

Written evidence submitted by Anonymous [RSH 112]

Introduction

Since 2015 and in each year to the present, I have had sufficient and persistent reasons, through voluntary residents' testimony and accounts of distress and service dissatisfaction, to observe, discuss, record, question and help challenge the 'door-step' realities and experiences of tenants living in the distinct legal entity known as Community Benefit 'Registered Society' Social/Sheltered/Independent Housing.

This type of Housing Association can comprise non-local authority, independent, commissioned and non-commissioned social housing and variations of adult social care and support, and, closely associated and troubled Estate and Contract(s) Management, institutionally impacting on the health, well-being and presumed 'right' for residents to 'enjoy' occupancy.

The Submission has been made possible through the gathering of information for previous and various advisory or re-assurance or adult-protection reasons and there is a preparedness to share this with the Chair and Panel of this Inquiry - the existence and intent of the Inquiry was discovered independently by chance, by the author, in Autumn 2021; (no awareness or coverage or 'sign- posting' at local M.P. or housing association staff or tenant advisory or engagement level was or has been evident, at any time).

Correspondence and conversations with agencies or organisations, elected representatives and officers, and, participant observations have collectively suggested that the sector of Community Benefit 'Registered Society' Social Housing Landlord provider is neither discussed or understood or included in higher profile media investigations or parliamentary debate.

With poor regulation, so much customer and consumer dissatisfaction amongst tenants appears to stem from the desire and need of residents to be safeguarded and protected from dysfunctional, routine, staff or contractor deceits, evasions or egregious conduct, and from the occurrence of such approaches when tenants (with capacity to do so), raise and challenge and question staff/contractor conduct, Codes or Duties of Care, (in)competence, performance, VfM and recurring evident unresolved problems.

“The Residents’ Experience”

Emma Dent Coad, M.P., at the time of Grenfell, spoke in the House (22.6.17), of "how (tenants') appeals, complaints and petitions have been ignored and discredited". Robert Jenrick, M.P., in his Forward to The Charter for Social Housing Residents, pp.6&7, re-affirms that "the interests and perspectives of residents must be given prominence in service delivery", and "no one should accept poor service, nor," (and the Inquiry might Note), "show deference to those who provide it".

However, in 'Registered Society' Housing Associations, Housing Services, Adult Care, Estates Staff and Contactors are reliant and dependent upon deference in order that poor service is accepted and unchallenged. The institutionalised predisposition of such staff who refuse to answer questions, verbal or written, in any social housing context, will yet ensure that "measurable difference to the experience" of tenants, (that The Forward seeks), will not and cannot be achieved.

The Inquiry is asked to hold close in its compassion, and in Report Recommendations, that it should set in law the enforceable regulation that any tenant group, or individual, that 'speaks up and speaks out', is protected and safeguarded, so that less-able or more fearful residents equally achieve redress and successful outcomes to their own concerns.

The Inquiry may wish to devote its acute understanding to the effort, and costs to health and finances, that tenants must face, across months and years, in their attempts to be heard, 'on-line' or 'off-line' with no internet connections!

The Chair and Panel would find numerous accounts and testimonies from elderly and less-able, shocking and distressing.

Inquiry Panels, past and present, perhaps rarely expect or hope for residents' views which are well-informed, critically evaluative and well-referenced, out-side of local authority-funded or failed Standards of regulation.

This 'lived-in and experience-based' Submission is necessarily free of corporate 'image-management' and promotional rhetoric. It is submitted with the authors' willingness to share gathered material and to do so, with best interpretation(s) of the HC Guide for Witnesses (Updated Feb.2016), as confirmed by the House of Commons Information Service (17th February 2022).

Detailed submission

The terms 'social' and 'sheltered' housing are often misunderstood, casually uttered and misused without sense of consequence or jeopardy, by legislators, academics, journalists, housing and investigative commentators, inexperienced in any personal need or circumstance to choose or resort to residing in this differentially provided and poorly regulated sector of Tenant/Resident service satisfaction and customer, consumer or human rights.

