



Regulator of
Social Housing

Annex 2

Consumer standards Code of Practice

July 2023

DRAFT

Consumer standards Code of Practice

The role of the Code of Practice

1. This Code of Practice (the Code) is designed to amplify some of the requirements in the consumer standards (the Standards) by elaborating on the content, with illustrative examples where we think they are useful. It aims to help registered providers understand what the regulator is looking for when seeking assurance from them on meeting the Standards. The Code does not elaborate on all expectations set out in the Standards, only where the regulator considers that amplification of the Standard may help registered providers understand how compliance with the Standard can be achieved. This does not indicate the relative importance of different elements of the Standards. Registered providers must comply with all of the Standards.
2. Registered providers should have regard to the Code when assessing their compliance against the Standards. In considering whether they have been met, the regulator will have regard to the Code. It is therefore important that registered providers are familiar with its content. However, it is the Standards rather than the Code that registered providers must meet.
3. The regulator adopts a co-regulatory approach to its work. It sets both economic and consumer standards designed to help it to deliver its statutory objectives. Responsibility lies with the Boards and councillors of registered providers to meet the standards. The Code fits with the co-regulatory regime by allowing registered providers to develop their own approaches to achieve the outcomes and expectations set out in the Standards. Board and councillors of registered providers should have robust mechanisms in place to provide them with assurance that their organisation complies with the Standards.
4. Examples of how registered providers might achieve compliance are not intended to be exhaustive nor prescriptive. Should a registered provider comply with the requirements of the Standards in a different manner then it is free to do so. If there are any conflicts between the Code and the Standards, the Standards take precedence.
5. The Code is structured to follow the same order of the different sections as they appear in the Standards. At the beginning of each theme in the Code, we state clearly which required outcome and specific expectations we are expanding upon.

6. Registered providers are required to comply with the Standards. This applies both where the registered provider delivers services to tenants directly and where services are delivered via other organisations. Where they contract out any landlord services to a third party, the registered provider remains responsible for complying with the Standards and should have assurance that the Standards are being met.
7. The outcomes in the Standards are interdependent as they all share a common aim of ensuring the provision of effective landlord services and quality, well-maintained and safe homes. Providers should consider that if they are unable to demonstrate compliance with one element of the Standards, this is likely to mean that there are gaps in their assurance of compliance with other requirements.
8. The Code refers to a number of documents, some of which are owned by the regulator, and some are owned by other organisations. These documents and links to them may be updated, amended and replaced from time to time, and it is the responsibility of registered providers to ensure that they comply with the latest version of these documents at any point in time.

Safety and Quality Standard

Stock quality

(Relevant to required outcome 1.1.1 and specific expectations 2.1.1 and 2.1.2)

9. Providing safe and well-maintained homes is a fundamental responsibility of all registered providers. Having a sufficiently detailed understanding of the condition of their homes at an individual property level is vital to providers being able to achieve this and helps to ensure that they comply with all applicable requirements. In achieving this outcome, private registered providers should be mindful of the regulator's requirement in the Governance and Financial Viability Standard in relation to maintaining a thorough, accurate and up to date record of their assets and liabilities.
10. Registered providers are expected to undertake regular physical assessments of both the inside and the outside of all their homes. They should assess whether their homes are:
 - safe and free from serious hazards
 - kept in good repair
 - meet relevant standards prescribed in law.
11. Registered providers should survey homes frequently enough and in sufficient depth to maintain their assurance on the quality and safety of their stock. Appropriate frequency and depth will be influenced by a range of factors, including but not limited to, property age, construction, and archetypes as well as data from complaints and reports from repairs and maintenance programmes. For some registered providers, a five-year rolling programme of stock condition surveys across all homes might be appropriate; however for some providers or for some of their stock, more frequent assessments might be needed, for example where there are high levels of responsive repair requests or recurring problems which might be indicative of wider issues.
12. Registered providers should ensure that they not only have a robust approach to assessing and recording the conditions of their homes, but they should also use information from other sources such as complaints to ensure they have a rounded view of the condition of their stock and the needs of individual tenants living in those homes. Where investment and repair requirements are identified, registered providers should have appropriate systems in place to ensure they are acted upon in an appropriate and timely manner.

