PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

SOCIAL HOUSING (REGULATION) BILL [*LORDS*]

Second Sitting

Tuesday 29 November 2022

(Afternoon)

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Saturday 3 December 2022

The Committee consisted of the following Members:

Chairs: † Sir Edward Leigh, Stewart Hosie

† Blackman, Bob *(Harrow East)* (Con)
† Britcliffe, Sara *(Hyndburn)* (Con)
† Clarke-Smith, Brendan *(Bassetlaw)* (Con)
† Davison, Dehenna *(Parliamentary Under-Secretary of State for Levelling Up, Housing and Communities)*
† Fletcher, Colleen *(Coventry North East)* (Lab)
† Hart, Sally-Ann *(Hastings and Rye)* (Con)
† Hayes, Helen *(Dulwich and West Norwood)* (Lab)
† Hughes, Eddie *(Walsall North)* (Con)
† Long Bailey, Rebecca *(Salford and Eccles)* (Lab)
† Mackrory, Cherilyn *(Truro and Falmouth)* (Con)
† McDonagh, Siobhain *(Mitcham and Morden)* (Lab)
† Marson, Julie *(Hertford and Stortford)* (Con)
† Nichols, Charlotte *(Warrington North)* (Lab)
† Owen, Sarah *(Luton North)* (Lab)
† Pennycook, Matthew *(Greenwich and Woolwich)* (Lab)
† Throup, Maggie *(Erewash)* (Con)
Wallis, Dr Jamie *(Bridgend)* (Con)

Bradley Albrow, Simon Armitage, Amna Bokhari, *Committee Clerks*

† attended the Committee

Public Bill Committee

Tuesday 29 November 2022

(Afternoon)

[Sir Edward Leigh *in the Chair*]

Social Housing (Regulation) Bill [*Lords*]

Clause 21

Standards relating to competence and conduct

2 pm

Question proposed, That the clause stand part of the Bill.

The Chair: With this it will be convenient to discuss new clause 4—*Persons engaged in the management of social housing to have relevant professional qualifications*—

"After section 217 of the Housing and Regeneration Act 2008 (accreditation) insert—

'217A Professional qualifications and other requirements

(1) The Secretary of State may, by regulations, provide that a person may not engage in the management of social housing or in specified work in relation to the provision of social housing unless he or she—

(a) has appropriate professional qualifications, or

(b) satisfies specified requirements.

(2) Regulations specifying work for the purpose of subsection (1) may make provision by reference to—

(a) one or more specified activities, or

(b) the circumstances in which activities are carried out.

(3) Regulations made under this section may, in particular, require—

(a) the possession of a specified qualification or experience of a specified kind,

(b) participation in or completion of a specified programme or course of training, or

(c) compliance with a specified condition.

(4) Regulations may make provision for any of the following matters—

(a) the establishment and continuance of a regulatory body;

(b) the keeping of a register of qualified social housing practitioners;

(c) requirements relating to education and training before and after qualification;

(d) standards of conduct and performance;

(e) discipline and fitness to practise;

(f) removal or suspension from registration or the imposition of conditions on registration;

(g) investigation and enforcement by or on behalf of the regulatory body, and appeals against the decisions or actions of the regulatory body.'"

This new clause would require managers of social housing to have appropriate qualifications and expertise.

The Parliamentary Under-Secretary of State for Levelling Up, Housing and Communities (Dehenna Davison): As I said on Second Reading, the Government are fully committed to driving up housing management standards by improving the professional behaviours, skills and capabilities of all staff in the sector. The Grenfell tragedy and our subsequent social housing Green Paper consultation highlighted the fact that many staff did not listen to or treat residents with respect, provide a high-quality service or deal appropriately with complaints. The circumstances surrounding the death of Awaab Ishak have once again shown the tragic consequences that can occur when staff lack empathy and when tenants are not listened to. That is why clause 21 makes provision to enable the Secretary of State to direct the regulator of social housing to set standards for the competence and conduct of social housing staff. Registered providers will be required to comply with specified rules concerning the knowledge, skills and experience of social housing staff. They will also be required to comply with specified rules concerning the conduct expected of such individuals when dealing with tenants. Those factors are crucial in determining the quality of services provided to tenants.

Our approach offers a holistic solution to the issue of professionalisation. It champions the value of skills, knowledge and experience, and maintains landlords' flexibility in choosing the most appropriate training programmes and qualifications to equip their workforces. The standards set under this clause will ensure that social housing staff develop the core skillsets and behaviours required to treat tenants with the empathy and respect that they deserve. They will also empower staff to take appropriate action to support tenants.

New clause 4, tabled by the shadow Minister, takes a different approach to achieving professionalisation. It gives the Secretary of State the power to stipulate, through regulations, that a person

"may not engage in the management of social housing or in specified work in relation to the provision of social housing unless he or she—

(a) has appropriate professional qualifications, or

(b) satisfies specified requirements."

As both myself and the Secretary of State set out on Second Reading, there is a real risk that mandating qualifications for all housing management staff would lead to the reclassification of housing associations to the public sector. The sector is close to the threshold for reclassification, and we saw that happen in 2015. Since then, a number of deregulatory measures have had to be taken before housing associations could be reclassified back to the private sector.

To make this point very clear, reclassification would bring around £90 billion of debt and all housing association annual spending on to the public ledger, and would likely reduce the ability of housing associations to improve the quality of their stock and build new homes. We have to be mindful of that risk and that outcome, which could be harmful to tenants.

However, we have listened carefully to the arguments made both in this House and the other place in support of mandatory qualifications. As I committed to do on Second Reading, I met with my right hon. Friend the Member for Maidenhead (Mrs May) to discuss this issue before the Bill reached Committee stage. We are continuing to look at whether there is any scope to include qualifications requirements in the competence and conduct standards without triggering reclassification. If we can identify a solution, then we will be able to bring that forward on Report.

We continue to believe that the existing provisions in the Bill, which will enable us to direct the regulator to set standards for the competence and conduct of all staff,

will be an effective means of professionalising the sector. Our approach has been informed by the findings of our professionalisation review, which we will publish in full early next year. There is no doubt that housing management qualifications are an important aspect of professional development for some staff. Our review heard no clear evidence that such qualifications in and of themselves lead to better staff behaviours or improved tenant experiences. Qualifications such as those offered by the Chartered Institute of Housing will be an important part of how landlords ensure their staff have the skills, knowledge, experience and behaviours they need to deliver professional services, as required by the competence and conduct standards. Qualifications will sit alongside external and in-house training and more informal developmental tools such as staff supervision, mentoring and reflective practice.

Our review findings echoed what we heard after the Grenfell tragedy and more recently in relation to the death of Awaab Ishak—that what tenants most want and need is for all of the staff they deal with, whether housing managers, officers, or contact centre staff, to treat them with respect and empathy, to listen carefully and take appropriate and timely actions in response to their issues and concerns. We heard that these behaviours, and the interpersonal skills and attitudes that underlie them, are more likely to be achieved through a combination of organisational culture change led by senior executives and boards, adoption of codes of ethics and values, delivery of bespoke on-the-job training and effective supervision by experienced staff, than they are necessarily by formal qualifications.

The review also highlighted how important flexibility is in designing staff development programmes, given the sector's diverse structures, operating models, role types, and breadth of service provision. Mandating qualifications for all housing management staff could hinder landlords in delivering the right mix of qualifications, training and development for their staff. Through the review we also heard that mandating qualifications for all staff would likely add to the recruitment and retention challenges faced by many landlords. Recruiting staff who have the right attitudes and aptitudes is more important to building a caring and empathetic workforce than employing people who possess formal qualifications. So we are concerned about the recruitment issues in that regard.

The standards that we are bringing forward will drive a holistic and organisation-wide approach to professional development, and deliver the empathetic, forward-looking and professional housing services the sector deserves, with staff who treat tenants with respect and act swiftly to remedy issues.

Bob Blackman (Harrow East) (Con): Will my hon. Friend give way?

Eddie Hughes (Walsall North) (Con): Will my hon. Friend give way?

Dehenna Davison: Two to choose from—I give way to my hon. Friend the Member for Harrow, East.

Bob Blackman: The clause refers to the standards and competence that we expect to be achieved in this sector, and the amendment goes further and expands on them. However, it is silent on sanctions when they are not achieved. It is all very well having qualified people, but, if they do not perform properly, sanctions have to be available and directions by the Secretary of State should be possible. I wonder whether my hon. Friend will look at how we might strengthen the position when we get to Report stage.

Dehenna Davison: I am grateful to my hon. Friend. I will respond to him and then perhaps I will have answered the question that my hon. Friend the Member for Walsall North wanted to ask. It is right that the regulator must have the right powers in place to deal with breaches of its standards. With regard to competence and conduct, the Bill enables the regulator to require providers to produce and implement a performance improvement plan to be approved by the regulator. If a provider fails to implement a plan, the regulator can issue an enforcement notice and levy an unlimited fine if that notice is not complied with. So the regulator will have teeth to ensure the kind of conduct that we expect. I hope that that answers the question from one hon. Friend.

Eddie Hughes: Anyone who has listened to the Grenfell Tower inquiry—especially the podcast, which provides a great summary of the challenges that were faced—will know that a number of tenants encountered members of staff who simply were not appropriately qualified to carry out their role. As a result, the tenants did not get the experience, support and help that they so rightly deserved. So, while I fully appreciate that it is appropriate to recruit for aptitude—this is a vocational area for many—it is incredibly appropriate to make sure that staff are trained for their role.

Dehenna Davison: I am grateful to my hon. Friend. His expertise on this matter is welcome to all of us, and I thank him for all the work that he did as Minister on this really important body of work. He is right. That is why we have taken this away and are looking at what more we can do around professional qualifications, without that risk of reclassification. I hope that, following Committee stage, I will be able to report on what progress we have made before we reach Report stage.

It is important that we get this process right. We will continue the dialogue that we have already started with key stakeholders such as Grenfell United, Shelter and the CIH before we issue a statutory consultation on the direction itself. The regulator will then also consult on its draft standard before it comes into force. This Committee can be assured of our intent to take on board fully the views of both tenants and providers in developing the way forward. I have already spoken a little about compliance and sanctions if standards are not complied with, so I will leave that point there.

To summarise, the Government's ambition is to build an empathetic, qualified and skilled social housing workforce. We want to bring about a wholesale organisational and cultural change, which we all recognise is desperately needed. We remain firm in our belief that our approach and the clause will deliver the professionalisation of the social housing sector, but we will of course continue to explore options for qualification requirements that would not trigger reclassification and would deliver the right outcomes for tenants. I commend the clause to the Committee and, on the basis of what I have outlined, I ask the shadow Minister not to move his new clause.

Matthew Pennycook (Greenwich and Woolwich) (Lab): We welcome the concession made by the Government in the other place on professional training and qualifications, and the resulting inclusion of the clause in the Bill. However, if we are to be certain that this legislation will expedite the professionalisation of the sector, we are absolutely convinced that the Government need to go still further.

