



UNISON RESPONSE TO GOVERNMENT CONSULATION: A NEW DEAL FOR SOCIAL HOUSING

November 2018

ABOUT UNISON

UNISON is the UK's largest public service trade union with 1.3 million members. Our members are people working in the public services and for private and voluntary contractors providing public services. They include frontline staff and managers working full or part-time in the National Health Service (NHS), the police service, colleges, schools, the utilities, transport, local authorities, the community and voluntary sector, including private registered providers (housing associations) that provide a range of housing management and housing related social care services. Many of our members are affected either directly by policies on social housing as tenants or indirectly as workers delivering social housing services.

INTRODUCTION

UNISON welcomes the opportunity to respond to the Government's Green Paper – "A new deal for social housing".

UNISON welcomes proposals "to ensure that tenants have access to safe, secure and decent homes and are empowered to hold their landlords to account when things go wrong". In particular, we welcome proposals to improve the redress/complaints processes for residents and proposals to review the Decent Homes Standard, which is long overdue. This will give tenants a greater voice in housing matters, and ensure that their concerns, particularly about the fire safety of their homes, are heard and acted upon.

UNISON has thousands of members who are either employed by social housing providers – councils, Arms Length Management Organisations and Housing Associations - or are residents of social housing. Many of them experience financial hardship and housing need, as they struggle with high housing costs, with even some resorting to the use of food banks. Our members want to see the social housing resource protected for current and future generations and are concerned that the Green Paper contains a number of proposals that could threaten this national resource. The proposals include the potential introduction of a new programme to transfer existing council stock to 'community-led' housing associations; plans to encourage the transfer of newly built homes to local housing companies and the use of league tables for housing services, which could accelerate the privatisation of council stock and deplete further the number of genuinely affordable homes.

UNISON is concerned that the Green Paper does not go far enough in tackling the plethora of issues facing the sector. This includes funding cuts, privatisation and austerity policies which have led to the denigration, stigmatisation and decimation of social housing and starved it of the resources it needs to invest in social homes, quality services and the workforce. As a consequence, the sector has declined, housing costs have risen exponentially and thousands of low paid public service workers have been [priced out of the housing market](#).

The Green Paper makes no new provision for additional funding to substantially invest in genuinely affordable homes that would bring relief to thousands of public service workers and citizens on low pay who are struggling to make ends meet because of high, un-regulated private rents and the un-affordability of home-ownership. There are no proposals to replace homes sold through the Right to Buy on a one-to-one and on a like-for-like basis; no proposals to end the conversion of social homes to unaffordable rents at up to 80% of market rates; and no proposals to fund a national Decent Homes Programme to maintain and improve stock and ensure the security of tenants in their homes.

While the Green Paper acknowledges the role that councils and housing associations can play in contributing to housing supply, there is a need for more reforms to ensure that social housing providers are supported with funding and greater financial flexibilities to return to their traditional social purpose of building genuinely affordable high quality homes for people on modest incomes. UNISON welcomes the lifting of the “artificial” cap on the Housing Revenue Account, which we have long called for; it remains to be seen whether the proposed reforms will translate into the quantum and quality of genuinely affordable homes.

UNISON is calling on the Government to take urgent action to:

- Provide significant grant funding to enable councils and housing associations to build 100,000 new homes at social rates (below market rates)
- Empower councils with greater financial freedoms, including lifting the “artificial” Housing Revenue Account (HRA) borrowing caps for all councils, enabling them to borrow more to build homes at scale
- Give councils the financial freedom to retain 100% of receipts from Right to Buy sales to invest directly in building new homes for social rent
- Set up a “Homebuilding Capacity Fund” to help councils to build capacity to deliver “a new generation of council homes”
- Stop the loss of social homes by ending the Right to Buy and the conversion of social homes to un-affordable rents to protect the social housing stock for current and future generations
- End the privatisation of housing stock, services and jobs, and support these being brought in-house
- Fund a national programme to maintain social homes to a decent standard, including fully funding safety works
- Fund a replacement for the Tenants Services Authority and the National Tenants Voice, to champion the interests of tenants
- Provide more investment for the social housing workforce to ensure that housing departments are adequately resourced, and existing and new staff are adequately trained and equipped to deliver quality housing services to residents

A new deal for social housing

About you

1. Are you responding:

- On behalf of an organisation
- As a private individual

If you are responding as an individual, please tell us the following details below. It is not mandatory to answer, but it would help us understand if we need to reach out to all groups to respond to this consultation.

2. Do you live in social housing? This includes tenants, leaseholders and shared owners.

- Yes
- No

3. What age category do you belong to?

- | | |
|--------------------------------|--------------------------------------|
| <input type="checkbox"/> 16-24 | <input type="checkbox"/> 45-54 |
| <input type="checkbox"/> 25-34 | <input type="checkbox"/> 55-64 |
| <input type="checkbox"/> 35-44 | <input type="checkbox"/> 65 and over |

4. Where do you live?

- | | |
|--|---|
| <input type="checkbox"/> North East | <input type="checkbox"/> London |
| <input type="checkbox"/> North West | <input type="checkbox"/> South West |
| <input type="checkbox"/> Midlands | <input type="checkbox"/> South East |
| <input type="checkbox"/> East of England | <input type="checkbox"/> Other (please specify) |

