

Submitted to Consultation on Direction to the Regulator of Social Housing on provision of information to tenants in regards to tenants' rights and complaints
Submitted on 2023-11-22 19:34:01

Introduction

1 What is your name?

Name:
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2 What is your email address?

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3 What is your organisation? (If not applicable, please respond N/A)

Organisation:
Southern Housing

4 Complaints: Do you agree with the requirements in 3(1)(c) and (d) of the draft direction (Annex B of the consultation document) for registered providers to provide tenants with information on how to make a complaint about their landlord and about their landlord's complaints policy and complaints handling process?

Please respond here:

Yes. Requirements 3(1)(c) and 3(1)(d) are reasonable and build upon expectations in the Regulator's proposed consumer standards and the Housing Ombudsman's revised Complaints Handling Code. They also tally with our own residents' expectations of the information we should be providing on our complaints process. Neither should result in significant extra expense for housing associations.

5 Tenants' Rights and Relevant Regulatory Requirements: Do you agree with the approach to the direction on the provision of information on tenants' rights and regulatory requirements, as set out in paragraphs 32-42 of the consultation document?

Please respond here:

No. Requiring landlords to provide tenants with accessible information about their rights and relevant regulatory requirements would be a vast and expensive undertaking for housing associations. There are more cost effective solutions to delivering the policy outcomes the department is hoping for, as we set out below.

Housing associations are subject to a vast and growing range of legislation and regulatory requirements. In addition to those listed in 3(2) of the draft direction (Annex B), we are also subject to a host of requirements relating to building safety (e.g. the Building Safety Act 2022), tenancy management (e.g. the Localism Act 2011) and the environment (e.g. Environment Act 2011). Simply listing these would be a considerable task given the requirement to personalise information to individual tenants (para. 38). Going a step further and summarising the information in an accessible format (para. 41) (which would ultimately be more useful for tenants) would increase our workload exponentially given:

- a) the length and complexity of the legislation and regulatory requirements with which we must comply
- b) the diverse range of homes we manage, which includes not only general needs homes, but also homes for intermediate rent, market rent, supported housing, homes for older people and student and keyworker accommodation each of which are subject to different expectations.

We believe the policy goal (better informing tenants of their rights and relevant regulatory requirements) would be much better achieved and at considerably lower cost by:

- Re-familiarising tenants with the rights and responsibilities in their tenancy agreements – since these contain personalised information on details such as who is responsible for specific repairs
- Government taking a lead on summarising tenants' rights and regulatory requirements. This might involve creating a dedicated webpage (potentially hosted on the Make Things Right website) for tenants to access.

The alternative – requiring thousands of landlords each to produce their own tailored summaries – would be much more costly. Nor would it tally with the value for money requirements with which we are expected to comply.

6 Tenants' Rights and Relevant Regulatory Requirements: Do you agree that the rights and regulatory requirements included in 3(2) of the draft direction (Annex B of the consultation document) are appropriate?

Please respond here:

No. As above we believe the policy goal (better informing tenants of their rights and relevant regulatory requirements) would be much better achieved at considerably lower cost by:

- Re-familiarising tenants with the rights and responsibilities in their tenancy agreements – since these contain personalised information on details such as who is responsible for specific repairs. This would cover 3(2)(c) of the draft direction
- Government taking a lead on summarising tenants' rights regulatory requirements. This would cover all other points in 3(2) of the draft direction plus

other high-profile legislation and regulations to which housing associations are subject including the Housing Act 1988 and Landlord and Tenant Act 1985.

7 Assessment of costs faced by the sector: Do you agree with the likely costs associated with meeting commitments associated with the new requirements, as summarised in the assessment of the impact on the sector set out in the consultation document?

Please respond here:

No. As above, we believe Government would achieve much better value for taxpayers' money by summarising tenants' rights and regulatory requirements itself.

Some of the anticipated costs presented in the consultation also seem like considerable underestimates. For instance, large PRPs would need much more than 27.5 hours of staff time in year one to prepare and send the information to tenants. Identifying, summarising and personalising complex legislation and regulatory requirements would be a time-consuming and resource intensive exercise.

In the section on postal costs, the consultation also claims "providers will not be obliged to write to the majority of their tenants every year on these requirements" because "we do not anticipate tenants' rights or providers' complaints processes to materially change year by year". This assumption doesn't seem to be grounded in evidence, especially given the likelihood of upcoming regulatory and legal changes relating to Awaab's Law, the Renters (Reform) Bill and professionalisation requirements over the coming years.

The estimates on postal costs also seem low. If housing associations are to send paper copies of the required information this is likely to run into several pages, pushing letters into higher cost categories. We believe a weight of 250g would be a reasonable estimate, in which case the per letter cost is likely to be £2.40 for a 2nd class letter rather than the £1.33 estimated in the consultation. Per letter postal costs are also likely to increase year-on-year given inflation.