



Community Land Trust Network, March 2022

Response to Consultation on the Introduction of Tenant Satisfaction Measures (TSMs)

About the Community Land Trust Network

The Community Land Trust Network is the official charity supporting Community Land Trusts (CLTs) in England and Wales. We are a membership body and represent over 340 CLTs, who together have plans to deliver 7,000 homes by 2025. We lead a movement working for a community land trust in every community that wants one. We are mainstreaming the community ownership of affordable housing and land in public policy and market practice.

An increasing number of CLTs are becoming Registered Providers (RPs) of Social Housing in order to deliver the community led housing their communities want and need. We have consulted with our CLT members who are or hope to become RPs to guide our response.

For further information on this response please contact Tom Chance, Chief Executive of the Community Land Trust Network, at tom@communitylandtrusts.org.uk. We are happy to be included in a published list of respondents. We are responding on behalf of a stakeholder organisation.

Summary:

On the whole, we at the Community Land Trust Network support these expanded TSMs proposed by the Regulator and appreciate the accommodations for regulation to be reasonable for and proportionate to small providers. A minority of our members consulted were concerned that carrying out surveys on the 22 TSMs could be too burdensome for very small RPs (with fewer than 10 homes, for



example), and thought that very small providers should be exempt. However, we support the proposed TSMs as an organisation for all RPs regardless of size because we think they a) relate to good practice any good landlord should be monitoring, and b) encourage high standards of housing management, to which all CLT providers of housing should adhere.

While we appreciate the flexibility given to small providers not to report their survey findings to the Regulator, we would be interested to continue conversations as to whether this should be required in the future. In any event, we as the Community Land Trust Network would be interested in collating and publishing anonymised results from these surveys to paint a picture of the sector's performance as providers of housing. Any specific concerns or need for clarification are mentioned below the applicable consultation question.

Q1: Do you agree that the proposed TSM Standard

a) sets clear expectations for registered providers? **Agree**

b) supports the regulator in ensuring that the TSMs provide tenants with greater transparency about their landlord's performance (one of the aims of the TSMs in the White Paper)? **Agree**

Q2: We are proposing to introduce two TSMs about timeliness of repairs (RP02 Repairs completed within target timescale and TP03 Satisfaction with time taken to complete most recent repair). Do you agree that both RP02 and TP03 should be used to measure timeliness of repairs? **Agree**

Q3: There are four proposed TSMs under the theme of Keeping properties in good repair (RP01 Homes that do not meet the Decent Homes Standard, RP02 Repairs completed within target timescale, TP02 Satisfaction with repairs and TP03 Satisfaction with time taken to complete most recent repair). Overall, do you think they give a well-rounded view of performance under this theme?

Yes, however, we would appreciate clarification about whether these repairs-related questions should still be addressed to LCHO residents as well.

Q4: Do you agree with the proposal to use the individual homes for which the relevant safety checks have been carried out as the basis for the following Maintaining building safety TSMs: BS01 Gas safety checks, BS02 Fire safety checks,

BS03 Asbestos safety checks, BS04 Water safety checks and BS05 Lift safety checks?

Agree

Q5: There are six proposed TSMs under the theme of Maintaining building safety (BS01 Gas safety checks, BS02 Fire safety checks, BS03 Asbestos safety checks, BS04 Water safety checks, BS05 Lift safety checks and TP04 Satisfaction that the home is well maintained and safe to live in). Overall, do you think they give a well-rounded picture of performance under this theme?

Yes. Even though efforts have been made to make it clear that TP04 concerns the physical safety of the building or buildings and not the wider safety of the neighbourhood, some of our members wondered if that could be further clarified in how the question is worded.

Q6: Do you agree with the proposal that TP11 Satisfaction with the landlord's approach to handling of complaints is measured by a perception survey?

Agree, with consideration of the Regulator's note that "the total number of complaints in isolation is not necessarily always an indicator of poor landlord performance, especially if higher complaints are the result of a more accessible and transparent complaints process."

Q7: There are four proposed TSMs under the theme of Effective handling of complaints (CH01 Complaints relative to the size of the landlord, CH02 Complaints responded to within Complaint Handling Code timescales, TP11 Satisfaction with the landlord's approach to handling of complaints and TP12 Tenant knowledge of how to make a complaint). Overall, do you think they give a well-rounded picture of performance under this theme? **Yes**

Q8: There are three proposed TSMs under the theme of Respectful and helpful engagement (TP05 Satisfaction that the landlord listens to tenant views and acts upon them, TP06 Satisfaction that the landlord keeps tenants informed about things that matter to them and TP07 Agreement that the landlord treats tenants fairly and with respect). Overall, do you think they give a well-rounded picture of performance under this theme? **Yes**

Q9: For the TSM relating to satisfaction with the neighbourhood, we have presented a lead proposal and an alternative option. Do you agree with the lead proposal that TP09 is Satisfaction that the landlord makes a positive contribution to neighbourhoods?