Decency

(Relevant to required outcome 1.2.1)

13. Registered providers are required to comply with section 5 of the Government's Decent Homes Guidance, and should have an approach to repairs, maintenance and planned improvements which ensures that their homes are maintained to meet all criteria of the Decent Homes Standard, including being free from Category 1 hazards.
14. Registered providers' understanding of the condition of their homes should include compliance against all criteria of the Decent Homes Standard. In addition, registered providers should have an effective plan in place to ensure compliance with all criteria of the Decent Homes Standard is maintained.
15. Where a registered provider has agreed a period of non-compliance with the Decent Homes Standard with the regulator, it should ensure that it meets all applicable health and safety legal requirements for the duration of the period and should communicate the non-compliance with the Decent Homes Standard and its implications to affected tenants.

Health and safety

(Relevant to required outcome 1.3.1 and specific expectations 2.2.1 and 2.2.3)

16. As part of achieving this outcome, registered providers must ensure they understand and comply with all applicable health and safety legal requirements, including secondary legislation (in relation to, for example, gas safety, fire safety, electrical safety, water safety, lift safety, asbestos safety, smoke alarms and carbon monoxide). In ensuring compliance, registered providers are expected to have regard to appropriate statutory guidance and to meet the legal requirements relating to the role of the health and safety lead.
17. Registered providers should ensure that they maintain sufficient assurance that they meet all relevant health and safety requirements, which reflects the level of potential risk and impact on tenants. They should have a full understanding of what the data is telling them about how safe tenants are, the effectiveness of controls in place and how tenants' needs are being met.

18. As part of ensuring the wider safety of tenants in the design and delivery of landlord services, registered providers should have an effective approach to proactively identifying the risks to tenants' safety and eliminating or mitigating those risks. Examples of actions that providers may take to ensure the safety of tenants include, housing tenants together appropriately when allocating shared properties, assessing the vulnerability and risk of anti-social behaviour victims in considering what action to take, and taking into account individual tenants' safety, security and health when prioritising repairs.

Repairs, maintenance and planned improvements

(Relevant to required outcome 1.4.1 and specific expectations 2.3.3,2.3.4 and 2.3.5)

19. Registered providers are expected to have in place and comply with effective policies, procedures and processes in relation to repairs, maintenance and planned improvements that take into account tenants' views and diverse needs. This may include, for example, increasing the priority of repairs for some older tenants and where a household member is disabled, and installing extra locks and security lights for tenants experiencing domestic abuse or anti-social behaviour, in order to safeguard them.
20. Registered providers should communicate promptly with tenants about repairs, maintenance and planned improvements and keep them regularly updated on progress and how they are resolving any issues. For example, they should aim to consult affected tenants in a timely manner before the start of any planned improvement programmes, and update affected tenants if providers foresee any delays to the programme. In doing so, they should be mindful of the regulator's requirements in relation to the diverse needs of tenants.
21. In relation to communal areas, where there is an arrangement in place for a third party to manage a communal area on a registered provider's behalf, the registered provider is required to ensure that the communal area is well-maintained, and to hold the third party to account if it is not.

Adaptations

(Relevant to required outcome 1.5.1 and specific expectation 2.4.1 and 2.4.2)

22. Not all registered providers directly provide a housing adaptations service, but nonetheless they should all have a process in place to assist tenants in need of housing adaptations, which they must communicate to tenants. As part of this communication, registered providers are expected to inform tenants about the application process, and where relevant, providers should make clear any local variations to the application process that may apply. Assistance to tenants requiring a housing adaptation may take the form of, for example, providers applying for an adaptation to the relevant organisation on a tenant's behalf or establishing clear timescales with the relevant organisation providing the adaptation.
23. Where the housing adaptations service is provided by a third party, the registered provider should not unreasonably withhold permission for a housing adaptation to be installed in a tenant's home. Where the registered provider provides a housing adaptations service, they should not unreasonably refuse a tenant's request for a housing adaptation. Where a registered provider does not meet a tenant's request for a housing adaptation, the provider should consider whether it is appropriate to offer alternative measures in order to support the affected tenant.