5. We may want to contact you about your response. If you are willing for us to do this please provide an email address.

About you – organisation

6. If you are responding on behalf of an organisation, please tell us which sector your organisation is in:

- | | |
|--|---|
| <input type="checkbox"/> Local Authority | <input type="checkbox"/> Tenant Management Organisation |
| <input type="checkbox"/> Housing Association | <input type="checkbox"/> Trade Association |
| <input type="checkbox"/> Cooperative | <input type="checkbox"/> Tenant Representation Group |
| <input checked="" type="checkbox"/> Other | |

7. If you chose 'other' please tell us the sector which your organisation is in:

TRADE UNION

8. If you are responding on behalf of an organisation, please tell us the name of your organisation:

UNISON, the public service trade union
<https://www.unison.org.uk/>

In addition to completing these consultation questions have any documents to support your response please attach them to this survey

9. We may want to contact you about your response. If you are willing for us to do this please provide an email address.

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A new deal for social housing

Chapter one - Ensuring homes are safe and decent

Dame Judith Hackitt's independent review of building regulation and fire safety states that residents have an important role to play in identifying and reporting issues that may impact on the safety of the building and in meeting their obligations, including co-operating with crucial safety-related works, to ensure their own safety and that of their neighbours.

10. How can residents best be supported in this important role of working with landlords to ensure homes are safe?

The complaints / redress system at the local level (for each social housing provider) and at the national level is often complex, ineffective and protracted. UNISON welcomes proposals for more effective redress processes for residents and a "sharper teeth" for the regulator to ensure that the concerns of residents, particularly about the fire safety of their homes are heard and acted upon.

Social landlords – Local Authorities, Arms Length Management Organisations and Housing Associations - need to review and improve their complaints processes to ensure that residents' complaints are dealt with effectively and in a timely manner. In this regard, the union welcomes proposals for the Regulator of Social Housing to set out a more specific timescale in a Code of Practice. We also welcome proposals to expand the role of the Housing Ombudsman, which would give residents access to an improved redress system.

UNISON also believes that residents should be provided with clear information about building safety to support and reassure them, and also to help them play an important role in identifying and reporting issues that may impact on the safety of the building. In this regard we welcome the following recommendations of the Hackitt Review, which would support residents and landlords:

- Landlords should provide tenants with more transparent information on the safety of buildings. This should be supported by steps from the landlord to ensure tenants understand what the information means and what the implications and expectations of both tenants and landlords are.
- Landlords should put in place effective mechanisms to encourage better involvement and engagement in decision-making through resident forums and structures
- Residents should be provided with a "no risk" route to escalate concerns on fire safety, through an independent statutory body. Where these concerns are identified and not acted on, the Regulator should be empowered to take action in a broader range of circumstances than is currently the case.

There have been recent changes to drive up safety that apply to the private rented sector but not the social sector. For example, in 2015, we introduced a requirement to install smoke alarms on every storey in a private rented sector home, and carbon monoxide alarms in every room containing solid fuel burning appliances. Government has recently announced that there will be a mandatory requirement on landlords in the

private rented sector to ensure electrical installations in their property are inspected every five years.

11. Should new safety measures in the private rented sector also apply to social housing?

- Yes
- No
- Not sure

Please explain your answer further below, if you wish to.

The Grenfell Tower tragedy exposed the poor quality housing and poor safety standards in both social housing and private rented homes across the country, and the problems social tenants face in holding landlords to account over the safety of their homes. As safety is an important issue for residents of all housing tenures, UNISON recommends that the new safety measures in the Private Rented Sector should also apply to social housing rented accommodation. This will help to improve conditions for all renters, irrespective of tenure, and ensure that their safety is not put at risk.

The Decent Homes Standard requires social homes to be free of hazards that pose a risk to residents, to be in a reasonable state of repair, to have reasonably modern facilities and services such as kitchens and bathrooms and efficient heating and effective insulation.

12. Are there any changes to what constitutes a decent home that we should consider?

- Yes
- No
- Not sure

Please explain your answer further below, if you wish to.

The Decent Homes Standard should be updated to reflect new guidance on building regulations around a new fire safety standard, to cover safety issues such as the use of safe building materials in the construction, refurbishment and maintenance of buildings – as well as fire doors and other safety measures including the use of sprinklers and a fire escape route.

The Standard should also be updated to cover environmental standards, including noise and insulation, to ensure that homes are environmentally efficient, as well as cost effective for tenants, often on fixed or low incomes.

13. Do we need additional measures to make sure social homes are safe and decent?

- Yes
- No
- Not sure

If you answered yes, are there measures you would suggest? Please answer below.

- The Grenfell Tower fire tragedy exposed the poor quality of some social homes and the problems faced by social housing tenants, whose concerns about the fire safety of their homes were ignored or not acted upon. With no further options to redress, social housing tenants were often left helpless and trapped in unsafe homes. UNISON therefore welcomes the private member's "Fitness for Human Habitation" Bill, put forward by Labour MP Karen Buck. The union calls on the Government to continue to support this bill as it will give all residents, across the social and private rented sectors, the right to take legal action against their landlord over poor and unsafe housing – and compel landlords to carry out necessary repairs in their property to keep it in good repair and ensure their safety.
- The Government should fully fund safety works in residential social homes. This is important given that cuts to the housing budget, deregulation and austerity policies have contributed to the poor quality standards and fire safety issues in social homes.

