

CONSULTATION ON TSA PROPOSED REGULATORY FRAMEWORK

Report of the Chief Executives

1. SUMMARY OF REPORT

- 1.1 The Tenant Services Authority (TSA) and Communities and Local Government (CLG) have issued a recent document for comments relating to regulation of social housing. 'Building a New Regulatory Framework' sets out its proposed framework to regulation of local authority and housing association landlords.'

The full document can be viewed at

<http://www.tenantservicesauthority.org/server/show/ConWebDoc.18499>

- 1.2 This report sets out a summary of the document and a response which has been sent to the TSA in time for the closing date for consultation of 8 September, following consultation with the Chair and Vice Chairs.

2. RECOMMENDATION

To note the responses sent.

3. MATTER FOR CONSIDERATION

- 3.1 The TSA will take over regulation of all social housing landlords from April 2010. They have issued a document setting out how they propose to regulate all social landlords.
- 3.2 The law setting up the TSA allows them to regulate all landlords across the domain of social housing was passed in 2008. This means that local authorities who are landlords and housing associations plus others will be regulated by the TSA.
- 3.3 The main aim of the TSA is to raise the quality of service social tenants receive and the document sets out how the regulation process will achieve this. It is summarised in Appendix A.
- 3.4 The position for Derby Homes as an ALMO is a bit confusing. Derby Homes was approved by the TSA's predecessor body, the Housing Corporation, to receive social housing grant and to manage properties built by such grant. As we will own 10 properties supported by social housing grant, I expect that Derby Homes will be automatically registered with the TSA, although this is not clear.

- 3.5 However, our main work of managing and maintaining the 13,500 council houses in Derby will be regulated by the TSA through the Council. How this will work is as yet unclear. ALMOs such as Derby Homes provide the day to day services to tenants that the TSA want to see regulated and to improve. Because of this, for practical reasons, the TSA are expected to deal with ALMOs direct and only go to the Council if they have any concerns. I hope that guidance on this will follow in the near future.
- 3.6 The document asks 18 questions which I have answered. A copy of these and Derby Homes' responses is attached at Appendix B. These have also been sent to the National Federation of ALMOs.
- 3.7 The main element to the regulation is 14 national standards proposed, covering the issues that the TSA believes are priorities, following extensive consultation, known as the national conversation, with tenants and landlords. There will be guidance issued in the future to give more detail to these, and each landlord will be expected to develop their own local standards to complement the national ones.

4. CONSULTATION IMPLICATIONS

- 4.1 The TSA regulation of local authorities is an opportunity for Derby Homes and the Council to review its current approach to tenant participation and involvement.
- 4.2 The Derby Association of Community Partners have reviewed the national standards and their response are attached at Appendix C. Local standards will need be developed based on guidance that will be issued by the TSA and these will be written in consultation with local tenants.
- 4.3 Key to achieving one of the main standards of the TSA will be the development of self regulation. I think this will mean the setting up of a tenants' scrutiny panel or group to respond to issues of concern and to monitor the landlord service provided by Derby Homes. This is likely to have Derby Homes and the Council organise consultation and performance monitoring of landlord services. This will be the subject of further discussions with the DACP and the Council and proposals will be brought back to the Board.

5. PERSONNEL IMPLICATIONS

These proposals are likely to generate a lot of additional work as staff adapt the existing consultation processes to meet the needs of the new regulatory framework. This work will fall to existing staff, but it may be necessary to re allocate staffing resources to manage new processes such as a tenant's scrutiny panel or committee.

6. EQUALITIES IMPACT ASSESSMENT

The aim of the regulation is to provide improved quality of services and this includes the ways in which landlord service take into account the diversity of its customers and vulnerable tenants.

7. HEALTH & SAFETY IMPLICATIONS

One of the priorities identified by tenants in the national conversation was health and safety. This is hardly surprising given issues such as gas and electricity safety and to a lesser extent anti social behaviour issues faced by tenants. I have urged the TSA to give health and safety, possibly through accreditation by RoSPA, a high priority in their standards.

8. RISK IMPLICATIONS

Failure to respond positively to the TSA could have a serious implication on the future of Derby Homes. Our Chair is a Board member of the TSA, so we should be able to keep up to date with the TSA's thinking. As a 3 star organisation, and a Resident Involvement Champion, we are well placed to build on our existing tenant participation work and to influence the TSA.

The areas listed below have no implications directly arising from this report

- Financial and Business Plan
- Legal and Confidentiality
- Environmental

If Board members or others would like to discuss this report ahead of the meeting please contact the author, or the Chief Executive, phil.davies@derbyhomes.org - Tel 01332 711010

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Background Information: None.

Supporting Information: None.