



Regulator of
Social Housing

Consumer standards consultation

Reshaping consumer regulation

July 2023



OFFICIAL

Contents

Foreword.....	4
1. Scope of the consultation	5
2. How to respond to this consultation.....	7
3. Executive summary	9
4. Introduction.....	11
About the Regulator of Social Housing.....	11
Our regulatory approach.....	14
Draft timetable for introducing the revised consumer standards.....	15
5. The proposed consumer standards.....	17
Overview	17
6. Safety and Quality Standard.....	18
Stock quality	18
Decency	19
Health and safety	20
Repairs, maintenance and planned improvements	21
Adaptations	22
Consultation question on the proposed Safety and Quality Standard	23
7. Transparency, Influence and Accountability Standard.....	24
Fairness and respect.....	24
Diverse needs	24
Engagement with tenants.....	26
Information about landlord services.....	27
Performance information	29
Complaints	30
Self-referral.....	31
Consultation questions on the proposed Transparency, Influence and Accountability Standard.....	32

8.	Neighbourhood and Community Standard	33
	Maintenance of shared spaces.....	33
	Local cooperation	34
	Safer neighbourhoods	34
	Domestic abuse.....	35
	Consultation question on the proposed Neighbourhood and Community Standard	36
9.	Tenancy Standard	37
	Allocations and lettings.....	37
	Tenancy sustainment and evictions.....	38
	Tenure	38
	Mutual exchange	40
	Consultation questions on the proposed Tenancy Standard	42
10.	The proposed Code of Practice	43
	Consultation question on the proposed Code of Practice.....	43
11.	Impact assessments.....	44
	Draft Regulatory Impact Assessment	44
	Consultation question on the draft Regulatory Impact Assessment	44
	Draft Equality Impact Assessment.....	44
	Consultation question on the draft Equality Impact Assessment	45
12.	About this consultation	46

Annexes to the consultation on the proposed consumer standards

These documents can be found on the regulator's [consultation web page](#) on the revised consumer standards.

Annex 1	Draft consumer standards
Annex 2	Draft consumer standards Code of Practice
Annex 3	Draft regulatory impact assessment
Annex 4	Draft equality impact assessment
Annex 5	Consumer standards consultation questions
	Summary of the consumer standards consultation
	Easy read of the consumer standards consultation

Foreword

We are pleased to launch our consultation on the draft consumer standards now that the Social Housing (Regulation) Act 2023 has received Royal Assent. As a Board we welcome this consultation as we invite you to consider our proposals on the requirements that all landlords registered with us will be expected to meet. The outcome will form the foundation of the new integrated regulatory regime for social housing, which as an organisation we are excited to deliver from next year.

The requirements we place on registered providers will shape what the sector must do for years to come so it is important that they reflect the needs of tenants and other stakeholders. In preparing this consultation, we have listened to what our stakeholders have had to say. This has included speaking to landlords as well as to thousands of tenants. Landlords providing homes that are decent, safe and well-maintained and ensuring tenants receive quality landlord services and are treated with fairness and respect remain central to our proposals. To do this, landlords must listen to tenants, understand the condition of the homes they manage and provide accessible services that respond to these needs.

The draft standards will underpin our approach to consumer regulation. This will see us build on our effective proactive economic regulation when assessing a provider. This will help to ensure that landlords continue to deliver good quality homes and services. With the Act bringing local authorities within the sphere of our regulatory inspections, all social landlords, if they have not already, should be gearing up by assuring themselves they meet our standards.

This consultation is an important opportunity for stakeholders to consider our proposals and give us their feedback to help ensure we set the right requirements of landlords. I encourage you to respond to the consultation and if you are a landlord, to make tenants aware of it and offer them support to take part in the consultation where required.

We look forward to hearing your feedback as we continue our work to deliver our new integrated regulation regime.

Bernadette Conroy
Chair

1. Scope of the consultation

<p>Topic of this consultation</p>	<p>We are seeking views on four consumer standards that set out the specific expectations and outcomes registered providers will be expected to achieve from April 2024, replacing the existing consumer standards that are currently in place. The standards we are proposing are:</p> <ul style="list-style-type: none"> ▪ The Safety and Quality Standard ▪ The Transparency, Influence and Accountability Standard ▪ The Neighbourhood and Community Standard ▪ The Tenancy Standard <p>These standards have been designed to reflect our revised statutory objectives as set out in the Housing and Regeneration Act 2008, as amended by the Social Housing (Regulation) Act 2023 (2023 Act), meet expectations set out in the Social Housing White Paper (the White Paper) in respect of a revised consumer regulation role for the regulator and strengthened to ensure they remain fit for purpose.</p> <p>The 2023 Act amends the Housing and Regeneration Act 2008 to give the regulator the power to issue a Code of Practice in relation to its consumer standards. As part of this consultation, we are seeking views on a draft Code of Practice to amplify the proposed standards and assist registered providers in understanding how they might achieve compliance.</p> <p>This document sets out the regulator’s proposals in detail. The regulator has also published a summary of this consultation document and an ‘easy read’ summary and question booklet, which can be found on the consultation webpage.</p>
<p>Scope of this consultation</p>	<p>This consultation represents an opportunity for interested persons and organisations to influence the revised consumer standards and Code of Practice.</p> <p>We are also seeking comments on the draft Regulatory impact assessment included at Annex 3 and draft Equality impact assessment included at Annex 4 that have been undertaken as part of the development of these proposed standards.</p> <p>As part of this consultation, the regulator will satisfy requirements set out at section 196 of the Housing and Regeneration Act 2008¹ that requires certain parties to have been consulted before standards can be set and a code of practice issued.</p> <p>The regulator will review its proposals for the revised consumer standards and Code of Practice in light of the responses received to this consultation.</p>

¹ [Housing and Regeneration Act 2008 \(legislation.gov.uk\)](#)

Geographical scope	These proposals relate to England only.
Impact assessments	<p>We have carried out a Regulatory impact assessment and an Equality impact assessment in relation to our proposals. These assessments are reflected in the:</p> <p>Draft Regulatory impact assessment (Annex 3) Draft Equality impact assessment (Annex 4)</p> <p>Following the conclusion of this consultation, we intend to review these assessments and publish the impact assessments alongside the final consumer standards and Code of Practice.</p>
Basic information	
To	The regulator’s statutory consultees, private registered providers and local authority registered providers, tenants and residents of registered providers, lenders and any other stakeholders who have an interest in social housing in England.
Body responsible for the consultation	The Regulator of Social Housing
Duration	This consultation will last for 12 weeks from 25 July 2023. The closing date is 17 October 2023.
Enquiries	For any enquiries about the consultation please contact our Referrals and Regulatory Enquiries team on 0300 124 5225 or enquiries@rsh.gov.uk who will be pleased to help.

2. How to respond to this consultation

If you need this consultation document in an alternative format, please make a request using any of the contact details below.

The regulator has also published a summary of the consultation document as well as an accessible 'easy read' summary which can be found on the [consultation webpage](#) or requested using the contact details below.

Please submit your response to the consultation by 17 October 2023. If you respond after this date, your response may not be considered.

We encourage you to answer as many questions as possible, but you do not have to respond to every question.

Online

Where possible, please respond to the questions in this consultation online at:
<https://online1.snapsurveys.com/consumerstandards>

Email or post

If you are unable to complete an online response, you can email your response to:
consultation@rsh.gov.uk. Please include “**Consumer standards consultation**” in the subject heading.

Alternatively, you can send a written response to:

The Regulator of Social Housing
Referrals and Regulatory Enquiries team
Level 2
7-8 Wellington Place
Leeds LS1 4AP

Please mark the envelope “**Consumer standards consultation**”.

If you are responding by email or post, please make it clear which questions in this consultation you are responding to. The questions are set out in Annex 5.

Please respond using only one means e.g., if you respond online, you do not need to email or post your response to us.

After the closing date of this consultation, we intend to publish a list of all respondents to the consultation who have told us that they are happy for their name to be published. If you would like your name to be included in this list, please confirm this in your submission.