As the Minister said, the clause amends section 194 of the Housing and Regeneration Act 2008 by adding a proposed new section allowing the regulator to set regulatory standards on the competence and conduct of social housing managers, and making it clear that such standards may require providers to comply with specified rules relating to knowledge, skills and experience. However, the clause as drafted includes no requirement for those involved in the management of social housing to meet objective professional standards. We therefore agree with, among others, Grenfell United and Shelter, that it therefore risks introducing an insufficiently high bar for registered providers in respect of the professional training that they implement.

New clause 4 seeks to strengthen the Bill in relation to professionalisation by amending section 217 of the 2008 Act, concerning accreditation, to require managers of social housing to have appropriate objective qualifications and expertise.

Sally-Ann Hart (Hastings and Rye) (Con): On professional qualifications, I completely understand that we need to have properly qualified people overseeing those in social housing and giving them support, but most professions—whether lawyers, accountants, firemen or police—have a professional body. What professional body does the hon. Gentleman propose should be behind social housing, because I do not think that there is one, is there?

Matthew Pennycook: I will touch on that. The Chartered Institute of Housing does a considerable amount of work in this area. For reasons I will come on to, however, the review that it is undertaking perhaps does not go as far as we need in the ways in which we think this legislation must be amended to drive professionalisation along the lines that many groups are calling for.

As I was saying, we think it is vital that those requirements should be put on the face of the Bill. As a result of the progressive residualisation of social housing over the past 40 years, it is now overwhelmingly let to those most in need. According to the latest English housing survey data, half of social renters are in the lowest income quintile, compared with 22% of private renters and 12% of owners; more than half of all households in such tenure have one or more members with a long-term illness or disability; and more than a quarter are 65 or over. We also know—this is certainly the case from my own post bag—that many social tenants find themselves facing intimidation by criminal gangs, domestic abuse and racial harassment, and that a minority are in desperate need of urgent moves to escape serious youth violence. We will return to that point when we debate new clause 1 in the name of my hon. Friend the Member for Dulwich and West Norwood.

As a result of frequently having little voice or power, and because there is a chronic shortage of social housing, tenants have few if any options to move if they receive an unprofessional service from their landlord. They face significant barriers when it comes to challenging poor conditions. We therefore must do more to ensure that those managing the homes of social tenants are properly qualified to do so and that they have undergone the necessary training, for example in anti-discriminatory and anti-oppressive practice, to ensure that they are treating tenants fairly and providing them with the necessary support. We rightly expect those working in other frontline services, such as education and social care, to have the professional qualifications and training necessary to carry out their work effectively, and to undergo continuous professional development. We should expect no less for those managing social homes.

2.15 pm

Of course, any requirements placed on social housing managers in relation to mandatory qualifications and expertise would have to be introduced carefully and sensitively so as not to exacerbate existing challenges in the sector, such as those the Minister mentioned already around recruitment, retention and diversity. It is entirely feasible for the Government to ensure that that would be the case by implementing the provisions of new clause 4 or a Government new clause introduced on Report over an extended period of time, in incremental phases depending on the nature of the particular roles in question, or by providing a range of pathways to accreditation, as is the case in teaching and other professions. Not only that, but professionalisation could itself help address the challenges the sector faces by increasing the attractiveness of working within it, and making it a more valued profession.

In resisting attempts to ensure that those carrying out direct housing management functions are required to maintain certain objective professional standards, at previous stages the Government have offered all manner of reasons why doing so is unnecessary and potentially harmful. The arguments have included: that there is no clear evidence that specified qualifications in and of themselves lead to more professionally delivered services; that there is no single qualification that adequately meets the sector's diverse requirements; and that landlords need flexibility to determine the right mix of qualifications and training for their staff.

The Minister has repeated some of those arguments today. As the right hon. Member for Maidenhead persuasively argued on Second Reading, those arguments are "extraordinary" and ones that we would rightly dismiss if they were applied to any other frontline social profession.

Arguably the most prominent objection advanced by Ministers has been that giving the Secretary of State the ability to set mandatory qualifications in social housing management would lead to the automatic reclassification of housing associations as public bodies by the Office for National Statistics, thereby bringing up to £90 billion of debt on to the public ledger, as the Minister said. While we do not in any way dismiss the risk, no hard evidence has been presented as to why the Government are certain that mandatory qualifications for specified social housing management roles would lead to reclassification. We have certainly seen no correspondence between the Department and the ONS or the Treasury to corroborate the assertion. If it exists, why do the Government not publish the information, and we can move on to a different discussion about professional qualifications and training?

We are far from convinced by the arguments that have been advanced by Ministers to date—not this Minister; other Ministers—in resisting the incorporation of a requirement for mandatory, objective qualifications and expertise into the Bill. Moreover, even if we received confirmation from the ONS that the inclusion of a requirement for mandatory qualifications for certain direct housing management functions would lead to the reclassification of housing associations, there would still be a case for strengthening clause 21 in terms of setting clearer expectations for what the regulator's standard on conduct and competence should include—for example, registration with professional bodies, such as the one I mentioned earlier, and continuous professional development.

As the Chartered Institute of Housing, the UK's main training and accreditation body for housing professionals, has argued that

"in relation to direct housing management functions, including resident involvement and anti-social behaviour work, there is a case for setting certain expectations of skills, knowledge and behaviour to ensure that staff provide good services and work well with and in response to residents."

We appreciate fully that the Government did initiate a review of qualifications and professional training with a view to ensuring that social housing staff are better equipped to support tenants, deal effectively with complaints and make sure homes are of good quality, but that review in and of itself is not enough. The issues in question need to be properly addressed in the Bill. That is our view, the view of Grenfell United and the view of senior Members on the Government Benches.

The reason we are even debating this matter today, and why we feel so strongly that the Government must give serious consideration to strengthening clause 21, is that we know that far too many social housing tenants feel like they are not listened to or treated with respect, and a minority feels that they are actively discriminated against by the staff who oversee the services they are provided with. One need only look at the circumstances—the Minister has rightly made reference to this—surrounding the death of Awaab Ishak from respiratory arrest as a result of prolonged exposure to mould to recognise that poorly managed and maintained social housing can literally kill.

The Government did the right thing in inserting clause 21 into the Bill, but they must go further. The Minister says the Government are in listening mode. I suspect that Ministers are minded to push much further on this matter. We look forward to seeing what they bring back.

Bob Blackman: The shadow Minister is applying quite a long list of prescriptions, and I think Members on both sides of the Committee would probably agree with much of what he is saying. One of the problems with putting such provisions into the Bill is that they are very difficult to amend at a future time. I accept that what he is proposing now is that regulations "may" be made; I wonder whether a better approach might be for a Government amendment to set out that regulations may be made. The prescription he has put in his new clause could then be made under regulation and, therefore, be easier to amend in the event that matters change. Otherwise, we would have to introduce primary legislation.

Matthew Pennycook: I do not want to engage the hon. Member in a prolonged discussion about "may" and "must"—we had enough of that with his private Member's Bill. We are open to a discussion about how to proceed, but what we need at this stage is a commitment from the Minister that the Government are going to move on objective professional qualifications and training, rather than leaving the Bill as is. If that requires regulations to be moved in due course, we would be open to that, but let us see what the Government bring back on Report.

We will press our new clause to a vote at the appropriate moment to underscore how strongly we feel that this is one of the areas on which the Government must move by Report stage, to ensure that the legislation is as robust as it can possibly be.

Dehenna Davison: I will keep this brief. I am grateful to the shadow Minister for outlining his concerns, which were mentioned on Second Reading. The commitment I can give is that we are seriously looking at the issue and seeing how far we can go without that risk of reclassification. I appreciate his reasoning behind wanting to push the new clause to a vote; I hope in the meantime that he will be inclined to change his mind before we get to that point.

Question put and agreed to.

Clause 21 accordingly ordered to stand part of the Bill.

Clause 22

Standards relating to information and transparency

Question proposed, That the clause stand part of the Bill.

The Chair: With this it will be convenient to discuss new clause 9—*Application of Freedom of Information Act 2000 to registered providers—*

"(1) Within six months of this Act receiving Royal Assent, the Secretary of State must by order designate registered providers of social housing as public authorities for the purposes of the Freedom of Information Act 2000."

This new clause would bring registered providers of social housing within the scope of the Freedom of Information Act 2000.

Dehenna Davison: It is essential that social housing tenants should be able to access relevant information about their landlords and their homes. Greater transparency will empower tenants and drive providers to improve service delivery. Clause 22 extends the standard-setting powers of the Regulator of Social Housing to cover information and transparency. The clause will enable the regulator to deliver key social housing White Paper commitments, including setting standards relating to the new access to information scheme. We also expect information and transparency standards to include requirements for registered providers to share information on how landlords spend their income, executive pay and breaches of the standards.

When a provider is failing to meet these standards, the clause ensures that the regulator can take strong enforcement steps, including penalties, compensation and requiring changes in the management of the provider. Extending the regulator's power to set regulatory standards to include standards on information and transparency will empower tenants to hold their landlord to account and strengthen overall consumer regulation.

[Dehenna Davison]

New clause 9 seeks to require the Secretary of State to extend the Freedom of Information Act 2000 to registered providers of social housing, via statutory instrument, within six months of Royal Assent. I do not believe the amendment is necessary or advisable. The Government have worked closely with stakeholders to agree plans to deliver the access to information scheme for tenants of housing associations and other private registered providers, as promised in the social housing White Paper.

The new scheme will enable tenants of private registered providers and their representatives to request information from their landlords in a way similar to that available under the 2000 Act. It will also impose similar obligations on private registered providers. Tenants of private registered providers will be able to request information from their landlord on anything relating to the management of their homes. The new scheme will be integrated into the regulatory environment, tailored to the needs of tenants, and enforced as part of the regulator's consumer standards.

If a tenant is unhappy with how a landlord has dealt with their request for information, they will be able to take their complaint to the housing ombudsman. The process will be the same as for other complaints, ensuring ease of use and accessibility for tenants. The ombudsman also has a strong understanding of the social tenant and landlord relationship, and an established relationship with the Regulator of Social Housing. Additionally, local authority providers, which would fall under the new clause, are already subject to the Freedom of Information Act 2000 as public bodies.

Finally, extending freedom of information to registered providers would increase the level of Government control exercised over the sector. We are back to the potential argument around reclassification, which we are keen to avoid. The access to information scheme that we have laid out does not carry the same reclassification risk. On that basis, although I commend the excellent clause, I ask the hon. Member for Greenwich and Woolwich to consider not pressing his new clause to a vote.

