

# **The TSA's emergent regulatory regime: a briefing**

---

The new Tenant Services Authority is charged with regulating social housing. It has started consulting on its new national standards framework and regulatory system. By the end of 2009 – subject to approval from the government, including an order to extend the TSA's powers to cover council housing as well as housing associations – the new system and standards should be confirmed.

The TSA has promised a system based on 'what tenants want' with a shift of power towards tenants who will be able to set local standards and ensure that landlords are meeting these standards. It will reflect the findings of the 'national conversation' which took place early in 2009, to find out tenants' priorities.

## What the 'national conversation' showed

Service delivery **priorities** are

- Repairs and Maintenance
- Safety and Security in Neighbourhood (including Anti Social Behaviour)
- Reasonable/affordable rents
- Decent quality homes

Service delivery **experience** suggests many landlords perform well - a majority of tenants are 'fairly' (rather than 'very') satisfied with the service they receive. But some receive a poor service, and tenants who actively involved are likely to be less satisfied. It is important to "Get the basics right."

To be 'excellent' a service should be personal and caring, not just efficiently delivered.

Tenant Involvement

- Tenants want to be consulted, involved in decisions, and have high quality communications from their landlord
- Involvement should be broad (not narrow), empowering (not controlling) and genuine (not a 'tick box')

Tenant Choice

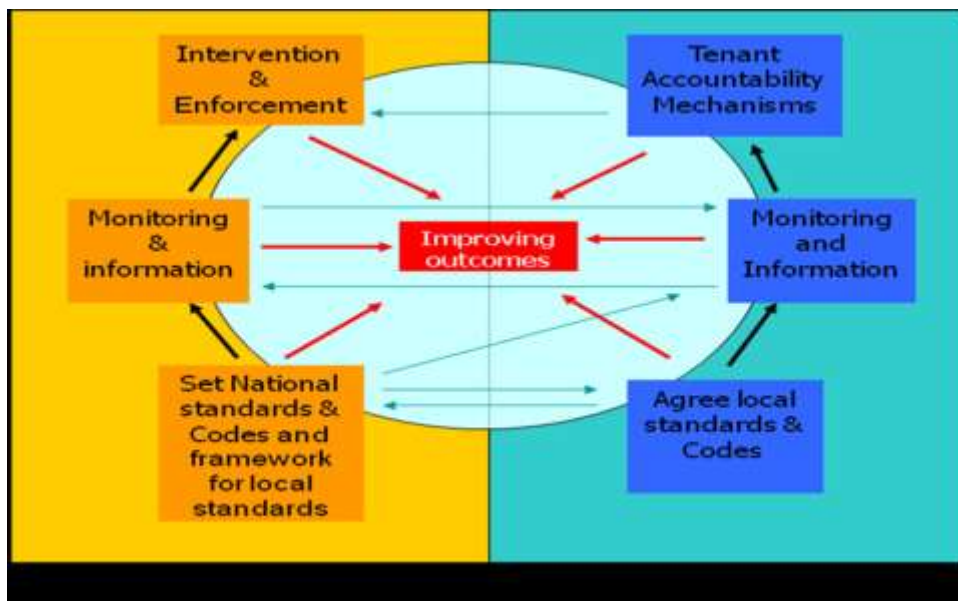
- Tenants want choice, especially in relation to Repairs and Maintenance and the design of homes
- There is a relationship between desire for choice and dissatisfaction with landlord – suggesting that choice is seen as a way to drive up standards.
- BME tenants are dissatisfied with choice, especially in allocations.

Tenant Scrutiny

- Tenants want appropriate processes for dealing with service failure, an excellent complaint handling process, an opportunity to hold landlords to account – and to ensure they deliver on their promises
- Tenants expressed scepticism about mergers and group structures and their accountability to tenants

## The new regulatory framework

Based on principle of co-regulation, the vision for regulation is set out in this table:



The system will start from an achievable baseline and move progressively from 'left' to 'right' as capacity develops, in particular for accountability to tenants. The new national standards framework is currently expected to look like this:

THEME	Standards to apply
1. The Service Offer to tenants	Quality of accommodation
	Tenant Choice and Customer Service
	Repairs and Maintenance
	Neighbourhood and Estate Management
	Anti-social Behaviour and Security
2. Tenant Empowerment and Involvement	Empowerment
	Complaints
	Local Area Cooperation (e.g. in the processes associated with multi-agency partnerships, neighbourhood working, Local Performance Frameworks)
3. The Tenancy Agreement	Rents
	Tenure
	Allocations

4. Governance	Governance
5. Viability	Viability
6. Value for Money	Efficiency and Value for Money

It is thought that standards 4 & 5 – Governance and Viability – will not be applied to directly managed council housing. Otherwise the system will apply across the domain.

The TSA's tools for regulation will include 'tenant services advisors' who will disseminate good practice and promote the local 'deals' that form part of the expectation for tenant empowerment, as well as more traditional regulatory contact.

### Tenant Empowerment

Landlords will be expected to enter into 'local deals' with tenants. This will enable tenants to set local priorities, influence local budgets and hold landlords to account for their performance in meeting locally tailored standards. The national standard will 'define the arrangements by which landlords should consult their tenants on the content of local deals' but the TSA will not prescribe particular models or structures. There is an implication that local deals may be multi-landlord and may embrace neighbourhood issues where the landlord is expected to contribute to multi-agency working.

Local standards will be agreed between tenants and landlords (and other partners where relevant). These will add local variations to some (though not all) of the national standards. Landlords should manage estates and neighbourhoods 'to standards agreed with tenants at a local level'. Repairs arrangements should provide for convenient and 'right first time' work – local agreements here are 'desirable' but this should be 'balanced' with the need for efficient procurement. Local 'decency' standards for homes and neighbourhoods, and strategies for dealing with anti social behaviour, are other things that local standards and 'deals' could cover.

At the level of the landlord's governance and strategic planning, the TSA expects to see new models emerge that will enable tenants to scrutinise decisions and performance, independent of tenant representation on boards themselves.

### What happens next

The TSA has published full consultation documents on the planned regulation system and standards, together with results of the national conversation. These are all on its website [www.tenantservicesauthority.org](http://www.tenantservicesauthority.org)

*Briefing note prepared by Paul Lusk for ATIC  
June 2009  
Tel: 01902 375603 Email: [paul@lusk.org.uk](mailto:paul@lusk.org.uk)*