Proposed response to the consultation on the Governments social housing green paper

The following response will be submitted to the Ministry of Housing Communities and Local Government using their online survey method as requested. [https://www.surveymonkey.co.uk/r/A_new_deal_for_social_housing](https://www.surveymonkey.co.uk/r/A_new_deal_for_social_housing)

Note: In the response the first set of question numbers refer to the numbering in the consultation document, the numbers in brackets are the question numbers on the online survey. These are higher as the online survey starts by asking questions about the organisation first, and also splits up some questions in to separate questions.

A separate covering paper has also been drafted by Cabinet Members (Appendix 1). This will be uploaded as a supporting document and a hard copy will be sent to the Secretary of State.

Principle 1 - Ensuring that homes are safe and decent

**Q1 (10). How can residents’ best be supported in this important role of working with landlords to ensure homes are safe?**

Regular communication is required to ensuring residents are aware of how their behavior affects safety, particularly around fire precautions and the need to keep escape routes clear and access for emergency vehicles open. Residents should be actively encouraged to report any potential hazards they witness.

The Council is currently reviewing its resident engagement processes, using different methods to be able to hear from a greater cross section of the community and to encourage them to help shape services.

The Council has committed to publishing Fire Risk Assessments (FRAs), for all our blocks higher than seven storeys and will be working with housing associations and private landlords to get them to do the same. Additionally, residents in these blocks have been issued a bespoke Fire Safety Information pack, detailing the fire safety features in the buildings. We also publish an FRA register.

**Q2 (11). Should new safety measures in the private rented sector also apply to social housing?**

Yes – No – Not sure

The consultation document refers to the requirement introduced in 2015 to install smoke alarms on every storey in a private rented home, and carbon monoxide alarms in every room with a solid fuel burner.

It is essential that resident safety is ensured across all tenures, be it owner occupation, private rented or social rented, and a consistent approach may help with this. It is important that central government provide adequate funding for any additional safety measures that are required of social housing providers.
Southwark Council has already installed wireless (lithium battery powered) LD2 linked heat/smoke alarms in thousands of homes and we continue to do so through the major works programme. The plan is to roll these out to all our tenanted homes. To increase the safety across our stock they are also offered free to our leaseholders. The LD2 systems we install are well above the one per every floor standard. We will put a heat detector in the kitchen, wirelessly linked to smoke detection in every room and the hallway (except the bathroom and toilet). When one alarm goes off in a property, they all go off.

We run a strict Landlords Gas safety Record (LGSR) programme, ensuring regular servicing of boilers. Installing carbon monoxide alarms as standard in all properties would require significant new funding. Regular electrical testing would also represent a significant increased burden.

**Q3 (12). Are there any changes to what constitutes a Decent Home that we should consider?**

Yes – No – Not sure

The definition of ‘decency’ is already extensive and comprehensive. We think any further standards should ideally be agreed at a local level in response to local priorities. Southwark has already developed higher standards than the decent homes standard, like the Quality Homes Investment Programme (QHIP).

It is important that any new nationally imposed standards are adequately funded, and not used as a method to encourage large scale stock transfers where residents would otherwise not choose this route.

We welcome the announcement by the Prime Minister to drop the HRA borrowing cap but would welcome clarity about whether borrowing can be used for stock improvement works as well as new homes delivery.

**Q4 (13). Do we need additional measures to make sure social homes are safe and decent?**

Yes – No – Not sure

Text box “If yes, what measures”

The Council has worked closely with London Councils to respond to both the Dame Judith Hackett report and the ongoing review of the Building Regulations. The council is pleased that the Prime Minister has committed to go beyond Judith Hackitt’s recommendations, banning combustible cladding on high rise buildings. There remains need for further clarity around other flammable materials, particularly in relation to doors and window frames which may still pose a risk to residents. Southwark Council would welcome further clarification on existing building regulations. The Lakanal inquest recommended an overhaul of building guidance on fire safety but these recommendations have not been fully implemented. We would urge that these recommendations are implemented as soon as possible.

In order to ensure all homes are safe, central government must provide sufficient funding for councils for any new burdens or additional works that are required to ensure residents’ homes are safe. Southwark Council has committed to providing sprinklers in blocks for all Southwark’s vulnerable tenants. Our Residents Scrutiny
Committee will ensure these have been provided. There is a need for clarification about whether increased HRA borrowing can be used for further stock improvement works.

One of the biggest challenges for the council in relation to fire safety is gaining access to leaseholders’ properties to inspect for hazards. This is a growing problem as further properties are bought through the Right to Buy, and could become an issue for housing associations if right to buy is further rolled out. The council strongly believes legislation should be passed to enable landlords to access leaseholder properties to protect the safety of both social tenants and homeowners in the block. Local authorities need to be given greater powers to ensure that leaseholders are not changing the material layout of flats which could compromise fire safety not only for their own home but for the wider block. The Government should also consider new legislation to require all leasehold dwellings to hold a current and valid gas safety certificate.

There is a need to boost the capacity of building control teams to reduce reliance on Approved Inspectors. This could be enabled by allowing a building control tariff to be charged to applicants through the planning system.