Yes: We agree with the lead proposal for TP09 which is Satisfaction that the landlord makes a positive contribution to neighbourhoods. We think it is important to gather resident perception about how the provider or housing contributes to its surrounding community and neighbourhood.

Q10: Do you agree with the proposal that TP10 about satisfaction with the landlord's approach to handling of anti-social behaviour is measured by a perception survey? **Agree**

Q11: There are four proposed TSMs under the theme of Responsible Neighbourhood Management (NM01 Anti-social behaviour cases relative to the size of the landlord, TP08 Satisfaction that the landlord keeps communal areas clean, safe and well maintained, TP09 Satisfaction that the landlord makes a positive contribution to neighbourhoods and TP10 Satisfaction with the landlord's approach to handling of anti-social behaviour). Overall, do you think they give a well-rounded picture of performance under this theme?

Yes. In the case of some of our CLT RPs, communal areas are managed by a management company. Could wording be added to TP08 to reflect that a third party may be responsible for shared/communal areas while the RP is ultimately accountable?

Q12: A. Please tell us your views on the number of TSMs by selecting one of the following options:

- **There is the right number of TSMs in the suite.** We think that the number of TSMs is manageable for our members to handle and appreciate the opportunity for small providers to add on further questions if they'd like to track further measures.

B. Do you think there are any TSMs that should be added to or removed from the final suite of TSMs? **No**

C. Overall, do you think the suite of TSMs works well as a whole in providing rounded information to tenants about their landlord's performance?

Yes, although we would also be open to considering what further measures/themes might be included in future iterations of TSMs.

Q13: Chapter 9 of the consultation document covers some general requirements that apply to all TSMs, which are addressed in more detail in Annex 2 Tenant Satisfaction Measures: Technical Requirements. These include how providers

should collect and report the TSMs, the types of homes that should be included, as well as the time period over which data should be reported. Do you agree with these proposals?

Yes, we greatly appreciate the flexibility afforded to small providers to carry out this exercise every two years and to report based on their own financial reporting years.

Q14: We propose to allow providers to choose the most appropriate survey collection method (e.g. postal, by phone, online etc.) to obtain data for the tenant perception measures TP01-TP12. Do you agree with this proposal?

Agree, given the range of capacity and technology available to both CLT providers and their residents, we think it is important for a mix of survey collection formats to be allowed.

Q15: Chapter 10 of the consultation document covers some requirements that apply to the TSMs which are tenant perception measures (TP01-TP12). These requirements are addressed in more detail in Annex 3 Tenant Satisfaction Measures: Tenant Survey Requirements. The requirements include survey type, survey timing, response options and who is to be surveyed. Do you agree with these requirements?

Agree

Q16: We propose to tailor our TSM requirements for registered providers that own fewer than 1,000 relevant homes. This includes not requiring them to submit TSM data to the regulator, allowing them to collect and report TSMs annually according to a reporting year other than 1 April to 31 March and allowing them to undertake a census tenant perception survey. Do you agree with this approach?

Agree, it is important that smaller providers are only required to conduct the TSM survey with all applicable residents but are not required to receive a certain, statistically significant response. Where many CLTs are run by volunteers with changing schedules, we would propose that the required reporting timeline is just *within* 24 months of the last reporting, as opposed to a requirement to report the same month every two years. We appreciate that the Regulator prioritises the privacy of residents over the sharing of anonymised data where the two conflict, especially as some CLT RPs have as few as 6 homes. But it seems that several of our members might submit data to the Regulator nonetheless as best practice and we

would welcome the Regulator facilitating and encouraging this. We could review with the Regulator where this is made a requirement in future.

Q17: Chapter 13 of the consultation document covers our proposed guidance about the submission of information to the regulator in relation to the TSMs, which is set out in more detail in Annex 4. This includes generally not using TSM information as a source of regulatory intelligence in isolation, but rather as information we may take into account alongside other sources. Do you agree with this proposed approach?

Agree, it is key to principles of transparency set out in the White Paper that reporting be required and publicly available for large RPs. We appreciate the flexibility given to small RPs that they would not be required to submit data to the Regulator other than around non-compliance. However if the TSM data is not collected for small providers we are concerned that it would reflect poorly on the smaller provider sector, and fail to represent their performance as part of the wider sector. We will consider collating and publishing anonymised data of the CLT sector to demonstrate the good practice of CLT providers and welcome further dialogue with the Regulator and DLUHC on how this fits into their wider regulatory intelligence.

Q18: Do you agree with our conclusions in the draft Regulatory Impact Assessment?

Yes

Q19: Do you agree with our conclusions in the draft Equality Impact Assessment?

The regulator particularly welcomes views on whether the proposals will have a positive or negative impact on people who share one or more protected characteristics (as set out in the Equality Act 2010) **Yes**

Q20: Finally, if you have anything else that you would like to tell us about the proposals relating to the TSMs, including the detailed requirements set out in Annexes 2 and 3, please tell us.