To help us understand who responds to this consultation and the context of their answers, please include:

- your name
- whether you are responding as an individual or on behalf of an organisation.
- whether you are a (please select one):
 - social housing tenant in rental accommodation
 - shared owner in social housing
 - large private registered provider (1000 units of social housing or more)
 - small private registered provider (fewer than 1000 units of social housing)
 - large local authority registered provider (1000 units of social housing or more)
 - small local authority registered provider (fewer than 1000 units of social housing)
 - stakeholder organisation
 - other (please specify)
- the name of the organisation (if applicable), and
- a contact email address (if possible)

If responding to this consultation through the online survey it will be possible to have a copy of your final response emailed to you. Please ensure that you select this option in the online survey when prompted, as we will not otherwise be able to acknowledge receipt of your response to the consultation or send you a copy of your response.

After the closing date of this consultation, we intend to publish a summary of the responses we receive. Please do not share any information in your response which you would not be happy for us to make publicly available or that identifies other individuals.

This consultation is not a route for making a referral about a landlord. If you need to contact us about your landlord our contact details are below:

Email: enquiries@rsh.gov.uk or call: 0300 124 5225

In writing to: Regulator of Social Housing
Referrals and Regulatory Enquiries team
Level 2
7-8 Wellington Place
Leeds LS1 4AP

Information provided in response to this consultation, including personal data, may be published or disclosed in accordance with legislation (e.g. the Freedom of Information Act 2000). Please see Chapter 12 for further details and our [privacy notice](#) for information about how the regulator processes and protects personal data.

3. Executive summary

- 3.1 The Social Housing (Regulation) Act 2023 (the 2023 Act) received Royal Assent, becoming law on 20 July 2023. We welcome the enhanced consumer regulation role we have been given, which alongside additional powers will give us the tools we need to fulfil this new role.
- 3.2 A fundamental part of this new consumer regulatory framework will be the introduction of a revised set of consumer standards that will set the requirements that registered providers must meet. It is these requirements that we will seek assurance against in our commitment to delivering lasting improvements to the quality of housing and services for social housing tenants. These requirements must therefore make a meaningful difference to tenants², be deliverable by landlords and we must be able to regulate against them for the new consumer regulation framework to be a success and strengthen the accountability of landlords to tenants in rebalancing that relationship.
- 3.3 The regulator has considered where our existing consumer standards can be revised and strengthened to deliver a set of standards that are robust, up to date and fit for purpose. In doing so we have sought to meet expectations that were set out in the government's Social Housing White Paper: 'The Charter for Social Housing Residents' (the White Paper), deliver on our expanded consumer regulation objective and address issues impacting the social housing sector that are within our remit.
- 3.4 The proposed consumer standards are:
- **The Safety and Quality Standard** – requires landlords to provide safe and good quality homes and landlord services to tenants.
 - **The Transparency, Influence and Accountability Standard** – requires landlords to be open with tenants and treat them with fairness and respect so that tenants can access services, raise complaints when necessary, influence decision making and hold their landlord to account.
 - **The Neighbourhood and Community Standard** – requires landlords to engage with other relevant parties so that tenants can live in safe and well-maintained neighbourhoods and feel safe in their homes.

² Throughout the consumer standards 'tenants' means tenants and other occupiers of social housing which includes licensees and shared owners (unless explicitly stated).

- **The Tenancy Standard** – sets requirements for the fair allocation and letting of homes and for how those tenancies are managed and ended by landlords.

3.5 The 2023 Act amends the Housing and Regeneration Act 2008 to give the regulator the power to issue a code of practice on consumer issues. We have developed a Code of Practice to help tenants and landlords understand how compliance may be achieved with the proposed consumer standards. We intend to publish the Code of Practice alongside the consumer standards ahead of new consumer regulation taking effect in 2024.

3.6 This consultation provides an important opportunity for stakeholders to consider our proposals and provide feedback to us to help ensure we set the right requirements of landlords across our standards and expand on them in a way that is helpful through the Code of Practice.

4. Introduction

About the Regulator of Social Housing

- 4.1 We regulate registered providers of social housing in England to promote a viable, efficient and well-governed social housing sector, able to deliver and maintain homes of appropriate quality that meet a range of needs. Registered providers include non-profit organisations such as housing associations and co-operatives, profit-making registered providers, and local authorities.
- 4.2 Our approach to regulation is driven by our statutory fundamental objectives as set out in the Housing and Regeneration Act 2008 as amended.
- 4.3 We have an economic objective which focuses on governance, financial viability and value for money. The Governance and Financial Viability Standard and the Value for Money Standard apply only to private registered providers and the Rent Standard applies to all registered providers.
- 4.4 We also have a consumer regulation objective which is concerned with the quality and management of social homes, that tenants have a degree of choice and protection and opportunity for involvement in how their home is managed. The 2023 Act has expanded our consumer regulation objective to include safety, transparency and energy efficiency.
- 4.5 The consumer standards apply to all registered providers. We take a co-regulatory, risk-based approach to regulation, which allows us to exercise our functions in a way that minimises interference, and (so far as is possible) is proportionate, consistent, transparent and accountable, in line with our statutory duty.

Background to the consumer standards

- 4.6 To deliver consumer regulation, section 193 of the Housing and Regeneration Act 2008 as amended by the 2023 Act provides us with powers to set standards that registered providers must achieve.
- 4.7 The consumer standards we set are outcome-focused, meaning that registered providers can meet the outcomes we expect in the most appropriate way for their tenants and their business.
- 4.8 As part of our co-regulatory approach, it is for Boards and councillors of registered providers to ensure they meet the standards.

- 4.9 The current suite of consumer standards³, which will be replaced as a result of this consultation, were first introduced in 2012, with the Tenant Involvement and Empowerment Standard being amended in 2017. The existing standards can be found on the Regulator of Social Housing's website:
- [Home Standard](#) – sets requirements on the quality of accommodation and repairs and maintenance
 - [Tenant Involvement and Empowerment Standard](#) – sets requirements on customer service and complaints, tenant rights and involvement
 - [Neighbourhood and Community Standard](#) – addresses issues around neighbourhood and communal areas and anti-social behaviour
 - [Tenancy Standard](#) – sets requirements for how properties are allocated/exchanged and terms around tenure.
- 4.10 The White Paper set out changes to our consumer regulation role to strengthen the accountability of landlords for maintaining good quality homes and services, prioritising safety, treating residents with respect and being transparent organisations. The 2023 Act enables these commitments by introducing important changes to our objectives and powers.
- 4.11 In '[Reshaping consumer regulation: Our implementation plan](#)' we set out the steps we are taking to develop our new approach to regulation, which will see a significant shift in how consumer issues will be regulated in future. The consumer standards will have a crucial role in setting the requirements that landlords must meet as part of our new regulatory regime. They are what we will seek assurance against in future regulatory inspections of landlords. It is therefore important that the consumer standards set the right expectations of landlords, which can be informed by what we hear from stakeholders as part of this consultation.
- 4.12 In developing the proposed consumer standards, we have been guided by the three tests we have set ourselves for developing our approach to consumer regulation:
- It must make a meaningful difference to tenants.
 - Landlords must be able to deliver its expectations.
 - We must be able to regulate against it.
- 4.13 We have taken into account our revised objectives, which now explicitly include safety, transparency and energy efficiency, and the range of commitments set out in the White Paper.

