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Consultation: Consumer Standards

Dear Fiona,

Following the consultation request on the impact of the proposed Consumer Standards as set out in the paper July 2023 I would like to respond on behalf of our members and The Almshouse association. In preparing a response to the consultation I have engaged our members, The Charity Commission, The Regulator for Social Housing and The Department for Levelling Up. Whilst we welcome the opportunity to respond to the consultation the questions posed as part of the consultation are restricted and often do not encourage a response to the proposed "standards" themselves but asks if they meet the Governments own direction. We welcome a more detailed discussion about the impact of the proposals and their appropriateness to the charity structure.

Background:

Almshouses are unique, legally defined charities that can only offer affordable housing to those in need. They are a 1,000-year-old form of accommodation for beneficiaries that have been established by charitable gift and hold a unique status. The Almshouse Association, which is the sole support, membership organisation for almshouse charities was established 75 years ago and represents over 1,600 almshouse charities (35,000 homes) in the UK. The Association's key role is to support members in delivering warm, secure, and safe accommodation to those in their community. The Association sets a robust and detailed set of standards as to best practice in almshouse management (Standards of Almshouse Management) and produces template policies approved by the most robust experts in law and buildings management. Almshouse accommodation represents some of, if not the most, affordable housing in communities across the country. Our analysis suggests that on average the Weekly Maintenance Contribution (WMC) – the equivalent of rent – is at 80-90% of Local Housing Allowance. This is of great benefit, not only to almshouse residents, but to government both on a local and national level. Almshouse charities provide over £40 million in financial benefits to the state every year.* This figure accounts for a lower likelihood of residents needing GP or A&E appointments as well as allowing people to remain independent and so lessening the need to access costly social care.*

In summary:

Most almshouse charities have fewer than 20 units and rarely hold over 100 units although one member has over 1,000 units. To emphasise the scale of charities that are affected by these standards –

- all our members are charities
- all are run by volunteer trustees
- most have fewer than 20 units (80%)

- all residents are beneficiaries of the charity, and their beneficiary criteria is set by the governing documents
- half our members employ part time clerk only and no other staff
- the rest often employ one full time clerk as the sole employee
- very few have more than 3 employees.
- Members operate under the Standards of Almshouse Management a very comprehensive guide that has been developed with legal, Charity Commission and Regulator of Social Housing engagement.

Response to the consultation:

Our members operate to the Charity Commission as a primary regulator and as such their governing documents set clear instructions about who the beneficiaries may be and how the charity can support them. Almshouse charities operate under a clear set of standards approved by the Charity Commission, Standards of Almshouse Management. These standards provide comprehensive Health and Safety and Risk Assessment guidance for our members and our members welcome the aspects of the Consumer Standards that seek to raise standards of health and safety in the sector.

In detail I will respond to each section as set out in the consultation document:

Proposed: Stock quality

Required outcome

Registered providers must have an accurate, up to date and evidenced understanding of the condition of their homes that reliably informs their provision of good quality, well- maintained and safe homes for tenants.

Specific expectations (SE)

SE1 Registered providers must have an accurate record at an individual property level of the condition of their stock, based on a physical assessment of all homes and keep this up to date.

SE2 Registered providers must use data from across their records on stock condition to inform their provision of good quality, well-maintained and safe homes for tenants including:

- a) Compliance with health and safety legal requirements
- b) Compliance with the Decent Homes Standard
- c) Delivery of repairs, maintenance, and planned improvements to stock
- d) Allocating homes with adaptations appropriately

Response:

- Those charities who provide almshouses through Listed buildings will need to act within the constraints of listed building compliance.

- It should be recognised that listed buildings can be significantly more expensive and restrictive to maintain than modern buildings.
- It should also be noted that there is a growing body of evidence that the wellbeing of residents is improved through living in buildings that have heritage value.

Consultation question on the proposed Safety and Quality Standard

Consultation question 1:

Overall, do you agree that the proposed Safety and Quality Standard sets the right expectations of landlords?

Answer: Yes agree.

Proposed: Adaptations

Required outcome

Registered providers must assist tenants seeking housing adaptations to access appropriate services.

Specific expectations

- SE1 Registered providers must clearly communicate to tenants and relevant organisations how they will assist tenants seeking housing adaptations services.
- SE2 Registered providers must co-operate with tenants, appropriate local authority departments and other relevant organisations so that a housing adaptations service is provided to tenants.