Matthew Pennycook: At the outset, I should thank the Greater Manchester Law Centre for its support in drafting the new clause, the purpose of which is to probe the Government's rationale for not using the Bill to bring registered providers of social housing within the scope of the Freedom of Information Act—other than local authorities, which, as the Minister rightly said, are already subject to it—and to press the Government to reconsider.

As the Minister is no doubt aware, this matter has been a perennial cause of concern. In 2011, the coalition Government announced that they would consult housing associations on bringing them within the scope of the Act; however, no further action was taken—almost certainly as a result of housing associations objecting. The issue resurfaced in the wake of the Grenfell Tower fire as a result of the Information Commissioner's Office reporting to Parliament that it had experienced difficulties in accessing information relating to social housing and to the Kensington and Chelsea Tenant Management Organisation because the information was not covered by the Freedom of Information Act. The Information Commissioner at the time, Elizabeth Denham, made it clear that

"housing Associations are currently not subject to Freedom of Information Act because the Act does not designate them as public bodies. It is clear to me that this is a significant gap in the public's right to know".

We believe that she was right to highlight that gap, which remains to this day.

It is not simply that the public do not enjoy rights that they have never had; in the cases of housing associations that have had local authority stock transferred to their management, tenants and the public have lost freedom of information rights that they previously enjoyed when those homes were under local authority control. As I expected, the Minister has made the case that the issues are addressed by the provisions in clause 22 relating to information and transparency; however, those provisions are limited both in scope and specificity in terms of who may request the disclosure of information—it would appear that only tenants themselves have access to it, while journalists and others would not—and how the scheme will operate in practice.

Eddie Hughes: Perhaps the Minister can clarify this, but I understood that it was not just tenants, but people who were acting on their behalf. Can we confirm that? *[Interruption.]*

The Chair: Order. There is a Division in the House, so we will have to break for 15 minutes or so. We will resume as quickly as people can get back.

2.27 pm

Sitting suspended for a Division in the House.

2.39 pm

On resuming—

Matthew Pennycook: Before we suspended, the hon. Member for Walsall North pressed me on what he felt was an inaccuracy in my statement that journalists were not covered by the provisions. The Division has given me a chance to look at both the Bill and the explanatory notes. Unless he can find one, I see no mention of tenants or their representatives in the Bill. The provision in question, on page 18 of the Bill, merely states:

"the provision of information to their tenants of social housing".

If it is the case that tenant representatives, including a broad definition of what that entails—including journalists—can access the information in question, that would be welcome.

However, not only is clause 22 limited to tenants themselves, but it provides no guarantees that an information and transparency scheme will be established. All it specifies is that the regulator "may set standards" for RPs in relation to those matters.

Although we can debate the efficacy of clause 22 in terms of whether the regulator's ability to set standards relating to the provision of information and transparency will significantly increase RP accountability, it is clear that the clause does not provide for anything akin to that facilitated by the freedom of information regime. As the Information Commissioner's Office put it, on welcoming the commitment to provide some information to tenants, the scope of the proposed access to information scheme

"appears narrower than FOI in a number of significant ways".

The arguments against bringing housing associations within the Bill's scope have been that it would inevitably result in reclassification by the Office for National Statistics and that RPs would be overwhelmed with FOI requests. However, the Scottish Government's decision to extend coverage of Scotland's freedom of information legislation to registered social landlords there, following a 2017 consultation—despite opposition from a majority of the housing associations affected—appears to undermine both those counter-arguments. A 2021 report by the Scottish Information Commissioner following the changes made there found that social landlords had responded well to being covered by the legislation, with a significant majority of organisations surveyed making it clear that they were responding effectively, were publishing more information as a result of FOI and were not overwhelmed with requests, with 57% reporting a small impact on staff workload. Importantly, despite being subject to the Freedom of Information Act, Scottish providers remain classified as private non-financial corporations by the ONS.

There are numerous examples from across the country of RPs either ignoring or refusing outright to respond to reasonable requests from tenants for information on a range of issues, including fire safety and health hazards, on the basis that they are not covered by the Freedom of Information Act. I note what the Minister said about tenants' ability to take such concerns to the housing ombudsman, but we have already discussed what a lengthy and time-consuming process that is. Given that local authority RPs are already covered by FOI, we cannot understand why non-local authority RPs are not brought within the scope of that Act. Given that one of the central aims of the White Paper and the Bill is to engender a culture of transparency and accountability among RPs and that clause 22 is far narrower in scope than FOI, we believe it would be beneficial to the public if housing associations that are not publicly owned are brought within the scope of the 2000 Act. The UK Information Commissioner's Office agrees, stating as recently as January 2022:

"The ICO believes that housing associations that provide social housing should be covered by the Freedom of Information Act 2000 in the same way as housing provided by local authorities. We believe access to information laws should remain relevant and appropriate to how public services are delivered."

I hope that the Minister has listened carefully to the arguments about the new clause, in particular the Scottish experience, and I look forward to her response. I will not press the new clause to a Division at this stage. Depending on her reply, we may return to it on Report.

Dehenna Davison: I am grateful to the shadow Minister for outlining his case so coherently. I go back to points that I made earlier. On the point about tenant representatives, it is certainly the intent that they will be able to make those requests on behalf of tenants. In some cases, that could include journalists—the hon. Member specifically commented on them. I hope that provides some assurance about intent. I am grateful to the hon. Member for not pressing the new clause to a Division for now.

Question put and agreed to.

Clause 22 accordingly ordered to stand part of the Bill.

Clause 23 ordered to stand part of the Bill.

Clause 24

STANDARDS RELATING TO ENERGY DEMAND

The Chair: The Government indicated an intention to vote against the Question that the clause stand part of the Bill by tabling an amendment to leave out the clause.

2.45 pm

Question put, That the clause stand part of the Bill.

The Committee divided: Ayes 7, Noes 9.

Division No. 1]

AYES

Fletcher, Colleen	Nichols, Charlotte
Hayes, Helen	Owen, Sarah
Long Bailey, Rebecca	
McDonagh, Siobhain	Pennycook, Matthew

NOES

Blackman, Bob	Hughes, Eddie
Britcliffe, Sara	Mackrory, Cherilyn
Clarke-Smith, Brendan	
Davison, Dehenna	Marson, Julie
Hart, Sally-Ann	Throup, Maggie

Question accordingly negatived.

Clause 24 disagreed to.

Clauses 25 and 26 ordered to stand part of the Bill.

Clause 27

PERFORMANCE MONITORING

Question proposed, That the clause stand part of the Bill.

Matthew Pennycook: The proposed tenant satisfaction measures scheme, as outlined in the social housing White Paper and underpinned by the provisions in the clause, has the potential to be an extremely useful tool for tenants, both in gaining a better understanding of their landlords' performance and in providing feedback that can assist in driving up standards. We support it.

Given the diversity of providers across the social housing sector, however, a sufficient degree of standardisation of the collecting, processing and presenting of the information relating to the new tenant satisfaction measures is crucial. If steps are not taken to ensure a prescribed collection method for obtaining the information in question so that, when published, it allows for rigorous like-for-like comparison, the obvious risk is that the TSM scheme will struggle to facilitate an accurate and fair comparison of performance between RPs, and its use as a means of informing regulation will be compromised. The regulator itself has acknowledged the potential limitations of the scheme, owing to the variation in methods of data collection and sampling across different organisations.

The question, therefore, is what might be done to address those potential pitfalls to ensure that the TSM scheme works as effectively as it can. I will be grateful if the Minister could give us a sense of how the Government believe that a degree of standardisation might be imposed upon the TSM process to facilitate an accurate and fair

[Matthew Pennycook]

comparison of performance between providers. Also, she might ask her officials to consider whether it would be appropriate for the Government to commit to asking the regulator to review the method of collecting, processing and presenting the information in question within a certain timeframe, following any directions issued under proposed new section 198C coming into effect.

Dehenna Davison: I will write to the shadow Minister following our sitting to give him further clarity about the clause.

Question put and agreed to.

Clause 27 accordingly ordered to stand part of the Bill.

Clause 28

Surveys

Dehenna Davison: I beg to move amendment 4, in clause 28, page 22, leave out lines 3 to 8 and insert—

"(8) Equipment or materials taken onto premises by virtue of subsection (7) may be left in a place on the premises until the survey has been carried out provided that—

(a) leaving the equipment or the materials in that place does not significantly impair the ability of an occupier to use the premises, or

(b) leaving the equipment or the materials on the premises is necessary for the purposes of carrying out the survey and it is not possible to leave it or them in a place that does not significantly impair the ability of an occupier to use the premises."

This adjusts the power to leave equipment etc on premises so that it can only be left in a place that significantly impairs the ability of occupiers to use the premises if there is no other place on the premises it can be left which doesn't impair such use.

The Chair: With this it will be convenient to discuss the following:

Government amendments 5 to 11.

Clause stand part.

Dehenna Davison: The regulator has an existing power to arrange for a survey of a premises where it suspects that a landlord may be failing to maintain the premises in accordance with its standards. The clause takes steps to ensure that those important surveys can take place more promptly by reducing the notice period required from 28 days for landlords and seven days for tenants to 48 hours for both parties. These are minimum requirements, and in the majority of cases the regulator would seek to give more than the minimum notice period, but the changes ensure that the regulator can act quickly in the most serious cases.

The clause also includes a power for the regulator to seek a warrant for entry when necessary, meaning that surveys can take place when required to ensure that the regulator can identify problems and take appropriate action. In the most serious cases, following a survey the regulator will be able to arrange for emergency remedial action to take place, as set out under clause 31, to address an imminent risk to the health and safety of tenants if the provider fails to take action required by the regulator.

Committee members may be aware that we have stipulated in the Bill that equipment or materials can be left on the premises only if it is necessary for the survey or emergency remedial action to go ahead, or otherwise if that does not significantly impair an occupier when using the premises.

Government amendments 4 to 11 are common-sense amendments designed to ensure that regulatory activities do not unnecessarily obstruct or inconvenience residents of social housing. Our changes are slight and intend to strengthen the Bill's provisions to the benefit of tenants. They require that even if it is necessary to leave equipment or materials on the premises for surveys or emergency remedial action, they must not be left in a way that causes significant inconvenience to occupiers if they can be left in another place where this inconvenience does not occur. This means that thought must be given to minimising the impact of a survey or works on occupiers, including the impact on a tenant's use of the common parts.

Those small, technical changes are intended to ensure that a survey or emergency remedial action can be conducted, but in such a way that is mindful of the impact on tenants and courteous to them. I commend the amendments to the Committee.

Amendment 4 agreed to.

Amendments made: 5, in clause 28, page 22, line 8, at end insert—

"(9) Where the premises include common parts of a building, references in subsection (8) to the ability of an occupier to use the premises include the ability of an occupier of a dwelling that has use of the common parts to use those parts or the dwelling.

(10) In this section, "common parts", in relation to a building, includes the structure and exterior of that building and any common facilities provided (whether or not in the building) for persons who occupy the building."