³ <https://www.gov.uk/guidance/regulatory-standards>

- 4.14 In our work to date we have been speaking to a range of stakeholders to understand what is important to them and we have listened and reflected on what they have said. As part of this work, we have spoken with well over 2,000 tenants and have gained valuable insight from those conversations.
- 4.15 We have been mindful of our public sector equality duty set out at section 149 of the Equality Act 2010 to have due regard to eliminating discrimination, harassment and victimisation, advance equality of opportunity and foster good relations between people who share protected characteristics⁴. We have undertaken an Equality impact assessment of our existing consumer standards and the changes we were considering, which helped to inform the development of the proposed standards from a very early stage. Further information on our public sector equality duty and draft Equality impact assessment can be found in Chapter 11.
- 4.16 The 2023 Act has given us the power to issue a code of practice on the consumer standards, and one has been developed alongside the new standards to help tenants and landlords understand how they might achieve compliance. More detail on the proposed Code of Practice can be found in Chapter 10, where we are seeking views on it as part of this consultation.
- 4.17 The consumer standards include areas where we are directed by government. We were issued with directions which applied from 1 April 2012 on tenure, quality of accommodation, tenant involvement and mutual exchange⁵. Government recently updated its directions to us on tenant involvement and mutual exchange⁶, having consulted on them earlier this year. These updated directions have been reproduced in the proposed consumer standards. Where this is the case, we are not inviting further views on that content which has already been the subject of consultation and is now fixed. We are, though, asking respondents to highlight any instances where they consider that the regulator has not accurately reflected the content of government's directions in the standards as drafted. As government has not yet changed its directions to us on tenure and quality of accommodation, those issued in 2012 are reflected in our draft standards. Requirements that reflect government's directions are set out throughout this document in *grey italic text*.
- 4.18 The 2023 Act requires that government issues us with a direction on the provision of information from landlords to tenants on tenants' rights and how tenants can make a complaint about their landlord, within six months of the 2023 Act having gained Royal Assent.

⁴ [The Equality Act 2010 sets out protected characteristics](#) as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation, and marriage and civil partnership.

⁵ [Final direction to the social housing regulator 2012](#)

⁶ [Revised directions on tenant involvement and mutual exchange](#)

4.19 The 2023 Act has also amended the Housing and Regeneration Act 2008 with powers for government to direct us on competency and conduct and access to information. Government intends to introduce directions in these areas in due course and is required to consult on draft directions before issuing them to us. For these reasons, this set of proposed consumer standards will be subject to further changes in future.

Our regulatory approach

4.20 The 2023 Act received Royal Assent, becoming law in July 2023. This introduced a number of measures that will enable us from April 2024 to move from a reactive approach to consumer regulation where we can only investigate consumer issues when they are referred to us, to a proactive approach with us having the necessary powers to assess landlords more routinely.

4.21 We already regulate private registered providers' economic activity in this way and so we are building on the strengths of this as a starting point for developing our model of how we will seek assurance from landlords that they are meeting the consumer standards. We will carry out regulatory inspections of all large registered providers including local authorities. We intend to combine these inspections with our existing in depth assessments of our economic standards for private registered providers. This will allow us to look at private registered providers holistically so that we reach a clear view of whether they are meeting both the economic and consumer standards. Further details are to be set out in our inspection plan.

4.22 Our approach to regulation within our four yearly cycle of inspections will remain risk-based so that our regulatory engagement and actions are targeted according to the risk of standards not being met and the impact that this has on the tenants of that landlord. As part of this we will use new tools and methods to gather additional intelligence, listening to the views of tenants to help shape our engagement with providers.

4.23 We will continue to take a co-regulatory approach. Boards and councillors are responsible for meeting the regulatory standards, demonstrating to themselves, their tenants as well as us as the regulator that standards are being met. Landlords are also expected to support tenants to understand how they are performing and enable tenants to hold them to account.

4.24 We are working with landlords and tenants to test aspects of our approach, so that we can learn what works and what doesn't before we implement the new consumer regulation regime.

- 4.25 We have a range of legal powers that we can use where we find that a landlord has breached the standards. We must use these powers in line with our legal duty to deliver our role in a way that minimises interference in how landlords, accountable to their Boards and councillors choose to deliver their services. This means we need to be, as far as is possible, consistent, transparent, accountable and proportionate when assessing whether regulatory action may be needed, taking into account the impact of the issue and if it reflects the landlord's overall approach. Where landlords are not meeting our standards, we expect them to address the non-compliance promptly. We consider how we use our powers on a case by case basis and we will apply the interventions most likely to bring a provider into compliance which minimise interference and are proportionate to the circumstances.
- 4.26 The 2023 Act has given us additional powers to fulfil our new role. The regulator is proposing to consult on updates to its 'Guidance on the regulator's approach to intervention, enforcement and use of powers' document to reflect the new or revised powers introduced by the 2023 Act during the Autumn 2023.

Draft timetable for introducing the revised consumer standards

- 4.27 The table below summarises our current intended timetable for the introduction of the revised consumer standards which may be subject to change:

Proposed timings	Anticipated activity
17 October 2023	Consumer standards consultation closes. Responses submitted after that date may not be considered.
Autumn 2023	The regulator analyses and considers consultation responses. Any drafting changes to the consumer standards documents will be made at this stage.
Early 2024	The regulator publishes a decision statement which will summarise the key areas of feedback from the consultation and set out our decision on the final form of the consumer standards, together with a final version of the regulatory documents.
1 April 2024	The revised consumer standards will come into force alongside our new consumer regulatory regime.

4.28 It is intended that the revised consumer standards will apply to all registered providers, with effect from 1 April 2024, until which time our existing consumer standards and approach to consumer regulation continue to apply. Registered providers should continue to ensure they are compliant with the existing consumer standards, whilst preparing for the move to proactive consumer regulation and the revised consumer standards.

5. The proposed consumer standards

Overview

5.1 We are proposing to introduce four revised consumer standards from April 2024:

- **The Safety and Quality Standard** – requires landlords to provide safe and good quality homes and landlord services to tenants.
- **The Transparency, Influence and Accountability Standard** – requires landlords to be open with tenants and treat them with fairness and respect so that tenants can access services, raise complaints when necessary, influence decision making and hold their landlord to account.
- **The Neighbourhood and Community Standard** – requires landlords to engage with other relevant parties so that tenants can live in safe and well-maintained neighbourhoods and feel safe in their homes.
- **The Tenancy Standard** – sets requirements for the fair allocation and letting of homes and for how those tenancies are managed and ended by landlords.

5.2 These build on our existing consumer standards and have been revised to meet our expanded remit and updated to reflect changes to the sector, government policy priorities and to take into account feedback from stakeholders and tenants. The proposed requirements will help us to deliver our consumer regulation objective:

- to support the provision of social housing that is well-managed, safe, energy efficient and of appropriate quality
- to ensure that registered providers act in a transparent manner in relation to their tenants of social housing
- to ensure that actual or potential tenants of social housing have an appropriate degree of choice and protection
- to ensure that tenants of social housing have the opportunity to be involved in its management and to hold their landlords to account
- to encourage registered providers to contribute to the environmental, social and economic wellbeing of the areas in which the housing is situated.

5.3 We are also proposing to introduce a Code of Practice (see Chapter 10 for more information) that can be read alongside the proposed consumer standards to help registered providers understand how they might achieve compliance with the consumer standards.

6. Safety and Quality Standard

- 6.1 Providing homes that are safe and of good quality are a fundamental responsibility of a landlord. The quality of homes can have significant consequences for the quality of life and health and wellbeing of tenants, with recent examples of where standards have not been met, highlighting some of the poorest practice in the sector. Safety and decency must remain core to our consumer regulation so that tenants are safe and can feel safe in their homes.
- 6.2 The proposed Safety and Quality Standard would replace and strengthen our existing Home Standard and would assist us in meeting our consumer regulation objective which has been expanded to explicitly include safety.

Stock quality

- 6.3 There are significant variations in landlords' understanding of the condition of their homes, and the recent cases of poor quality and disrepair coming to light demonstrate that not all tenants' homes are being maintained to the safety and quality standards required. This is unacceptable. Landlords must know the condition of their homes to ensure they comply with all relevant requirements.
- 6.4 We are therefore proposing to introduce a set of requirements that landlords have the evidence needed to maintain homes to required standards, minimising risks to tenants.
- 6.5 This data needs to be sufficiently robust as set out at specific expectation (SE1) in the box below as it should be used to inform how landlords will best achieve compliance with regulatory requirements set out within the Safety and Quality Standard (SE2).

Proposed: Stock quality**Required outcome**

Registered providers must have an accurate, up to date and evidenced understanding of the condition of their homes that reliably informs their provision of good quality, well-maintained and safe homes for tenants.

