

## **Social housing white paper**

### **Purpose of report**

For information.

### **Summary**

The Government has recently published its Social Housing White Paper which sets out the series of actions the government will take forward to put tenants at the heart of how social housing will operate in the future.

This report summarises the proposals in the White Paper and highlights potential areas of concerns for councils.

### **Recommendation**

This item is for update and comment. Board members are asked to feedback on any key issues that need to be addressed as the Government takes forward the measures proposed in the White Paper.

### **Action**

As directed by the Board

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## **Social housing white paper**

### **Background**

1. On 17 November the Government published '[The Charter for Social Housing Residents – Social Housing White Paper.](#)' It sets out the actions government will take to ensure that residents in social housing are safe, are listened to, live in good quality homes and have access to redress when things go wrong. This includes a greater role for the Regulator of Social Housing (RSH) in delivering a stronger consumer regulatory function. This includes the strengthening of the formal standards against which social landlords are regulated.
2. In effect it sets out the government's response to the 2018 '[Social Housing Green Paper](#) – a 'new deal' for social housing' and what they intend to do next. There will be further consultation on specific measures as the government moves forward through implementation. We [responded](#) to the Green Paper.
3. Alongside the White Paper the government also published a [consultation](#) to extend the Smoke and Carbon Monoxide Alarm (England) Regulations 2015, as well as making amendments to statutory guidance (Approved Document J) supporting Part J of the Building Regulations.
4. This report summarises the proposals in the White Paper and the consultation and highlights potential areas of concern for councils.
5. Our initial response to the White Paper can be found [here](#). In particular we raised concern that the white paper does not address how the Government plans to tackle the severe shortage of social housing the country faces.
6. We will want to work with officials in both the Ministry and the Regulator of Social Housing to influence the design of the new proposed measures, so that: we can ensure they are introduced in the best interest of councils and their tenants; that any new burdens for councils are fully funded and; that any new regulation is proportionate and meaningful.

### **Proposed measures in the Social Housing White Paper**

7. The new Charter for Social Housing that sets out what all social housing residents should be able to expect, consists of 7 parts and the White Paper outlines the package of measures that will help to achieve this. There is a chapter in the White Paper dedicated to each part.

#### *Chapter 1: To be safe in your home*

8. Measures include:

- 8.1. Legislating to strengthen the Regulator of Social Housing's consumer regulation objectives to include safety.
  - 8.2. Legislating to require social landlords to identify a nominated person responsible for complying with their health and safety requirements.
  - 8.3. The Regulator of Social Housing to prepare a Memorandum of Understanding with the Health and Safety Executive to ensure effective sharing of information with the Building Safety Regulator.
  - 8.4. Consultation on requiring smoke alarms in social housing and introducing new expectations for carbon monoxide alarms.
9. It will be important that any new requirements/responsibilities for councils align with proposals being brought forward in the Fire Safety Bill, as well as the building safety proposals the Ministry of Housing, Communities and Local Government is preparing.
10. In addition, any new costs imposed on councils as a result of any changes will need to be fully funded. In particular, there could be considerable operational and financial pressures if proposals are brought forward for councils to enforce the new proposals regarding installation of smoke alarms and carbon monoxide alarms.

*Chapter 2: To know how your landlord is performing*

11. Measures include:
- 11.1. Creating a set of tenant satisfaction measures for landlords
  - 11.2. A new 'access to information' scheme for social housing tenants of housing associations and other private registered providers of social housing
  - 11.3. Landlords to provide a clear breakdown of how their income is being spent.
  - 11.4. Requirement for landlords to identify a senior person in their organisation who is responsible for ensuring they comply with the consumer standards set by the Regulator of Social Housing.
12. We have previously said that rather than seeking to performance manage the social landlord sector as a whole, that the Regulator's activity should prioritise intervention with landlords that are experiencing the most severe challenges. Risk-based regulation would make best use of limited resources for both council landlords and the Regulator.
13. There is concern that a return to audit and reporting arrangements around indicators could drive perverse incentives and fail to understand local circumstances. It is also at odds with the overall relationship between central and local government which has moved away from central reporting against indicators. It also sends a message that Government has limited trust in social landlords, unhelpfully reinforcing the long-standing underlying stigma and prejudices about social housing.
14. Ensuring that councils have robust mechanisms for understanding performance is of course critical in their strategies for improving services for tenants. But we have argued

that these measures must be the right ones and should be developed and owned locally – particularly by local tenants.