The £400m fund already set aside - which has been taken out of the housing budget – will not be sufficient to cover all the works to remove flammable materials. The fund must be in addition to housing funds and not taken out of existing budgets for investing in genuinely affordable homes.

UNISON is concerned that, to date, only those authorities who have found Aluminium Composite Material (ACM) cladding across their stock have received financial support; it is unclear whether the Government's commitment will be backed up with funding that reduces further pressures on local government budgets.

- Since the Green Paper, the Government has announced a ban on flammable cladding, but this is not a complete ban, according to the Fire Brigades Union. A partial ban will fail to ensure the safety of tenants and public service workers in buildings with cladding materials that have failed combustibility tests.

UNISON seeks a full comprehensive ban on combustible materials and the restoration of a full independent fire safety inspection and building regulation, with a strong preference for employees accountable to local authorities and tenants, as opposed to the discredited competent persons, insurance backed approach. In making this meaningful, UNISON would welcome a cross cutting review of the Building Regulations 2010 alongside any changes as a consequence of this consultation.

Chapter two - Effective resolution of complaints

We want to understand whether more residents need to be able to access independent advice and potentially advocacy to support them in making a complaint.

Alternative dispute resolution and mediation services can be critical in allowing issues to be resolved swiftly and locally, while sustaining positive relationships between the parties involved. We are considering whether and how we might strengthen the mediation available for residents and landlords after initial attempts at resolution have failed.

14. Are there ways of strengthening the mediation opportunities available for landlords and residents to resolve disputes locally?

- Yes
- No
- Not sure

If you answered yes, you can provide suggestions below.

Residents should not have to pay for access to mediation, which (in addition), should be provided by a trained/qualified mediator. A function or approach based on a streamlined Ombudsman service at local or regional level, with the option of a direct approach from tenants, may go some way to providing an objective mediation/adjudication service to residents who are in a dispute situation with their landlord.

Where a complaint is not resolved, a resident should refer their complaint to a “designated person”, such as a local MP, councillor or tenant panel, (known as the democratic filter), but if they do not want to do this or the designated person does not resolve or refer it on themselves, a resident must wait for eight weeks before the complaint can be referred to the Housing Ombudsman. There is a perception that the process of seeking redress took too long, and that the “democratic filter” contributed to delays.

15. Should we reduce the eight week waiting time to four weeks? Or should we remove the requirement for the 'democratic filter' stage altogether?

- Support the option to reduce the waiting time to four weeks
- Support the option to remove the 'democratic filter' stage altogether
- Support no change
- Not sure

Reforming the filter stage would require primary legislation. We therefore also want to explore what more could be done in the meantime to help ensure that “designated persons” better understand their role and help to deliver swift, local resolutions for residents.

16. What can we do to ensure that “designated persons” are better able to promote local resolutions?

Local authorities can train councillors and MPs who become “designated persons” about their role. The Government could fund the publication of an updated guide on “Resolving Complaints Locally: your role as a designated person”, which was produced by National Tenant Organisations.

The redress process is often seen by many tenants as a further delay rather than a solution. The sanctions/recommendations from the Ombudsman can seem ‘toothless’ and not address the fundamental reasons for recurrence of issues faced by tenants, taking instead a casework approach not dissimilar to the role of the local authority and/or democratic filter.

We are looking at awareness of housing dispute resolution services more widely as part of our housing redress consultation. We also want to consider if there is a case for an awareness campaign to support social residents in particular to understand their rights to seek redress and to know how to make complaints and escalate them where necessary.

17. How can we ensure that residents understand how best to escalate a complaint and seek redress?

The Government can work in partnership with social housing providers to raise awareness about the complaints / redress system. This should include information leaflets that can be provided to new tenants when they sign up to new tenancies to make them aware of the complaints system and through regular mailings to tenants.

We want to understand whether more residents need to be able to access independent advice and potentially advocacy to support them in making a complaint.

18. How can we ensure that residents can access the right advice and support when making a complaint?

UNISON supports proposals for an awareness campaign to support social residents to understand their rights to seek redress and to know how to make complaints and escalate them, and what they can expect at each stage.

There are no statutory guidelines setting out time frames within which providers should handle complaints. Dissatisfaction with the length of time it takes to resolve issues was mentioned at our engagement events. We therefore want to consider how to speed up landlord complaints processes.

19. How can we best ensure that landlords' processes for dealing with complaints are fast and effective?

Social landlords have their own in-house complaints / redress system and each housing provider operates in a different housing context. Therefore, to ensure that they are all dealing with complaints effectively, UNISON supports the Green Paper's proposals for the Social Housing Regulator to set out a more specific timescale in a Code of Practice. The regulator could also produce a recommended complaints procedure for housing providers to use/adapt as a basis for their own local procedure.

20. How can we best ensure safety concerns are handled swiftly and effectively within the existing redress framework?

The existing redress framework could be improved if landlords were required to include a mechanism for residents to escalate concerns on fire safety, through an independent statutory body, as recommended by the Hackitt Review. Furthermore, an average resolution time of six months is, for residents, and social housing staff alike, not satisfactory, even if the resolution is a positive one.

Chapter three - Empowering residents and strengthening the Regulator

We consider that key performance indicators should be focused on issues of key importance to residents, covering those identified through our engagement, such as:

- Keeping properties in good repair;
- Maintaining the safety of buildings;
- Effective handling of complaints;
- Respectful and helpful engagement with residents; and,
- Responsible neighbourhood management, including tackling anti-social behaviour.