Where a survey is carried out on premises which include common parts of a building this amendment requires the effect on the ability of occupiers to use their dwellings and the common parts to be considered in determining whether equipment or materials can be left on the premises while the survey is carried out.

Amendment 6, in clause 28, page 22, leave out lines 31 to 36 and insert—

"(5) Equipment or materials taken onto premises by virtue of subsection (4) may be left in a place on the premises until the survey has been carried out provided that—

(a) leaving the equipment or the materials in that place does not significantly impair the ability of an occupier to use the premises, or

(b) leaving the equipment or the materials on the premises is necessary for the purposes of carrying out the survey and it is not possible to leave it or them in a place that does not significantly impair the ability of an occupier to use the premises."

This adjusts the power to leave equipment etc on premises so that it can only be left in a place that significantly impairs the ability of occupiers to use the premises if there is no other place on the premises it can be left which doesn't impair such use.

Amendment 7, in clause 28, page 22, line 36, at end insert—

"(5A) Where the premises include common parts of a building (as defined in section 199A), references in subsection (5) to the ability of an occupier to use the premises include the ability of an occupier of a dwelling that has use of the common parts to use those parts or the dwelling."—*(Dehenna Davison.)*

Where a survey is carried out on premises which include common parts of a building this amendment requires the effect on the ability of occupiers to use their dwellings and the common parts to be considered in determining whether equipment or materials can be left on the premises while the survey is carried out.

Clause 28, as amended, ordered to stand part of the Bill.

Clause 29

INSPECTION PLAN

Matthew Pennycook: I beg to move amendment 16, in clause 29, page 23, line 36, leave out lines 36 to 39 and insert—

"(a) the inspection of every registered provider within four years of the commencement of this Act,

(b) the inspection of every registered provider at intervals of no longer than four years thereafter, and".

This amendment would ensure that the regulator is required to carry out regular inspections of every registered provider.

The Chair: With this it will be convenient to discuss clause stand part.

Matthew Pennycook: We strongly support the introduction of routine inspections of social landlords. We therefore welcome clause 29. I would like to take the opportunity once again to commend the efforts of Lord Best in the other place and the perseverance of Grenfell United, which ensured that the Bill was strengthened.

Routine inspections of social housing landlords must be central to the new consumer regulatory regime introduced by the Bill if tenants are to have confidence that landlords will be monitored appropriately and deterred from risking breaches that could undermine health and wellbeing. The welcome removal of the serious detriment test in its entirety through the provisions in clause 26 legally allows the regulator to adopt a proactive approach to monitoring and enforcing consumer standards.

In our view, such an approach should be premised on inspections that are at short notice, rigorous, thorough and that include direct engagement with tenants who can highlight issues of concern, thereby helping the regulator determine whether a given provider is meeting the enhanced consumer standards introduced by the Bill.

Clause 29 amends section 201 of the Housing and Regeneration Act 2008, adding a new section 201A to require the regulator to make, and take appropriate steps to implement, a plan for carrying out inspections. The plan must be published, kept under review, and revised or replaced where appropriate. However, the nature of the plan and issues such as the types of RPs that should be subject to regular inspections, the frequency of those inspections, and the circumstances in which RPs should be subject to ad hoc inspections are not prescribed on the face of the Bill, instead being left to the regulator to determine in due course.

While we recognise the need for the regulator to have a significant degree of discretion when it comes to formulating the inspections plan, we believe that the Bill should be more prescriptive in two important respects. First, we believe it is essential that the Bill make clear that all RPs, large or small, will be subject to inspections by the regulator. Secondly, we believe it is essential that the Bill ensures that each RP will be subject to routine inspections.

Amendment 16 seeks to achieve both those objectives by specifying which landlords will be inspected and the maximum duration of time between each inspection they are subject to. It does so by replacing proposed new section 201A(1)(a) and (b) of the Housing and Regeneration Act 2008, as inserted by clause 29—for those following in the Bill, that is lines 36 to 39 on page 23—with a requirement that every RP must be inspected within four years of the commencement of the Act and then inspected at intervals of no longer than four years thereafter.

We believe it is entirely reasonable to detail in the Bill the minimum expectations for the regulator's inspections plan. The policy paper published alongside the Bill in June made clear that it would enable Ofsted-style inspections of social housing providers by the regulator. The Education Act 2005 that introduced those inspections specified that every school in England would be subject to them and that they would be inspected on a routine basis at least once every three years. Amendment 16 takes that arrangement and applies it to RPs, subject to the enhanced consumer standards introduced by the Bill.

The amendment deliberately does not specify the precise frequency of inspections, merely requiring that they take place at least once every four years—the timeframe proposed by the Government in their 2020 White Paper in relation to the largest landlords. In doing so, the amendment would allow the regulator to determine the precise frequency and nature of individual inspections based on the size of the landlord and its risk profile as determined by means of desktop review.

We believe amendment 16 would preserve the regulator's operational independence and flexibility when it comes to formulating and implementing the inspections plan now required by clause 29, while strengthening the clause to ensure that key minimum expectations are specified and that tenants can have real confidence in the new inspections regime as a result. I hope the Minister will consider accepting it.

Dehenna Davison: Clause 29 commits the regulator to the delivery of regular inspections by providing it with a duty to publish, and take reasonable steps to implement, a plan for regular inspections. The clause will reinforce the regulator's commitment to deliver the policy objective set by the social housing White Paper, while ensuring the regulator has the freedom to design the inspections regime following engagement with the sector.

As members of the Committee know, a key part of our efforts to drive consumer standards is the introduction of routine inspections by the regulator for the largest landlords. Inspections will help the regulator to hold landlords to account and intervene where necessary, ultimately driving up the quality of homes and services provided to tenants. That measure is integral to the success of the proactive consumer regime facilitated by the Bill.

However, I cannot accept amendment 16, which seeks to introduce a specific duty for the regulator to conduct inspections of all RPs every four years. As I have said, clause 29 puts the Government and the regulator's shared commitment to inspections into legislation, through requiring the regulator to publish and take reasonable steps to implement an inspections plan. The clause also ensures that the regulator maintains a level of operational flexibility to allow it to respond on a risk basis to significant developments in the sector.

[Dehenna Davison]

The regulator is committed to developing a robust approach to inspections, and continues to develop the details of how it will manage consumer inspections via a process of targeted engagement with the sector and social housing tenants. I do not feel that we should bind the regulator's hands by putting into legislation detailed requirements about inspections that would pre-empt the work it is currently undertaking.

The system of inspections will be based on a risk profile to ensure that those landlords at greatest risk of failing, or where failure might have the greatest impact on tenants, are subject to greater oversight. As part of that provision, the regulator will aim to inspect landlords with more than 1,000 homes every four years. We will, of course, hold the regulator to account to deliver and implement its inspections plan, and the regulator continues to be accountable to Parliament for the delivery of its statutory objectives.

Bob Blackman: Clearly, the providers with the most complaints against them to the regulator will be placed most at risk. In my view, some could be subject to an annual inspection, while providers that are doing a really good job and do not warrant an inspection could be left, although, clearly, if there were complaints, the inspection could be brought forward. Is that my hon. Friend's understanding of how this will work? Obviously, the regulator will have limited resources to ensure that standards are improved.

3 pm

Dehenna Davison: Absolutely—this is all about driving up standards. The plan is that the regulator will aim to inspect landlords with over 1,000 homes at least every four years, and those at highest risk could be subject to more frequent inspections. As I say, the regulator is doing detailed work to see how best to implement the measure, and it is important that we let it get on with that work before putting anything into the Bill. On that basis, I hope that the shadow Minister will withdraw the amendment.

Siobhain McDonagh (Mitcham and Morden) (Lab): I rise to support amendment 16 on the basis of 17 years' experience of Ofsted. We know that unless a school knows that Ofsted is coming, problems begin. A substantial proportion of outstanding schools that were not inspected for five years have recently been graded as needing improvement. Organisations need to know that somebody is coming, and coming in a reasonable time.

I simply do not understand why we would oppose registered providers being inspected once every four years, or why we would choose to inspect large housing associations but not smaller ones. Are housing associations with 1,000 tenants or fewer not just as susceptible to poor standards, and are those residents not entitled to live under the same inspection regime?

If regulation just requires looking at the paperwork, things can be made to look brilliant. Who here has not been told by their housing provider that it does not have a problem because 80% of tenants say that its repairs system is fantastic? When we dig into the detail, we appreciate how few people respond to customer service requests and just how hard some of our constituents find it to complain or get themselves heard. We need a clear and strong inspection regime.

Eddie Hughes: The hon. Lady makes a valid point. That is why we will do customer satisfaction surveys that have been agreed with the regulator. The format has been agreed. We will be able to compare housing associations and their relative performance in order to drill down and improve that performance. I understand her point, but the Government are making significant strides with the regulator to try to drive up customer and tenant engagement to ensure that we are genuinely getting the opinion of the majority, rather than a minority.

Siobhain McDonagh: That is not possible. We cannot construct a customer survey as emphatic or successful as that, because we have a broad span of residents and tenants, with different lives that determine whether they fill in forms. We as politicians, and people who deliver leaflets and get others to do so on our behalf, know that some people will always respond and others never will, even if, objectively speaking, they need to do so.

Sara Britcliffe (Hyndburn) (Con): Surely, if a tenant is aggrieved with the process, they are likely to fill in the survey response.

Siobhain McDonagh: I have been an MP for 25 years and a member of the Labour party for 42 years. I am really interested in political communication and getting people to respond. I have to tell the hon. Member that a substantial number of people will never respond, and it is often those who live in the most dire circumstances. If we are serious about improving standards, we need the most structured inspection system that we can afford—I appreciate that it is public money.

I do not deny that anything done in the Bill is a step forward and an improvement, but if we are going to spend public money on behalf of some of our most vulnerable constituents, we want to make it the best-spent money that we can. Let us get it right. We are not starting with a clean piece of paper; we are starting with 17 years of experience with Ofsted and years of experience with the Care Quality Commission. We know a great deal about how inspection regimes work.

Dehenna Davison: On the point about making sure we get the system right, the hon. Lady mentioned public funds, which is clearly a crucial issue. That is precisely why the regime is being designed so that those who are most at risk will be inspected more frequently. That includes not just larger landlords but smaller landlords where there is a clear indication of issues that have been found previously. Inspections can also be done on a more reactive basis. If a report goes to the regulator to suggest that there is a specific issue with a smaller landlord, the risk profile will be there and the landlord could be inspected much more frequently.

Siobhain McDonagh: I am glad that there will be reactive inspections. I am not suggesting that there should not be. What I am saying is that, along with reactive inspections, there should be a regular and rigid routine of inspections. That way, everybody knows that they will have an inspection once during a four-year period. That does not seem to me to be over-regulation, certainly given recent events in social housing stock.