Response:

- Those charities who provide almshouses through Listed buildings will need to act within the constraints of listed building compliance.
- Almshouses are charities that are restricted in most cases, to offer accommodation on the basis of independent living. Adaptations are welcomed where appropriate to the building however there are occasions where adaptations will not enable the resident to remain living independently and alternative more intensive support will be appropriate.

Proposed: Engagement with tenants

Required outcome

Registered providers must take tenants' views into account in their decision making about how landlord services are delivered.

Specific expectations

- SE1 Registered providers must give tenants a wide range of meaningful opportunities to influence and scrutinise their landlord's strategies, policies, and services. This includes in relation to the neighbourhood where applicable.

- SE2 Registered providers must assist tenants who wish to implement tenant-led activities to influence and scrutinise their landlord's strategies, policies, and services. This includes in relation to the neighbourhood where applicable.
- SE3 Registered provider must provide accessible support that meets the diverse needs of tenants so they can engage with the opportunities in 1 and 2 (2.2.1 and 2.2.2 in the Transparency, Influence and Accountability Standard).
- SE4 Registered providers must support tenants to exercise their Right to Manage, Right to Transfer or otherwise exercise housing management functions, where appropriate.
- SE5 Registered providers, working with tenants, must regularly consider ways to improve and tailor their approach to delivering landlord services including tenant engagement. They must implement changes as appropriate to ensure services deliver the intended aims.
- SE6 Where a registered provider is considering a change in landlord for one or more tenants, or a significant change in management arrangements, it must consult affected tenants on its proposals at a formative stage and take those views into account in reaching a decision. The consultation must:
- a) be fair and accessible
 - b) provide tenants with adequate time, information, and opportunities to consider and respond
 - c) set out actual or potential advantages and disadvantages (including costs) to tenants in the immediate and longer term
 - d) demonstrate to affected tenants how the consultation responses have been taken into account in reaching a decision.

Response:

Almshouse trustees' welcome engagement, feedback, and consultation with residents. The running of the charity and strategic decisions about how the charity is run and how money is spent must remain the duty of trustees.

Specifically:

SE1 Registered providers must give tenants a wide range of meaningful opportunities to influence and scrutinise their landlord's strategies, policies, and services. This includes in relation to the neighbourhood where applicable.

The trustees can be the only people responsible for setting and delivering strategy. The decisions on the running of the charity may go well beyond the almshouse provision and it would be inappropriate for residents to influence the wider charity.

SE4 Registered providers must support tenants to exercise their Right to Manage, Right to Transfer or otherwise exercise housing management functions, where appropriate.

The trustees are legally responsible for setting and delivering strategy.

Proposed: Complaints

Required outcome

Registered providers must ensure complaints are addressed fairly, effectively, and promptly.

Specific expectations

- SE1 Registered providers must ensure their approach to handling complaints is simple and accessible.
- SE2 Registered providers must publicise their complaints process and what tenants can do if they are dissatisfied with the outcome of a complaint or how a complaint was handled.
- SE3 Registered providers must provide tenants with information about the type of complaints received and how they have learnt from complaints to continuously improve services.

Response:

We welcome the sector using a clear process for complaints.

Consultation questions on the proposed Transparency, Influence and Accountability Standard

Consultation question 2:

Overall, do you agree that the proposed Transparency, Influence and Accountability Standard sets the right expectations of landlords?

Please state if you agree or disagree.

Answer to Question 2:

We agree that the proposals set the right expectations however should be implemented appropriately to the scale, resource, and capacity of the charity.

Consultation question 3:

Do you agree that the proposed Transparency, Influence and Accountability Standard accurately reflects the government's [‘Tenant involvement direction’](#) to the regulator?

Answer to question 3: We **agree** that the proposals meet the Governments own tenant involvement direction however **disagree** that they are workable or adhere to certain situations as outlined above. Within a charity structure Trustees have a duty to be responsible for the charity and cannot delegate powers or responsibility to others.

Proposed: Maintenance of shared spaces

Required outcome

Registered providers must work co-operatively with tenants, other landlords and relevant organisations to contribute to the upkeep and safety of shared spaces¹¹ associated with their homes.