As Green and White Papers have evidenced, hundreds of thousands of adults in England and other Home Nations of the United Kingdom are impacted, by known and visible or more alarmingly unknown or never discovered, legally and constitutionally distinct, public/private, independent, registered/unregistered, 'for profit/not for profit' Landlord component parts of the 'social housing' industry.

A rarely discussed (see Hansard), and obscure provider type, listed on the 'Mutuals-Register' are Community Benefit 'Registered' Societies, where in addition to Sheltered or 'Independent Living' accommodation, Adult Support Care Plans with separate charges, are also offered to elder, retired, less-abled residents (in addition to Rent and in addition to Estate Services) where Staff Codes of Conduct, Candour, Safeguarding and independent redress and protections (for Tenants), from staff abuse, historically and today, appear not to exist or form a part of a Tenancy Agreement, or, form part of Housing Associations' Boards and Executive Teams in their proactive rather than reluctant care of Tenants' Customer, Consumer or Human Rights.

There appears to remain a steadfast focus on 'bricks and mortar', building investment and programming, Contractor and Sub-Contractor benefits, governance and financial viability, to the detriment and legislative oversight of the actual capacity or aspiring professionalism of transient staff to provide and supply the daily, door-step reality of efficient, competent and trustworthy service provision and satisfaction for Residents and Tenants, who are never, independently nationally surveyed or directly consulted.

Experience and Observations as Evidence

Tenants' recognition or experience of regulation is inevitably restricted by a (non-local authority) Registered Society Landlord's daily unwillingness to transparently reveal, update and diversely communicate how tenants can benefit or are protected or can seek redress under, such regulation. Where there is no statutory requirement or enforceable guidance for such landlords, systemic silencing of tenants' experience of services is strategically or incompetently allowed.

The understanding or re-assurance for tenants, (relatives or carers), as to the calibre or accountability of registered society sheltered housing and estates staff, (to whom personal details and fees are entrusted), and complaints about dysfunctional services or mis-treatment by staff, can be lost. This is likely to occur where registration, trainer accreditation, re-validation to practice, censure or discipline of staff, (or their roaming unannounced sub/contractors who demand access to dwellings often without notice), is absent from uncoordinated, insufficiently researched and poorly drafted regulatory frameworks.

Absences of tenant satisfaction measures relating to staff (and Contractor) conduct, in observed Community Benefit Society social housing domains, is likely to account for the anciently constituted and present day deficit of legislators' understanding and awareness of why regulation can fail to protect and respect residents' health and well-being and their presumed but hollow entitlement not to face abuse, harassment, bias, marginalisation, misrepresentation or staff bewilderment, when complaints about competence, performance, misconduct and absence of critical evaluations, are raised.

It can occur that intended or unintended design error or bias in commissioned or 'in-house' satisfaction surveys, devoid of any nationally approved, sector-designated data-gathering Standards are equally likely to eradicate the tenant's voice and the accuracy and purpose of national statistical returns. If questions about Estate Services/Maintenance/Repairs satisfaction experiences are swallowed in questions about elder adult care and support plans, or vice versa, (each separately charged, with threat of eviction if not paid), this deliberate or careless approach, without the input of tenants adds to the present failures and futility of regulatory regimes.

If, according to the House of Commons Library, existing regulatory statistical returns do "not include details of the number of registered providers of supported housing that are CCBS's" (Co-operative and Community Benefit Societies), and the Library is "not aware of any other sources of data on this", then this serves to underpin the purpose and legitimacy of this submission to the Inquiry.

The intentions behind further inquiries into Tenant consumer and customer rights can be compromised by not having Tenant(s) of Social Housing as Members or Officers.

Typically, in professional domains, the purpose, adjudication, enforcement and discipline inherent in Regulation demands curiosity, mental acuity, investigative and literacy skills in order to evaluate and assess terms, conditions and necessary outcomes. Poor comprehension or incapacity to understand essential competing factors leaves the subject of elder care social housing association Community Benefit 'Registered' Societies, continually out of sight of new and necessary reform.

Amongst numerous self-protecting agencies and groups, (with or without memorandums of understanding between them), evidence suggests that crucially, in non-commissioned and non-statutory services, county, borough or district interest or regulation does not exist, or there is reluctance (from "Designated Persons" - including M.P.'s also), to take to task or find fault in any provider of local housing listed on Allocation Lists.