Specific expectations (SE)

- SE1 Registered providers must have an accurate record at an individual property level of the condition of their stock, based on a physical assessment of all homes and keep this up to date.
- SE2 Registered providers must use data from across their records on stock condition to inform their provision of good quality, well-maintained and safe homes for tenants including:
- a) Compliance with health and safety legal requirements
 - b) Compliance with the Decent Homes Standard
 - c) Delivery of repairs, maintenance and planned improvements to stock
 - d) Allocating homes with adaptations appropriately

Decency

- 6.6 All landlords must provide decent quality homes to tenants. Our proposed standard continues to require that homes meet the Decent Homes Standard and landlords should have effective systems and processes in place to understand their stock so that homes are maintained to this standard, tackling non-decency where it occurs.
- 6.7 We are directed by government on the quality of accommodation which is currently set by the Decent Homes Standard. The Decent Homes Standard is currently under government review. Dependent on the outcome of that review, government may consult on a new direction on quality of accommodation before issuing it to us to reflect in the consumer standards.
- 6.8 We have simplified the remaining elements of the standard to avoid repetition with requirements in the Decent Homes guidance and in line with our approach to regulation.

Key: Requirements in *grey italic text* reflect the government's [2012 Direction to us on Quality of Accommodation](#).

Proposed: Decency

Required outcome

Registered providers must ensure that tenants' homes meet the standard set out in section five of the government's Decent Homes Guidance and continue to maintain their homes to at least this standard unless exempted by the regulator.

Health and safety

- 6.9 Recent legislative reforms support a culture change across organisations involved in the management of homes to prioritise building safety, so that residents are safe and feel safe in their homes. An example of this is the introduction of the Building Safety Regulator who has an important role in overseeing the safety of higher risk buildings and we will co-operate with each other where those buildings contain social housing.
- 6.10 Proposed changes to our standards emphasise the responsibilities of landlords and set clear expectations for them on the safety of the homes and communal areas they manage (see SE1 below). This includes landlords having a responsibility to tenants for the safety of the homes and the services they provide.
- 6.11 Landlords will be expected to consider the safety of tenants in how their services have been designed and delivered through the proposed requirement SE3 below. Examples include how they respond to emergency repairs requests, manage complaints relating to health and safety or respond to reports of anti-social behaviour.
- 6.12 Over half of annual referrals considered by our Consumer Regulation Panel⁷ under our current remit relate to the Home Standard. In many of the cases where we find a breach, landlords have failed to carry out remedial works identified by earlier health and safety assessments. We are therefore proposing to strengthen our standards by introducing an explicit expectation that landlords must complete remedial actions within appropriate timescales (see SE2 below).

⁷ The regulator's Consumer Regulation Panel considers stage 2 and stage 3 referrals, completing a detailed review to determine whether there is a potential breach of the consumer standards. Referrals move to stage 3 when further information is needed to reach a decision.

Proposed: Health and safety

Required outcome

When acting as landlords, registered providers must take all reasonable steps to ensure the health and safety of tenants in their homes and associated communal areas.

Specific expectations

- SE1 Registered providers must identify and meet all legal requirements that relate to the health and safety of tenants in their homes and communal areas.
 - SE2 Registered providers must ensure that all required actions arising from legally required health and safety assessments are carried out within appropriate timescales.
 - SE3 Registered providers must ensure that the safety of tenants is considered in the design and delivery of landlord services and take reasonable steps to mitigate any identified risks to tenants.
-

Repairs, maintenance and planned improvements

- 6.13 To provide decent quality homes to tenants, landlords must effectively repair and maintain the homes they are responsible for; and do this in a timely manner. We have heard from tenants that this can significantly impact on them and the trust and confidence they have in their landlord.
- 6.14 The proposed changes place a greater emphasis on the outcomes for tenants and good service delivery. Landlords will be expected to provide repairs, maintenance and planned improvements services that are 'effective, efficient and timely'. This means that landlords deal with repairs and other improvement works promptly and resolve issues that arise.
- 6.15 Through our proposals, we will expect landlords to ensure that tenants can easily report a repairs issue to them (see SE1 below) and that they maintain clear communication with tenants on the progress of works identified (see SE3 below).
- 6.16 We are proposing to remove the objective of 'right first time' repairs for landlords. We understand from our engagement with the sector that this is measured and defined in different ways by different landlords and does not provide a consistent performance target for services to tenants. Instead, we are proposing that landlords set timescales for repairs, having taken into account tenant views, that will achieve a service that is effective, efficient and timely (see SE2 below). This should drive performance whilst maintaining some flexibility to meet different tenants' needs.

- 6.17 We have clarified our expectations of landlords as regards to communal areas. Increasingly, multiple parties have responsibility for different aspects of building maintenance, meaning that landlords need to understand what their responsibilities are and ensure that other parties fulfil what they are responsible for (see SE4 below).

Proposed: Repairs, maintenance and planned improvements

Required outcome

Registered providers must provide an effective, efficient and timely repairs, maintenance and planned improvements service for the homes and communal areas for which they are responsible.

Specific expectations

- SE1 Registered providers must enable repairs and maintenance issues to be reported easily.
- SE2 Registered providers must set timescales for the completion of repairs, maintenance and planned improvements, clearly communicate them to tenants and take appropriate steps to deliver to them.
- SE3 Registered providers must keep tenants informed about repairs, maintenance and planned improvements to their homes with clear and timely communication.
- SE4 Registered providers must understand and fulfil their maintenance responsibilities in respect of communal areas.
- SE5 Registered providers must ensure that the delivery of repairs, maintenance and planned improvements to homes and communal areas is informed by the needs of tenants and provides value for money, in addition to Stock quality requirement SE2 (see page 19).
-

Adaptations

- 6.18 Having access to home adaptations is of great importance to those who need them, as it can support them to live safely in their home with greater independence. The English Housing Survey 2019/20 estimated that 56% of housing association tenants with a long standing physical or mental health condition lack the adaptations they need⁸. Early work on the Equality impact assessment that helped to inform our proposals, highlighted the importance of these requirements and identified opportunities for strengthening them. The proposed standard sets a clear expectation that registered providers must assist tenants seeking adaptations to access appropriate services that meet tenants' needs.

⁸ [English Housing Survey: Home adaptations report 2019/20](#)

- 6.19 As part of our proposals, we will expect landlords to be clear on their role assisting tenants seeking adaptations services and communicate this to tenants and other stakeholders (see SE1 below). This should increase transparency and help to remove potential barriers arising from varied and complex arrangements.
- 6.20 We are also intending to include an expectation for landlords to co-operate with tenants, local authorities and other agencies (see SE2 below) so that outcomes for tenants are improved.

Proposed: Adaptations

Required outcome

Registered providers must assist tenants seeking housing adaptations to access appropriate services.

Specific expectations

- SE1 Registered providers must clearly communicate to tenants and relevant organisations how they will assist tenants seeking housing adaptations services.
- SE2 Registered providers must co-operate with tenants, appropriate local authority departments and other relevant organisations so that a housing adaptations service is provided to tenants.

Consultation question on the proposed Safety and Quality Standard

Consultation question 1

Overall, do you agree that the proposed Safety and Quality Standard sets the right expectations of landlords?

Please state if you agree or disagree.

Please provide comments if you wish to explain your response.

7. Transparency, Influence and Accountability Standard

- 7.1 A major focus of the reforms to social housing regulation has been on improving the quality of the landlord tenant relationship. For this to be effective, landlords need to embed a culture of transparency and accountability that is meaningful to tenants and demonstrates fairness and respect. Tenants must be able to access the information they need to make use of services as well as to be able to influence decision making and hold their landlord to account. In turn, landlords must listen to tenants' needs and concerns and take appropriate action to improve how services are delivered.
- 7.2 With transparency now included within our consumer regulation objective, the proposed Transparency, Influence and Accountability Standard will build on and replace the Tenant, Involvement and Empowerment Standard to support this shift in culture, accountability and in the openness of landlords with tenants.

