

APPENDIX 1

TPAS summary of regulatory standards and implementation

1a. Customer Service and Choice

Required outcomes for Customer service, choice and complaints are such that Registered providers shall:

- Provide choices, information and communication that is appropriate to the diverse needs of their tenants in the delivery of all standards
- Have an approach to complaints that is clear, simple and accessible that ensures that complaints are resolved promptly, politely and fairly

The standard for *customer service, choice and complaints* lies behind the need for Oxford City Council to communicate clearly with its residents about the housing services it offers and its performance in delivering them.

The specific expectations are for Oxford City Council to provide timely, clear information on:

- how residents can access services
- the standards of housing services
- performance against those standards
- the service choices available
- progress of any repairs work
- how residents can provide feedback
- landlord and residents' responsibilities
- arrangements for resident involvement and scrutiny

- how to complain and service standards for responding

1b. Involvement and empowerment

Required outcomes are for Involvement and Empowerment are such that Registered providers shall ensure that tenants are given a wide range of opportunities to influence and be involved in:

- the formulation of their landlord's housing related policies and strategic priorities
- the making of decisions about how housing related services are delivered, including the setting of service standards
- the scrutiny of their landlord's performance and the making of recommendations to their landlord about how performance might be improved
- the management of their homes, where applicable
- the management of repair and maintenance services, such as commissioning and undertaking a range of repair tasks, as agreed with landlords, and the sharing in savings made, and
- agreeing local offers for service delivery

The specific expectations are for Oxford City Council to support their tenants to develop and implement opportunities for involvement and empowerment, including;

- supporting their tenants to exercise their Right to Manage or otherwise exercise housing management functions, where appropriate
- supporting the formation and activities of tenant panels or equivalent groups and responding in a constructive and timely manner to them
- the provision of timely and relevant performance information to support effective scrutiny by tenants of their landlord's performance in a form which registered providers seek to agree with their tenants. Such provision must include the publication of an annual report which should include information on repair and maintenance budgets, and
- providing support to tenants to build their capacity to be more effectively involved

Registered providers shall consult with tenants on the scope of local offers for service delivery. This shall include how performance will be monitored, reported to and scrutinised by tenants and arrangements for reviewing these on a periodic basis. Registered providers shall consult with tenants, setting out clearly the costs and benefits of relevant options, if they are proposing to change their landlord or when proposing a significant change in their management arrangements. Registered providers shall consult tenants at least once every three years on the best way of involving tenants in the governance and scrutiny of the organisation's housing management service.

1c. Understanding and responding to the diverse needs of tenants

Oxford City Council will have to achieve the required outcomes to:

- treat all tenants with fairness and respect
- demonstrate that they understand the different needs of their tenants, including in relation to the equality strands and tenants with additional support needs

The specific expectation for *understanding and responding to diverse needs* sets the framework for Oxford City Council's work on equalities. Oxford has to show how it responds to needs in providing services and communicating with its residents

2. Implementing the standards

The Regulatory Standard stops short of describing exactly how a particular Registered Provider should put any of this into practice. That is to say, it describes what should be achieved as a result of working within the framework it creates, without prescribing how it should be done. So there is a great deal of leeway for negotiation and innovation to set up practical arrangements to suit different circumstances, *as long as they are in line with the principles and standards summarised above.*

For example, the Regulatory Standard does not define what groups can or can't be called a Tenants Panel. A project is currently underway hosted by the National Tenants Organisation (NTO) to identify good practice around Tenants Panels.

The final report was published at the end of March¹, and in answering a question as to whether residents who weren't tenants could be members of Tenants Panels, the project co-ordinator has said the following:

Our approach has been to be entirely non-prescriptive saying that it is down to tenants (by which we mean all of a landlord's service users) working with their landlords to decide how their Tenant Panels should be set up. We are also saying that the reason to involve residents is to improve the landlord business and that the critical issue behind all resident involvement is outcomes - so the key question that needs to be asked in this case is - will involving non-tenants in Tenant Panels lead to good outcomes for service users?... It is down to tenants and landlords to work out this kind of detail - this is the way it should be.

In at least one Housing Association currently working with residents on the design of its tenant scrutiny system, residents have decided that independent specialists should be invited onto the scrutiny panel to add skills, just as they might on the Board. In a similar vein, Gateshead ALMO, which manages the borough's council housing, has advertised for an independent mentor for its residents' scrutiny panel.

That having been said, there is an emerging consensus that Tenant Panels are likely to have the following characteristics:

- Designed in discussion with residents, with residents having the final choice between feasible options
- Resident Chair, or Chair appointed by residents
- Resident majority
- Freedom to choose what to scrutinise, including services, governance and strategic priorities
- Direct relationship with the Board
- Person specs, codes of conduct, training and induction applying to all members
- Recruitment of resident scrutineers from the whole resident body, not just residents who are already involved
- With a Community Call for Action or Resident Trigger to allow any customer to ask for an issue to be scrutinised

The Centre for Public Scrutiny has referred to a "good scrutiny cycle" as offering a framework for developing tenant scrutiny:

"critical" friend challenge → enables the voice of consumers to be heard → is carried out by independent-minded scrutineers who own and lead the process → leading to service improvement

Meanwhile, the scrutiny partnership set up in 2011 between TPAS, CIH and Housemark refers again to principles rather than specific models to define what tenant scrutiny is.

¹ Tenant Panels: Options for Accountability written by Nic Bliss & Blase Lambert and published by The National Tenants Organisation www.nationaltenants.org

For this partnership, the hallmarks of genuine tenant scrutiny are that it should have:

- Formality
- Independence
- Power

As well as allowing scope for local variation in how resident scrutiny develops in practice, it is useful to remember that this form of co-regulation is still in its early days. A leading group of 10 social landlords are “co-regulatory champions”, setting the pace nationally. Their experiences have been described in two recent publications from the Centre for Public Scrutiny², soon to include a set of *Top Tips for Tenants* as well. Oxford City Council and its residents are therefore in a good position to learn from the best of what has already taken place and make up ground on these leaders.

Two quotes from the Centre for Public Scrutiny’s case studies offer useful advice at this early stage:

Wherry Housing Association’s top tip: “Give yourself plenty of time. There may be pressure to get results quickly. However, if it’s to truly make a difference it needs time for those involved to truly understand what’s expected of them and how they might go achieving it. Training and support is essential.”

Wirral Partnership Home’s top tip: “...ensure that Board and Executive Management Team are regularly updated and fully endorse co-regulation...”

Various additional statutory and other initiatives have developed over the years in order to ensure tenants are empowered;
In summary these are;

- Tenants Charter 1980 – Rights to buy, security of tenure
- Housing Act 1985 – various rights including the right to be consulted
- Housing Act 1985 section 27AB / inserte3d by section 132 of Leasehold Reform, Housing and Urban Development Act 1993 -1994 DCL Circular - Right to Manage/TMOs
- 1988 Local Government Act and Compulsory Competitive tendering-monitoring panels
- 1999 introduction of Tenant Compacts
- Greater recognition of tenant and resident associations, federations
- Growing number of tenants on Boards
- Greater involvement in stock transfer associations
- Tenant owned Housing Associations
- Wider community empowerment requirements through the Sustainable Communities Act 2007

² www.CfPS.org.uk *Developing tenant scrutiny and co-regulation in social housing & Stories in tenant scrutiny and co-regulation in social housing*