





## CITIZENS OF EQUAL WORTH

### **The NTV Project Group's Proposals for the National Tenant Voice**

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# Abbreviations

- NTOs – The three national tenants’ organisations working together, that is:
  - TAROE – Tenants’ and Residents’ Organisations of England
  - NFTMO – National Federation of Tenant Management Organisations
  - CCH – Confederation of Co-operative Housing
- RTOs – Regional Tenants’ Organisations
- NTV – National Tenant Voice
- TSA – Tenant Services Authority
- HCA – Homes and Communities Agency
- NDPB – Non-Departmental Public Body
- RSL – Registered Social Landlord
- ALMO – Arms-Length Management Organisation
- TMO – Tenant Management Organisation
- NCC – National Consumer Council, now known as Consumer Focus
- CIH – Chartered Institute of Housing
- NHF – National Housing Federation
- LGA – Local Government Association

# Ministerial Foreword



Since publishing Martin Cave's report (*Every Tenant Matters*) in 2007 we have established through the Housing and Regeneration Act 2008 a new system for regulating and investing in social housing, with the creation of the Tenant Services Authority and the Homes and Communities Agency. Both went live in December 2008.

We are also committed to creating a new 'National Tenant Voice' as part of our determination to make sure that tenants have much greater influence over the services they receive. We want to see the NTV work across the whole domain of social housing because it matters less to tenants who the landlord is and more that they are receiving a high quality service that meets their needs and expectations. Working closely together, the NTV and the TSA can help ensure that the experience of tenants is central both to regulation and the development of policy in the future.

Having agreed in principle to Martin Cave's recommendation to set up the NTV, we established a Project Group, with a majority of tenant members, to advise on the detailed role and arrangements for the NTV. We asked the Project Group to report quickly so the NTV could be in place alongside the TSA and the HCA as soon as possible. I am grateful to the Project Group for their dedication and for completing a complex task within the timetable set.

The Project Group's report makes clear recommendations to Government on the role, remit and governance of the NTV, which we will consider and respond to as quickly as practicable, so that this important innovation can become a reality.

A handwritten signature in black ink that reads "Margaret Beckett". The signature is written in a cursive, slightly slanted style.

**Rt. Hon. Margaret Beckett MP**  
Minister for Housing

# Preface

Following Martin Cave's report on the future of social housing regulation, Communities and Local Government Ministers accepted his recommendation that a new 'National Tenant Voice' should be established to ensure that the views of tenants could be heard in debates about social housing on a more equal basis.

In February 2008 Communities and Local Government established a Project Group, with a majority of tenant members, to make recommendations, by October 2008, on the detailed role, remit, and governance of the National Tenant Voice. Over the summer, the Project Group conducted a major consultation exercise on its emerging proposals, involving 16 regional meetings with over 1,000 tenants. Over 160 written responses were received, two-thirds of which were from tenants or tenants' organisations. The consultation broadly supported the Project Group's initial proposal, and each of the key elements within it. Contributors made many detailed and insightful points, and these have been invaluable in shaping our final recommendations.

The National Tenant Voice (NTV) is a bold initiative. It will encourage and enable tenants to speak for themselves – nationally, regionally and locally – on more equal terms with other interests. A lot is said about social tenants, and others who live on social housing estates, much of it based on ignorance. Tenants are stereotyped and stigmatised, especially in the media but also by some politicians and housing professionals. By grasping the opportunity presented by the NTV, there is a chance that the authentic voice of social tenants may at last be heard as citizens of equal worth. The NTV will be a voice for change and over time it could help transform the culture of social housing – and thereby improve the lives of nearly 10 million people.

In presenting our report, I would like to thank all of the members of the Project Group, and the Communities and Local Government support officers, for their dedication and commitment to completing a complex task under pressure in a short period of time, and always in good humour.

**Steve Hilditch**

**Independent Chair of Project Group**

# Executive Summary and Recommendations

**Project Group:** In February 2008 Communities and Local Government established a Project Group with a majority of tenant members to take forward the proposal that a 'National Tenant Voice' should be established with funding from the Government. This is the Project Group's report to Communities and Local Government Ministers.

**Consultation:** The Project Group has developed proposals and conducted a major consultation exercise. Sixteen regional seminars were attended by 1,000 tenants and 162 written responses were received in response to our detailed consultation paper, two-thirds of which were from tenants or tenants' organisations. The consultations broadly supported the interim proposals, and each of the key elements, suggested by the Project Group, but many detailed points have been considered and our proposals amended accordingly.