21. Do the proposed key performance indicators cover the right areas?

- Yes
- No
- Not sure

22. Are there any other areas that should be covered?

- Yes
- No
- Not sure

Please explain your answer further below, if you wish to.

It should include an indicator for escalating fire safety concerns to an independent regulator – see also question 20 above.

23. Should landlords report performance against these key performance indicators every year?

- Yes
- No
- Not sure

24. Should landlords report performance against these key performance indicators to the Regulator?

- Yes
- No
- Not sure

25. What more can be done to encourage landlords to be more transparent with their residents?

Providing a reporting framework will go some way to ensuring accountability to tenants. The range and number of housing associations who manage stock means it is extremely difficult to benchmark their performance consistently.

The Regulator already expects landlords to publish information about complaints each year, but approaches vary. We are considering setting out a consistent approach on how landlords should report their complaint handling outcomes, by asking them to report how many complaints were resolved, how many were resolved after repeated complaints and how many were referred to the Ombudsman.

26. Do you think that there should be a better way of reporting the outcomes of landlords' complaint handling? How can this be made as clear and accessible as possible for residents?

- Yes
- No
- Not sure

If yes, how can this be made as clear and accessible as possible for residents?

This information should be shared with local authorities and the Ministry of Housing, Communities and Local Government (MHCLG), as well as regional authorities where they exist, to be communicated with tenants and the wider public.

27. Is the Regulator best placed to prepare key performance indicators in consultation with residents and landlords?

- Yes
- No
- Unsure

Please explain your answer further below, if you wish to.

28. What would be the best approach to publishing key performance indicators that would allow residents to make the most effective comparison of performance?

We do not see how performance indicators and league tables will help benefit residents and leaseholders, if services are not improved or residents cannot exercise "the choice" to change service provider.

Further, the introduction of performance indicators will have implications for the housing workforce. They will lead to increased workloads for staff in gathering, recording and publishing data, creating more administrative functions without adding to the investment of new and existing homes. And unless housing providers are well funded and resourced to take on this additional work alongside their core housing management work, the quality of housing services will be undermined.

We want to consider the role of financial incentives and penalties to promote the best practice and deter the worst performance. For example, whether key performance indicators should help inform or influence the extent to which landlords receive funding and link the Affordable Homes Programme funding to the Regulator's governance rating as well as the viability rating.

29. Should we introduce a new criterion to the Affordable Homes Programme that reflects residents' experience of their landlord?

- Yes
- No
- Not sure

Please explain your answer further below, if you wish to.

This approach is likely to see some providers attempt to 'game' the system in order to receive larger grants. This will also mean that the data being collected is less accurate as there will be an incentive to under/over-report on certain performance indicators.

Furthermore, financial incentives would undermine services rather than improve the quality of services received by tenants and leaseholders. It could also risk more privatisation, resulting in the delivery of services by providers who are not fully democratic or accountable to residents.

30. What other ways could we incentivise best practice and deter the worst, including for those providers that do not use Government funding to build?

The 2016 Housing and Planning Act made provision for the reduction of local authority influence over registered providers. The union believes this to have been a retrograde step. In reviewing some of these clauses, or reinstating those that provided local authorities (members and/or employees) oversight over the behaviour of providers that operate within their boundary, would be a welcome deterrent for providers and keep separate funding regimes from standards that residents rightly expect.

We want to understand more about whether the regulatory framework is setting the right expectations on how landlords should engage with residents, and how effective current resident scrutiny measures are. Landlords are required to consult residents at least once every three years on the best way of involving them in the governance and scrutiny of the housing management service, and demonstrate how they respond to tenants' needs in the way they provide services and how they communicate.

31. Are current resident engagement and scrutiny measures effective?

- Yes
- No
- Not sure

32 What more can be done to make residents aware of existing ways to engage with landlords and influence how services are delivered?

There has been too much focus on resident-led self-regulation as a replacement for top-down regulation and inspections by the Regulator. A system of regulation and inspection that works alongside involved residents, rather than instead of them should be reinstated.

A number of national tenant and resident organisations in the sector have been exploring the option of an independent platform for tenants, based on widespread engagement with tenants, to enable them to have their voices heard more effectively at a national level.

33. Is there a need for a stronger representation for residents at a national level?

- Yes
- No
- Not sure

If you answered yes, how should this best be achieved?

UNISON argues that residents need to have a strong voice and representation at the national level. We want to see a new regulatory system to improve tenant participation and involvement in making decisions about housing matters, including fire safety issues.

The new regulatory system must set out the highest standards agreed by residents. Residents should also be part of any independent fire safety and building regulation. UNISON therefore argues that the government should fund a replacement for the Tenant Services Authority and the National Tenants Voice, to champion the interests of tenants, to ensure that their voices are heard and they are able to play an active role in influencing national housing policy.

We want to offer residents greater opportunity to exercise more choice and influence over the day to day housing services. We are exploring options to demonstrate how community leadership can be embedded in the governance and culture of mainstream landlords.

34. Would there be interest in a programme to promote the transfer of local authority housing, particularly to community-based housing associations?

- Yes
- No
- Don't know

If you answered yes, what would it need to make it work?