Fairness and respect

- 7.3 Treating all tenants with fairness and respect should be a central pillar to how registered providers deliver landlord services, however some of the feedback from tenants that informed the Social Housing Green Paper⁹ suggested this is not always their experience. We propose to reinforce that landlords cannot meet the requirements of the consumer standards if they do not treat tenants with fairness and respect.

Proposed: Fairness and respect

Required outcome

Registered providers must treat all tenants with fairness and respect.

Diverse needs

- 7.4 For landlords to treat tenants fairly and with respect, they must take into account tenants' diverse needs in the design and delivery of their landlord services. It is unacceptable for tenants to receive poorer access to or outcomes from their landlord due to characteristics that are protected by the Equality Act 2010 (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation, and marriage and civil partnership).

⁹ [Government's Social housing green paper: a 'new deal' for social housing 2018 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/social-housing-green-paper) preceded the Social Housing White Paper and set out government proposals to rebalance the relationship between social housing tenants and landlords.

- 7.5 Our proposals expect landlords to consider how they will adapt their services and communications to take account of tenants' needs when meeting all consumer standards requirements.
- 7.6 Our proposals will strengthen our requirements in this area, setting clear expectations that landlords take action to deliver fair access to, and equitable outcomes of, housing and landlord services for all tenants. To do this they will need to understand the differing needs of tenants and take steps to meet those needs so tenants can use the services required. The Tenant Involvement and Empowerment Standard currently expects landlords to demonstrate they understand the different needs of tenants. The proposed Transparency, Influence and Accountability Standard goes further, requiring landlords to use information and data to inform their understanding of how they will meet the different needs of tenants. The proposed requirement makes clear that this relates to needs arising from tenants' protected characteristics, as defined in the Equality Act 2010, as well as more broadly (see SE1 below).
- 7.7 We are also proposing to set expectations of landlords on how they communicate with tenants (see SE2 below), ensure their services are accessible including where those services are accessed digitally (see SE3 below); and allowing tenants to be supported by advocates or other representatives (see SE4 below). The aim of all these changes is to remove barriers for tenants in accessing their landlord and its services.

Proposed: Diverse needs

Required outcome

Registered providers must take action to deliver fair access to, and equitable outcomes of, housing and landlord services for all tenants.

Specific expectations

- SE1 Registered providers must use relevant information and data to:
- a) understand the diverse needs of tenants, including those arising from protected characteristics, language barriers, and additional support needs; and
 - b) assess whether all tenants have fair access to, and equitable outcomes of, housing and landlord services.
- SE2 Registered providers must ensure that communication with and information for tenants is clear, accessible, relevant, timely and appropriate to the diverse needs of tenants.
- SE3 Registered providers must ensure that landlord services are accessible, and that the accessibility is publicised to tenants. This includes supporting tenants and prospective tenants to use online landlord services if required.

SE4 Registered providers must allow tenants and prospective tenants to be supported by a representative or advocate in interactions about landlord services.

Engagement with tenants

- 7.8 Listening to tenants and taking their views into account helps landlords to achieve the good quality homes and services required. The proposed standard requirements for effective resident engagement recognise that the methods used will need to vary to meet a range of needs and interests, with some tenants wanting to engage proactively with their landlord's policies, and others wanting to be kept informed. Landlords need to identify the most appropriate methods for their organisation and their tenants and make effective use of the information they get from engagement when making decisions about how landlord services are delivered.
- 7.9 We recognise the importance of landlords working with their tenants to understand where they can make improvements not just to their tenant engagement but all landlord services (see SE5 below).
- 7.10 Our casework has demonstrated that consultation with tenants when a change in landlord or significant change in management arrangements is being considered is not always done effectively. We are proposing to enhance our requirements on this as a result (see SE6 below).
- 7.11 Government issued a new Direction on Tenant Involvement to us in June 2023. These requirements have been reflected in the proposed standards at SE1 SE2 and SE3.

Key:

Requirements in **black text** are being proposed by the regulator – we are asking consultees to consider whether the contents of these requirements set the right expectations of landlords as part of this consultation.

Requirements in *grey italic text* reflect the government's [2023 Direction to us on Tenant Involvement](#). We are not seeking feedback on the content of these requirements but are asking consultees to consider whether we have accurately reflected the government's direction to us in the proposed standards.

Proposed: Engagement with tenants

Required outcome

Registered providers must take tenants' views into account in their decision making about how landlord services are delivered.

Specific expectations

- SE1 Registered providers must *give tenants a wide range of meaningful opportunities to influence and scrutinise their landlord's strategies, policies and services. This includes in relation to the neighbourhood where applicable.*
- SE2 Registered providers must *assist tenants who wish to implement tenant-led activities to influence and scrutinise their landlord's strategies, policies and services. This includes in relation to the neighbourhood where applicable.*
- SE3 Registered provider must *provide accessible support that meets the diverse needs of tenants so they can engage with the opportunities in 1 and 2 (2.2.1 and 2.2.2 in the Transparency, Influence and Accountability Standard).*
- SE4 Registered providers must *support tenants to exercise their Right to Manage, Right to Transfer or otherwise exercise housing management functions, where appropriate.*
- SE5 Registered providers, working with tenants, must regularly consider ways to improve and tailor their approach to delivering landlord services including tenant engagement. They must implement changes as appropriate to ensure services deliver the intended aims.
- SE6 Where a registered provider is considering a change in landlord for one or more tenants, or a significant change in management arrangements, it must consult affected tenants on its proposals at a formative stage and take those views into account in reaching a decision. The consultation must:
- a) be fair and accessible
 - b) provide tenants with adequate time, information and opportunities to consider and respond
 - c) set out actual or potential advantages and disadvantages (including costs) to tenants in the immediate and longer term
 - d) demonstrate to affected tenants how the consultation responses have been taken into account in reaching a decision.

Information about landlord services

- 7.12 Through our engagement work we have heard how important landlords providing clear and timely communication on landlord services is to tenants. It helps to demonstrate a culture of fairness and respect and can support tenants in holding their landlord to account with regards to the services being delivered.
- 7.13 We are proposing that landlords provide tenants with information on standards relating to the safety and quality of homes and communal areas (see SE1b below); and the rent and service charges payable by them (see SE1c below).

- 7.14 We are also intending on expanding requirements on transparency, so that tenants are kept informed of plans and progress during repairs work and the delivery of services (see SE2 below).
- 7.15 To aid transparency, tenants must have access to policies that relate to landlord services and these policies must be fair and reasonable, setting out the criteria for making decisions and processes tenants must follow should they choose to appeal a decision (see SE3 below). We are proposing to add to these a further requirement for landlords to have a dedicated person responsible for complying with the consumer standards (see SE4 below).

Proposed: Information about landlord services

Required outcome

Registered providers must communicate with tenants and provide information so tenants can use landlord services, understand what to expect from their landlord, and hold their landlord to account.

Specific expectations

- SE1 Registered providers must provide tenants with information about the:
- a) available landlord services, how to access those services, and the standards of service tenants can expect
 - b) standards of safety and quality tenants can expect homes and communal areas to meet
 - c) rents and service charges that are payable by tenants
 - d) responsibilities of the registered provider and the tenant for maintaining homes, communal areas, shared spaces¹⁰ and neighbourhoods.
- SE2 Registered providers must communicate with affected tenants on progress, next steps and outcomes when delivering landlord services.
- SE3 Registered providers' housing and neighbourhood policies must be fair, reasonable, accessible and transparent. Where relevant, policies should set out decision-making criteria and appeals processes.
- SE4 Registered providers must make information available to tenants about the relevant roles and responsibilities of senior level employees or officers, including who has responsibility for compliance with the consumer standards.
-

¹⁰ 'Shared spaces' are those spaces used by tenants that are not the responsibility of the landlord, as opposed to communal areas where landlords have direct responsibilities for ensuring their safety and maintenance.

