

## Are tenants adequately involved in decisions which affect their homes?

### London Assembly Housing Committee Post-Grenfell Investigation

## Submit your comments or evidence to

[housingcommittee@london.gov.uk](mailto:housingcommittee@london.gov.uk) – by 29 June 2018!

1. **Background:** Social landlords' adoption of consumerist models of tenant engagement rather than more participatory citizenship models came about first with Government shifting funds to deliver new social homes to housing associations (with an agreement that they would also bring in private finance) rather than to councils (from 1988).

By the time of the Review of Social Housing Regulation (2007) by Cave (an economist specialising in competition law), which fed into the 2008 Housing and Regeneration Act, this was standard housing association practice and was moving rapidly into the council sector. The review led to the introduction of the short-lived Tenants Services Authority and National Tenants Voice. It cemented the notion of social tenants as 'consumers' and what the authorities call 'co-regulation'.

Co-regulation was supposed to involve principles of

1. boards and councillors who govern providers being responsible and accountable for delivering their organisation's social housing objectives;
2. providers meeting regulatory standards;
3. transparency and accountability being central;
4. tenants having opportunities to shape delivery and hold responsible boards and councillors to account;
5. providers demonstrating that they understand the particular needs of their tenants;
6. value for money being at the heart of how providers ensure delivery of services.

We don't feel that social tenants generally feel these principles are effectively applied.

Cave's review had said 'The voice of tenants needs to be heard not just by their landlord but at a local authority, sub-regional, **regional** and national level, i.e. at all levels where decisions that affect tenants are taken'. LTF was involved in the Mayor's Housing Forum from 2004-2012 when it was folded by the previous Mayor, Boris Johnson. Sadiq Khan has not reintroduced it. LTF had often (unsuccessfully) made frequent arguments for a wider representative voice for housing association and private tenants.

Cave suggested that the National Tenants Voice should be 'a fully representative national tenant body that has regional and local elements' to 'provide a level of legitimacy'. This didn't happen, apparently because 'it would take considerable time and resources before such a body could be established'. What was eventually established was unfortunately made up mostly of selected individuals.

1. **Resident involvement in decision-making – what works and what matters?**

We are not consumers of individual services that might select to buy, or not. We have contracts with our landlords to deliver management and maintenance of our homes, which we receive collectively and pay for through our rents.

We feel there is increasing tenant disengagement with landlord consumerist engagement models, which ultimately leads to greater isolation and disempowerment. Some TRAs have been told by their landlords that their constitutions must explicitly exclude their members from making criticism of them. Other TRAs of multi-landlord estates are just not being recognised.

LTF members and friends feel consumerist engagement models are tokenistic and manipulative, provide little accountability and lack opportunities for tenants to collectively influence landlords. Tenant board members are often told they are company members, with a remit to support the business, not to represent the views of tenants.

Citizenship and participatory models:

- encourage tenants to share, exchange, discuss and learn from one another;
- facilitate provision of - mutual support, collaboration, expression of a stronger collective voices and stronger possibilities of effectively making influence;
- give tenants the confidence to speak out;
- provides opportunities for tenants to develop new ideas for, or alternative ways of, managing and maintaining homes;
- facilitate understanding of and engagement in strategic local, London-wide and national housing policy.

### **We ask the Mayor to**

- **encourage social housing landlords in London to use participatory, democratic and accountable ways of involving tenants in relation to decision-making about their homes – from the local to regional level;**
- **host the launch of a London Tenants Federation publication on participatory, democratic and accountable involvement of tenants in decision-making about their homes, later this year or early next year.**

2. **Acting on complaints – what happens when things go wrong?** We feel that feel co-regulatory system just doesn't work. It assumes an equal balance of power and interest between tenants and social landlords, when this is just not the case.
- **Large housing associations are increasingly focused on developing all types of market and so-called affordable housing, at the expense of existing social housing tenants** (in terms of the management and maintenance of their homes) or those who are in need of social housing. In fact, their social-rented stock has reduced (through conversion to affordable rents). There are concerns that they are moving far from their original social objectives;
  - **The *Independent* reported in July 2017 that 244,000 (from 2016 English Housing Survey data) social-rented properties in England** were deemed to have a category one safety hazard, the highest category of risk, which includes potentially fatal hazards such as exposed wiring, overloaded electricity sockets, dangerous boilers, leaking roofs, vermin infestations or inadequate security. The newspaper also reported that 364,000 social homes were classed as being in a state of 'substantial disrepair', while 205,000 had damp in one or more rooms.
  - **Tenants increasingly feel they are left to deal with poor contractors** (rather than landlords doing this on their behalf). LTF produced a document called '[problems with landlord contractors](#)' for its members groups' as a result of the number of complaints that were being reported to us.
  - **Tenants feel that landlords too often accept lowest bids from contractors** and that this results in poor quality work. We note that on 4 June 2018 Rebecca Rees a partner at Trowers & Hamlin wrote a comment piece in Inside Housing entitled "We need a radical rethink of procurement in the wake of the Hackett Review" in which she says "relying on lowest prices can result in flawed contracts, adversarial relationships and poor-quality outcomes."