Transparency, Influence and Accountability Standard

Fairness and respect

(Relevant to required outcome 1.1.1)

24. All tenants deserve to be treated with fairness and respect and this principle should underpin how registered providers deliver all landlord services. Registered providers should foster a strong culture throughout their organisation of fairness, courtesy and respect, where tenants are listened to and can trust their landlord. In treating tenants fairly, providers should consider how they can adapt their services and communications to meet individual tenants' needs.

Diverse needs

(Relevant to required outcome 1.2.1 and specific expectations 2.1.1., 2.1.2, 2.1.3 and 2.1.4)

25. Registered providers are expected to consider the diverse needs of their tenants across all landlord services and housing. It should be integral to the culture of the organisation. Examples of how providers can ensure fair access for tenants to landlord services may include, investigating any complaints of alleged discrimination from tenants promptly and implementing any relevant learning, providing regular equality, diversity and inclusion training for staff, Board members or councillors, and carrying out work to understand the barriers different groups of tenants might face in accessing services and working to remove those barriers.
26. Registered providers are expected to have robust information about their tenants and keep this information up to date. This should include, but not be limited to, in relation to the protected characteristics, and their support and communication needs. It is for registered providers to work with tenants to decide the most effective approach to gathering this information and keeping it up to date, and to share with tenants how they make use of the data to improve and tailor services. Some providers may gather this information via periodic face-to-face contact with tenants, for example, while others may decide to use all points of contact with tenants to request the information, where appropriate. Registered providers should explore a range of different solutions to ensure they maximise the response rate for collecting this information from tenants.
27. As part of achieving this outcome, registered providers should also use relevant information about their tenant base as a whole, in addition to information about individual tenants, to inform the design and delivery of their strategies, policies and landlord services.

28. Registered providers should regularly assess whether all tenants have fair access to, and equitable outcomes of, housing and landlord services. Providers should take account of the findings of their assessments and should be able to demonstrate actions they have taken as a result.
29. Registered providers should make tenants aware of the different ways in which services are tailored to meet their needs. This could include, for example, by informing tenants when they report a repair that a choice of appointment time is available, or that information can be supplied in alternative formats such as pictorial and in different languages on request.
30. Registered providers should have in place an effective, simple and accessible process to enable tenants and prospective tenants to nominate a representative to act on their behalf in interactions with the landlord about landlord services, for example, in order to report a complaint on a tenant's behalf and to discuss progress of a repair or a housing application.

Engagement with tenants

(Relevant to required outcome 1.3.1 and specific expectations 2.2.1, 2.2.2., 2.2.3, 2.2.4, 2.2.5 and 2.2.6)

31. Genuine consideration of tenants' views should be at the heart of registered providers' different levels of decision-making about the delivery of landlord services. Boards and councillors of registered providers should assure themselves that tenants' views have been actively sought and considered, as part of their decision-making about their organisation's landlord services. This may include, for example, in relation to agreeing their asset management strategy, the setting of service standards, agreeing responsive repair timescales and setting performance targets for different landlord services. In addition, consideration of how to improve and tailor landlord service delivery should be an ongoing activity taking place at all levels of the organisation and across all areas of service delivery.
32. Registered providers should take reasonable steps to ensure that all tenants have an equitable opportunity to be involved in influencing and scrutinising strategies, policies and services, taking into account the diverse needs of tenants.
33. Assistance that registered providers offer to tenants wishing to implement tenant-led activities to influence and scrutinise their landlord's strategies, policies and services may include, for example, providing venues for meetings, administrative support, funding and training.

34. Where a registered provider is considering a change in landlord or a significant change in management arrangements, it is important that in their consultation with affected tenants they tailor their communication methods and take all reasonable steps to ensure that all affected tenants have access to and can understand the landlord's proposals. This should include tenants who may experience communication barriers, have additional support needs and are unable to use online services.
35. Consultation with tenants must be meaningful, which includes engaging with affected tenants in a range of ways. Providers should begin their consultation with affected tenants at an early stage in the process, while there is scope to influence the decision and/or outcome and should run the consultation for a sufficient amount of time to give affected tenants an equitable opportunity to consider and respond to the proposals. Registered providers should make clear any potential material impacts, positive and negative, of the proposed changes, for example, any impact on rent and service charge levels, service delivery or security of tenure. They should also set out clearly the main reasons for the changes being proposed to affected tenants. Board and councillors of registered providers should assure themselves that feedback from affected tenants has been genuinely considered in their decision-making about proposals, and the provider should demonstrate this to affected tenants.