To observers and enquirers, community benefit societies (and other providers), in the social housing industry can present highly self-adulatory opinions of their own "excellence", always re-promoting "exciting" and novel ways to re-engage with their tenantry, rarely with published outcomes of what succeeded or what failed.

With evident low response or implementation rates to 'consultations', and non-reference to whether measured cohorts of respondents have been 'households' OR 'individual persons', sweeping claims of 'Satisfied' or 'Very Satisfied' Customers, self-congratulation and Award nominations can follow. This occurs to the surprise or incredulity of Tenants sub-groups, who services were not actually identified or measured in a survey, (e.g. adult sheltered or 'independent living'), or who felt that yet another

periodic Questionnaire would achieve as little as the previous one, (in the absence of enforceable Regulation, which this Inquiry may seek to change for the health and wellbeing of Tenants.)

Based on available experience and observations, it may or may not be argued that staff at various levels can be dependent and reliant on easy and resigned tenants' compliance, with some residents not having sufficient self-efficacy, literacy, physical or mental capacity or freedom of association (due to locked communal rooms), or perceived freedom from retributive staff action, to successfully present a Case for a complaint or review of performance.

Any prevalence of the above conditions, combined with failures of 'so called' Designated Persons, (e.g. Borough Councillors and Officers also), impacts on the 'off-radar' communities that the Inquiry should seek to reach.

So many organisations are able to claim they have absolutely no awareness of any legal, statutory or ethical obligation to voluntarily and transparently compile annual (and revised) information (via all media) to inform tenants directly of rights, freedoms or safeguarding protections they may have.

Despite being publicly registered, regulators are likely to confirm to residents LB that a Regulator, cannot insist that a Social Housing Community Benefit Society informs tenants of such registration or any tenant involvement or empowerment standard attaching to it.

Further tenant 'non-entitlement' to being informed, can also occur where a Community Benefit Society also fails to advise that if corporate membership of a national tenant advisory or participation group does or does not exist, then individual tenants themselves, can be registered and involved members. Tenants might nevertheless be advised that such a national body has no awareness of the distinct legal entity of social housing community benefit societies.

Tenants can however, (when questioning inaccurate or withheld minutes of tenant's meetings with staff), be instructed that residents meetings within a community benefit society are not constituted and form no part of the governance of the Landlord's approach to involvement or empowerment.

The Inquiry might seek to understand this impact on the raw experience of ineffective or inapplicable regulation for sheltered housing tenants in independent mutual registered housing associations.

In relation to world-wide health research and recent concerns for air quality and respiratory health and hygiene, and reports from the Office for National Statistics and Royal Colleges of Psychologists and Psychiatrists, it should remain of serious concern to the Inquiry how, memorandums on improving health and care through the home are unlikely to have impact on the facilitation and priority given to smoking and smokers in community benefit society social housing; such national understandings, however illustriously co-signed, are likely to be of grave concern to non-smoking or health-aware tenantry, subject to shared, common and communal air flows, within and immediately proximal to available windows, fixed-open air vents and smoke-trapping non-private hallways, stairwells and landings, and the resulting ingress to all accommodation.

The rhetoric of national guidance, memoranda and expectation statements about social housing providers so often appears removed from the fact that jobs vacancies with titles and responsibilities and person-specifications have been advertised and filled by people entitled to salaries and benefits offered by community benefit societies who stress that tenants are 'at the very heart of everything' the staff do.

Any and every departure from interest or responsibility of such staff due to non-enforcement, is evidently able to result in a sense of impunity from investigation, censure or effective obligation to engaged or disengaged tenants.

So, any restricted evidence-gathering from, and insufficient cross-examination of, the community benefit sector is central to the Inquiry's understanding of why regulation can fail and why non-regulation fails the tenant further. Aside from the high-profile cases reported to the Inquiry, the non-standard, 'hybrid,' providers of over-55's, elder and disabled housing and services require the Inquiry's best attentions.

Inquiry members in their questions to witnesses will not find themselves being spoken or written to as if they themselves were tenants; actual tenants asking questions are routinely confronted by the pervasive institutionalised vocabulary of delay, deferment and evasion.