- **Transparency and accountability is incredibly weak.** This is the case in respect of general conditions of homes; the apparent need for demolition rather than refurbishment; business plans for mergers of housing associations or hiving off social housing stock. Tenants often struggle to gain access to information they want about their homes and the decisions that are being made on their behalf and find that comments they have made in consultations have not been heard.
- **Opportunities for tenants to shape delivery of services is increasingly weak** - too often being little more than tick box exercises, excluding proper debate.
- **Complaints systems are long and arduous** – with many tenants being ground down and or giving up before even attempting to get through to the Ombudsman. Even where complaints are acknowledged there are often failures to change methods of operation to prevent similar complaints having to be made again.
- **The abolition of local government committees and replacement with cabinets or elected Mayors by the Labour Party in 2000 was as significant loss in terms of local democratic accountability.** While the theory was that local councillors would have more time to engage with their electorate, in practice it has created a huge democratic deficit, resulting in little public debate on important housing issues locally.

#### **We ask the Mayor to:**

- **Require social housing landlords, as a condition of any GLA affordable housing contracts, to have good (participatory, democratic and accountable) tenant involvement processes in place and evidence that they are properly maintaining their existing homes.**
- **Publish regular monitoring reports relating to the condition of existing social / affordable homes.**
- **Encourage boroughs in London to use the powers of the Localism Act to reinstate housing committees so that more councillors and tenants' representatives are involved in developing and overseeing local authority housing policy.**

### **3. Legislative duties and gaps – what change is needed to protect all residents?** Housing association tenants have fewer legislative rights than local authority tenants do, but there are gaps for both.

- Section 105 of the Housing Act 1985 gave secure tenants the right (as individuals) to be consulted on issues of management and maintenance of their homes, on improvements or demolition. The 1988 Housing Act however removed security of tenure for new housing association tenants. Any rights are in the form of regulation.
- There are no collective rights around tenant consultation or involvement in decision making about our homes, which we feel there should be to facilitate effective tenant participation.
- The following are not accessible to housing association tenants: The Local Audit and Accountability Act; Freedom of Information; the Public Sector Equalities Duty and Gunning or Sedley rules around consultation.

While the Mayor can't change legislation, **we ask that he:**

- **Ensure that social housing landlords that have contracts with the Mayor's office for delivering new social / affordable housing are compliant with the Public Sector Equality Duty.**

- **Encourage wide debate on the extent to which socio-economic disadvantage and negative stereotyping of social housing tenants was a key issue in respect of the poor treatment of Grenfell tenants and potentially of social housing tenants elsewhere.**

4. **Make resident involvement work – sharing best practice:** There has never been a halcyon past in which social housing tenants have felt listened to and respected by their landlords, but at times there have been attempts to address this. There have been waves of legislation to promote tenants' rights, including the limited elements introduced by the 'Tenants Charter' (Housing Act 1980), 2000 participation compacts and the establishment of the short-lived Tenant Services Authority in 2008.

Sadly, experience and evidence show that social landlords will often not have meaningful dialogue with residents unless compelled to by strong legislation or threats or enticed with promises around funding.

We feel there is no good replacement for democratic and accountable grassroots tenants' groups. They play a huge role in supporting and developing strong, supportive local communities. When joined together to form borough- or landlord-wide organisations we gain strength in shared knowledge and numbers to amplify our voice and ensure we are heard. In the past, we've seen landlord-wide tenants federations funded through a weekly levy on rents to enable tenants to self-organise structures.

This meant that democratic structures were quite widespread from TRAs to borough or organisational structures which worked at a senior, strategic level. These best suited tenants' needs and gave us an ability to hold landlord to account.

The Hackitt Report is the most recent of many government reports that have now advocated tenant involvement. We cannot allow what happened at Grenfell to occur again. We can't let this be another moment where a landlord's responsibility to listen to their tenants is brief and then subsequently forgotten about.

We now have an opportunity to embed the right of tenants to be heard in how we regulate and fund councils and housing associations. This should start here in London.

#### **We ask that the Mayor**

- **lead by example, by establishing a community forum for tenants (of all tenures) and other housing and homelessness groups to inform London Housing Strategy policy and engage in monitoring outcomes. This is needed as a replacement for the disbanded Mayor's Housing Forum and its Community Engagement Sub-Group. LTF has previously put forward this proposal, but it has not been acknowledged by the Mayor's office.**

There are good examples of grass roots tenant involvement within the co-operative, tenant managed sector and tenants and residents' associations. We should promote the benefits that organised tenants and residents' groups can make at all levels of decision-making and also use this as a way of challenging negative stereotyping of social housing tenants.

#### **We ask that the Mayor**

- **Lobby Government to provide housing association tenants with the Right to Manage and the Right to Transfer.**