Information about landlord services

(Relevant to required outcome 1.4.1 and specific expectations 2.3.1., 2.3.2 and 2.3.4)

36. Effective communication with tenants and the provision of clear and accessible information is at the heart of an effective tenant/landlord relationship. Registered providers should make tenants aware of the services and standards of service they provide, and the different ways in which tenants can contact their landlord.
37. Where registered providers are delivering a service directly to a tenant, they should communicate with them from the start through to the completion of that service. For example, where a tenant reports a repair to their landlord, the registered provider should keep them updated about progress of the repair on a regular and ongoing basis, particularly where there is going to be a delay in carrying out the repair, or where multiple trades and visits are required.
38. The expectation that registered providers must make information available to tenants about the relevant roles and responsibilities of senior level employees or officers applies to all registered providers, whether they employ paid staff or not.

Performance information

(Relevant to required outcome 1.5.1 and specific expectations 2.4.2b, 2.4.3 and 2.4.4.a, 2.4.4.b and 2.4.4.d)

39. Tenants having access to reliable and accurate performance information about landlord services helps to ensure transparency and to drive effective tenant scrutiny.
40. In addition to complying with the regulator's requirement to publish their performance against the tenant satisfaction measures (TSMs) in a form required by the regulator; registered providers should, following engagement with their tenants, also consider publishing some or all TSM data at a more granular level and/or on a more frequent basis, in order to support tenant scrutiny. For example, they may report some or all TSM data separately for:
 - Entities within their group and/or
 - Specific property types such as general needs or housing for older people and/or
 - Different geographical areas
 - Specific tenant groups (relevant to the TSM tenant perception measures: TP01-TP12) such as tenants who share different protected characteristics.
41. Where a registered provider publishes TSM data in more detail as set out in paragraph 39, they should ensure, as far as possible, that they calculate and report the data in accordance with the regulator's TSM requirements. Any significant deviation from these requirements should be clearly set out alongside the reported TSM data.
42. It is important that tenants and other stakeholders are able to trust what TSM data tells them about landlords' performance. Registered providers should ensure they have adequate assurance that they comply with the regulator's TSM requirements.
43. Registered providers should be able to demonstrate that they understand their performance, including where and why performance has changed over time. They should have clear and measurable plans in place to improve performance where required and should be able to demonstrate that they are effectively delivering to those plans. When providing performance information, registered providers should consider how they can support tenants to understand the information being presented, including relevant performance improvement plans, for example, by including contextual and benchmarking information.
44. In providing information about how they have taken tenants' views into account, registered providers should be able to demonstrate any changes they have made to landlord services as a result of insight from tenants' views, including learning from complaints.

45. In providing information to tenants on directors' remuneration and management costs, registered providers should consider the regulator's note on how to calculate these costs, which can be found on our website.

Complaints

(Relevant to required outcome 1.6.1 and specific expectations 2.5.1, 2.5.2 and 2.5.3)

46. Addressing complaints fairly, effectively and promptly is essential for providers to build trust with tenants. Providers should make every effort to ensure that tenants are aware of their complaints process. Tenants should be able to raise a complaint easily and should be listened to by their landlord when they do so.
47. In addressing complaints, registered providers should ensure that they provide regular updates to affected tenants about the progress they have made to resolve the complaint fairly and the next steps they plan to take, with clear timescales.
48. In meeting this outcome, registered providers are expected to consider relevant requirements of other bodies, including those of the Housing Ombudsman and specifically their Complaint Handling Code.
49. Complaints present registered providers with valuable insight into tenants' experiences of interacting with their landlord. Registered providers should make good use of this learning in order to improve services for tenants, bringing about change at a service or organisational level where appropriate. As part of this learning, registered providers should analyse trends and themes from complaints data.

Self-referral

(Relevant to specific expectation 2.6.1)

50. The regulator requires registered providers to tell it at the earliest opportunity about any material issues that indicate there has been or may be a breach of the Standards. This transparency is an essential part of providers meeting their co-regulatory responsibilities. If a registered provider is unsure as to whether an issue is material, they should contact the regulator to discuss the matter further.