**Principle 2 - The need for swift and effective resolution of disputes**

**Q5 (14). Are there ways of strengthening the mediation opportunities available for landlords and residents to resolve disputes locally?**

*Yes – No – Not sure*

Southwark Council recognises the value of customer complaints and welcomes them as an important form of feedback on our services. We will learn from and use the information from complaints to drive forward improvements and respond positively to our customers’ needs and expectations. We put a strong emphasis on making personal contact with complainants and finding out from them what we need to do to put things right. We want to resolve all complaints quickly and effectively, resolving them straight away where possible. In Southwark, our "leaks from above programme" is an example of how we have used complaints to redesign the process to improve the customer experience.

Southwark Council will continue to use best practice to consider how to resolve complaints. Southwark’s process is initially two stages but can involve an arbitration panel for tenants or leaseholders. The Southwark Arbitration Service was set up to resolve disputes between the Council and its tenants, and between the Council and leaseholders. The tribunal process has been designed to enable the tribunal to act independently and has proved to be a quick, simple and informal way of resolving disputes between the Council, its tenants and leaseholders. In order to be eligible an applicant must have exhausted Southwark Council’s formal complaints process prior to a case being heard by the panel. The process is free to users and being informal there is usually no need for legal representatives. The panel includes elected councillors and looks to ensure consistency and fairness in decision making.

There is also an advocacy service which mediates on issues between council departments and leaseholders.
The role of the Housing Ombudsman could be seen as a mediator; however, with the backlog of cases, and the delay in cases being addressed, it does make asking for help difficult.

**Q6 (15). Should we reduce the eight week waiting period to four weeks, or should we remove the requirement for the “democratic filter” stage altogether?**

Options (one allowed)
- 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

**Q7 (16). What can we do to ensure that the “designated persons” are better able to promote local resolutions?**

It is essential that any “Designated persons” would need to be trained or have a background in resolving issues and would preferably have some knowledge of the neighbourhood concerned. In Southwark our “designated persons” are Councillors and MPs. Briefing sessions are held with all new councillors following local elections, as part of this briefing, councillors are told of their role and encouraged to challenge any complaints they felt could be resolved.

We believe the Southwark Arbitration Service is an example of good practise in this area. The tribunal process has been designed to enable the tribunal to act independently and has proved to be a quick, simple and informal way of resolving disputes between the Council, its tenants and leaseholders. The panel includes elected councillors and looks to ensure consistency and fairness in decision making.

**Q8 (17). How can we ensure that residents understand how best to escalate a complaint and seek redress?**

In Southwark, information about this is available on the Council’s website, in the Tenant Handbook and explained when officers make visits. Escalation information is provided at the end of all letters to residents responding to their complaints.

Southwark also provides funding to voluntary agencies in the borough that provide advocacy to residents. It may be that registered providers in the borough should contribute to these costs through joint commissioning.

Shelter has just opened a new office in our Housing Solutions centre. Shelter officers provide assurance to homeless residents that they have received a fair service and will take action against the Council if necessary.

**Q9 (18). How can we ensure that residents can access the right advice and support when making a complaint?**

There should always be a clear procedure for making a complaint on a housing provider’s website, prominently linked on the home page. This should set out the
process and any support available. There may be benefit in setting up clear Government website with the ability to search by provider.

In Southwark we ensure our website is up to date and we have a phone line to take complaints and an email address.

The process can be improved through more cooperative work with external agencies (CAB, Southwark Law etc.). Regular meetings with residents and the voluntary sector (like the Homelessness Forum) can help to get feedback about any outstanding issues and adjust processes accordingly. Councillors also have a role in advising on the correct process to follow and providing support as required.

**Q10 (19). How can we best ensure that landlords’ processes for dealing with complaints are fast and effective?**

Southwark Council aims to resolve complaints as early as possible and supports reducing the waiting period and the removal of the democratic filter. We believe the Southwark Arbitration Service is an example of good practise in this area. The tribunal process has been designed to enable the tribunal to act independently and has proved to be a quick, simple and informal way of resolving disputes between the Council, its tenants and leaseholders. The panel includes elected councillors and looks to ensure consistency and fairness in decision making.

In Southwark there are clear time limits for acknowledging receipt of a complaint (three working days), and 15 working days for the complaint stage and 25 working days for the review stage. A full review of our complaints policy was carried out in 2013, where we reduced our target time from 12 weeks to 8 weeks, and reduced the process from a three stage to a two stage process. Further reducing the investigation time would add additional strain to an already busy service. Some cases can be very complex and the full 8 weeks is required.

There should still be local processes in place. Southwark Council believes where complaints are considered locally, it can be easier to understand some of the underlying causes. We believe our arbitration model mentioned in the previous question is an example of good practise, but this does not apply for housing association tenants.

The filter does not apply with other Ombudsmen such as the Local Government and Social Care Ombudsman.

There are different circumstances in other organisations where the democratic filter could act as a barrier. There is a clear need to ensure that all those involved with the democratic filter are fully aware of their roles and responsibilities. If the filter remains there should be national guidance on training required for councillors and MPs.

The Local Government and Social Care Ombudsman allow 12 weeks for a service to deal with a complaint.