Specific expectations

SE1 Registered providers must work co-operatively to assist in resolving issues affecting the upkeep and safety of the shared spaces associated with their homes. This must be appropriate to the level of resource available to the scale of the organisation.

Proposed: Safer neighbourhoods**Required outcome**

Registered providers must work in partnership with appropriate local authority departments, the police, and other relevant organisations to deter and tackle ASB in the neighbourhoods where they provide social housing.

Specific expectations

- SE1 Registered providers must have a policy on how they work with relevant organisations to deter and tackle ASB in the neighbourhoods where they provide social housing.
- SE2 Registered providers must clearly set out their approach for how they tackle and deter hate incidents in neighbourhoods where they provide social housing.
- SE3 Registered providers must enable ASB to be reported easily and keep tenants informed about the progress of their case.
- SE4 Registered providers must provide prompt and appropriate action in response to ASB, having regard to the full range of tools and legal powers available to them.
- SE5 Registered providers must support tenants who are affected by ASB, including by signposting them to agencies who can give them appropriate support and assistance.

Response:

We support the engagement with local services to minimise ASB in the area. It is recognised that in most cases almshouses are occupied by older residents who are more likely to be the victims of ASB. To small almshouse charities without staff or full-time clerk the level of influence and engagement in this area must be appropriate to the scale of the charity.

Proposed: Domestic abuse**Required outcome**

Registered providers must work co-operatively with other agencies tackling domestic abuse and enable tenants to access appropriate support and advice.

Specific expectations

- SE1 Registered providers must have a policy for how they respond to cases of domestic abuse.
- SE2 Registered providers must co-operate with appropriate local authority departments to support the local authority in meeting its duty to develop a strategy and commission services for

victims of domestic abuse and their children within safe accommodation.

Response:

We support working co-operatively with other agencies tackling domestic abuse and enable residents to access appropriate support and advice in the area.

Consultation question on the proposed Neighbourhood and Community Standard

Consultation question 4:

Overall, do you agree that the proposed Neighbourhood and Community Standard sets the right expectations of landlords?

Answer question 4: We agree the proposals set the right expectations however the ability to influence and expectation should be reflective of the scale and capacity of the organisation.

Proposed: Allocations and lettings

Required outcome

Registered providers must allocate and let their homes in a fair and transparent way that takes the needs of tenants and prospective tenants into account.

Specific expectations

- SE1 Registered providers must co-operate with local authorities' strategic housing functions and assist local authorities to fulfil their duties to meet identified local housing need. This includes assistance with local authorities' homelessness duties, and through meeting obligations in nominations agreements.
- SE2 Registered providers must seek to allocate homes that are designated, designed, or adapted to meet specific needs in a way that is compatible with the purpose of the housing.
- SE3 Registered providers must develop and deliver services to address under-occupation and overcrowding in their homes. These services should be focused on the needs of tenants.
- SE4 Registered providers must take action to prevent and tackle tenancy fraud
- SE5 Registered providers must have a fair, reasonable, simple, and accessible appeals process for allocation decisions.
- SE6 Registered providers must record all lettings and sales as required by the Continuous Recording of Lettings (CORE) system

Response:

Almshouse charities can only act within their charitable objectives and within the confines of their buildings. With listed buildings there may be limited flexibility and governing documents are likely to determine the almshouse residents that can be recognised as beneficiaries of the charity.

Proposed: Tenancy sustainment and evictions

Required outcome

Registered providers must support tenants to maintain their tenancy or licence. Where a registered provider ends a tenancy or licence, they must offer affected tenants advice and assistance.

Specific expectations

- SE1 Registered providers must provide services that support tenants to maintain their tenancy or licence and prevent unnecessary evictions.
- SE2 Registered providers must provide tenants required to move with timely advice and assistance about housing options before the tenancy or licence ends.

Response:

We welcome these proposals, and they reflect current Standards of Almshouse Management guidance.

Proposed: Tenure

Required outcome

1. Registered providers shall offer tenancies or terms of occupation which are compatible
2. with the purpose of the accommodation, the needs of individual households, the sustainability of the community, and the efficient use of their housing stock.
3. They shall meet all applicable statutory and legal requirements in relation to the form and use of tenancy agreements or terms of occupation.