*Chapter 3: To have your complaints dealt with promptly and fairly*

15. Measures include:

- 15.1. Requiring landlords to self-assess against the Housing Ombudsman's Complaint Handling Code by 31 December 2020.
- 15.2. A communications campaign to ensure tenants know how to raise complaints. An expectation that landlords, the Housing Ombudsman and the Building Safety Regulator will ensure that residents have clear and up to date information on how to complain.
- 15.3. Legislating to ensure clear co-operation between the Housing Ombudsman and the Regulator of Social Housing.
- 15.4. Publicising the details of cases determined and published by the Housing Ombudsman.
- 15.5. Removal of the 'democratic filter' (as set out in the Building Safety Bill)

16. Transparency on the details of cases determined by the Housing Ombudsman will be a useful tool in supporting councils' to continuously improve the customer experience for their tenants.

17. There are concerns about the required timescales for self-assessing against the Complaint Handling Code, with non-compliance potentially resulting in the Ombudsman issuing complaint handling failure orders.

18. The democratic filter was introduced in the Localism Act of 2011. The mechanism allows a tenant to approach a local MP, councillor or designated tenant panel if their complaint is not resolved by the landlord's own complaints process. In our response to the Green Paper we argued that the democratic filter must be retained, so that disputes can be resolved locally wherever possible, but that the process needs to be supported through the provision of good quality, easily accessible advice and information.

*Chapter 4: To be treated fairly and with respect, backed by a strong consumer regulator for tenants*

19. Measures include:

- 19.1. Transforming the consumer regulation role of the RSH so it proactively monitors and drives landlords' compliance with improved consumer standards.
- 19.2. Removal of the 'serious detriment test' and introduction of routine inspections for landlords with over 1,000 homes, every four years.
- 19.3. Changing the RSH's objectives to explicitly cover safety and transparency, and work with it to review its consumer standards to ensure they are up to date and deliver its revised objectives.

- 19.4. A new power for the RSH to publish a Code of Practice on the consumer standards to be clear what landlords are required to deliver.
  - 19.5. Strengthening the regulator's enforcement powers to tackle failing landlords and to respond to new challenges facing the sector.
  - 19.6. Holding local authorities to account as landlords, including how they manage Arms Length Management Organisations and Tenant Management Organisations, to make sure they deliver a good service to tenants.
  - 19.7. Requiring the regulator to set up an Advisory Committee to provide independent and unbiased advice on discharging its functions.
20. The LGA has a long track-record in developing and delivering a [sector-led improvement](#) support offer to councils. We will want to work with councils to identify ways in which we can support them to ensure they are able to comply with any new consumer standards.
21. There is some concern that the proposed regular four-year inspection of all social landlords with over 1,000 homes will be very costly for both landlords and government and potentially impractical to deliver.
22. We will want to work with government to understand how this will be delivered and funded, and seek to influence a proportionate, risk-based approach to inspection. A sector-led improvement approach through use of peer reviews and performance benchmarking, could provide a complementary, or even an alternative approach to inspection.

#### *Chapter 5: To have your voice heard by your landlord*

23. Measures include:
- 23.1. An expectation for the RSH to require landlords to seek out best practice and consider how they can continually improve the way they engage with tenants.
  - 23.2. Delivery of a new programme for social housing residents, to support more effective engagement between landlords and residents, and to give residents tools to influence their landlords and hold them to account.
  - 23.3. A review of professional training and development to ensure residents receive a high standard of customer service.
24. We will want to work with councils to identify ways in which we can further help to support and promote best practice on effective tenant engagement and customer service, building on the [good practice guide](#) we commissioned in 2019.