Performance information

- 7.16 The proposed standards incorporate the requirements on Tenant satisfaction measures (TSMs) that we consulted on during winter 2021/22, publishing the final set of measures in September 2022. Our requirements relating to the TSMs came into effect in April 2023 and landlords are required to report to tenants and the regulator on their first set of results in summer 2024.
- 7.17 As part of that consultation, we sought views on the TSM Standard. The required outcome and specific expectations in the TSM Standard (see SE1, SE2 and SE3 below) are now proposed to be included in the Transparency, Influence and Accountability Standard alongside additional requirements necessary to broaden the performance information landlords must provide to tenants. This is intended to provide tenants with a more holistic view on how their landlord is performing and the actions they will take to improve performance (see SE4a below) including how they have taken tenants views into account (see SE4b below).
- 7.18 We are also proposing requirements in line with White Paper commitments so that tenants can see how income is being spent (see SE4c and d below) which we have expanded on in the proposed Code of Practice and accompanying note on directors' remuneration and management costs.

Proposed: Performance information

Required outcome

Registered providers must collect and provide information to support effective scrutiny by tenants of their landlord's performance in delivering landlord services.

Specific expectations

- SE1 Registered providers must meet the regulator's requirements in relation to the tenant satisfaction measures set by the regulator as set out in *Tenant Satisfaction Measures: Technical requirements* and *Tenant Satisfaction Measures: Tenant survey requirements*.
- SE2 Registered providers must:
- a) collect and process information specified by the regulator relating to their performance against the tenant satisfaction measures. The information must be collected within a timeframe set by the regulator and must meet the regulator's requirements in *Tenant Satisfaction Measures: Technical requirements* and *Tenant Satisfaction Measures: Tenant survey requirements*

- b) annually publish their performance against the tenant satisfaction measures. This should include information about how they have met the regulator's requirements set out in Tenant Satisfaction Measures: Technical requirements and Tenant Satisfaction Measures: Tenant survey requirements. This information must be published in a manner that is timely, clear, and easily accessed by tenants; and
 - c) annually submit to the regulator information specified by the regulator relating to their performance against those measures. The information must be submitted within a timeframe and in a form determined by the regulator.
- SE3 In meeting specific expectation 1 and specific expectation 2 above, registered providers must ensure that the information is an accurate, reliable, valid, and transparent reflection of their performance against the tenant satisfaction measures.
- SE4 Registered providers must provide tenants with information about:
- a) how they are performing in delivering landlord services and what actions they will take to improve performance where required
 - b) how they have taken tenants' views into account to improve landlord services, information and communication
 - c) how income is being spent
 - d) their directors' remuneration and management costs.
-

Complaints

- 7.19 Effective complaint handling is an important mechanism for tenants to be able to hold their landlords to account when things go wrong. Landlords must have a clear approach to complaints so that tenants can raise their concerns and when they do, landlords listen to what they are being told, have effective processes for handling the complaint and act promptly to put things right.
- 7.20 Our proposed standard operates alongside the work of the Housing Ombudsman Service, setting expectations about how registered providers are expected to handle complaints, and incorporating requirements around transparency to tenants.

Proposed: Complaints

Required outcome

Registered providers must ensure complaints are addressed fairly, effectively, and promptly.

Specific expectations

- SE1 Registered providers must ensure their approach to handling complaints is simple and accessible.
 - SE2 Registered providers must publicise their complaints process and what tenants can do if they are dissatisfied with the outcome of a complaint or how a complaint was handled.
 - SE3 Registered providers must provide tenants with information about the type of complaints received and how they have learnt from complaints to continuously improve services.
-

Self-referral

- 7.21 The consumer standards apply to all registered providers of social housing. In line with our co-regulatory principles, landlords must be transparent with us and self-refer where they identify issues of concern in relation to their compliance with the consumer standards. The Governance and Financial Viability Standard requires private registered providers to communicate to the regulator material issues that relate to their non-compliance or potential non-compliance with the standards. The Rent Standard requires this of both private registered providers and local authority registered providers in respect of rents. This proposed requirement will make clear that this is also a requirement of all providers in respect of our consumer standards.

Proposed: Self-referral

Specific expectations

- SE1 Registered providers must communicate in a timely manner with the regulator on all material issues that relate to non-compliance or potential non-compliance with the consumer standards.

Consultation questions on the proposed Transparency, Influence and Accountability Standard

Consultation question 2

Overall, do you agree that the proposed Transparency, Influence and Accountability Standard sets the right expectations of landlords?

Please state if you agree or disagree.

Consultation question 3

Do you agree that the proposed Transparency, Influence and Accountability Standard accurately reflects the government's [‘Tenant involvement direction’](#) to the regulator?

Please state if you agree or disagree.

Please provide comments if you wish to explain your responses.

8. Neighbourhood and Community Standard

8.1 The role of landlords, working with others, to contribute to the upkeep and safety of the neighbourhoods and communities they provide homes for, continues to be an important set of requirements within the consumer standards. The Neighbourhood and Community Standard has been reviewed and proposes requirements that will allow all landlords registered with us, no matter the size or type, to work with others to make an active contribution. Working with other organisations, landlords can achieve better outcomes for the neighbourhoods in which tenants live. In proposing these expectations, we are mindful of balancing registered providers' responsibilities alongside those of others.

Maintenance of shared spaces

8.2 Responses to the Social Housing Green Paper highlighted concern amongst tenants about the quality and upkeep of the spaces around their homes. The proposed requirements in the Neighbourhood and Community Standard sets expectations in relation to 'shared spaces'. These are spaces where the landlord does not have a legal responsibility for their safety and maintenance but where, with effective contribution and cooperation with others, they can improve tenants' experience of using the shared spaces around their homes (see SE1 below). This is intended to complement the requirements on communal areas in the Safety and Quality Standard.

Proposed: Maintenance of shared spaces

Required outcome

Registered providers must work co-operatively with tenants, other landlords and relevant organisations to contribute to the upkeep and safety of shared spaces¹¹ associated with their homes.

Specific expectations

SE1 Registered providers must work co-operatively to assist in resolving issues affecting the upkeep and safety of the shared spaces associated with their homes.

¹¹ 'Shared spaces' are those spaces used by tenants that are not the responsibility of the landlord, as opposed to communal areas where landlords have direct responsibilities for ensuring their safety and maintenance.

Local cooperation

- 8.3 We recognise that landlords will not always be the primary organisation responsible for all aspects of the neighbourhoods where they manage homes; but they can achieve better outcomes for tenants by working with other organisations operating in these areas. Our proposed standard sets clear expectations of registered providers with respect to identifying and communicating to tenants how they as landlord will play their role in the local area, having considered their strategic objectives and the views of their tenants, in addition to their presence in the area and the impact they are likely to have (see SE1a below).

Proposed: Local cooperation

Required outcome

Registered providers must co-operate with relevant partners to promote social, environmental and economic wellbeing in the areas where they provide social housing

Specific expectations

- SE1 Registered providers, having taken account of their strategic objectives, the views of tenants and their presence within the areas where they provide social housing, must:
- a) identify and communicate to tenants the roles registered providers play in promoting social, environmental and economic wellbeing and how they will achieve them; and
 - b) co-operate with local partnership arrangements and the strategic housing function of local authorities where they are able to assist them in achieving their objectives.

Safer neighbourhoods

- 8.4 Social housing tenants are more likely to experience anti-social behaviour (ASB) and be victims of crime than those in other tenures¹². Government has recently published guidance clarifying the different responsibilities of the police, local authorities and landlords in tackling ASB, to make it clear to tenants who can give them the most appropriate support and assistance¹³. As part of the TSMs,¹⁴ landlords will have to publish data on the number of ASB cases, and tenants' satisfaction with the landlord's approach for handling them.