**Q11 (20). How can we best ensure safety concerns are handled swiftly and effectively within the existing redress framework?**
There is a need to consider ways that serious concerns around health and safety can be prioritised but with safeguards to ensure this is not misused to raise the priority of non-urgent cases.

Southwark Council benefits from an active residents movement including a number of resident forums where residents can raise issues such as Tenant Council, Homeowner Council, Housing Area Forums, Southwark group of Tenant Organisations and Tenants and Residents Associations. We are currently reviewing our engagement processes to ensure everybody is able to feed in their views, and to consider how to ensure concerns around safety are escalated, such as through the ability to red flag serious concerns.

Our resident officers make frequent visits to our blocks. It is important that officers visiting estates have training to identify hazards, and that residents know how where to raise issues about fire risks.

Southwark Councils is keen to learn the lessons from the past, and our experiences with the Ledbury Estate are an example of this. The council commissioned independent research which found that while there were policies, procedures and controls to deal with reporting and resolving of repairs issues, and mechanisms to identify wider systemic issues, that these procedures and controls failed to identify the full extent of the current issues at the Ledbury Estate. Therefore the council is developing new systems and procedures to prevent this happening again.

**Principle 3 - Empowering residents and making their voice heard so that landlords are held to account**

Q12a (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

The proposals in the consultation document include PIs around:

- keeping properties in good repair
- maintaining the safety of buildings
- effective handling of complaints
- respectful and helpful engagement with residents
- responsible neighbourhood management, including tackling anti-social behaviour.

The Council has some concerns about the proposal for a national set of performance indicators and league tables. The Council is concerned about applying a one size fits all approach as there are clearly different issues in different areas of the country.

There is a need to ensure that any comparisons made consider a host of socio-economic and demographic factors. There is a need to present the results in a way which takes account or circumstances in each area, such as rural or urban areas, ages of the stock, levels of deprivation etc. Southwark already uses performance indicators that broadly cover the areas suggested but we carefully compare our performance to a peer group of similar housing providers.
We are also concerned this could result in a move in focus from addressing local issues to meeting nationally set indicators. We strongly feel that any indicators should be agreed locally. We are also concerned that by focusing on Performance Indicators this could have a detrimental affect on other areas of housing management.

These proposed areas for PIs are very broad so there would need to be further consultation once the PIs have been firmed up. It can be very difficult to compare performance using performance indicators. There is a need to ensure the methodologies of the indicators are being followed in the same way by all providers. With any PI the key to success is in agreeing the description of the measure and ensuring that this is applied consistently otherwise the comparisons are less useful.

Responsible neighbourhood management, including tackling anti-social behaviour” may be too broad an indicator to be measured accurately. ASB could be a particularly difficult area for performance indicators. While on paper resolving incidents related to ASB can sound simple, there can be a lot of complexity around individual cases which limit how the council can respond. Focusing on targets rather than tackling the underlying issues is likely to be ineffective. There also needs to be clarification on how the data will be interpreted and how this will help drive the right behaviours across all social landlords.

**Q13 (23). Should landlords report performance against these key performance indicators every year?**
Yes – No – Not sure
(This one has no comments box so we chose to go with “No”).

**Q14 (24). Should landlords report performance against these key performance indicators to the Regulator?**
Yes – No – Not sure

**Q15 (25). What more can be done to encourage landlords to be more transparent with their residents?**

Councils are democratically elected and have a clear public decision making process which could be replicated by other providers. In some housing associations decisions can be made by boards with residents on the panel, so there are lessons to be learnt from both sectors.

The scope of the Freedom of Information Act could be extended to include other providers.

It is important that Southwark Council is able to communicate effectively with all residents. It is for this reason that the Council has recently carried out a review of its existing engagement structure. The intention is to be able to listen to a wider range of previously unengaged residents using different media.

**Q16 (26). Do you think that there should be a better way of reporting the outcomes of landlords’ complaint handling?**
Yes – No – Not sure

How can this be made as clear and accessible as possible for residents?
If the Council feels that other residents might learn something from the outcome, publishing it on their website might help to manage residents’ expectations and also demonstrate providers are willing to admit when errors are made and learn from them. This would help build more confidence in the process. Care would need to be taken not to reveal the identity of those involved.

**Q17 (27). Is the Regulator best placed to prepare key performance indicators in consultation with residents and landlords?**

Yes – No – Not sure

In our discussions on this question the consensus was performance indicators should be prepared locally, between the council and its communities. This would take into account local resource issues and circumstances. This would not allow direct comparison with other providers but would mean they were the PIs which were important to local residents. And the progress over time would present an idea about the direction of travel in those areas.

**Q18 (28). What would be the best approach to publishing key performance indicators that would allow residents to make the most effective comparison of performance?**

There are huge variations in factors affecting different housing providers across the country, such as size and age of stock, levels of deprivation, urban or rural etc. Therefore it may be difficult to understand what other providers are fair comparators. In Southwark, the council has set benchmarking group of similar organisations. But without that structure it is not clear what the resident would get from the data.