#### *Chapter 6: To have a good quality home and neighbourhood to live in*

25. Measures include:
- 25.1. A review of the Decent Homes Standard, including access to and the quality of green spaces.

- 25.2. Tackling anti-social behaviour by enabling tenants to know who is responsible for action and who can support and assist them if they are faced with anti-social behaviour.
  - 25.3. Considering the results of the allocations evidence collection exercise findings to ensure that housing is allocated in the fairest way possible
26. Whilst there is recognition that the Decent Homes Standard hasn't been reviewed since 2006 and a review is well overdue, any additions to the existing standard will require additional investment. Unless additional funding is provided by the Government to meet any new standard, this will ultimately need to be funded through the rents paid by tenants. This could also have a knock-on effect on councils' ability to deliver their responsibilities as local housing authorities as well as their housing delivery plans.
27. Any changes to the standard will need to recognise the long lead in times for investment programmes and provide sufficient notice to landlords to ensure effective implementation.
28. We will want to work with government to make sure that the review of the Decent Homes Standard has a clear purpose and plan and that any proposed revised standard is properly costed.
- Chapter 7: To be supported to take your first step to home ownership*
29. Rather than new measures this Chapter explains how the government is:
- 29.1. Investing £11.5 billion to build up to 180,000 affordable homes – the highest single funding commitment to affordable housing in a decade. Around half of these new homes will be for affordable home ownership.
  - 29.2. Implementing a new model for Shared Ownership.
  - 29.3. Implementing a new Right to Shared Ownership for tenants of housing associations and other private registered providers who live in new grant funded homes for rent.
  - 29.4. Emphasising through the new National Design Guide the importance of building beautiful and well-designed social homes.
  - 29.5. Introducing a new Affordable Homes Guarantee Scheme.
  - 29.6. Encouraging local authorities to take advantage of our removal of the borrowing cap to build more council homes.
30. In our response to the White Paper we made clear that the reforms will not help to tackle the severe shortage of social housing. We will continue to make the case for the [powers and resources](#) to enable councils to deliver a step-change in council house-building.
31. The [report](#) we recently commissioned with the Association of Retained Council Housing and the National Federation of ALMOS showed that building 100,000 social homes a year would deliver a £14.5 billion boost to the economy as well as reduce council waiting lists and the welfare bill.

## **Consultation on domestic smoke and carbon monoxide alarms**

32. This [consultation](#), which we will be responding to, includes 3 key proposals:
- 32.1. Amending the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 to require social landlords to ensure at least one smoke alarm is installed on each storey of the premises (where there is a room used wholly or partly as living accommodation).
  - 32.2. Amending the statutory guidance (Approved Document J) supporting Part J of the Building Regulations to require that carbon monoxide alarms are fitted alongside the installation of fixed combustion appliances of any fuel type (excluding gas cookers).
  - 32.3. Amending the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 to require private and social landlords to install a carbon monoxide alarm in any room used as living accommodation where a fixed combustion appliance is used (excluding gas cookers).
33. The proposals will introduce new burdens on councils and we will want to work with government to ensure that these are fully funded and that councils have capacity to deliver on their new responsibilities.

#### **Implications for Wales**

34. Housing policy is a devolved issue.

#### **Financial Implications**

35. None

#### **Next steps**

36. We are continuing our engagement with both parliamentarians and officials to ensure that the concerns of councils are heard in Government.
37. We have also indicated that we want to work pragmatically with officials to try and design any reforms, so we can seek to ensure they are introduced in the best interest of councils and communities.

#### **Biography - Rt Hon Christopher Pincher MP**

38. Christopher Pincher was appointed Minister of State at the Ministry of Housing, Communities and Local Government on 13 February 2020. He was first elected Conservative MP for Tamworth in May 2010. Christopher was previously Minister of State at the Foreign and Commonwealth Office from 25 July 2019 to 13 February 2020 and Deputy Chief Whip, Treasurer of HM Household from 9 January 2018 to 25 July 2019. He was also Comptroller of HM Household (Government Whip) from June 2017 to November 2017 and was an Assistant Government Whip from 17 July 2016 until 15 June 2017.