

# Tenant Services Authority Update



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From 1 April 2010, the nature of social housing will change with the Tenant Services Authority (TSA) becoming the first regulator for all landlords in England both for the housing association and local authority sectors.

In total around four million homes will be regulated by the TSA, which aims to ensure that a tenant's experience should, as far as possible, be of the same high quality, irrespective of who their landlord is.

## Establishing the regulatory framework

Although the TSA is not yet fully operational, it is already actively engaged in formulating a regulatory framework by carrying out a **National Conversation** with both existing and prospective tenants, and providers across the whole of its remit. The results of this exercise will help to inform and influence the TSA's new standards framework. The first consultation, which was predominately with tenants, has now ended and the TSA has just published the Phase One findings.

## What has the TSA learnt so far?

In face to face surveys, 76% of tenants said they were fairly satisfied or very satisfied with their landlord. Shared owners tended to be less satisfied than social renting tenants and appeared concerned with their service charges and value for money.

Overall, tenants expect landlords to get the basics right. However, they also value the softer human elements of the service, such as being cheerful, helpful, caring, and having an understanding attitude. There is also a clear need for an acceptable process for handling complaints.

The TSA has identified the following priority issues for tenants:

- 1) *Repairs and maintenance*
- 2) *Safety and security – together with health and safety, anti-social behaviour and nuisance behaviour, servicing of communal areas*

- 3) *Reasonable and affordable rent*
- 4) *Up-to date accommodation in a decent condition*
- 5) *Tenants want to be involved in decisions about their homes and they want their landlords to let them know what is going on*
- 6) *Tenants want more choice, particularly in relation to the repairs and maintenance and design of their homes*
- 7) *Landlords should be held to account for what they have promised*
- 8) *Tenants were sceptical of mergers and group structures and their accountability to tenants*

While Phase One was predominantly a fact-finding mission from tenants, the TSA has published the following acknowledgements from landlords:

- 1) *Landlords have an appetite for national standards with the ability to have local standards that reflect local priorities*
- 2) *The need for more tenant involvement – broad not narrow, reflecting the need to develop new scrutiny roles*
- 3) *Support for co-regulation by placing greater emphasis on self-regulation by landlords, although there was uncertainty as to what that would mean*
- 4) *Acknowledgement that they could give more choice to their tenants*
- 5) *Local Authority landlords expressed concern that the development of the new standards framework should have regard to the Local Performance Framework*
- 6) *Landlords are aware that tenants may not yet be integral to the full range of their work, and tenants have only some say in how landlords operate*

## Co-regulation

In line with the findings of the Cave review and in contrast to the role of the Housing Corporation, the TSA goal is to move towards a co-regulation model where landlords, the regulator and tenants work together, rather than the regulator simply prescribing all the rules. In the future, the running of housing services will be firmly with the boards, committees or members responsible for the performance of the social housing provider.

Co-regulation is seen as a way of reducing the TSA's activities with landlords because it can rely on activities being carried out by others, such as scrutiny from within the landlord, or by their tenants or professional independent 'outsiders'. The TSA expects the landlord and tenant to work together to develop a range of co-regulatory monitoring mechanisms which are valid and rigorous.

The TSA recognises that different areas have different needs and priorities. It wants to put in place a regulatory framework which will allow landlords and their tenants to take into account local priorities. We can therefore expect to see the TSA adopt a core set of values and standards with wider issues being subject to local considerations.

From the registered providers' point of view, consideration should be given as to whether they should now undertake a 'local conversation' with tenants. This would ensure that the local standards adopted by the registered providers to supplement the regulatory framework take into account all relevant local issues. In addition, and given that there will be no statutory complaints procedure for tenants, the registered provider may need to review and, if necessary, supplement existing complaints procedures with tenants. This was already an area of criticism in the Phase One findings.

What we do know is that the TSA will not intervene between landlord and tenant unless there has been a breach of national standards that is not capable of being resolved by the landlord. Only where the landlord fails to improve will tenants be able to petition the TSA for improvement. Further guidance is awaited as to what kind of complaints the TSA would be prepared to consider.

The TSA has now entered into Phase Two of its consultation by publishing a discussion paper; Building a New Regulatory Framework (June 2009). Later this year, the TSA will carry out a statutory consultation in which it will put forward firm proposals concerning the standards which will shape the regulatory framework.

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