There would be a key question for housing associations in whether the PIs would be reported across their whole stock or be separate PIs for particular areas. The later would be harder to collate but would then allow comparison with the local authority in the area. If it was across the whole stock there could be question marks over how this would affect the mergers of housing associations. It could potentially also prevent a housing association from developing in certain areas.

**Q19 (29). Should we introduce a new criterion to the Affordable Homes Programme that reflects residents’ experience of their landlord?**

Yes – No – Not sure

The Council would oppose performance data being used for the award of grant, which should be based on housing need and the ability of local authorities and other social housing landlords to deliver affordable homes. There could be complex reasons behind this data, including issues such as age of the stock, levels of deprivation, demographics, geographical spread etc. Areas with high levels of social housing need are also likely to have other demographics, such as large social housing stock and higher levels of deprivation, which could impact this data. Comparing performance amongst different landlords is likely to be inaccurate and misleading. It would therefore be wrong to deprive vulnerable people an affordable home based on arbitrary comparisons of landlords.

If too much weight is put on a limited number of PIs it could encourage a focus to shift from important local issue to the national targets. It could also affect how housing associations merge, sell stock or choose to develop or not develop in certain areas.
(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 Government would probably need to do more to understand what the reasons were behind poorer performance for some providers. There is an implication in the question that this is just down to the housing provider. However, there may be performance issues related to particular pressures in those localities. So further funding or initiatives may be required in particular areas.

Q20 (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?

Southwark benefits from an active resident participation network; however, there is still need to ensure that everybody can input their ideas and concerns, outside of these more formal engagement methods. The council has increased the ways that residents can input their views such as through online methods and the use of technology, and is exploring the issue further as part of our review of resident engagement in Southwark.

Participation in council decisions can be seen in the context of active citizenship and evidence shows that residents want to engage more now than ever before.

Southwark’s current review of resident engagement is seeking to increase participation by residents in decision making and designing services. Adapting to how residents communicate, using new technology, will enable council officers to listen to a wider cross section of residents. Officers have learned that a one-size-fits-all approach does not work and that residents want to be listened to.

Residents should be encouraged to lead on their own community projects as these can often deliver the best outcomes.

Q21 (33). Is there a need for a stronger representation for residents at a national level? If so, how should this best be achieved?  
Yes – No – Not sure

If so, how could this best be achieved?  
This may work best as a national conference. It would need some independent coordination and funding from central government, ideally by a national resident representative group. We strongly believe this would need to be independent of local or national government. Each tenant group could suggest agenda items with the top issues being addressed. The conference could include government and tenant speakers. Each conference could produce a list of policy requests for Government to consider.

It is also the responsibility of MPs to represent residents at a national level so MPs should attend meetings with key tenant and resident groups in their boroughs at least annually.
Q22 (34). Would there be interest in a programme to promote the transfer of local authority housing, particularly to community-based housing associations?
What would it need to make it work?
Yes – No – Not sure
If you answered yes, what would be needed to make it work?

We answered "No" but would still like to comment. Our tenants have consistently told us that they would oppose stock transfer. Some housing association tenants pay higher rents, have less security and there is less democratic accountability when trying to resolve complaints.

There are also issues to consider in terms of economies of scale. While having smaller direct control can result in a more tailored service to local needs, this can also be significantly more expensive. Having a larger stock can result in better purchasing power.

Q23 (35). Could a programme of trailblazers help to develop and promote options for greater resident-leadership within the sector?
Yes – No – Not sure

Q24 (36). Are Tenant Management Organisations delivering positive outcomes for residents and landlords?
Yes – No – Not sure
TMOs tend to receive higher satisfaction levels amongst tenants and leaseholders than Councils. This is evidenced in the annual STAR surveys.

(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?

Options
- 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

Southwark is a pioneer in establishing TMOs. We currently have 17 TMOs active in the borough. These have been established in conjunction with residents and range in size from smaller ones like Wrayburn House to larger ones like Leathermarket JMB.

The Council believes that TMOs can empower tenants to have a greater stake in their neighbourhoods. Southwark’s award-winning TMO Team has identified consistently higher levels of satisfaction amongst TMO tenants. However, TMOs performance is dependent on their own leadership. Leadership can vary so there needs to be effective safeguarding mechanisms in place.

The council is concerned that 100% of the development costs of setting up TMOs has become the responsibility of local authorities. Previously the Tenant Empowerment Programme contributed up to 75% of the development costs for resident groups interested in setting up a TMO. We believe a centrally funded Tenant Empowerment Programme should be reinstated.
Setting up an estate as a TMO can take time to ensure arrangements have been made correctly. This may deter some from attempting it. Strong leadership is seen as the key to success.

We call on Government to review the 2013 modular management document, to develop a more consistent set of expectations for TMOs. The review could consider whether there was need for certain requirements such as public websites (or dedicated pages on the council’s website for smaller TMOs), clear expectations around complaints handling, transparent decision making and clear contact details and procedures. This review could also consider expectations around increasing the number of shareholders to improve transparency.

Setting up TMOs should be just one option in a menu of options for how tenants can be more involved in the services in their area. There is no one size fits all approach.

Q25 (38). Are there any other innovative ways of giving social housing residents greater choice and control over the services they receive from landlords?