The staff invariably ... "just going on annual leave", "on annual leave", "just back from annual leave" and "catching up". Staff will be "out of the building today (or this week)", "just left the building", "not at their desk", "having trouble with their laptops"; "not interested in listening to (the tenant) anymore", "don't care what notes (the tenant) is making", or "residents' meetings at schemes are not constituted and form no part of /governance"; or "(the Registered Society) is under no obligation to hold meetings with residents" or "hasn't (someone else) chased that up for you"?

The MHCLG Supported Housing - National Statement of Expectations (England) 2020, which says "there is no single regulatory system for supported housing" (p.7.), focuses on local authorities and omits any reference to 'Community Benefit Societies' and therefore any insight into the everyday language used by staff, to thwart or ridicule any expectations that less well identified groups pay (and might hope) for.

The National Statement identifies difficulties with accuracy and quality of data and inconsistency in how information and data are collected across schemes and client groups; This Inquiry, alongside interactive forums and conferences inside government, might reflect on how regulatory investigations stem from Social Landlords' overlooking and ignoring tenants with language and inaction and how this can be captured in data!

The Inquiry Panel is in a pivotal position to comprehend how non-regulation of staff conduct, results in a language of engagement with residents that repeatedly jeopardises a social housing landlord's emergence from a systemically failing organisational culture, even at a time where Green and White Papers have urged readiness and evidence of change.

In Community Benefit Society sheltered housing scenarios, there can seem a palpable entrenchment of staff, over-favourably, over-estimating their abilities; they can reach erroneous conclusions about tenants needs and rights, where institutionalised incompetence (or their own), interferes with their ability to realise the unjust consequences of highly defensive responses to residents right-minded observations and complaints.

The preparedness of some staff to 'talk over' and 'talk down' the tenants voice is a characteristic yet able to deny and ridicule the improvements the Inquiry would seek.

Tenants historically and currently might struggle to imagine what good customer and consumer regulation in isolated communities looks like, especially where private evidence of this, within their collective and individual home lives and premises, has been absent or hard-won.

A manager in receipt of residents' fees for a sheltered service can be asked about reasons for non-circulation of minutes of a residents meeting with staff, and asked to query the reasons for in-action with the staff that were actually present. The written reply may well be, "I will not be doing that", and "we are not required to note what is discussed".

In other contexts, residents may well be told that a systemic failure of service or competence, (frequently associated with Contractors and sub-contractors), is, "with the relevant department", without the name or person in the department being divulged to the residents. It is unclear if this is a

"supported service" covered or ignored by NSE (England) 2020, p.6. in its non-recognition of Community Benefit Society sheltered or 'Independent Living' tenants.

The Inquiry might wish to understand the sense of futility for tenants when they are written to and told by a 'Registered Society' Landlord ... "Independent Living is not a statutory or governed service" ... so, no terms or conditions of customer or consumer expectations can exist under the NSE?

However, can the Inquiry defer to the Regulator of Social Housing's Consultation (January 2022), (and eventual Report), to recommend to legislate that Independent Living services are subject to 'Tenant Satisfaction Measures' and censure of staff who would deny them?

Summary and Key Obstacles to Progress

Evidently, many professional, legal-representation, trade, occupational, age and care related and housing industry organisations and charities profess little or no knowledge or experience of Community Benefit Societies as social, sheltered, independent providers of housing and care and support plans. It has proven difficult to see where Hansard has any records in any decade, of HC or HL Debates which have competently identified the sector of interest and concern here.

The raising of the word 'Customer' or 'Consumer' by tenants, in conversations with 'Registered Society' staff can generate surprise or dismissal, yet, in reporting complaints, service failures, repair failure and delay or, in objecting to egregious staff behaviour and attitude, Tenants and Residents must succeed in knowing and experiencing increased legal protection, which might or might not require compensation.

A major factor in existing non-enforceable and future enforceable regulatory Standards, (and the basis for so much coverage of dysfunction in the social housing market), can be identified in the multiple failures in landlords' interface between property services and portfolio Management and the untrained non-technical input or hindrance of non- accredited, non- professional care and support or low-level administrative staff.