UNISON is concerned that proposals to transfer stock from councils to other housing providers, including community-based housing associations, will pave the way for further waves of privatisation of council stock. Residents simply want social landlords to be adequately resourced to provide a quality housing management service and for the Regulator to enforce standards and take action when there has been a breach of standards. Stock transfers often result in higher rents, service charges for tenants, lack of tenure security, longer waiting lists and increases in public spending on housing

benefit - and can also lead to a downward pressure on the pay and conditions of council employed housing workers who are transferred to housing associations or the private sector.

Further, housing associations, including “community-led” housing providers, are increasingly commercialised and lack democratic accountability.

Rather than go down the route of stock transfers, the focus should be on improving governance structures in mainstream landlords to ensure that resident engagement is embedded in their culture, which would allow residents to have a greater say about decisions that affect them and ensure that landlords are held to account.

35. Could a programme of trailblazers help to develop and promote options for greater resident-leadership within the sector?

- Yes
- No
- Not sure

36. Are Tenant Management Organisations delivering positive outcomes for residents and landlords?

- Yes
- No
- Don't know

Please explain your answer further below if you wish to.

37. Are current processes for setting up and disbanding Tenant Management Organisations suitable? Do they achieve the right balance between residents' control and local accountability?

- Yes – the current processes are suitable and achieve the right balance.
- Yes – the current processes are suitable but do not achieve the right balance
- No – the current processes are not suitable and do not achieve the right balance
- Not sure

Please explain your answer further below, if you wish to.

There have been schemes, such as Local Management Agreements and Community Cashback (called Give it a Go grants) which have been designed to support social residents to take responsibility for a service within their local community.

38. Are there any other innovative ways of giving social housing residents greater choice and control over the services they receive from landlords?

39. Do you think there are benefits to models that support residents to take on some of their own services?

- Yes
- No
- Not sure

If yes, what is needed to make these work?

Handling responsibility of services to residents is potentially dangerous, as it makes lines of responsibility unclear and can allow services and buildings to deteriorate. This can be a health and safety risk and in extreme cases could lead to a situation as dangerous as the Grenfell disaster. The evidence suggests that devolving service delivery to volunteers is not positive in terms of long term asset management – in cases where TMOs are effective, they contract in local authority services, undermining the principle that they are independent.

40. How can landlords ensure residents have more choice over contractor services, while retaining oversight of quality and value for money?

The Government has recently announced a significant programme of leasehold reform which will benefit all leaseholders, both in the private and social sectors.

41. What more could we do to help leaseholders of a social housing landlord?

Insist that housing providers publish their future maintenance programs well in advance so that leaseholders have advanced warning of maintenance charges. Where the government is able to properly invest so that local authorities can properly manage their stock and assets for the long term (that is through funding an updated Decent Homes Programme and ensuring long term funding streams for repairs to avoid acute situations such as Grenfell), we believe it should be possible for social housing landlords to develop programmes and advertise them to leaseholders up to 10 years ahead. Across larger social housing landlords, there is an understanding of depreciation and the capital expenditure, which should be publicly available as part of the social landlord's forward investment plan in its stock.

Chapter three continued - Empowering residents, making sure their voices are heard

Parliament has set the Regulator of Social Housing a consumer objective, which is:

- to support the provision of social housing that is well-managed and of appropriate quality;
- 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; and,
- to encourage registered providers of social housing to contribute to the environmental, social and economic well-being of the areas in which the housing is situated.

42. Does the Regulator have the right objective on consumer regulation?

- Yes
 No
 Not sure

Please explain your answer further below, if you wish to.

Social housing residents do not have the luxury of being able to take their business elsewhere if they are unhappy with their provider. In this sense they are not consumers. Furthermore, social housing is allocated based on need – so the consumer element of choice is also misleading. Tenants do not ‘choose’ their housing provision; it is allocated by the state based on an assessment of their need. A more meaningful term than ‘consumer’ would be helpful as it does not resonate with social housing residents.

The Regulator has published four outcome-based consumer standards to deliver the consumer regulation objective. These are:

1. The Tenant Involvement and Empowerment Standard (July 2017) which includes a requirement for landlords to provide choices and effective communication of information for residents on the delivery of all standards, and to have a clear, simple and accessible complaints procedure.
2. The Home Standard (April 2012) which requires homes to be safe, decent and kept in a good state of repair.
3. The Tenancy Standard (April 2012) which requires registered providers to let their home in a fair, transparent and efficient way, and enable tenants to gain access to opportunities to exchange their tenancy.
4. The Neighbourhood and Community Standard (April 2012) which requires registered providers to keep the neighbourhood and communal areas associated with the homes that they own clean and safe; help promote social, environmental and economic well-being in areas where they own homes; and work in partnership with others to tackle anti-social behaviour in neighbourhoods where they own homes.

43. Should any of the consumer standards change to ensure that landlords provide a better service for residents in line with the new key performance indicators proposed?

- Yes
- No
- Not sure

If yes,how?

The Home Standard must be updated to include new fire safety and building regulations and environmental efficiency standards. See Q12 above. It should also set out standards for reporting and escalating safety concerns.

The Tenancy Standard should be updated to include new measures contained in the "Fitness Human Habitation Bill" requiring homes in the private and social rented sector to be fit for human habitation, if they are enacted. See Q13 above.

We also want to know whether landlords and residents would benefit from further guidance on what good looks like, without being overly prescriptive.

44. Should the Regulator be given powers to produce other documents, such as a Code of Practice, to provide further clarity about what is expected from the consumer standards?