Southwark Council has attempted to be flexible in its approach to allowing tenants to manage their own services. However the council must ultimately safeguard residents’ health and safety and financial security and act as the ultimate safety net. The council needs to have a strong central role in maintaining that.

It would be good to include resident representation on all procurement panels but there is a need to ensure they receive adequate training to be able to understand the process. We have had leaseholder and tenant reps on the Boards for selection of both contractors during the contractor framework and professional technical services contracts. They were involved in scoring resident satisfaction elements of tenders too. It would be good for all providers to have a panel of residents who were trained up to understand the process fully which could then be called upon for key procurement exercises that directly impact on them. If they were trained and experienced they would add value.

We are looking to pilot a series of Estate Improvement Plans as part of our emerging ‘Great Estates’ programme. This will have at its heart a facilitated but resident-led identification of a range of initiatives for improving the look feel and lived experience of the estate.

In Southwark we have a comprehensive package of training available for Tenant and Resident Association Committee Members to help residents to set up TRAs and to operate effectively. This includes training on chairing meetings; treasurer’s training; secretarial skills; hall management and events management. There are number of other accredited training courses which Southwark offers to all TRA’s committee members.

Q26 (39). Do you think there are benefits to models that support residents to take on some of their own services? If so, what is needed to make this work?

In general this has resulted in higher resident satisfaction levels

Q27 (40). How can landlords ensure residents have more choice over contractor services, while retaining oversight of quality and value for money?
We engage with residents as much as we are able to, mindful of restrictions created by procurement legislation and getting the best value for money for our residents.

It would be good to include resident representation on all procurement panels but there is need to ensure they receive adequate training to be able to understand the process. We have had leaseholder and tenant representatives on the Boards for selection of both contractors during the contractor framework and professional technical services contracts. They were also involved in scoring resident satisfaction elements of tenders.

**Q28 (41). What more could we do to help leaseholders of a social housing landlord?**

Nationally, the Government’s advice agencies for leaseholders do not consider individual cases. In Southwark we have set up a ground breaking independent Homeowners Agency and Advocacy Service. This is able to offer independent advice and arbitration on individual cases for council leaseholders. The advocacy service focus on investigating issues that leaseholders have been unable to resolve acting entirely independently so they neither favour the leaseholder or the council. The Homeowners Agency was a commitment in the Southwark 2014-18 Council Plan. This was created to give leaseholders a voice and champion change to improve how we design and deliver services to our leaseholders. We want to demonstrate to our leaseholders we have a genuine commitment to improving how we deliver and have engaged the Housing Quality Network to carry out an independent assessment in early 2019. This could be expanded to other social landlords.

There is need for better quality conveyancing in the leasehold sector with potentially the need to have a recognisable qualification to be able to operate, but there is low demand for improved regulation measures.

There needs to be more opportunities for leaseholders to engage using digital forums such as around major works.

We are doing things differently in Southwark around making it easier to buy the freehold and extend the lease with our voluntary enfranchisement and extending lease promotion. Our focus is ‘what is fair’ and easy for the leaseholder rather than income generation.

**Q29 (42). Does the Regulator have the right objective on consumer regulation?**

- Yes – No – Not sure

The current approach to consumer regulation is sufficient.

**(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, and if so how?**

- Yes – No – Not sure

It would depend on what specific indicators were introduced.
Q30 (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

A Code of Practice could provide further clarity about what is expected from the consumer standards.

Q31 (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?
We answered "yes" but would still like to comment - For local authority landlords that already have democratic accountability, “serious detriment” is the appropriate threshold for intervention by the Regulator.

As a local authority we have well established democratic processes through Councillors and MPs to raise issues so that corrective and preventative action can be taken in response to complaints and consumer concerns. We support external agencies including the CAB and Law Centre that can independently hold the Council to account. And ultimately the Ombudsman can take action. Given these existing arrangements we would not see any reason for the Regulator to intervene other than in the case of serious detriment. There will be other providers, including for-profit housing providers that do not operate with the same level of scrutiny. In these instances a lower level of intervention from the Regulator may be appropriate.

Q32 (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?
We answered "No" but would still like to comment. The current approach that the Regulator takes is satisfactory. Attempting to intervene using misleading performance indicators will not achieve the desired goal. The regular would need to take account of the range of factors that could affect the performance on any particular PI, e.g. age of stock, deprivation, urban vs rural etc.

Q33 (48). Should the Regulator have greater ability to scrutinise the performance and arrangements of local authority landlords? If so, what measures would be appropriate?
Yes – No – Not sure
If yes, what measures would be appropriated?

We answered "No" but would still like to comment - Local Authorities have their own scrutiny processes so there is not any need for separate processes.
Q34 (49). Are the existing enforcement measures set out in Box 3 adequate?
Yes – No – Not sure
If not, what additional enforcement powers should be considered?

Q35 (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 not, what more is needed to provide effective oversight of these organisations?
We answered "Yes but would still like to comment - In Southwark there are effective processes to hold TMOs to account. If there is a political will to manage the organisations effectively then the framework is already sufficiently robust.

Q36 (51). What further steps, if any, should Government take to make the Regulator more accountable to Parliament?
No comment

Principle 4 - Tackling stigma faced by residents challenging the stereotypes that exist

Q37 (52). How could we support or deliver a best neighbourhood competition?