Crucially and fundamentally, is the role of Contractors and Sub-Contractors, who may or may not be subject to Standards of Operation or Competence or so-called, "sector led accreditation and benchmarking schemes", (Supported Housing NSE England, October 2020, p.10), where reporting of disgrace or penalty for failures, is so often absent from debates on service and performance shortfalls for tenants' maintenance of their own health and well- being.

How can it arise that, detailed and reviewed Logo-based Accreditations or Registrations (e.g. 'Akumus' or 'Chas' or others), of Contractors, are not interrogated by Housing Association property staff as a safeguard and assurance of good service and as evidence and reassurance for Tenants paying for 'Estate Services' as part of Tenancy Agreements? The Chartered Institute of Housing reminds its Membership that "honesty, and building and extending trust with tenants and residents is required".

When tenants, to the best of their differential abilities, question or challenge the Community Benefit Society staff to take action, key, regulated standard Questions need to be asked to underpin the basis of influence and empowerment for tenants, which, at present, is so weakly available under existing regulatory criteria.

In association with the intent of MHCLG Social Housing White Paper Annex A, pp.74 and 75, the Sheltered or Independent Tenant (at the outset of experiencing staff incompetence, evasion of customer and consumer compliance), needs to record the date and time of their first approach, and insist on finding and recording the name and position of the staff trainee, college leaver or recent appointee, at the offices of the 'Registered Society' landlord who they first reach; an up-to-date or often out-of-date full 'Staff Team' Notice on Residents' Notice Boards or 'on-line', will be pivotal here.

Staff taking such calls need to have been trained in identifying their own (perhaps qualified and professional) manager, or assistant director (or failing Contractor), to whom they are obliged to transfer the call/cause for complaint, (or letter title or reference).

At this point the RSH and FCA 'Registered Society's historic and current competences in trustworthiness, effective governance and capacity to effectively communicate, will determine the evidence and statistical accuracy or limitations of information reaching The Regulator or The Ombudsman.

Following on, what was or is the name and job title of the Sheltered/Independent Services or Estate/Property Services staff, who (if not on annual leave or resigned), is now responsible for responding to the tenant, and what Membership or professional accreditations or Codes of Conduct or Discipline etc., is this member of staff likely to be bound by; e.g. the Institute of Building. the Chartered Institute of Housing. the Royal Institute of Chartered Surveyors? (The landlord's housing accommodation/tenancy interface staff may have no such recognised specialist body responsible for Community Benefit Society adult social care/support Plan housing providers.)

At this point, months or years of non-response by a landlord, can be forged and accompany the tactical strategy of complaint blocking by inaction; blocked drains, overflowing gutters, silts and lethal moss on shattered paths, neglected Grounds, never cleaned or peeling paintworks, decades-old building insulation certificates, may remain for years and remain ignored (by all tiers of staff), with every 'so called' fictional 'Estate Inspection'.

The Inquiry may want to hold close to its compassion and comprehension, how many attempts a Tenant must make (in a non-local authority 'registered society' setting), in order to keep alive and current, matters of unresolved concern or egregious staff conduct. Is it or is it not the case that the Inquiry may fail to grasp the extent of the exhaustion and exhaustive efforts required by Tenants to be heard, and the chronic and debilitating impact this has on daily respiratory, cardiac and stress health conditions and on the absence of well-being and the compromised and thwarted right to 'enjoy' residency?

Throughout all the above, the Inquiry may wish to reflect on who are the salaried Chief Executives. Directors. Chairs and Boards allowing so much of this to take place after every year or decade of failed unregulated promises.

The Inquiry is asked, with the help of the House of Commons Library, to 'fact-find' how many Community Benefit 'Registered Society' Social/Sheltered/Independent Living' Housing Providers have NEVER revealed themselves in Evidence to any HC/HL Committee or Inquiry.

Additionally, the Chair and Inquiry may be quite concerned to understand and know what protects Chief Executive Officers (of Publicly Registered Social Housing 'ComBenS') from having their salaries included/published in annual or periodic League Tables in *Inside Housing* – or in other housing and public journals and sector publications? New regulation should remove this secrecy.

April 2022