- Yes
- No
- Not sure

Where a landlord breaches a consumer standard, the Regulator can only use its regulatory and enforcement powers if there is or may be a "serious detriment" to existing or potential residents. The Regulator interprets this as meaning where there is "serious actual harm or serious potential harm to tenants."

45. Is "serious detriment" the appropriate threshold for intervention by the Regulator for a breach of consumer standards?

- Yes
- No
- Not sure

If no, what would be an appropriate threshold for intervention?

'Serious potential harm' can be difficult to measure and this is often too late from the perspective of the resident. In addition, there could also be a threshold where if enough residents complain to the regulator about the same issue, then it is investigated by the Regulator. Ideally, a regime of regulatory inspections, carried out at regular intervals would be best.

To support a more proactive approach to enforcing the consumer standards we are considering arming residents with information through the introduction of a number of key performance indicators and for landlord performance to be published. Our current thinking is that the Regulator should monitor the key performance indicators to identify where there may be issues of concern with performance. The Regulator would then be able to make a risk-based assessment of how and where to intervene, including through more regular or phased interventions.

46. Should the Regulator adopt a more proactive approach to regulation of consumer standards?

- Yes
- No
- Not sure

47. Should the Regulator use key performance indicators and phased interventions as a means to identify and tackle poor performance against these consumer standards?

- Yes
- No
- Not sure

If yes, how should this be targeted?

For any consumer regulatory framework to work effectively, social housing residents must be involved in any inspection and enforcement process. To this end, it is important that the Government fully funds a replacement Tenants Services Authority (TSA) to focus on consumer regulation and a National Tenants' Voice (NTV) to ensure the participation and involvement of residents.

We want to make sure that regardless of whether someone is a resident of a housing association or a local authority, the same minimum standards of service apply. The Government respects the democratic mandate of local authorities, but this must be balanced against the need to ensure that residents are protected.

48. Should the Regulator have greater ability to scrutinise the performance and arrangements of local authority landlords?

- Yes
- No
- Not sure

If yes, what measures would be appropriate?

The Social Housing Regulator is primarily focused on financial viability and professional governance. This means that the concerns of tenants around issues such as the safety of their homes are not adequately dealt with or resolved.

UNISON would recommend a return to the consumer regulatory system that was in place before it was abolished by the Tory-led Coalition Government. The union has

argued for the re-establishment of the Tenants Services Authority (TSA) to focus on consumer regulation of social housing. Such a body should be empowered to enforce consumer standards in a similar way to the role played by the Social Housing Regulator in enforcing economic standards. Where failings are found, we would welcome an empowered Regulator that worked with social housing providers to determine the funding required to ensure standards are maintained.

We would also welcome a return to housing inspections focused on service quality, formerly carried out by the Audit Commission. Meanwhile, an inspection checklist that volunteer resident inspectors could use for reporting back to the Regulator could be useful.

Where a breach of the consumer standards meets the “serious detriment” test, the Regulator will publish a regulatory notice and consider the most appropriate course of action.

The Regulator is able to use a number of regulatory and enforcement powers where necessary to ensure compliance with the standards. The Regulator has different tools available depending on the landlord, and has published guidance setting out how it will use its powers. The key powers include:

Powers applicable to all landlords :

- Survey to assess the condition of stock
- Inspection to establish compliance with the regulatory requirements
- Hold an Inquiry where it suspects landlord mismanagement
- Issue an Enforcement Notice
- Requirement to tender some or all of its management functions
- Requirement to transfer management of housing to a specified provider

Powers applicable only to private registered providers:

- Issue Fines
- Order payment of compensation to a resident
- Appointment of manager to improve performance of the landlord
- Transfer land to another provider to improve management of land (following an Inquiry)
- Suspension and removal of officers in cases of mismanagement (during or after Inquiry)
- Appoint a new officer to address service failure and improve management of company

Power applicable only to local authority landlords:

- Appoint an adviser to improve performance

49. Are the existing enforcement measures described above adequate?

- Yes
- No
- Not sure

If you answered no, what other enforcement powers should be considered?

As part of examining the scope of the Regulator's role we want to consider the case for extending its remit to other organisations that manage social housing. The Regulator will hold the local authority landlord to account for the way services are delivered so it is vital that the local authority has good oversight arrangements in place to ensure that management organisations provide a good service.

50. Is the current framework for local authorities to hold management organisations such as Tenant Management Organisations and Arms Length Management Organisations to account sufficiently robust?

- Yes
- No
- Not sure

If you answered no, what more is needed to provide effective oversight of these organisations?

We want to be clear and transparent about how the Regulator is accountable to Parliament for meeting its statutory objectives. Upcoming legislative changes will shortly establish it as a standalone Non-Departmental Public Body. As such it will be accountable to Parliament in the same way as other Non-Departmental Bodies.

51. What further steps, if any, should Government take to make the Regulator more accountable to Parliament?

Chapter Four - Tackling stigma and celebrating thriving communities

We want to celebrate residents' role in shaping fantastic places by recognising the best neighbourhoods.

52. How could we support or deliver a best neighbourhood competition?

53. In addition to sharing positive stories of social housing residents and their neighbourhoods, what more could be done to tackle stigma?