In Southwark we have a Housing Heroes Award scheme which recognises excellence amongst our tenants. Tenants can nominate individuals for the various categories of awards. There may be similar aspects of this which could be rolled out at a national level. We feel this type of competition needs to be led by residents rather than being decided by housing providers.

There are many variations in housing estates so there may be need for different categories with the best neighbourhood competition.

Q38 (53). In addition to sharing positive stories of social housing residents and their neighbourhoods, what more could be done to tackle stigma?

Southwark Council is firmly committed to social housing with an ambitious target to deliver 11,000 council homes over 30 years. We want to go a step further, going past merely 'overcoming stigma' towards a more positive account of how we think, talk and make decisions about our council estates. Unlike many local authorities, a large proportion of housing stock in Southwark is council-owned and there is no stigma to being a council tenant amongst our residents. Social housing is integral to the functioning of modern cities.

We strongly feel this stigma needs to be tackled right the way up through society up to the very top, including Government. It is essential to recognise the important role of social housing and protect existing supply and ensure we are doing the maximum to increase the supply of genuinely affordable homes. However many central government housing policies have undervalued the role of secure, genuinely affordable housing in order to promote home ownership. Moves to remove lifetime tenancies and pay to stay
attempted to move people out of council housing rather than seeing the value of a long
term secure and affordable home. The proposal to force councils to sell off their high
value voids to pay to extend the right to buy to housing associations was another
example of social housing being undervalued. Much of the funding for affordable
housing from central government has been directed towards homeownership options
and while we welcome the move towards recognising the value of social rented homes
in this Green Paper, there is still further to go. We welcome the move of this
Government to repeal some of these aspects of the Housing and Planning Act 2016
and to improve funding for other forms of affordable housing. We believe that the most
of the Housing and Planning Act should be repealed.

The media certainly has a role in tackling stigma in social housing. In recent years the
media have often portrayed our vibrant housing estates as “sink estates”. This needs
to be challenged by all levels of society. There is also benefit from looking at other
countries to see how they value social housing.

As a council we are strongly committed to sharing positive stories around the role of
tenants and residents on our estates. As well as our Housing Heroes Awards, which
recognises excellence amongst our tenants, we have been promoting measures that
encourage residents to get involved with activities on their estates and engage with the
council on housing issues.

Our long term Housing Strategy commits to tenure blind development making
“Southwark a place where you will not know whether you are visiting homes in private,
housing association or council ownership”. With factors like the Right to Buy, the
nature of our estates is changing. This can create a more mixed tenure estate, but it is
important to look at the tenue of these properties in the long term. Many former Right
to Buy properties are being sold and ending up in the private rented sector being let on
short term lets at often unaffordable market rents. This is increasing transience in our
communities and also making it harder to tackle some issues such as anti-social
behaviour.

Southwark has committed to introducing a Great Estates programme, with a broad
emphasis on affirming the importance of strong and mixed communities, equality of
opportunity and a functioning economy, as well as taking a long-term approach to the
fabric of an estate that upholds them as privileged spaces in the city. Fundamental to
overcoming stigma is to have full funding for an exemplary level of housing
management and maintenance, and we would be eager to avoid an ‘overcoming
stigma’ narrative where it condescends to estate residents.

Southwark is also developing as part of the Great Estates programme an approach to
a broader tenure blind living environment in the borough that promotes tenure
integration. We are currently exploring the scope for supporting through the planning
system measures that mitigate against any stark visible differences in tenure that
emerge from new development, including sums being made available for non-cyclical
works as part of an identified block or estate improvement plan. The goal with this is to
ensure that people living in different tenures are better able to feel a mutual visibility
respect and commitment.

It is worth noting how many of the terrible housing conditions of the 1950s have started
to return in the private rented sector, with overcrowding and squalid conditions. This
makes it even more important that new council homes are built to meet the needs of
local people, helping to lift them out of poverty. Council housing provides secure housing with much more settled communities with a longer term stake in the area.

**Q39 (54). What is needed to further encourage the professionalisation of housing management to ensure all staff delivers a good quality of service?**

There may be certain roles where a professional qualification is required but professional qualifications are not required to provide a courteous service to residents, nor are they any guarantee of good customer service.

There is always a need for continuous professional development across all staff with periodic reviews, so that skills development can be readily identified and applied. The council strives to employ and train staff to have the right attitude and approach, including Equalities issues, demonstrating a respectful attitude towards our customers. We are also committed to employing staff from the local communities that we serve. As a council we are committed to the Mayor of London’s Good Work Standard.

**Q40 (55). What key performance indicator should be used to measure whether landlords are providing good neighbourhood management?**

Tenant satisfaction would probably be the best indicator of neighbourhood management but developing a one size fits all approach for all housing providers will be a challenge. This would still probably be ineffective at comparing landlords across the sector due to the vast differences between them. However, changes in satisfaction over time for the same provider can be a useful indicator of the direction of travel.