¹² The Charter for social housing residents (Social Housing White Paper), p59, see [The charter for social housing residents: social housing white paper - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/444444/the-charter-for-social-housing-residents-social-housing-white-paper)

¹³ [Help with anti-social behaviour for social housing tenants - GOV.UK](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/444444/help-with-anti-social-behaviour-for-social-housing-tenants)

¹⁴ [Tenant Satisfaction Measures](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/444444/tenant-satisfaction-measures) NM01: Anti-social behaviour cases relative to the size of the landlord and TP12: Satisfaction with the landlord's approach to handling anti-social behaviour

- 8.5 Registered providers have a role to deter and tackle ASB, working in partnership with others, in particular local authorities and the police (see SE1 below), to make appropriate use of powers provided through the Anti-Social Behaviour, Crime and Policing Act 2014.
- 8.6 We are proposing a specific requirement for landlords to have considered how they will tackle hate incidents and to clearly set out their approach, recognising that more tailored interventions may be required (see SE2 below).
- 8.7 We are also proposing that the standard requires landlords to support tenants affected by ASB (see SE5 below). We are clear that this can include vulnerable perpetrators as the right support and interventions may help to prevent further ASB.

Proposed: Safer neighbourhoods

Required outcome

Registered providers must work in partnership with appropriate local authority departments, the police and other relevant organisations to deter and tackle ASB in the neighbourhoods where they provide social housing.

Specific expectations

- SE1 Registered providers must have a policy on how they work with relevant organisations to deter and tackle ASB in the neighbourhoods where they provide social housing.
- SE2 Registered providers must clearly set out their approach for how they tackle and deter hate incidents in neighbourhoods where they provide social housing.
- SE3 Registered providers must enable ASB to be reported easily and keep tenants informed about the progress of their case.
- SE4 Registered providers must provide prompt and appropriate action in response to ASB, having regard to the full range of tools and legal powers available to them.
- SE5 Registered providers must support tenants who are affected by ASB, including by signposting them to agencies who can give them appropriate support and assistance.

Domestic abuse

- 8.8 The White Paper recognised that landlords are well positioned to identify early signs of domestic abuse and should have a role in supporting victims. It committed the regulator to introducing a requirement for landlords to have a policy setting out how they should tackle issues surrounding domestic abuse, working with other agencies as appropriate, and the 2023 Act extends our powers to set standards to include policies and procedures in connection to domestic abuse. This is reflected in the proposed standard.

Proposed: Domestic abuse

Required outcome

Registered providers must work co-operatively with other agencies tackling domestic abuse and enable tenants to access appropriate support and advice.

Specific expectations

- SE1 Registered providers must have a policy for how they respond to cases of domestic abuse.
 - SE2 Registered providers must co-operate with appropriate local authority departments to support the local authority in meeting its duty to develop a strategy and commission services for victims of domestic abuse and their children within safe accommodation.
-

Consultation question on the proposed Neighbourhood and Community Standard

Consultation question 4

Overall, do you agree that the proposed Neighbourhood and Community Standard sets the right expectations of landlords?

Please state if you agree or disagree.

Please provide comments if you wish to explain your response.

9. Tenancy Standard

9.1 The Tenancy Standard sets requirements that relate to a tenant's journey throughout their tenancy with a landlord. This starts with the allocations process, which marks the beginning of the relationship between a tenant and their landlord, to the proper ending of a tenancy, with appropriate advice and support being put in place. The review of the Tenancy Standard has focused on ensuring fairness and transparency throughout the tenancy.

Allocations and lettings

9.2 The proposed standard recognises the importance of effective allocations schemes for providing fair access to those in need of social housing, specifically the need for joint working between local authorities and housing associations to ensure that social housing is being allocated efficiently.

9.3 We have aimed to make requirements in this area clearer to landlords, putting tenants at the centre of the expectations. This includes proposing clearer expectations of landlords that they allocate adapted and purpose-built homes to those that need them where possible (see SE2 below). We are also proposing to remove the requirement for landlords to minimise the time that properties are empty between each letting. This is because it is primarily an economic issue. The focus of our consumer standards is for homes to be let in a fair and transparent way.

Proposed: Allocations and lettings

Required outcome

Registered providers must allocate and let their homes in a fair and transparent way that takes the needs of tenants and prospective tenants into account.

Specific expectations

SE1 Registered providers must co-operate with local authorities' strategic housing functions and assist local authorities to fulfil their duties to meet identified local housing need. This includes assistance with local authorities' homelessness duties, and through meeting obligations in nominations agreements.

SE2 Registered providers must seek to allocate homes that are designated, designed, or adapted to meet specific needs in a way that is compatible with the purpose of the housing.

SE3 Registered providers must develop and deliver services to address under-occupation and overcrowding in their homes. These services should be focused on the needs of tenants.

SE4 Registered providers must take action to prevent and tackle tenancy fraud.

SE5 Registered providers must have a fair, reasonable, simple and accessible appeals process for allocation decisions.

SE6 Registered providers must record all lettings and sales as required by the Continuous Recording of Lettings (CORE) system.

Tenancy sustainment and evictions

- 9.4 Effective tenancy management to sustain tenancies where appropriate remains an important protection measure for tenants. This is particularly relevant in challenging economic times where cost of living pressures will be affecting landlords and tenants.
- 9.5 To emphasise the importance of tenancy sustainment we are proposing to give greater prominence to the expectation that landlords support tenants to maintain their tenancy, making it a required outcome of the Tenancy Standard. We are also proposing to make it more explicit that this requirement applies not only to tenancies, but to licences. These are commonly granted as the basis of occupation, in particular in a supported housing context. All registered providers should provide support to tenants to remain housed (see SE1 below), regardless of tenure type.
- 9.6 We also recognise that there are circumstances where the ending of the tenancy or license is necessary. We are proposing that where this is the case, landlords provide tenants with timely advice and assistance about housing options (see SE2 below).

Proposed: Tenancy sustainment and evictions

Required outcome

Registered providers must support tenants to maintain their tenancy or licence. Where a registered provider ends a tenancy or licence, they must offer affected tenants advice and assistance.

Specific expectations

SE1 Registered providers must provide services that support tenants to maintain their tenancy or licence and prevent unnecessary evictions.

SE2 Registered providers must provide tenants required to move with timely advice and assistance about housing options before the tenancy or licence ends.

Tenure

- 9.7 A large part of the Tenancy Standard relates to the type of tenancy that landlords can issue and how that tenancy is managed. Government is responsible for setting tenure policy and in 2012 issued us with a direction on requirements that needed to be reflected in the existing consumer standards.

- 9.8 The proposed consumer standards retain the tenure requirements from the existing direction, until such a time that we are issued with a new tenure direction from government, which they have indicated they will do in due course, alongside any changes to Assured Shorthold Tenancies made through the Renters' Reform Bill. This direction will be subject to consultation by government before it is finalised and issued to the regulator.
- 9.9 We are proposing one change in the standard's requirements on tenure; for landlords to comply with all applicable legal requirements when granting tenancies or other terms of occupation, setting a broad requirement to ensure landlords consider the appropriateness of the tenancies they issue in connection to the tenant and purpose of the accommodation.

Key:

Requirements in **black text** are being proposed by the regulator – we are asking consultees to consider whether the contents of these requirements are right as part of this consultation.

Requirements in *grey italic text* reflect the government's [2012 Direction to us on Tenure](#).

Proposed: Tenure

Required outcome

1. Registered providers shall offer tenancies or terms of occupation which are compatible with the purpose of the accommodation, the needs of individual households, the sustainability of the community, and the efficient use of their housing stock.

2. They shall meet all applicable statutory and legal requirements in relation to the form and use of tenancy agreements or terms of occupation.