Cuts to the housing budget and housing policies have led to the denigration, decline, [residualisation](#), and stigmatisation of social housing. Given this context, UNISON believes that the Government needs to do much more to tackle the [stigmatisation](#) of social housing which is seen as a “tenure of last resort or safety net”, providing homes mainly for the poor and unemployed. However, the reality is that the majority of [social housing residents are employed, with 70% in work or retired, one percent in full time education, and the remaining 22% not working due to caring responsibilities or disability](#).

The Government should restore direct funding for social homes and ensure that there is a significant increase in the supply of genuinely affordable homes that can be accessed by a broader socio-economic group of households – from low to middle incomes. This will help to change the negative stereotypes and perceptions of the sector.

The Government should also reform welfare policy by providing extra welfare funding, repealing reforms including the bedroom tax, housing benefit cap and freezes to Local Housing Allowance / housing benefit to ensure that it is “fit for purpose” and is not creating hardship for low incomes families. The rollout of Universal Credit seeks to undermine any changes to social housing without reforms to welfare funding.

We want to embed a customer service culture and attract, retain and develop the right people with the right behaviours for the challenging and rewarding range of roles offered by the sector.

54. What is needed to further encourage the professionalisation of housing management to ensure all staff delivers a good quality of service?

At a UNISON Housing Seminar (held on 10th May this year), our housing members discussed the challenges they face in the workplace as well as solutions to them. They reported:

- Cuts to social housing and welfare benefits which have lead to a decline in social homes
- Housing staff over-worked, under-resourced (taking on extra workload) and working regular “60-hour week”, with no extra pay, helping people with immense housing and complex mental health and social care needs
- Chronically under-funded care and support services, resulting in a challenging work environment where housing teams have shrunk
- Other organisations reducing their role, leaving housing staff to deal with it (e.g.

Citizens Advice, Safeguarding, Welfare/Benefits advice)

- Managers having a financial focus rather than the support/care needs of tenants
- Poor lone working provisions/not enough staff to visit in pairs when needed
- Increase in “aggression” and verbal abuse against staff
- Lack of profile of housing workers
- Some housing staff experience financial hardship and housing need, as they struggle with high housing costs, with some resorting to the use of food banks

Our housing members called for:

- More genuinely affordable housing
- Appropriate funding to maintain existing housing
- An increase in financial freedoms and flexibilities for councils
- More investment for the social housing workforce
- Existing housing staff (and new staff) to be adequately trained/equipped

In addition the union is urging social housing providers, in particular commercialised housing associations, to treat their staff with dignity and respect and to this end we are encouraging them to sign up to UNISON’s Violence at Work Charter to prevent abuse of housing workers.

UNISON also wants to see an improvement in the terms and conditions of staff working for housing associations and that one way to achieve this would be to implement housing association sector pay bargaining with trade unions, including a sector pay board.”

We believe that the above measures we have outlined above will help address the challenges our housing members/housing workers face in the sector, and help to encourage the professionalisation of housing management to ensure quality service delivery by all staff.

We are minded to introduce a key performance indicator that will capture how well landlords undertake their neighbourhood management responsibilities.

55. What key performance indicator should be used to measure whether landlords are providing good neighbourhood management?

56. What evidence is there of the impact of the important role that many landlords are playing beyond their key responsibilities?

57. Should landlords report on the social value they deliver?

- Yes
- No
- Not sure

Please explain your answer further below, if you wish to.

We are proposing to introduce a key performance indicator to help tackle anti-social behaviour, but we will want to consider how this could impact on areas, and whether it could lead to some people feeling more stigmatised.

58. How are landlords working with local partners to tackle anti-social behaviour?

59. What key performance indicator could be used to measure this work?

We want to ensure that the revised National Planning Policy Framework is applied to social housing in the right way. In particular we will:

- Strengthen planning guidance to take into account the principles of Secured by Design: to ensure that external spaces, parks, streets and courts are well-lit and well maintained so they are safe from crime and the fear of crime.
- Strengthen guidance to encourage healthy and active communities: building on the NPPF's healthy and safe communities chapter.
- Strengthen guidance to encourage new affordable homes to be designed to the same high-quality as other tenures and well-integrated within developments.
- Encourage design that reflects changing needs: for example, inclusive design for an ageing population and family housing at higher densities for effective use of land.

60. What other ways can planning guidance support good design in the social sector?

Neighbourhood planning gives communities power to agree and implement a shared vision for their neighbourhood. However, we are aware that too often local people hear about schemes after a planning application has been submitted.

61. How can we encourage social housing residents to be involved in the planning and design of new developments?

Chapter Five: Expanding supply and supporting home ownership

62. Recognising the need for fiscal responsibility, this Green Paper seeks views on whether the government's current arrangements strike the right balance between providing grant funding for Housing Associations and Housing Revenue Account borrowing for Local Authorities

- Yes, current arrangements strike the right balance
- No, they don't strike the right balance
- Not sure

Please explain your answer further below if you wish to.

The housing budget was cut by 60% in 2010; this has undermined the provision of quality housing services and led to a drastic decline of the social housing sector. It is therefore disappointing that the Green Paper does not make provision for new funding to deliver more social homes at social rates (below market rates). This is in spite of the fact that [96% of Tory council leaders](#) and heads of housing want to see increased investment in low cost rented homes.

UNISON is also disappointed that Government is not proposing to completely remove the barriers preventing councils in re-investing all the receipts from Right to Buy sales in social homes, and that there is no commitment to ensure that homes sold through the Right to Buy are replaced on a one-for-one and on a like-for-like basis.