**Q41 (56). What evidence is there of the impact of the important role that many landlords are playing beyond their key responsibilities?**

Southwark Council and other housing associations in the borough have provided a great deal of services to our residents beyond housing, from education and childcare, to employment and skills support, as well as improving public realm and infrastructure, and support our tenants to lead healthy and active lives.

(57). Should landlords report on the social value they deliver?  
**Yes – No – Not sure**

Celebrating these activities and how they benefit communities should encourage other landlords to promote them and other tenants to get involved. However it can be difficult to quantify the benefits. The outcomes can be hard to measure, but this does not mean that they are not worth doing, as they can make a real difference. This is an area where larger landlords may be help to do more through economics of scale.

**Q42 (58). How are landlords working with local partners to tackle anti-social behaviour?**

This question is very broad because anti-social behaviour covers a very wide spectrum from noise or verbal abuse, right up to serious intimidation and gang violence.

The ASB Crime and Policing Act 2014 set out a new approach to ASB with an emphasis on putting the needs of victims first. There was a shift from a target driven top down approach to encouraging local areas to develop their own range of
interventions to manage ASB ensuring vulnerable victims are better supported. The legislation introduced a Community Trigger giving victims and communities the right to request a review of their case and to bring agencies together to take a joined up approach to finding a solution.

In all instances it is essential that a problem solving approach is taken to find sustainable solutions through a multiagency approach. Partnership working is embedded in Southwark’s approach to dealing with ASB. The Partnership Tasking Group (PTG) provides for the effective co-ordination of partnership resources to support Southwark Council’s priorities including ASB focusing on short, medium and long term problem solving. The meeting has a core membership of Southwark council officers (including housing), the police, Licensing, Night Time Economy Team, Youth Offending team and the Southwark Business Crime Reduction Partnership. Making referrals to the Partnership Tasking Group is not limited to the above and RSLs can also make referrals where a partnership approach is required to bring resolution. Where a Community Trigger is activated the PTG will look at the case and develop an action plan.

In addition to the PTG, Southwark has established a Community MARAC, attended by health practitioners (including mental health) to look at the most high risk victims and or perpetrators of ASB whose behaviour may be exacerbated by health issues and/or drug and alcohol concerns where sharing of information and joint action planning is required to manage risk. The meeting takes place every month and is now embedded in to the problem solving process.

Anti-social behaviour does still remain an issue for some council tenants but as the new Rugg review demonstrates, it has also been increasing in the private rented sector. Poorer residents have been adversely affected by welfare reform, cuts to the police and to youth services. The council would like to see the rules changed nationally to provide better tools to tackle serious issues of Anti Social Behaviour (ASB). Funding for services related to ASB such as the police and youth services should also be increased.

Cuts to funding to police services have had a negative effect on Anti Social Behaviour and we would like to see an increase in funding for more police on the street to help deter this increase.

(59) **What key performance indicator could be used to measure this work?**

As stated in our previous answer, anti social behaviour is a broad term covering a broad spectrum, and one provider’s issues with anti social behaviour in a leafy rural area could be very different to another’s in an inner city area. Therefore it is impossible to directly compare performance in this area.

We understand that resident satisfaction with how providers tackled anti social behaviour was an issue raised in the national workshops. However, as housing providers we know there is often a lot going on in the background which we are not allowed to disclose to the complainant. Issues can be affected by a whole host of factors such as mental health, drug addictions, looked after children, disabilities etc. In addition it can take a significant amount of time to tackle some issues through the court process.
As our answer to the previous question indicated, many forms of anti-social behaviour require cross agency working to resolve them, so it would be difficult to distinguish between the responsibilities of the housing provider and other factors outside their control. There have been cuts to policing, the voluntary sector and other community facilities which are having an effect on the levels of anti social behaviour.

In summary, it is a hugely complex area which we do not believe would be accurately reflected by a one size fits all PI.

**Q43 (60). What other ways can planning guidance support good design in the social sector?**

Planning guidance should ensure that social sector housing is not segregated or different from intermediate and market housing. They should have the same entrances and facilities where possible.

Guidance should provide exemplars for councils and developers to consider where appropriate. It should encourage collaborative working with relevant departments in the council e.g. planning, building control and housing from pre-application stage throughout the planning process to ensure delivery of good quality social homes which integrate with intermediate and market homes.

**Q44 (61). How can we encourage social housing residents to be involved in the planning and design of new developments?**

Councils could have a process from the outset (pre-application stage) where they indicate to developers they need to consult with particular groups prior to submitting a planning application. Guidance should encourage developers to host workshops with social housing residents at the pre-application stage for developers to hear what residents would like to see in new developments – for example through the developer consultation charter proposed at Southwark. Meeting people who live in the housing they are developing will give developers a real insight into communities' needs. Guidance should encourage having a nominated residents / tenants association who is a point of contact to the developer’s consultant team. This will encourage better communication.

In Southwark we establish project groups for each new council homes development, comprised of tenant and resident associations and neighbouring residents, who help guide the design of the development. Other options that have proven successful have been to allow residents, where they have been pre-allocated a home in a new development, to design some details of their homes, from the plan layout to the finish of tiles painting and carpeting.

Developers and councils should be required to ensure any promotion materials are understandable (plain English) and not technical, to encourage residents to review the material and participate in the consultation process.

