

# Consultation on directions to the Regulator of Social Housing: tenant rights and complaints

National Housing Federation's submission in response to the Department for Levelling Up, Housing and Communities

November 2023

## Summary

The National Housing Federation (NHF) is the voice of housing associations in England, representing almost 800 housing association members that provide homes for around six million people.

Housing associations are committed to providing safe, quality homes for all residents and we welcome this consultation concerning the direction to the Social Housing Regulator relating to tenants' rights and complaints.

We are also aware that the directions will inform the revision of the Regulator's consumer standards for registered providers. In this submission, we answer specific questions and set out our views on the proposed direction.

Our views on the consultation's proposals can be summarised as follows:

- We welcome the consultation and we agree with the requirements for registered providers to provide residents with information on how to make a complaint.
- We support the core aim of ensuring residents have information regarding their rights. However, we are concerned about the approach outlined in the consultation. For example, the lack of an exclusive and comprehensive list of information that registered providers are required to provide may pose challenges, leading to varying interpretations and inconsistencies in tenant information.
- We also seek additional clarification on the information that landlords can provide and further guidance to ensure it is accessible for all residents.

- We believe the costs associated with meeting the requirements outlined in the consultation have been underestimated.

## Introduction

The National Housing Federation (NHF) is the voice of housing associations across England, representing 800 housing association members that provide homes to around six million people.

Housing associations are committed to providing safe, quality homes for all residents and we welcome this consultation and the opportunity to feed into the proposed direction to the Regulator concerning tenants' rights and complaints.

We support the introduction of stronger and more proactive regulation, alongside wider changes outlined in the [Social Housing White Paper](#), to give tenants greater powers and improve access to swift and fair redress.

Through the [Better Social Housing Review action plan](#), the sector is taking action to ensure that residents always receive the high-quality service they deserve. The plan sets out how housing associations will deliver against the original report's recommendations, including by partnering with residents and frontline staff to develop and apply new standards, and by defining an excellent maintenance and repairs process.

Housing associations have taken the lead in the sector by demonstrating their commitment to resident engagement, accountability and transparency through our sector-wide initiative, [Together with Tenants](#). Currently, over two hundred housing associations have adopted the Together with Tenants charter, representing over 86% of homes owned by our members. This is a reflection of our sector's genuine commitment to responding to calls from residents to be more accountable to them.

## Complaints

As well as increasing transparency, our members are continuing to work in partnership with residents to seek ways to improve and simplify processes to ensure complaints are resolved as soon they are raised. Where issues are escalated, our members work collaboratively with the Housing Ombudsman to swiftly resolve any disputes. The sector actively incorporates insights offered by the Regulator and the Housing Ombudsman to improve their complaint handling processes. We support

the removal of the democratic filter, enabling residents to easily access the Housing Ombudsman service following the exhaustion of their landlord's process.

Our housing association members are already working to ensure they provide the services that residents expect from their landlord and are continuously taking steps to improve their complaints handling process. This includes increasing their staffing levels, updating complaint policies and gathering feedback from their residents to identify areas for improvement. Housing associations are actively highlighting their complaints policy and complaints handling processes, and making them easily accessible across a range of platforms such as their websites, social media, and other communication channels.

That is why the NHF agrees with the requirements in the draft direction mandating registered providers provide tenants with information on how to make a complaint about their landlord and about their complaints handling process.

However, while we agree with the requirements outlined, it's important to note that registered providers are already required to publish their complaints process and ensure they are accessible as part of the proposed [Transparency, Influence and Accountability Standards](#). Furthermore, registered providers are already complying with the [Housing Ombudsman Code of Practice](#), which will attain statutory status and come into force from April 2024. The Code sets out similar requirements for landlords to 'publicise (their) complaints policy and process', 'make their complaint policy available in a clear and accessible format for all residents'. While guiding the Regulator, we strongly encourage the Department for Levelling Up, Housing and Communities (DLUHC) to take into account existing requirements and streamline them to minimise unnecessary duplication.

## Tenants' rights and relevant regulatory requirements

We support stronger and more proactive regulation, along with its aim to empower tenants to hold their landlords to account. Therefore, we support the objective of tenants having access to information concerning their rights in connection with their homes, their facilities and services they receive. We also support the intention behind ensuring tenants have information on the relevant regulatory requirements that registered providers must meet in connection with those things.

However, we are concerned about the approach proposed in the direction regarding the provision of information on tenants' rights and regulatory requirements. While we support the core aim of tenants having information regarding their rights, the list of

information that registered providers are required to provide is not an exclusive list and therefore has the potential to create challenges for registered providers.

The direction stipulates that registered providers must provide information regarding tenants' rights, including rights implied by statute and common law. In addition, the requirement sets an expectation for landlords to consider any other rights and requirements relevant to residents. The absence of a comprehensive list that outlines the required information for registered providers creates significant room for interpretation, and could result in inconsistencies in the information received by tenants. Moreover, to avoid non-compliance with the requirements, some registered providers might choose to provide all the information they consider relevant, overwhelming tenants with a large amount of data that could dilute its significance.

According to the direction, the information required from registered providers may be highly individualised in certain cases, posing potential additional burdens, particularly for larger registered providers. It is also important to consider how the proposed requirements will be applied in different settings.

It would be helpful for the regulations to provide greater clarity on the type of information landlords can provide, ensuring its suitability for all residents, particularly those living in supported and specialist housing schemes. These schemes meet the diverse needs of residents, for example people with learning disabilities or low literacy levels. In light of this, we would welcome additional insights on how registered providers can provide the required information in an accessible format, particularly concerning highly technical matters. Clearer guidelines would help ensure that registered providers can communicate relevant information with residents and meet their diverse needs effectively.

We also urge the department to ensure that the regulatory requirements are proportional to the size of the landlord.

## **Assessment of costs faced by the sector**

We disagree with the likely costs associated with meeting commitments outlined in the new requirements, as outlined in the impact assessment.

Our housing association members have reported that the estimated costs in the impact assessment are unrealistic, in particular, the legal costs need updating. Registered providers will need to deploy additional resources to comply with these

requirements and take further measures to ensure that accessibility is fully addressed.

While we support the intentions behind these measures, we are concerned about the potential cost implications in the context that the sector is operating in. Housing associations are already having to make difficult decisions about how to best deploy their finite financial capacity across vital investments in the safety, quality and energy efficiency of existing homes, the quality of services to residents, and building new social homes to meet housing need.

Therefore, we urge thorough consideration to prevent duplicating existing requirements, to minimise unnecessary burdens, and to establish efficiencies within the new consumer regime. This approach aims to reduce additional burdens for registered providers.

## Conclusion

We welcome this consultation seeking views on the directions to the Regulator concerning tenants' rights and complaints. In our response, we support the requirements for registered providers to provide tenants with information on how to make a complaint about their landlord. However, we outline some concerns regarding the approach around providing information to tenants related to their rights.

We look forward to working with the department to achieve the desired outcomes of the proposed requirements while minimising burdens for registered providers.