The funding that was previously announced in 2017 for the building of new homes will not be sufficient to address housing need. This is estimated to be up to 100,000 new social homes per year.

Given that the social housing sector is in drastic decline and now only houses 17% of the population, the priority must be to increase the housing stock that is let at social rates, as argued in [our response](#) to the government's consultation on the use of receipts from Right to Buy sales.

UNISON welcomes recent announcements to provide housing associations with long-term strategic partnerships with funding beyond 2022 and the government's decision to remove the borrowing cap for councils.

The cap is one of the financial barriers preventing councils from investing in new homes. Its removal will free up councils to borrow more to deliver homes and put them more on a level playing field with housing associations. However, the measure does not go far enough. Councils need greater financial freedoms and flexibilities to make decisions on maintaining and investing in stock based on their local circumstances. In this regard, UNISON argues that the government needs to go further by ending the Right to Buy and allow councils to keep all receipts from sales to enable them to reinvest in new social homes. This is important if councils are to become major players in helping to deliver the government's overall target of 300,000 new homes per year.

Social housing providers need to be supported with significant grant funding to empower them to build at scale. This is because borrowing alone or borrowing with reduced grant levels will push up rents and make the new homes unaffordable.

In addition, where development schemes take place on regeneration sites, such schemes should be supported with adequate funding. We would also like to see new

guidance on regeneration schemes, which would ensure “like-for-like” replacement of homes on the same terms, within the same areas of homes sold or demolished”, with a minimum of 50% of any additional housing for social homes at social rates.

Councils in-house planning and housing teams have been decimated by budget cuts. As a result, they lack the capacity to build more social homes at scale. UNISON argues that councils need to be financially resourced to re-create architectural, design and engineering teams and modern direct labour organisations to boost house-building.

Given the above context, UNISON believes that the proposals outlined in the Green Paper and in the Budget 2018 will not go far enough to address housing need.

UNISON calls on the Government to take urgent action to:

- Provide significant grant funding to enable councils and housing associations to build 100,000 new homes at social rates (below market rates)
- Empower councils with greater financial freedoms, including lifting the “artificial” Housing Revenue Account (HRA) borrowing caps for all councils, enabling them to borrow more to build homes at scale
- Give councils the freedom to retain 100% of receipts from Right to Buy sales to invest directly in building new homes for social rent
- Set up a “Homebuilding Capacity Fund” to help councils to build capacity to deliver “a new generation of council homes”
- Stop the loss of social homes by ending the Right to Buy and the conversion of social homes to un-affordable rents to protect the social housing stock for current and future generations
- End the privatisation of housing stock, services and jobs, and support these being brought in-house
- Fund a national programme to maintain social homes to a decent standard, including fully funding safety works
- Fund a replacement for the Tenants Services Authority and the National Tenants Voice, to champion the interests of tenants
- Provide more investment for the social housing workforce to ensure that housing departments are adequately resourced, and existing and new staff are adequately trained and equipped to deliver quality housing services to residents

63. How we can boost community led housing and overcome the barriers communities experience to developing new community owned homes?

We want to give housing associations and others the certainty they require to develop ambitious plans to deliver the affordable homes this country desperately needs

64. What level of additional affordable housing, over existing investment plans, could be delivered by social housing providers if they were given longer term certainty over funding?

UNISON believes that the emphasis of the Government's housing programme must be on social rent, which must be more than half the overall "Affordable Housing Programme". There is an opportunity before 2022, when the new Affordable Housing Programme (AHP) starts, to refocus on the 50% target. This is the area of greatest need, and it is also the element of the Government's housing programme that will bring about the greatest long term reductions in public expenditure as expenditure on housing benefit.

We are determined to remove the barriers that many shared owners face. We want everyone who enters shared ownership to have the opportunity to increase equity in their home.

65. How can we best support providers to develop new shared ownership products that enable people to build up more equity in their homes?

Supporting resources (UNISON Reports) / Further Information:

- UNISON (2018) UNISON response to government Right to Buy receipts consultation <https://www.unison.org.uk/content/uploads/2018/10/UNISON-response-to-right-to-buy-receipts-consultation-October-2018.pdf>
- UNISON (2018) Home ownership now little more than a pipe dream for public sector workers <https://www.unison.org.uk/news/press-release/2018/09/home-ownership-now-little-pipe-dream-public-sector-workers/>
- UNISON (2018) Priced Out: Home ownership and public service workers (report) https://www.unison.org.uk/content/uploads/2018/09/Mortgages_report_final.pdf
- UNISON (2018) Just how much public service workers are spending on rent <https://www.unison.org.uk/news/ps-data/2018/07/just-much-public-service-workers-spending-rent/>
- UNISON (2018) Rental costs price public service staff out of housing <https://www.unison.org.uk/news/2018/06/rental-costs-price-public-service-staff-housing-says-unison/>
- UNISON (2018) Nothing going on but the rent: The housing cost for public service workers in England (report) https://www.unison.org.uk/content/uploads/2018/06/Rents-report_updated.docx
- UNISON (2017) What happens if public service workers can't afford to live near their work?

<https://www.unison.org.uk/news/article/2017/12/happens-public-service-workers-cant-afford-live-near-work/>

- UNISON (2017) No place to live: A UNISON survey report into the impact of housing costs on London's public service workers
<https://www.unison.org.uk/content/uploads/2017/11/Housing-report.pdf>

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