Matthew Pennycook: I have to say that I am slightly disappointed with the Minister's speech. I am not convinced by her arguments. There is clearly a debate here about how prescriptive we should be in the Bill as to the regulator's functions. I am convinced that we need to be slightly more prescriptive. I say that for a couple of reasons.

First, my hon. Friend the Member for Mitcham and Morden made a good point on the size of providers. It has certainly been my experience that some of the smaller providers are the most egregious when it comes to standards, partly because they do not face the reputational risk, or the extent of investigations by Members of Parliament or others into their activities, that some of the larger providers do. I do not think the size of providers should play a part in who is inspected.

We think it is important that all providers are inspected within the four-year period. I absolutely agree with my hon. Friend: it is not enough to base a reactive inspections regime, to the extent that that is a part of the process provided by the clause, on surveys or desktop studies alone. We do not leave schools out of the Ofsted inspections process because we are not getting complaints about them. We inspected all schools routinely within a certain period.

Secondly, to the extent that the amendment is prescriptive, I do not think that it is particularly onerous on the regulator. All we are asking for is an inspection within four years of the Bill receiving Royal Assent and every four years thereafter. That four-year timeframe was proposed by the Government in their White Paper; we did not pluck it out of thin air. I think it is entirely reasonable to ask for an inspections regime to take place on that basis. If the regulator needs the resources to carry out those inspections, let us ensure that it has them. However, I struggle to understand why the Government do not feel they can add an element of prescription to the inspections plan in the way that amendment 16 proposes. We will therefore press the amendment to a Division.

Question put, That the amendment be made.

The Committee divided: Ayes 7, Noes 9.

Division No. 2]

AYES

Fletcher, Colleen	Nichols, Charlotte
Hayes, Helen	Owen, Sarah
Long Bailey, Rebecca	
McDonagh, Siobhain	Pennycook, Matthew

NOES

Blackman, Bob	Hughes, Eddie
Britcliffe, Sara	Mackrory, Cherilyn
Clarke-Smith, Brendan	Marson, Julie
Davison, Dehenna	Throup, Maggie
Hart, Sally-Ann	

Question accordingly negatived.

Clause 29 ordered to stand part of the Bill.

Clause 30

PERFORMANCE IMPROVEMENT PLANS

Question proposed, That the clause stand part of the Bill.

Matthew Pennycook: We welcome the introduction of performance improvement plans as a sensible measure to drive up standards where registered providers are falling short. I would, however, like to raise a few issues in relation to how these plans will work in practice.

We note that the tenant is provided with a copy of the performance improvement plan, which is drawn up where a registered provider has failed to reach a statutory standard for properties under their responsibility, only if the tenant makes a written request for one. Given the strong case for ensuring that all affected tenants know how their landlord is performing and what decisions they are making, we question whether that is sufficient. We note that this matter was also explored during Committee stage in the other place.

In the material it supplied in relation to consideration of the Bill, the Chartered Institute of Housing argued:

"Consideration should be given as to how tenants will be alerted should any poor performance lead to the regulator requiring a performance improvement plan".

The Local Government Association has also put on record its desire to see the publication of guidance on the regulator's requirements and timescales for preparing and implementing performance improvement plans.

In the light of these points, I hope the Minister could clarify, either today or in writing—I am happy to take another letter from her—the operation of the provisions in this clause in relation to the following. First, how will tenants be notified if the poor performance of their registered provider leads to the regulator initiating the process of preparing an improvement plan? Will tenants, for example, have the chance to input their views about the problems identified and the measures specified for improvement in these plans?

Secondly, what is the rationale for specifying that tenants can only request a copy of the plan if they require one, rather than being provided with the plan as a matter of course along with any information about what it is, why it came about and what changes they can expect to see as a result—an arrangement that strikes us as more in keeping with the aims outlined in the Government White Paper? Thirdly, is the Minister able to tell us when the guidance on the regulator's requirements and timescales for preparing and implementing performance improvement plans will be published? Lastly, does the Minister expect that performance improvement plans will be used as a first resort to give underperforming landlords the chance to improve before the regulator considers more punitive measures?

Dehenna Davison: I am grateful to the shadow Minister for his questions. I will follow up in writing and provide some more clarity. Where there is a performance improvement plan in place, the provider is required to publish that, so it will be freely available to tenants and, indeed, to members of the public.

Question put and agreed to.

Clause 30 accordingly ordered to stand part of the Bill.

Clause 31

EMERGENCY REMEDIAL ACTION

Matthew Pennycook: I beg to move amendment 17, in clause 31, page 27, line 28, leave out "may" and insert "must".

[Matthew Pennycook]

This amendment would ensure that emergency remedial action takes place on every occasion where the conditions in subsections (2) to (4) of section 225B inserted by clause 31, are met rather than being discretionary.

The Chair: With this it will be convenient to discuss clause stand part.

Matthew Pennycook: Amendment 17, in my name and that of my hon. Friend the Member for Luton North, is extremely straightforward, and I will therefore be very brief in speaking to it.

Clause 31 relates to emergency remedial action. It amends section 225 of the Housing and Regeneration Act 2008, adding new sections 225A to 225H, which enable the regulator to arrange for an authorised person to take emergency remedial action in instances where a tenant faces an imminent health and safety risk. We strongly support it. The purpose of amendment 17 is simply to ensure that emergency repairs of the kind proposed must take place, rather than may take place—with apologies to the hon. Member for Harrow East, we return to the "may" and "must" distinction—on every occasion where the relevant conditions have been met.

It is worth briefly touching on what those conditions—as set out in proposed new section 225B(2) to (4)—are, because they are stringent, which is why we think that the regulator should be required to act in all instances. For the premises of a social housing provider to be considered appropriate for possible emergency remedial action under clause 31, a survey of its condition must have been completed; the premises must have been found to be improperly maintained; its condition has to have been found to cause an imminent risk of serious harm to the health or safety of the tenants who reside in it or neighbouring residents; and the provider has to have failed to comply with an enforcement notice requiring it to take action to bring the premises up to standard.

Our contention is that any premises managed by any provider found to have satisfied all those tests should automatically receive emergency repairs, rather than merely be considered for them. As such, we think the replacement of the offending "may" with a "must" is vital. I hope the Minister will give the issue considered thought.

3.15 pm

Dehenna Davison: It is the responsibility of every registered provider of social housing to ensure that they provide safe and decent housing to their tenants. That means maintaining properties in accordance with the Regulator of Social Housing's standards and addressing problems issues quickly where problems are identified.

Where a provider cannot or will not address issues that risk the health and safety of tenants, it is essential that the regulator can act. The clause therefore allows the regulator to authorise persons to enter a property and conduct emergency remedial works in cases where failings risk causing serious harm to tenants. For the regulator to do so, it must first conduct a survey of the premises, be satisfied that the provider has failed to maintain the premises in accordance with relevant standards and that the failure poses a serious health and safety risk, and give an enforcement notice requiring those failures to be addressed. If those grounds are met, the regulator may step in and take emergency remedial action. The amendment moved by the shadow Minister would mean that the regulator must take emergency remedial action when the relevant grounds are met.

I have made it clear several times that nothing is more important to the Government than keeping people safe in their homes. Sadly, however, I cannot accept the amendment, because we feel it is essential that the regulator retains the independence and flexibility to determine where it is appropriate to use the power set out in the clause. That reflects regulatory best practice, whereby the regulator has the operational independence to regulate the sector effectively by deciding which of its enforcement powers to use in any given case.

Matthew Pennycook: If a provider has failed all the tests in the clause, what other powers might the regulator use if it did not feel that emergency remedial action was necessary? What other things might it do to address a series of failings that triggered its ability to act along the lines we have discussed?

Dehenna Davison: We have talked, for example, about enforcement notices and possible fines, which are clearly measures available to the regulator. One of the things that we are concerned about at this stage—this has been drawn out at various points today—is binding the hands of the regulator. We do not want to commit it to one course of action.

Maggie Throup (Erewash) (Con): Does the Minister agree that we are providing the framework for the regulator? As politicians, we should not be telling it how to do its job. If we make the regulations and powers strong enough and give the regulator teeth, whether the word is "may" or "must" becomes irrelevant, because it will take action anyway.

Dehenna Davison: My hon. Friend makes the point extremely well and much more strongly than I did. She is absolutely right. We are setting out the framework of what the regulator can use and will have access to. It will have a full suite of powers available to ensure that it is looking out for tenants and that they are in the best possible housing.

To summarise, we do not wish to bind the hands of the regulator too stringently. We want to give it a suite of powers and the operational independence to choose which powers to use. On that basis, I ask the hon. Member for Greenwich and Woolwich to consider withdrawing his amendment.

Matthew Pennycook: I appreciate the Minister's concern about binding the regulator too rigidly. I push back slightly against the point made by the hon. Member for Erewash: I think it is wrong to say—the experience of recent years shows this—that just because we give a regulator a power, it necessarily uses it, and certainly not in a proactive way. At this stage, however, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Amendments made: 8, in clause 31, page 29, line 41, leave out from beginning to end of line 6 on page 30 and insert—

"(5) Equipment or materials taken onto premises by virtue of subsection (4)(b) may be left in a place on the premises until the emergency remedial action has been taken provided that—

(a) leaving the equipment or the materials in that place does not significantly impair the ability of an occupier to use the premises, or

(b) leaving the equipment or the materials on the premises is necessary for the purposes of taking the emergency remedial action and it is not possible to leave it or them in a place that does not significantly impair the ability of an occupier to use the premises."

This adjusts the power to leave equipment etc on premises so that it can only be left in a place that significantly impairs the ability of occupiers to use the premises if there is no other place on the premises it can be left which doesn't impair such use.

Amendment 9, in clause 31, page 30, line 6, at end insert—

"(6) Where the premises include common parts of a building (as defined in section 225C), references in subsection (5) to the ability of an occupier to use the premises include the ability of an occupier of a dwelling that has use of the common parts to use those parts or the dwelling."

Where emergency remedial action is taken on premises which include common parts of a building this amendment requires the effect on the ability of occupiers to use their dwellings and the common parts to be considered in determining whether equipment or materials can be left on the premises while the work is carried out.

Amendment 10, in clause 31, page 30, leave out lines 29 to 36 and insert—

"(5) Equipment or materials taken onto premises by virtue of subsection (4) may be left in a place on the premises until the emergency remedial action has been taken provided that—

(a) leaving the equipment or the materials in that place does not significantly impair the ability of an occupier to use the premises, or

(b) leaving the equipment or the materials on the premises is necessary for the purposes of taking the emergency remedial action and it is not possible to leave it or them in a place that does not significantly impair the ability of an occupier to use the premises."

This adjusts the power to leave equipment etc on premises so that it can only be left in a place that significantly impairs the ability of occupiers to use the premises if there is no other place on the premises it can be left which doesn't impair such use.

