 Conversations)
Leek
Leicester (2 Conversations)
Lemington Spa
Leominster LC
Letchworth
Littleover
Liverpool (3 Conversations)
Liverpool Housing Trust
Local Space HA
London (9 Conversations)
Macclesfield (3 Conversations)

Maidstone
Malvern
Manchester (2 Conversations)
Medina Housing Association
Medway
Mendip Housing
Middlesborough
Millom Kendal
Milton Keynes (6 Conversations)
Mitcheldean
MMHA
Mr and Mrs Wells
New Charter Housing Trust
Newcastle (4 Conversations)
Newton Abbot (2 Conversations)
Newton Le Willows
NHF East Mids Regional Committee
NHF West Midlands HAMMA
North Tyneside Homes
Northampton (3 Conversations)
Norton Radstock
Nuneaton
Optima Birmingham
Orbit Heart of England
Orwell Housing Association
Penwortham
Penzance
Peterborough (4 Conversations)

Petersfield	Soha Housing Tenants Forum (2 Conversations)
Plymouth (2 Conversations)	Solihull Community Housing
Portsmouth	South Kesteven District Council
Prescot	Southampton (2 Conversations)
Preston	Southampton City Council (6 Conversations)
Preston	Southend
Radlett Hemel Hempstead	Southern Housing Group (2 Conversations)
RAMIP	Southport
Reading (2 Conversations)	Sovereign Group Residents Forum
Rochester (2 Conversations)	St Austell
Roddons Housing Association	St Helens (2 Conversations)
Rooftop Housing Group	St Leger Homes Doncaster
Rotherham (2 Conversations)	Stafford and Rural Homes
Rothwell	Stockport (2 Conversations)
Roundshaw	Stockton-on-Tees
Rugby	Stretford
Rushden (2 Conversations)	Synergy Housing Group
Ryde	Tamworth
SASA	TAROE Manchester
Scarborough	TAROE NE Mtg
Selby (2 Conversations)	TAROE Shrewsbury
Selwood Housing	Taunton (4 Conversations)
Sevenoaks	Telford
Sheffield (3 Conversations)	Thanet District Council
Shilbottle	Thirsk
Shrewsbury (2 Conversations)	Thrive Homes
Sidmouth	Tiverton
Sleaford	Tony Slater

Tower Hamlets
TPAS Basingstoke
TPAS London SE
Trent Vale
Truro
TSA Regulators Roadshow
Twickenham
Unspecified (36 Conversations)
Uttlesford District Council Great Dunmow Saffron
Walden
Villages Housing
Wainscott (2 Conversations)
Wakefield
Wakefield and District Housing
Wallsall Housing Group
Warrington (2 Conversations)
Wellingborough
Welwyn Garden City
Werrington event
West Lancashire Borough Council
Whitburn

Whitchurch
Whitehaven
Wigan Leigh
William Sutton Home - Widnes
William Sutton Homes - Bradford
William Sutton Homes - Hull
William Sutton Homes - Leeds
Winchester
Wirral Partnership Homes
Wisbech (2 Conversations)
Witney Chipping Norton
Woburn Sands
Wokingham
Worcester Community Housing
Wordswood
Workington
Wrekin Housing
Wulvern
Yeovil
YMCA Kingston
Yorkshire ALMOs

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National Conversation

Phase two summary of responses

This document gives a summary of the responses we received to our discussion paper Building a New Regulatory Framework, published in June 2009, and other National Conversation events.

It brings out the range of opinions on the regulatory approach we have proposed and the issues and concerns expressed around it. It is intended to provide us with a base from which to move into our statutory consultation.