Specific expectations

- SE1 Registered providers shall publish clear and accessible policies which outline their approach to tenancy management, including interventions to sustain tenancies and prevent unnecessary evictions, and tackling tenancy fraud, and set out:
- a) The type of tenancies they will grant
 - b) Where they grant tenancies for a fixed term, the length of those terms
 - c) The circumstances in which they will grant tenancies of a particular type
 - d) Any exceptional circumstances in which they will grant fixed term tenancies for a term of less than five years in general needs housing following any probationary period. The circumstances in which they may or may not grant another tenancy on the expiry of the fixed term, in the same property or in a different property
 - e) The way in which a tenant or prospective tenant may appeal against or complain about the length of fixed term tenancy offered and the type of tenancy offered, and against a decision not to grant another tenancy on the expiry of the fixed term
 - f) Their policy on taking into account the needs of those households who are vulnerable by reason of age, disability or illness, and households with children, including through the provision of tenancies which provide a reasonable degree of stability.

- g) The advice and assistance they will give to tenants on finding alternative accommodation in the event that they decide not to grant another tenancy.
 - h) Their policy on granting discretionary succession rights, taking account of the needs of vulnerable household members.
- SE2 Registered providers must grant general needs tenants a periodic secure or assured (excluding periodic assured shorthold) tenancy, or a tenancy for a minimum fixed term of five years, or exceptionally, a tenancy for a minimum fixed term of no less than two years, in addition to any probationary tenancy period.
- SE3 Before a fixed term tenancy ends, registered providers shall provide notice in writing to the tenant stating either that they propose to grant another tenancy on the expiry of the existing fixed term or that they propose to end the tenancy.
- SE4 Where registered providers use probationary tenancies, these must be for a maximum of 12 months, or a maximum of 18 months where reasons for extending the probationary period have been given and where the tenant has the opportunity to request a review.
- SE5 Registered providers shall grant those who were social housing tenants on the day on which section 154 of the Localism Act 2011 comes into force, and have remained social housing tenants since that date, a tenancy with no less security where they choose to move to another social rented home, whether with the same or another landlord. (This requirement does not apply where tenants choose to move to accommodation let on Affordable Rent terms).
- SE6 Registered providers shall grant tenants who have been moved into alternative accommodation during any redevelopment or other works a tenancy with no less security of tenure on their return to settled accommodation.

Proposed: Mutual exchange

Consultation question 5:

Overall, do you agree that the proposed Tenancy Standard sets the right expectations of landlords?

Answer question 5: We disagree that the enclosed Tenancy Standards set the right expectations of landlords in all cases. Many charities will not be able to comply with the terms proposed however where the proposed tenancy standards are compatible with the purpose of the accommodation they will of course be welcomed.

SE2: Almshouse charities can only grant a “letter of appointment” and not any other form of tenancy. These terms are set by the objectives of the charity and will not be compliant with many of the terms set above.

Consultation question 6:

Do you agree that the proposed Tenancy Standard accurately reflects the government’s [‘mutual exchange direction’](#)?

Answer to question 6: Almshouses provide homes to those that fit the beneficiary

criteria as set in their Governing documents. Other residents who do not meet the beneficiary criteria will not be eligible to be approved accommodation in the almshouse. This proposal cannot work for charities established to respond to specific areas of need as directed by their Governing Documents.

Consultation question on the proposed Code of Practice

Consultation question 7:

The proposed Code of Practice is designed to help landlords understand how they can meet the requirements of the standards. Do you agree that the proposed Code of Practice meets this aim?

Answer question 7: We cannot agree that the Code of Practice meets the aims until we have reviewed the final version. We hope the Code of Practice will identify the different structures of housing providers so expectations are consistent with charity law and guidance.

Overall the almshouse movement welcomes all guidance on Health and Safety although this should reflect good practice as it exists. Many of the proposals enclosed, whilst good practice for Housing Associations of 1,000 units and with a flexible governance structure would not be compliant with charity law or on a very small scale of the almshouse model.

I welcome further conversations with DLUC, the Regulator for Social Housing and the Charity Commission to seek a model that satisfies Government direction and is proportionate to the scale and spirit of almshouse charities.

I also find the questions unhelpfully skewed towards a positive response and unreflective of the proposals that are embedded in the proposed Consumer Standards.

Yours sincerely



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