Amendment 11, in clause 31, page 30, line 36, at end insert—

"(5A) Where the premises include common parts of a building (as defined in section 225C), references in subsection (5) to the ability of an occupier to use the premises include the ability of an occupier of a dwelling that has use of the common parts to use those parts or the dwelling."—*(Dehenna Davison.)*

Where emergency remedial action is taken on premises which include common parts of a building this amendment requires the effect on the ability of occupiers to use their dwellings and the common parts to be considered in determining whether equipment or materials can be left on the premises while the work is carried out.

Clause 31, as amended, ordered to stand part of the Bill.

Clauses 32 to 35 ordered to stand part of the Bill.

Schedule 3 agreed to.

Clauses 36 to 38 ordered to stand part of the Bill.

Schedule 4 agreed to.

Clauses 39 and 40 ordered to stand part of the Bill.

Schedule 5 agreed to.

Clauses 41 to 43 ordered to stand part of the Bill.

Clause 44

SHORT TITLE

Amendment made: 12, in clause 44, page 37, line 10, leave out subsection (2).—*(Dehenna Davison.)*

This amendment removes the privilege amendment inserted by the Lords.

Clause 44, as amended, ordered to stand part of the Bill.

New Clause 1

REGULATOR DUTY TO ENSURE CONTINUITY OF SECURE TENANCY IN CASES OF THREAT TO SAFETY

"(1) The Housing and Regeneration Act 2008 is amended as follows.

(2) After section 92K insert—

'92KA Duty to ensure continuity of secure tenancy in cases of threat to safety

(1) This section applies where—

(a) a registered provider of social housing has granted a secure tenancy of a dwelling-house in England to a person (whether as the sole tenant or a joint tenant), and

(b) the registered provider is satisfied that there is a threat to the personal safety of that person or of a member of that person's household which means there is a risk to their personal safety unless they move.

(2) When subsection (1) applies, the regulator must ensure that the registered provider grants the tenant a new secure tenancy which is–

(a) on terms at least equivalent to the existing tenancy; and

(b) in a dwelling where the threat to the tenant's personal safety does not apply.

(3) In this section, a "threat to personal safety" means any threat of violence, including in circumstances of—

(a) domestic abuse where the perpetrator does not live at the same address as the victim;

(b) an escalating neighbour dispute;

(c) a threat of targeted youth or gang violence.

(4) In assessing the threat under subsection (1)(b), the registered provider must act in accordance with any relevant police advice provided to–

(a) the registered provider,

(b) the tenant, or

(c) any member of the tenant's household.

(5) In the event that a registered provider is unable to ensure the provision of an appropriate new secure tenancy pursuant to subsection (2), the regulator must ensure that the registered provider concerned co-operates with other registered providers to ensure an appropriate new secure tenancy is provided in a timely manner.'"—*(Helen Hayes.)*

This new clause would require the regulator to ensure that tenants whose safety is threatened are granted alternative accommodation by their housing provider on equivalent terms to their existing tenancy. It also requires the regulator to ensure that a provider which is unable to provide appropriate alternative accommodation co-operates with other providers to do so.

Brought up, and read the First time.

Helen Hayes (Dulwich and West Norwood) (Lab): I beg to move, That the clause be read a Second time.

It is a pleasure to serve under your chairmanship, Sir Edward. The new clause proposes a small but significant amendment to housing law to give additional security

[Helen Hayes]

to social housing tenants who suffer the consequences of a threat of serious violence. The clause arises from my experience of representing my constituent Georgia, an NHS worker whose teenage son was threatened by gang members. Georgia was a housing association tenant who had lived in her home for nine years. She and her children were happy in their home, which she had recently redecorated—then her neighbours told her that one afternoon, while she was at work, they had heard loud banging on her door. Georgia eventually coaxed out of her son the information that he had witnessed something that local gang members had not wanted him to see, and they had come to her home looking for him. Georgia contacted the police, who told her that she had to move immediately for her family's safety. She got in touch with her housing association, which told her that it was the council's responsibility to provide emergency housing. The council placed Georgia and her children in temporary accommodation, which was in another borough, of poor quality and expensive. Georgia's children did not have enough space, the flat was damp and dirty, it was hard for her children to do their homework and Georgia started to suffer from panic attacks that affected her work.

By the time that Georgia's friend got in touch with me because she was worried about Georgia's health and the wellbeing of her children, they had been in the temporary accommodation for six months, and her housing association had started the process of ending her tenancy because she was no longer living in her flat. The consequence of this, in the context of the UK's housing crisis, would have been Georgia and her children being added to the statistics of homeless households, in temporary accommodation—potentially indefinitely—and at the bottom of the housing waiting list. No one should become homeless because their child is threatened.

In one London borough, 47 housing association tenants—at the time that I did this research, earlier this year—have required homelessness assistance from the council as a result of a threat of violence since 2019. Across the country, that means that thousands of families have had to leave their home each year, with their secure tenancies potentially at risk, on top of having to rebuild their lives in a new area. Homelessness is fundamentally destabilising, involving the loss of a sanctuary and a place in one's community. It is deeply traumatising to have to make an emergency move because of a threat of violence and start again somewhere else. Our housing system should do everything possible to help families in such circumstances to make the transition to a new, permanent home as soon as possible to limit the harm caused by that threat.

I am delighted that the new clause has the support of both Shelter and the National Housing Federation. Shelter has also highlighted the case of Corey Junior Davis, or CJ, whose mum had asked her housing association for an urgent move after her son had been threatened and told her that he feared for his life. CJ's mum had done everything possible to keep her son safe, including sending him to stay with relatives in a different area, but six months after her initial request, while they were still waiting for a move, CJ was shot and killed. I have also met several constituents who have sent their children away to keep them safe, because they know what the consequences of an emergency move to temporary accommodation would mean and they fear those consequences. That is not a choice that any parent should have to make.

The new clause would have the effect of requiring social landlords to protect the tenancy rights of secure tenants who have had to move due to a threat of serious violence, and would place a duty on social landlords to co-operate in a situation in which the tenant's current landlord does not hold stock in an area that is considered safe for the tenant to move to. The threshold for these new duties to be triggered is that the police consider an emergency move to be necessary. Georgia was troubled by what had happened to her son, but it had not occurred to her that she would have to move out of the home that she loved until the police said that that was necessary to safeguard her child's life. The group of people who would be protected by the new clause are not net additional demand on the social housing system; they are already secure social tenants, and the current social home that they are vacating would of course be returned to the landlord to be let to a new tenant.

There are many reasons why people become homeless due to no fault on their part. The clause will not protect all of them, but I am tabling this new clause for two reasons. The first is that the loss of a secure social tenancy, and effectively going to the bottom of an impossibly long housing waiting list, is far too high a price to pay for being the victim of a threat of violence. Georgia and her children suffered a grave detriment, simply because some violent gang members decided to threaten her son. The second is that serious violence is a scourge on the lives of all those that it affects. Far too many young people are living with the deep trauma of things that they have witnessed or friends that they have lost to knife or gun crime. We have a duty to do everything possible to stop the cycle of violence and the trauma that it causes in our communities. Supporting the victims of threats of violence to regain stability and move on with their lives is one way in which we can do that. Plunging victims into the unstable, often appalling, world of temporary accommodation has the opposite effect. We have the opportunity to change that.

3.30 pm

I was pleased to work with the hon. Member for Harrow East on his Homelessness Reduction Act 2017 in a previous Parliament. As members of the Housing, Communities and Local Government Committee, we saw evidence that a change in the duties on councils could make a real difference to the prevention of homelessness. I was also pleased to have his support for Georgia's law, as I am naming the new clause, when I introduced it under the ten-minute rule earlier this year. This is a similar situation. A small change in duties could make a big difference to a very vulnerable group of people who need more support.

Bob Blackman: Does my hon. Friend—I classify her as my hon. Friend because we have co-operated on so many other things—not accept that one of the problems is the shortage of suitable accommodation? I had a similar event in my constituency: a family was encouraged by the police to seek alternative accommodation, the registered social landlord said, "We don't have any," and naturally there was a problem as a result. Does she accept that providing suitable accommodation within a

reasonable distance that allows children to go school, perhaps, and the tenant to get to work will be very challenging? I wonder whether she has considered that she is putting the onus on the registered social landlord to provide that. They may not operate within suitable areas, or may not be able to get co-operation from another registered social landlord. Would it not be better to have a range of potential organisations that might provide accommodation in what are, as she said, exceptional circumstances, rather than putting the onus on the registered social landlord?

The Chair: Order. This is a very long intervention.

Bob Blackman: I understand that, Sir Edward, but this is an important issue that merits further explanation.

Helen Hayes: I thank the hon. Member for that intervention. The new clause would impose a duty of co-operation on registered social landlords, which is designed to deal exactly with such a circumstance, where accommodation cannot be found that is safe for the tenant within the area in which the current landlord holds property. These are of course very challenging cases. I have certainly come across constituency cases in which the tenant simply cannot bring themselves to move from their home because the consequences are so dire for them, even when an offer has been made in an area that is considered by the police to be safe for them.

The new clause will not resolve every single circumstance, but in Georgia's case, when I phoned a senior director in her large registered housing provider she was provided with a new tenancy in a safe borough, and signed that tenancy within a week. With greater will on the part of registered providers, and I believe that placing a duty would prompt that greater will, much more can be done to stop the cycle of violence in our communities.

Matthew Pennycook: I rise briefly to support my hon. Friend's new clause, Georgia's law. She made an extremely powerful case for it. I believe that it is sensible and proportionate, and will have a significant impact. I am sure that many hon. Members present have dealt with the kind of cases that she outlined—I certainly have. We are talking about a small but significant minority of tenants in England, but they find themselves, as the hon. Member for Harrow East said, in the exceptional circumstances of a police referral. All the new clause asks for is the protection of their tenancy rights, which should not be lost when they are forced to move, and greater co-operation between registered providers.

It is no surprise that the new clause is supported by organisations such as the NHF and Shelter. I think this is a very strong new clause, and I very much hope that the Government are minded to act on this issue, if not today then on Report. It is a crucial provision and will benefit the lives of many of our constituents.

Dehenna Davison: I am grateful to the hon. Member for Dulwich and West Norwood for tabling the new clause and for her engagement on the issue some weeks ago when we met to discuss it. I am grateful to her for raising the case of Georgia and her boys, and that of CJ. They are both horrendous cases, which give us all food for thought. I thank her for her words on the need to reduce violence more widely. That is something I am incredibly passionate about on a personal level too.

Before I begin, I want to clarify some technicalities. The new clause would provide protection where registered providers have granted their tenants secure tenancies. Secure tenancies are only granted by local authorities, so we will talk to the intention of the new clause, which is I believe around assured tenancies, as well as those in secure tenancies given by local authorities that are registered with the regulator.