Through Interactive tools residents could hypothetically design their own development.
Principle 5 - Building the social homes that we need and ensuring that those homes can act as a springboard to home ownership

Q45 (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.

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

We would argue that currently, no they do not strike the right balance but the announcement to remove the HRA borrowing cap is a step in the right direction. Given the very high demand for social housing, especially in areas like London, there is a need to ensure sectors are contributing to increasing the supply of genuinely affordable housing. Southwark Council believes there should be a level playing field between housing associations and local authorities with both having access to grant and borrowing to maximise delivery. We therefore welcome the Government’s decision to remove the HRA borrowing cap. There needs to be local flexibilities local authorities are allowed to deliver whatever types of housing in their borough are needed, rather than attaching overly stringent conditions to any borrowing.

In the separate consultation on the use of right to buy receipts, the Council welcomed most of the increased flexibilities such as extension to the timeline for spending the right to buy receipts, and allowing 50% of eligible expenditure on new homes for social rent but argued this could go further. We also welcomed allowing the combination of funding of Affordable Homes Programme grant and right to buy receipts, but again argued that this does not go far enough. The council stated concerns about the introduction of restrictions around acquisitions as given the housing crisis it is important that councils are able to use all tools at their disposal, including acquisitions, to meet the local need for social rented homes.

There is a need for stronger land assembly powers for the purpose of building council homes.

We also believe that there may be a strong fiscal case for increasing the grant made available for social housing from Government, if the investment was modelled in national accounts holistically as an infrastructure rather than revenue item. A useful exercise for HM Treasury would be to model the increased tax receipts (income tax, corporation tax, stamp duty, council tax etc.) across a full multiplier from an expanded social housing delivery output, as well as the significant savings to local temporary accommodation and benefit expenditure. The best grant currently available (at £100,000 per unit is still some way off in real terms the grant that was available in 2010 at £120,000 per unit in nominal terms.

Q46 (63). How we can boost community-led housing and overcome the barriers communities experience to developing new community owned homes?
Southwark Council supports community led development, however there are a number of challenges such as the cost of building and land, building at density, conflicting demands for the land, communities having the required skills etc. There can also be need for complex leases with sinking funds to ensure that residents can afford the required maintenance in the future.

Affordability and the type of building design are significant factors in creating homes that are good value both in terms of build cost and how much they cost to maintain.

CLT’s seem to work better in more rural, low value areas. The problem in Southwark tends to be bridging the gap between what a CLT would pay and the costs of build. We have explored closing that gap with the assistance of GLA funding. However, this still requires the council to gift land to the CLT, but this land is in high demand. We have also encountered issues around state aid rules. However, we have also demonstrated that intensive community involvement can help enable the delivery of otherwise more difficult sites.

**Q47 (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?**

In 2013 Southwark Council agreed an ambitious target to build 11,000 council homes by 2043. 566 council homes have been completed since 2013, with 95 currently on site.

Our delivery plans were significantly affected by the requirement to reduce rents by 1% a year for four years from 2016 to 2020. We welcomed the announcement in October 2017 that there was going to be a return to the formula of CPI plus up to 1% per year. However the impact of the rent cut continues to be felt each year, going forward due to the lower rent after four years of reduction. We estimate that this has resulted in a £62.5m loss to the council over four years and £820m over 30 years which could have been spent improving the condition of existing homes and building new desperately needed homes.

There certainly needs to be much more certainty over both grant, borrowing and rent policy with a move away from cyclical grant programmes to more ongoing investment in the new homes we need.

Another significant challenge going forward is the roll out of universal credit which is having a notable affect on arrears. This affects how much money housing providers have to build new homes.

**Q48 (65). How can we best support providers to develop new shared ownership products that enable people to build up more equity in their homes?**

Whilst there is a consistent demand for shared ownership in Southwark, given the difficulty affording housing prices on the open market, there are a number of issues with shared ownership products. The lack of staircasing is well documented and a number of housing associations have done excellent research in this area.

The main problem is an area like Southwark is that shared ownership is sold at market price. So rising market prices in London have really changed how shared ownership
meets need. To even buy a share is already pushing most households to the limits of their affordability. And large deposits are now required to make shared ownership more affordable over the longer term, which is a marked difference to how it worked ten years ago. There are other issues such as some high service charges, and the requirement to pay all of the major works costs. So shared ownership products probably need a more fundamental review in areas like London to consider the role it is playing in the market.

In Southwark we offer a Social Homebuy (shared ownership) scheme. The scheme offers qualifying tenants the opportunity to buy a share in their home at a discounted price. As with most shared ownership schemes, a rental amount is paid on the remaining share. Residents can initially buy a share of either 25%, 50% or 75% and this can be increased over time. In Southwark we have 21 households who have taken up this option but only five have staircased upwards. Our experience of social homebuy is that there is a fairly limited demand from tenants to become shared owners of their council properties.

Due to issues with shared ownership and the high deposits now needed for longer term affordability, we welcome the shift in the focus of the Mayor of London to rent to buy schemes such as London Living Rent. These give residents the opportunity to build up the required deposit and to potentially buy the same property on a shared ownership basis.