

APPENDIX 2

A NEW DRAFT REGULATORY FRAMEWORK FOR SOCIAL HOUSING IN ENGLAND

RESPONSE TO CONSULTATION QUESTIONS

Consultation Question	The Council's Response
<p>1. Does our approach to co-regulation as expressed through our ten principles seem a reasonable basis on which to develop the new framework from 1 April 2010?</p>	<p>Clear standards with outcomes that are expected by tenants are welcomed. Although it is accepted that the TSA must set the same standards for all organisations, views of tenants on service expectations can vary across different providers. It appears sensible therefore that local standards are in place, setting out levels of performance with targets being agreed with tenants.</p> <p>There should be a consistent approach with the TSA's and Supporting People's requirements in terms of governance, value for money and financial management. This will assist providers to meet both the requirements of the TSA and Supporting People.</p> <p>It is considered that all requirements under the regulatory framework, including equality and diversity, publishing a report to tenants on progress on the national standards etc. should be included in providers' continuous improvement plans.</p>
<p>2. Does our approach to setting national local standards appear reasonable for the requirements that will apply from 1 April 2010?</p>	<p>The approach appears reasonable</p>

Consultation Question	The Council's Response
<p>3. Does it seem reasonable to extend the same approach to those providers owning fewer than 1,000 properties taking into account their size and risk profile in a proportionate approach to compliance?</p>	<p>Yes, because it is important that all tenants and leaseholders receive the same high standard of services regardless of the size of their housing provider.</p>
<p>4. Do our proposals on how we will approach the regulation of local authorities appear reasonable?</p>	<p>Although it is inferred in the general text of the document, we would emphasise that the information burdens arising from the new Regulatory Framework should be minimised through making best use of information already available, including that currently produced by local authorities for public reporting and internal management purposes. In order to avoid making extra demands on local services, assessments of performance and compliance with standards should draw on information that is available nationally (such as within the National Indicator Set (NIS), and that used locally by local authorities for performance monitoring purposes. The new Regulatory Framework should not introduce or duplicate performance measures that are already in place (such as the NIS), and should embody the COUNT (collect once and use numerous times) principle adopted by the Audit Commission and other local authority inspectorates as part of the Comprehensive Area Assessment process, to minimise the burden of performance reporting by local authorities.</p>

Consultation Question	The Council's Response
<p>5A. Does the proposed text for the Tenant Involvement and Empowerment standard:</p> <ul style="list-style-type: none"> (a) address priorities for tenants whilst taking into account our duty to have regard to the desirability of registered providers being free to choose how to provide services and conduct their business? (b) Express requirements to providers in a way that is clear, succinct, and as outcome focussed as possible? 	<p>The Council has for many years promoted the involvement and empowerment of tenants and leaseholders. The proposals are therefore welcomed.</p>
<p>5B. Does the proposed text for the Home Standard:</p> <ul style="list-style-type: none"> (a) address priorities for tenants whilst taking into account our duty to have regard to the desirability of registered providers being free to choose how to provide services and conduct their business? (b) express requirements of providers in a way that is clear, succinct and as outcome focussed as possible? 	<p>The proposals are welcomed.</p>
<p>5C. Does the proposed text for the Tenancy Standard:</p> <ul style="list-style-type: none"> (a) address priorities for tenants whilst taking into account our duty to have regard to the desirability of registered providers being free to choose how to provide services and conduct their business? (b) express requirements of providers in a way that is clear, succinct and as outcome focussed as possible? 	<p>The proposals are welcomed. However, we have one comment on this proposal:</p> <p>In terms of Allocations, although there are a number of sensible requirements there is no mention of compliance with the Government's "fair and flexible" Statutory guidance. The TSA may want to ensure that the guidance is complied with.</p>

Consultation Question	The Council's Response
<p>5D. Does the proposed text for the Neighbourhood and community standard:</p> <p>(a) address priorities for tenants whilst taking into account our duty to have regard to the desirability of registered providers being free to choose how to provide services and conduct their business?</p> <p>(b) express requirements of providers in a way that is clear, succinct and as outcome focussed as possible?</p>	<p>Yes</p> <p>Yes</p>
<p>5E. Does the proposed text for Value for Money standard:</p> <p>(a) address priorities for tenants whilst taking into account our duty to have regard to the desirability of registered providers being free to choose how to provide services and conduct their business?</p> <p>(b) express requirements of providers in a way that is clear, succinct and as outcome focussed as possible?</p>	<p>Involving tenants and leaseholders and empowering them to influence ways in which services are delivered is important. In addition, as stated in the Tenant Involvement and Empowerment Standard where possible, tenants and leaseholders should be given choices on cost as compared with the quality of services.</p> <p>However, it is suggested that more guidance should be provided through the National Standard on how tenants should assess the value for money provided for tenants. For example, should it be based on efficiency savings, or unit costs of specific housing services compared to others?</p>
<p>5F. Does the proposed text for the Governance and Financial Viability standard:</p> <p>(a) allow registered providers to choose how to conduct their business whilst ensuring the security of social housing assets for current and future tenants?</p> <p>(b) express requirements of providers in a way that is clear, succinct and as outcome focussed as possible?</p>	<p>Yes</p> <p>Yes</p>

Consultation Question	The Council's Response
6. Does our approach to monitoring and compliance against the standards and regulatory requirements seem a reasonable basis for "how" we regulate in 2010-2011?	Yes The review of the Key Lines of Enquiry (KLoE) framework is welcomed particularly as they will reflect the changes.
7. Does our approach for dealing with complaints seem reasonable?	When dealing with complaints, at the point when the provider's own complaints procedures have been exhausted by the customer, the Local Government Ombudsman and Housing Ombudsman currently have ultimate responsibility for resolving the matter. In view of this, it is suggested that the TSA should not need to give customers an additional right to complain after they have had their complaint adjudicated by the Local Government Ombudsman?
8. Is our general approach to using our formal regulatory and enforcement powers reasonable?	Yes
9. Do our proposals for establishing and registration and deregistration criteria seem reasonable?	Yes
10. Does our approach to issuing directions on Accounts and the Disposal Proceeds Fund seem reasonable?	No comments because as a Local Authority it does not apply to ourselves.