We do not expect anyone who is threatened with violence to feel like they cannot move to safety for fear of losing their security of tenure. There are already a number of policies in place that seek to protect people at risk of violence who are in need of urgent rehousing. If a local authority grants a victim of domestic abuse, for example, a new tenancy for reasons connected with the abuse, it is required to give them a secure lifetime tenancy, rather than a tenancy with a fixed term.

Local authorities are also required to give people who need to move for their safety reasonable preference for social housing under section 166A(3) of the Housing Act 1996. Chapter 4 of the statutory guidance encourages local authorities to give additional preference or high priority to those fleeing violence, including intimidated witnesses, those escaping serious antisocial behaviour and people fleeing domestic violence.

By extension, those protections can be applied to private registered providers through duties to co-operate with their local authority in housing people with priority. Most private registered providers let 50% to 100% of their tenancies via nominations from their local authority. The current approach, which considers applicants for social housing on a case-by-case basis, and retains some flexibility, is the most appropriate means of determining whether a household should be granted a new tenancy.

The new clause would have the effect of requiring registered providers to relocate tenants and provide them with a new tenancy agreement. As we know, there are sadly many people with urgent housing needs who need to move immediately—for example, families who are living in conditions that pose a serious risk to their health. Going further than the existing protections by requiring registered providers to prioritise people fleeing violence above others would undermine some of the flexibilities given to housing providers to respond to the specific requirements of those in urgent need of social housing locally.

It is a fundamental right of the landlord to determine who they grant a tenancy to and who lives in their property. Retaining that right is key to registered providers being able to achieve their goal of creating safe and stable communities. It is therefore important to retain some flexibility for social landlords to decide their policy on allocations and who to house. That is integral to the effective functioning of the wider system.

Finally, as I am sure the hon. Member for Dulwich and West Norwood will be aware, we are taking steps to reform tenancy law to protect the security of tenure for social tenants. After section 21 is removed, all tenancies given by private registered providers will have greater security of tenure.

On that basis, I ask the hon. Lady to withdraw the new clause. I am very willing to work with her to see what more can be done in this area to prevent any more cases like that of Georgia and her boys emerging.

Helen Hayes: I thank my hon. Friend the shadow Minister for his support for the new clause. I am grateful to the Minister for her engagement and discussions prior to Committee stage, and for her comments just now. I would be more than happy to work with the Minister to resolve any drafting clarifications and on the intention of the new clause.

The Minister mentioned existing protections, but surely if they were working as they should, cases such as Georgia's would simply not be arising in their current number. When I first spoke to the local authority that covers the part of my constituency where Georgia was resident, it said that registered providers, housing associations, fall back on the local authority's duty to provide emergency accommodation. It says that happens all the time, and that there is no regard for what happens to the tenant, given all the destabilisation that comes from a very long time in temporary accommodation.

Certainly in London, on paper the local authority has a duty to provide emergency accommodation and then to rehouse that resident. There is nothing in the priority need criteria, however, that would have given Georgia or her family any significant level of priority need—certainly not a sufficient level of priority, because the violence would not have been taken into account. She was housed with a roof over her head in another borough, where it was thought it was safe for her to be. As it turned out, it was not safe for her, but it was judged to be a borough distant from where the initial threat was made. There was nothing in her circumstances to give her a level of priority band above about band C. She was never going to be rehoused, and because of the consequence of a threat to her son, she went from being a secure tenant in a very stable situation to facing, realistically, an indefinite period of time in temporary accommodation.

I simply do not believe that that situation is fair, and the current system is not functioning as it should. I acknowledge that there are many people who need to move and that our housing system is absolutely full of people who have a pressing and real need to do so. We also have a duty as a society to prevent harm from serious violence, and that is why that additional protection is needed over and above the current protections in law outlined by the Minister. I am happy to withdraw the new clause, but it is my intention to re-table it on Report, when I will divide the House if there is insufficient evidence of progress, because I strongly believe that this needs to get on the statute book. I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 4

217A Professional qualifications and other requirements

"After section 217 of the Housing and Regeneration Act 2008 (accreditation) insert—

'217A Professional qualifications and other requirements

(1) The Secretary of State may, by regulations, provide that a person may not engage in the management of social housing or in specified work in relation to the provision of social housing unless he or she—

(a) has appropriate professional qualifications, or

(b) satisfies specified requirements.

(2) Regulations specifying work for the purpose of subsection (1) may make provision by reference to—

(a) one or more specified activities, or

(b) the circumstances in which activities are carried out.

(3) Regulations made under this section may, in particular, require—

(a) the possession of a specified qualification or experience of a specified kind,

(b) participation in or completion of a specified programme or course of training, or

(c) compliance with a specified condition.

(4) Regulations may make provision for any of the following matters—

(a) the establishment and continuance of a regulatory body;

(b) the keeping of a register of qualified social housing practitioners;

(c) requirements relating to education and training before and after qualification;

(d) standards of conduct and performance;

(e) discipline and fitness to practise;

(f) removal or suspension from registration or the imposition of conditions on registration;

(g) investigation and enforcement by or on behalf of the regulatory body, and appeals against the decisions or actions of the regulatory body.'"—(*Matthew Pennycook.*)

This new clause would require managers of social housing to have appropriate qualifications and expertise.

Brought up, and read the First time.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 6, Noes 9.

Division No. 3]

AYES

Fletcher, Colleen	Nichols, Charlotte
Hayes, Helen	Owen, Sarah
Long Bailey, Rebecca	Pennycook, Matthew

NOES

Blackman, Bob	Hughes, Eddie
Britcliffe, Sara	Mackrory, Cherilyn
Clarke-Smith, Brendan	Marson, Julie
Davison, Dehenna	Throup, Maggie
Hart, Sally-Ann	

Question accordingly negatived.

New Clause 5

Arrangements for boards of registered providers

'(1) Section 193 of the Housing and Regeneration Act 2008 is amended as follows.

(2) In subsection (2)—

(a) after paragraph (f) insert—

"(fa) methods for having direct tenant representation and participation in boards and other decision-making functions of registered providers,

(fb) methods for participation in boards within providers of an elected councillor of one or more strategic housing authorities where the provider conducts business."'—(*Matthew Pennycook.*)

This new clause would allow the regulator to set standards in relation to the representation of tenants and councillors on boards of registered providers.

Brought up, and read the First time.

Matthew Pennycook: I beg to move, That the clause be read a Second time.

This is, quite consciously, a probing amendment. As a result of the Regulation of Social Housing (Influence of Local Authorities) (England) Regulations 2017, the amount of local authority influence over private registered providers was reduced through the loss of local authority voting rights and restrictions on the percentage of officers a local authority may nominate as board members. The rationale for that reduction of influence was that it was necessary for the Government to relinquish sufficient control to allow the Office for National Statistics to reverse its 2015 classification of housing associations into the public sector following the Cameron Government's decision to force registered providers to cut social sector rents by 1% a year for four years, with all that that entailed for the ability of social landlords to fund essential services, spend on repairs and maintenance, carry out retrofit work and build new social homes. If you recall, Sir Edward, it was done as a means of slashing the housing benefit bill.

3.45 pm

While we are not making a case for local authority influence over private registered providers to return to what it was prior to late 2017, we believe there may be value in considering once again whether the right balance is being struck when it comes to representation on boards of registered providers. New clause 5 seeks to probe the Government on this matter by proposing to enable the regulator to set standards in relation to the representation of both tenant and local councillors on boards of registered providers.

Ensuring that there are minimum levels of tenant and elected councillor representation on the boards of registered providers could improve landlord governance and decision making. It could help ensure that the new proactive consumer regulatory regime introduced by the Bill operates effectively. Free from the conflict of interest that employees of registered providers would face, tenant and councillor representatives could assist the work of the regulator in ensuring that consumer standards are adhered to by identifying specific issues of concern as part of the routine inspections provided for by clause 29.

I was glad to hear the Secretary of State, in his appearance before the Select Committee on Monday 21 November, recognise that the role of local representatives and tenants in the management and governance of providers was a "live issue" and that improvements were needed with regard to it. In proposing this amendment, we simply wish to ascertain the Government's view as to the potential merits of enabling the regulator to set standards in relation to the representation of both tenant and local councillors on boards of registered providers. I look forward to the Minister's response.

Dehenna Davison: As the shadow Minister rightly outlined, new clause 5 seeks to ensure representation of tenants and councillors on the board of registered providers. While I agree with the sentiment behind the amendment—that we must ensure that the voice of social housing tenants is heard loud and clear in matters that affect them—I am afraid I must disagree that it is the best approach to take.

Tenants speak from their lived experience, which can bring a different and valuable perspective to that of other board members. They should be listened to at all stages of decision making. However, we do not think that mandating the inclusion of a tenant board member is necessarily the best way to achieve that aim.

Eddie Hughes: I have some experience of this, having been a councillor representative on the board of Walsall Housing Group at a time when it was a prescribed position. I distinctly remember a couple of instances prior to my being on the board when the Conservative spot was decided by random voting or people having been coerced into filling it. That seemed completely inappropriate.

When I became chair of the board of that group, we took a different view—to adopt a skills-based approach, determining that some of the skills would be best met by those who had experience of being a tenant. It was not prescribed that we were saving places for tenants; it just became a natural order of business that they would have the appropriate skills and experience to fill some of the vacancies on the board. Speaking from personal experience, too prescriptive an approach can sometimes lead to unintended consequences: people filling a place just because they need somebody under a certain heading to fill it.

Dehenna Davison: I thank my hon. Friend for setting out his own experience. It is an area the Government are very concerned about, and it comes back to the Committee's debate today about how prescriptive we should be in the Bill.

Some housing providers already have tenants on boards, and they have been effective in championing residents' voices, but this is not the case for everyone. Tenant board members are required to put their legal duties as a board member before their role as the representative for residents, which can cause confusion and conflict. Other structures can be just as successful and involve a more diverse range of tenants in decision making. That can range from formal consultations, focus groups and local events to appointed board observers and membership of panels focused on scrutiny, procurement or complaints that feed in at all stages of the decision-making process. We want to retain a flexible approach that promotes tenant empowerment and engagement for all tenants without forcing the statutory duties of a board member on a single individual.

The Regulator of Social Housing already sets standards for the outcomes that landlords must achieve in respect of tenant engagement. It will review, consult and update them as part of the new consumer regulation regime. The regulator will also ask landlords to demonstrate how they engage with tenants and require them to report on tenant satisfaction measures, as part of their assessment and inspection of landlords in the new regime. That is important because for the first time it makes tenants' experiences a measure by which housing providers will be judged and held to account by the regulator.

There will also be improved transparency measures for tenants to be able hold their landlord to account. They need to know how it is performing and what decisions it is making. That information needs to be easily available. Earlier today we touched on the access to information scheme that we will introduce. That will enable tenants of private registered providers to request information from their landlords.