Neighbourhood and Community Standard

Maintenance of shared spaces

(Relevant to required outcome 1.1.1 and specific expectation 2.1.1)

51. 'Shared spaces' are spaces used by a registered providers' tenants that are not the responsibility of the landlord, as opposed to communal areas where landlords have direct responsibilities for ensuring their safety and maintenance.
52. Although the maintenance of shared spaces as defined in the Standards is not the responsibility of registered providers, they are expected to liaise with other parties as appropriate to ensure this outcome is achieved. This may entail, for example, working with local partners to develop a community garden in the local area, or liaising with partners to organise the removal of fly tipping.

Local cooperation

(Relevant to required outcome 1.2.1 and specific expectation 2.2.1)

53. The regulator acknowledges that the roles registered providers play in promoting social, environmental and economic wellbeing in the areas in which they operate are likely to vary, as providers need to take account of their strategic objectives, the views of tenants and their presence in those areas, amongst other considerations.

Safer neighbourhoods

(Relevant to required outcome 1.3.1 and specific expectations 2.3.1, 2.3.2, 2.3.3 and 2.3.5)

54. Anti-social behaviour (ASB) and hate incidents can have a significant negative impact on tenants of social housing, both for those experiencing them directly and for those living in the community where the ASB and hate incidents are occurring.
55. In order to deter and tackle ASB and hate incidents effectively in areas where they operate, registered providers must work with appropriate partners, with a common aim of trying to reduce ASB and hate incidents. Joint initiatives may include, for example, providing mediation services to try to resolve disputes before they escalate, undertaking security measures and environmental improvements and providing diversionary activities.

56. It is vital that registered providers have effective policies and processes to tackle ASB and hate incidents, and they should communicate these to tenants. These should include their approaches to investigating reports of ASB and hate incidents (including the roles of other relevant agencies), the support available to affected tenants and the actions they take to deal with perpetrators of ASB and hate incidents.
57. Registered providers should take into account the diverse needs of tenants in considering how tenants report ASB and hate incidents to them and eliminate any barriers to reporting such incidents.
58. In managing reports of ASB and hate incidents, including keeping tenants informed about the progress of their ASB case, registered providers should be mindful of their data protection obligations and any ongoing legal proceedings.
59. We expect registered providers to take a victim-centred approach to supporting tenants affected by ASB. This support can take different forms such as, for example, making a referral to an external support agency or taking into account the wishes of the complainant when determining the course of action the provider will take. As part of this approach, registered providers should consider how they support vulnerable perpetrators of ASB, to help them to sustain their tenancy.

Domestic abuse

(Relevant required outcome 1.4.1 and specific expectations 2.4.1 and 2.4.2)

60. Registered providers should understand the significant impact that domestic abuse can have both on tenants experiencing it and their household members. In achieving this outcome, registered providers should make tenants aware of appropriate support and advice available regarding domestic abuse, including from third party organisations.
61. As part of their approach to domestic abuse, registered providers should consider, for example, the skills of staff supporting tenants experiencing domestic abuse and any appropriate specialist training they would benefit from, offering to provide a same-sex staff member to support them, or offering appropriate referrals to specialist domestic abuse agencies.
62. Registered providers should have a victim-centred approach to assisting tenants who experience domestic abuse. To be able to identify and respond appropriately to reports of domestic abuse, registered providers should ensure they have an appreciation of the different specific needs of tenants who experience it, including those arising from the tenant's protected characteristics, such as disability and race. As part of their approach, registered providers must handle sensitive information relating to cases of domestic abuse in compliance with relevant legislation.

63. The duty referred to in 2.4.2 refers to the duty placed on local authorities in the Domestic Abuse Act 2021 (the Act) to develop and implement a strategy for accommodation-based support (which according to the Act is support in relation to domestic abuse, provided to victims of domestic abuse, or their children, who reside in relevant accommodation) in its area. Further information about this duty can be found in the government's statutory guidance: Domestic Abuse Act 2021 - GOV.UK (www.gov.uk).