Specific expectations

SE1 Registered providers shall publish clear and accessible policies which outline their approach to tenancy management, including interventions to sustain tenancies and prevent unnecessary evictions, and tackling tenancy fraud, and set out:

- a) The type of tenancies they will grant*
- b) Where they grant tenancies for a fixed term, the length of those terms*
- c) The circumstances in which they will grant tenancies of a particular type*
- d) Any exceptional circumstances in which they will grant fixed term tenancies for a term of less than five years in general needs housing following any probationary period*
- e) The circumstances in which they may or may not grant another tenancy on the expiry of the fixed term, in the same property or in a different property*

- f) *The way in which a tenant or prospective tenant may appeal against or complain about the length of fixed term tenancy offered and the type of tenancy offered, and against a decision not to grant another tenancy on the expiry of the fixed term*
- g) *Their policy on taking into account the needs of those households who are vulnerable by reason of age, disability or illness, and households with children, including through the provision of tenancies which provide a reasonable degree of stability*
- h) *The advice and assistance they will give to tenants on finding alternative accommodation in the event that they decide not to grant another tenancy*
- i) *Their policy on granting discretionary succession rights, taking account of the needs of vulnerable household members.*

SE2 Registered providers must grant general needs tenants a periodic secure or assured (excluding periodic assured shorthold) tenancy, or a tenancy for a minimum fixed term of five years, or exceptionally, a tenancy for a minimum fixed term of no less than two years, in addition to any probationary tenancy period

SE3 Before a fixed term tenancy ends, registered providers shall provide notice in writing to the tenant stating either that they propose to grant another tenancy on the expiry of the existing fixed term or that they propose to end the tenancy.

SE4 Where registered providers use probationary tenancies, these must be for a maximum of 12 months, or a maximum of 18 months where reasons for extending the probationary period have been given and where the tenant has the opportunity to request a review.

SE5 Registered providers shall grant those who were social housing tenants on the day on which section 154 of the Localism Act 2011 comes into force, and have remained social housing tenants since that date, a tenancy with no less security where they choose to move to another social rented home, whether with the same or another landlord. (This requirement does not apply where tenants choose to move to accommodation let on Affordable Rent terms).

SE6 Registered providers shall grant tenants who have been moved into alternative accommodation during any redevelopment or other works a tenancy with no less security of tenure on their return to settled accommodation.

Mutual exchange

- 9.10 Government issued us with a new Direction on Mutual Exchange in June 2023. These requirements (in grey italic text below) have been reflected in the proposed standards and set requirements that tenants eligible to mutually exchange their home have access to the systems and support to do so.

- 9.11 In addition to how we are directed we are proposing to require that landlords offer tenants information about the implications of mutual exchange for tenure, rent and service charges, as this can be complex (see SE4 below). This is so that tenants are able to make an informed decision and avoid any unanticipated consequences.

Key:

Requirements in **black text** are being proposed by the regulator – we are asking consultees to consider whether the contents of these requirements are right as part of this consultation.

Requirements in *grey italic text* reflect the government’s [2023 Direction to us on Mutual Exchange](#). We are not seeking feedback on the content of these requirements but are asking consultees to consider whether we have accurately reflected the government’s direction to us in the proposed standards.

Proposed: Mutual exchange

Required outcome

Registered providers must support relevant tenants living in eligible housing to mutually exchange their homes.

Specific expectations

SE1 Registered providers must offer a mutual exchange service which allows relevant tenants potentially eligible for mutual exchange, whether pursuant to a statutory right or a policy of the registered provider, to easily access details of all (or the greatest practicable number of) available matches without payment of a fee.

SE2 Registered providers must publicise the availability of any mutual exchange service(s) it offers to its relevant tenants.

SE3 Registered providers must provide support for accessing mutual exchange services to relevant tenants who might otherwise be unable to use them.

SE4 Registered providers must offer tenants seeking to mutually exchange with information about the implications for tenure, rent and service charges.

Consultation questions on the proposed Tenancy Standard

Consultation question 5

Overall, do you agree that the proposed Tenancy Standard sets the right expectations of landlords?

Please state if you agree or disagree.

Consultation question 6

Do you agree that the proposed Tenancy Standard accurately reflects the government's ['Mutual exchange direction'](#) to the regulator?

Please state if you agree or disagree.

Please provide comments if you wish to explain your responses.

10. The proposed Code of Practice

- 10.1 Through the 2023 Act government has amended the Housing and Regeneration Act 2008 to provide us with the power to publish a Code of Practice on the consumer standards alongside our existing ability to prepare Codes of Practice for economic standards.
- 10.2 We have developed a proposed Code of Practice to help tenants and landlords understand what is expected under the revised consumer standards. A Code of Practice cannot be binding but may help landlords understand how compliance with the consumer standards might be achieved, and the regulator may have regard to it when considering whether the consumer standards have been met.
- 10.3 In designing the proposed Code of Practice, we have not sought to include something on every requirement in our standards. Instead, we have focused on those areas where, in our opinion, amplification is helpful. This does not indicate the relative importance of different elements of the consumer standards. Landlords will be required to comply with all standards.
- 10.4 The proposed Code of Practice is set out at Annex 2, and we are seeking views on it as part of this consultation.
- 10.5 We intend to publish the final Code of Practice alongside the consumer standards ahead of the new consumer regulation regime coming into effect in 2024.

Consultation question on the proposed Code of Practice

Consultation question 7

The proposed Code of Practice is designed to help landlords understand how they can meet the requirements of the standards. Do you agree that the proposed Code of Practice meets this aim?

Please state if you agree or disagree.

Please provide comments if you wish to explain your response.

11. Impact assessments

Draft Regulatory impact assessment

- 11.1 When introducing new regulation, a Regulatory impact assessment can help in understanding the costs, benefits, and risks of achieving the policy objectives, helping to inform the decision-making process.
- 11.2 We have carried out a Regulatory impact assessment on the introduction of a revised set of consumer standards and Code of Practice. This draft assessment is set out at Annex 3, and we welcome views on the conclusions of the Regulatory impact assessment.
- 11.3 The Regulatory impact assessment will be reviewed as a result of this consultation and updated where necessary. We intend to publish the Regulatory impact assessment alongside our decision statement which will include the final consumer standards and Code of Practice.

Consultation question on the draft Regulatory impact assessment

Consultation question 8

Do you agree with our conclusions in the draft Regulatory impact assessment?

Please state if you agree or disagree.

Please provide comments if you wish to explain your response.

Draft Equality impact assessment

- 11.4 Section 149 of the Equality Act 2010 sets out the public sector equality duty¹⁵ (also known as the general equality duty) which, in summary, places a duty on public bodies to have due regard in exercising their functions to the need to:
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it

¹⁵ [Public sector equality duty - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

11.5 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation, and marriage and civil partnership.¹⁶

11.6 As a regulator, we have been mindful of our public sector equality duty when developing the revised consumer standards. We undertook an Equality impact assessment on the current consumer standards and used that to inform the development of the proposals which are set out in this consultation. We are now publishing what we consider to be the potential impact of the proposed revised consumer standards in relation to the protected characteristics of tenants and potential tenants. Comments are welcomed on the conclusions of the draft Equality impact assessment which is set out at Annex 4.

11.7 The draft Equality impact assessment will be reviewed following this consultation. Where we draw new conclusions that have a material impact on our public sector equality duty, we will take them into consideration in producing the final set of consumer standards. We intend to publish the Equality impact assessment, with any subsequent amendments, alongside the final consumer standards and Code of Practice.

Consultation question on the draft Equality impact assessment

Consultation question 9

Do you agree with our conclusions in the draft Equality impact assessment?

Please state if you agree or disagree.

Please provide comments if you wish to explain your response.

¹⁶ The definition of 'relevant protected characteristic' for the purposes of section 149 of the Equality Act 2010 does not include marriage and civil partnership, however, this is a protected characteristic for the duty to have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010.

12. About this consultation

- 12.1 This consultation document and consultation process have been developed to adhere to the Consultation principles issued by the Cabinet Office.
- 12.2 Please do not share sensitive personal data (e.g. health information), information that identifies other individuals, or any information in your response which you would not be happy for us to make publicly available.
- 12.3 Information provided in response to this consultation, including personal data, may be published or disclosed in accordance with legislation (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA), UK General Data Protection Regulation and the Environmental Information Regulations 2004 (EIR)).
- 12.4 We cannot give assurance that the information will not be disclosed. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the regulator.
- 12.5 The information you provide will be used for the purposes of this consultation and is collected on the basis of our public task to regulate the provision of social housing.
- 12.6 For more information about how we process and protect personal data see our [privacy notice](#).
- 12.7 Thank you for taking the time to read this document and respond. Your opinions are valuable to us.



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