In addition, we have made funding available for a residents' opportunities and empowerment programme, which will provide training to residents across the country

[Dehenna Davison]

on how to engage effectively and hold landlords to account. I hope that I have provided enough reassurance for the shadow Minister to withdraw his new clause.

Matthew Pennycook: I thank the Minister for that useful response and the hon. Member for Walsall North for his contribution. The Minister touched on an interesting issue when exploring the details of the Bill before today. There is not only potential for confusion but potential conflict about the role of a board member, particularly in the case of an elected councillor.

I was interested to read when looking into the death of Awaab Ishak that two councillors were removed by the board of Rochdale Boroughwide Housing for drawing attention to their concerns about buildings being pulled down—I am not saying that was anything specifically related to his death, but it related to concerns they had about a particular decision by the provider that was in conflict with their role.

In general terms, I understand the concern about being too prescriptive. This area should perhaps be kept under review. Whether it is best practice by some registered providers, guidance or whatever it might be, it is important to keep under review how to ensure that we can get the most representative and effective board of registered providers. As I said, this is a probing new clause. I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 6

STANDARDS RELATING TO CONSUMER MATTERS

'(1) Section 193 of the Housing and Regeneration Act 2008 is amended as follows.

(2) In subsection (2)—

(a) after paragraph (d) insert—

"(da) major repair or improvement works,

(db) estate regeneration,

(dc) service charges,"

(b) after paragraph (ga) insert—

"(gb) advice and assistance in relation to the prevention of homelessness,"

(c) after paragraph (h) insert—

"(ha) provision for urgent transfer of tenancies in relation to tenants affected by domestic abuse or other violence"'.—*(Matthew Pennycook.)*

This new clause would allow the regulator to set standards in relation to major repair or improvement works, estate regeneration, service charges, homelessness prevention, and urgent moves for residents at risk of violence.

Brought up, and read the First time.

Matthew Pennycook: I beg to move, That the clause be read a Second time.

In rising to speak to the final new clause, I thank hon. Members for their indulgence. They have listened to me a lot today.

Eddie Hughes: Quality stuff!

Matthew Pennycook: Absolutely right.

We finish with an important new clause. It relates to what comes under the rubric of consumer standards as defined by the Bill. Since its initial publication in June, the Bill has been improved in several important respects. Today we have urged the Government to go further in relation to some areas and we will continue to do so, but we welcome the introduction of the consumer standards in relation to safety, transparency, competence and conduct.

However, there are other matters of real importance to social tenants that the Bill, as drafted, does not extend new consumer standards to. They include major repairs or improvement works, estate regeneration, service charges, advice and assistance in relation to the prevention of homelessness and urgent moves resulting from the risk of domestic abuse or serious violence.

New clause 6 simply seeks to ensure that the regulator has the freedom to set standards for registered providers in respect of each of those areas of housing management by amending section 193 of the Housing and Regeneration Act 2008 to include them within the scope of what is considered a consumer matter.

There is arguably a need for the regulator to carry out a thorough consultation about consumer standards to better understand what housing management issues currently matter most to tenants. However, we know both from organisations providing housing support, guidance and expert advice services and, I would argue, from our own postbags, that the issues covered by new clause 6 are important to tenants. There is an arguable case for placing them in the Bill to at least allow the regulator, which has probably consulted and developed them, to set consumer standards in relation to some of these issues at a later date. I look forward to the Minister's response.

Dehenna Davison: As the shadow Minister outlined, the new clause seeks to amend the Regulator of Social Housing's powers to set consumer standards in a number of ways. All the issues that he raised are important. Although I cannot accept the amendment, I will seek to address the issues raised in turn.

On major repairs and improvements, all social housing landlords should be delivering decent social housing and prioritising repairs and improvements that need to be made to ensure that housing is up to standard. The regulator is already able to set standards relating to the nature, extent and quality of accommodation, and the facilities and services, provided. That can include specified rules about maintenance, which would cover major repairs.

The regulator's current homes standard already requires registered providers to provide a repairs and maintenance service that meets the needs of tenants, with the objective of getting repairs and improvements right the first time. The regulator will consult on and revise the standards following the passage of legislation and the issuance of Government directions.

On estate regeneration, let me be clear that I agree that landlords should be adequately planning for major regeneration projects and delivering planned maintenance. However, including that area as part of the regulator's standard-setting remit is not necessary. As I have noted before, the regulator already has the powers required to set standards required relating to maintenance and repairs. Those standards apply to all homes, regardless of whether they are part of a regeneration project.

Existing legislation also enables the regulator to set standards relating to the contribution of landlords to the environmental, social and economic wellbeing of the areas in which their property is situated, which relates closely to the intended outcomes of regeneration projects. The regulator already sets expectations about neighbourhood management in its consumer standards and will be consulting on revised expectations under the proposed new standards, once the Bill has been passed.

It remains the responsibility of landlords to effectively manage their stock and deliver decent housing for their residents. We believe that a specific standard-setting power for regeneration is unnecessary. Effective asset management is already a focus of the in-depth assessments that the regulator conducts, which mean that landlords have to demonstrate to the regulator that they are able to maintain adequate levels of investment in the homes that they are responsible for.

I turn to service charges. The Government's policy statement on rents for social housing encourages registered providers of social housing to keep any service charge increases within the consumer prices index plus 1% per year—the current limit on annual increases in social housing rents—in order to help ensure that charges stay affordable. Following our recent consultation on social housing rent increases, the Chancellor announced as part of his autumn statement that the Government will cap the increase in social rents at a maximum of 7% in 2023-24. In line with the proposal set out in our consultation, we will amend the policy statement to encourage providers to apply the 7% limit to any service charge increases in 2023-24.

Our policy statement also states that tenants should be supplied with clear information on how service charges are set; in the case of social rent properties, providers are expected to identify service charges separately from the rent charge. The new clause is not necessary to facilitate the regulator's requiring that transparency from providers.

Furthermore, service charges are already governed by legislation in the Landlord and Tenant Act 1985, which states that service charges can be charged only to the extent that they are reasonably incurred and that enforcement of that is via the courts. Consequently, it is not appropriate or necessary to add to the Bill a specific standard-setting power relating to service charges.

I move on to the issue of homelessness. Let me be crystal clear: the Government are committed to preventing homelessness, and I commend my hon. Friend the Member for Walsall North on the incredible work he did on that as a Minister. Since the introduction of the Homelessness Reduction Act 2017, more than half a million households have been supported into secure accommodation. We are investing £2 billion over the next three years into addressing homelessness and rough sleeping, and in September we published our bold new strategy "Ending rough sleeping for good". We have also provided £316 million this year for the homelessness prevention grant, which local authorities can use flexibly to meet their homelessness objectives—including to work with providers to prevent evictions.

I am not in a position to accept the new clause, as I believe the existing legislation is sufficient to achieve the outcome that the hon. Member for Greenwich and Woolwich is seeking. The regulator's existing tenancy standard already requires social landlords to develop and provide services that will support tenants to maintain their tenancy and prevent unnecessary evictions. The regulator's standards will be consulted on and updated following the passage of legislation and the issuance of Government directions. Consequently, homelessness prevention is already a priority for providers; the regulator plays a vital role in support.

I move on to the urgent transfer of tenancies in cases of domestic abuse and violence. Again, to be absolutely clear we do not expect anyone who is threatened with violence to feel that they cannot move to safety for fear of losing their security of tenure. A range of measures are therefore already in place to protect people at risk of violence and in need of urgent rehousing, some of which I have already outlined that in earlier contributions.

Chapter 4 of the statutory guidance encourages additional preference to be given to those fleeing violence, including people fleeing domestic violence, and private registered providers have a role in housing such people through their duties to co-operate, as I outlined earlier.

I will not rehash any more of the arguments that I made in response to the hon. Member for Dulwich and West Norwood and her new clause 1. However, I should add that in schedule 5 to the Bill, we are already amending the regulator's standard-setting powers to include policies and procedures in connection with behaviour that amounts to domestic abuse within the meaning of the Domestic Abuse Act 2021.

For all the reasons I stated, I do not believe that the amendments to the regulator's standard-setting powers are necessary. I ask the hon. Member for Greenwich and Woolwich to withdraw his new clause.

Matthew Pennycook: I thank the Minister for that response. I am somewhat reassured by it, to the extent that she has laid out—in considerable detail, in some cases—the ways in which some of the issues of concern flagged in the new clause are appropriately covered by the standards, guidance, policies and procedures. My reservation is about whether those existing processes have the effect that would be achieved by allowing the regulator itself to set standards and consumer standards.

Given how complex an issue this is, I will take away the Minister's response and look at it in more detail, but I reserve the right to come back to the issue on Report. We think it is important that some of these real issues of concern to tenants be given due consideration when it comes to whether they are brought within the new regulatory regime to be established by the Bill. I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

Question proposed, That the Chair do report the Bill, as amended, to the House.

Dehenna Davison: I have my Oscars-style speech of thanks to give before we finish today. First, a huge thank you to you, Sir Edward, for chairing the Committee so successfully and professionally, and for keeping us all in check. We are MPs; we always need someone to keep a good gaze over us to ensure that we are behaving.

I thank all members of the Committee for a constructive debate. One of the most reassuring things has been that there is such cross-party consensus in recognising that the Bill is absolutely needed and that we can all very much get behind its aims.

[Dehenna Davison]

I thank the Clerks for their stellar work and my officials, who have been brilliant at speedily giving me all the information that I need. I thank the fabulous Whip, my hon. Friend the Member for Hertford and Stortford, again for keeping us in check on the Government Benches.

I also say a huge thank you to Grenfell United, Shelter and others for their engagement on this important legislation. As the Minister, I feel grateful to have had the opportunity to take the Bill through Committee. I look forward to its coming back on Report; as I said, I will engage with Members before that point.

In my final breath, I say a massive good luck to both teams tonight. I am sure most people know which one I am supporting.

Matthew Pennycook: Briefly, Sir Edward, I thank you for your chairmanship of the Committee and the Clerks for all their work to prepare us. I thank the Minister for the constructive tone in which she approached the debate, and all hon. Members for the considerable amount of expertise and insight put forward in our debates. I, too, thank all the organisations, not least Grenfell United, that sent us their views and engaged with us on what they see as important in how the Bill could be strengthened.

As I said at the start, the Bill is uncontroversial and we welcome the vast majority of measures. We want to see it strengthened and we have made the case for that today. We will continue to make the case on Report for those areas of the Bill where we want to see further improvement, but I am glad that it can make swift progress to its next stage.

The Chair: I thank you for being so expeditious. My fellow Chair, who is a Scot Nat, has had an easy ride.

Question put and agreed to.

Bill, as amended, accordingly to be reported.

4.4 pm

Committee rose.

Written evidence reported to the House

SHRB 01 Grenfell United

SHRB 02 Shelter

SHRB 03 Local Government Association (LGA)

SHRB 04 Electrical Safety First