DRAFT

Tenancy Standard

Allocations and lettings

(Relevant to required outcome 1.1.1 and specific expectations 2.1.1, 2.1.2, 2.1.4 and 2.1.6)

64. Registered providers should have effective policies and processes in place for allocating their homes and should work effectively with local authorities to help meet identified local housing need. They should clearly set out their decision-making criteria, including in relation to transfers.
65. In order to be able to take the needs of tenants and prospective tenants into account in the allocations process, registered providers will need to have a robust and accurate understanding of local housing need and their homes, including in relation to which homes have been adapted.
66. Tenancy fraud can take a number of forms. Actions providers can take to prevent and tackle tenancy fraud include, carrying out effective checks before the start of and during a tenancy, publicising their approach including outcomes to tackling tenancy fraud, and providing guidance to staff on how to prevent, detect and take action against suspected tenancy fraud.
67. Information on the government's CORE (COntinuous REcording of Lettings and Sales in Social Housing in England) system is available at: CORE - CORE - Home (communities.gov.uk).

Tenancy sustainment and evictions

(Relevant to required outcome 1.2.1 and specific expectations 2.2.1 and 2.2.2)

68. Registered providers may provide support directly to tenants to help them maintain their tenancy or licence, or they may signpost tenants to appropriate organisations to provide this support. Examples of support that may be provided include, helping tenants to manage their money and maximise their income, offering energy advice, and helping vulnerable tenants to be able to live independently, including those who experience mental health issues, or drug and alcohol dependency.

69. Where a registered provider ends a tenancy or licence, they must offer those affected timely advice and assistance. This assistance can take the form of, for example, helping affected tenants to apply for alternative housing or signposting them to appropriate support and advice services. Registered providers should ensure that any advice and assistance about housing options is offered at the earliest opportunity in the process, to enable those affected to understand the process of finding suitable alternative accommodation.
70. Alongside other objectives, such as minimising loss of rental income, registered providers should bear in mind their objectives as landlords of social housing, including in relation to preventing homelessness and helping tenants to maintain their tenancies, when considering whether to escalate eviction proceedings.

Tenure

(Relevant to required outcomes 1.3.1 and 1.3.2 and specific expectations 2.3.1b, 2.3.1d and 2.3.1g)

71. Registered providers should consider the suitability of the tenancies that they issue, taking into account the tenants' needs and the purpose of the accommodation. They must comply with all relevant law in issuing tenancies or terms of occupation. Where appropriate, they may wish to seek legal advice.
72. Registered providers that make use of licences as the basis of occupation should ensure that they use them appropriately.
73. As part of setting out their approach to tenancy management, registered providers should help tenants understand both their own responsibilities and those of their landlord in relation to their tenancy.
74. In relation to 2.3.1b and 2.3.1d, registered providers should only grant tenancies for a minimum fixed term of less than five years in exceptional circumstances and should not adopt a blanket approach to granting such tenancies. For example, all tenants in a particular area or all tenants of a certain age. Where a registered provider makes use of fixed term tenancies for a term of less than five years, they should set out in a policy the circumstances in which they will do so.
75. As part of meeting 2.3.1g, registered providers should be able to demonstrate how they have taken into account the needs of vulnerable households in their approach to tenancy management.
76. For clarity, reference to the use of probationary tenancies in our requirements includes the use of introductory or other equivalent tenancies.

Mutual exchange

(Relevant to required outcome 1.4.1 and specific expectations 2.4.3)

77. Support to relevant tenants wishing to mutually exchange may include, for example, registered providers supplying them with clear and simple information about the mutual exchange process, including the associated responsibilities of the landlord and of the tenant, and helping tenants to register with an online mutual exchange service if required.

Legal status of the Code

78. This Code is issued by the Regulator of Social Housing, under section 195(1) of the Housing and Regeneration Act 2008 (as amended) (the Act).
79. Section 195(2) of the Act provides that the regulator may have regard to the Code when considering whether the Standards have been met.



© RSH copyright 2023

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit nationalarchives.gov.uk/doc/open-government-licence/version/3

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at: www.gov.uk/rsh

Any enquiries regarding this publication should be sent to us via enquiries@rsh.gov.uk or call 0300 124 5225.

or write to:

Regulator of Social Housing
Level 2
7-8 Wellington Place
Leeds LS1 4AP

The Regulator of Social Housing regulates registered providers of social housing to promote a viable, efficient and well-governed social housing sector able to deliver and maintain homes of appropriate quality that meet a range of needs.