**Vision:** The Project Group recommends a vision and values statement for the NTV that emphasises that it is an independent resource for tenants of all social landlords, which is accountable to tenants and makes the case for change, with clear values of inclusion, accountability and transparency. It will be business-like in working for tenants, with a strong emphasis on good communications, and will work in partnership with government and other national organisations seeking to benefit tenants.

**Social tenant:** We propose that the NTV should work to a wide and inclusive definition of social tenant, including for example leaseholders and shared ownership tenants, and will work on behalf of anyone receiving housing services from a social landlord. It should not in the first instance cover private tenants but discussions should be held on extending its remit in the future.

**Partners:** A key job for the NTV will be to develop effective partnerships with central government and national bodies working to benefit tenants. In particular, it will need to help tenants to influence the new system of regulation for social housing that will be introduced over the next year or so. The NTV will not be the regulator, nor will it take up the complaints of individual tenants. Instead, it will establish clear protocols with the Tenant Services Authority and the Ombudsman services.

**Key roles of the NTV:** These will be:

- **advocacy** – helping social tenants collectively to speak for themselves as a distinct group in society and to put their views to government and other bodies on any issue affecting social tenants
- **research** – identifying the impact that policies will have on social tenants and discovering the views of a wide range of tenants on policy issues

- **communication** – providing good information to tenants and developing a two-way dialogue with them
- **support** for the representative tenants' movement – to help it to develop and strengthen.

**National and regional tenants' organisations:** The NTV will develop strong and co-operative working links with the national and regional tenants' organisations and will support their development as effective organisations. It will not seek to replicate their representative role. It will also work closely with the tenant participation movement.

**A voice for all tenants:** The NTV should place particular emphasis on seeking and promoting the views of tenants whose voices are rarely heard, especially those who are not actively involved in organisations or tenant participation structures.

**Equalities and accountability:** The NTV should develop excellent practice in equalities and diversity and should actively support the promotion of community cohesion. It should be accountable to tenants, both through its own structures and its relationships with other tenant organisations, through effective business planning and the adoption of achievable annual goals and targets, and by publishing standards for its work that enable monitoring of its progress and performance.

**A stand-alone Non Departmental Public Body (NDPB):** Achieving credibility in the eyes of tenants is a key criterion in determining the NTV's structure and governance arrangements. The consultation supported the Project Group's view that the NTV should be an independent stand-alone organisation rather than being part of a larger body. Its formal status should be as a non-departmental public body, like the Housing Ombudsman, which we believe would put it in a stronger and more secure position than if it was a grant-receiving voluntary organisation. Additional legislative powers are necessary to enable government to fund the NTV, and Communities and Local Government has included the necessary clauses in proposed legislation.

**Governance and recruitment:** We believe it is important to have a significant number of tenants involved in the governance structures of the NTV – to build its base, to allow the structure to reflect the diversity of the sector and the people living in it, and to draw more people into policy discussions. We are proposing that there should be an NTV Council of around 50 tenants to consider policy issues, a Board of nine tenants and up to six independents to take legal responsibility for and to manage the organisation, and an arms-length Accountability Committee to operate an open recruitment process for the Council, to recruit the Board, and to scrutinise the governance of the NTV. We propose that the Chair should be a tenant member of the Board who is appointed by the Board (rather than being recruited separately) and that all participants in the structure should receive expenses but not payment.

**Staffing:** The NTV will have paid staff, with a Chief Officer accountable to the Board for NTV matters and to Communities and Local Government as the sponsoring NDPB department for matters relating to NDPB status. At this stage the Project Group has not discussed a staffing structure or a detailed budget.

**Implementation Plan:** The Project Group has adopted an implementation plan in the event that our recommendations are approved by Ministers. It will be necessary for the Project Group, with some additional members, to continue to drive the project forward before giving way to a Shadow Board. It is hoped that the NTV can go live in autumn 2009. In the interim, the Project Group/Shadow Board will fulfil as many of the NTV's roles as possible, especially in relation to the national conversation being launched by the Tenant Services Authority on the future of social housing regulation. In addition, it will also organise a series of roadshows to inform tenants of progress and consult them on next steps, and develop training for tenants wishing to become involved in the NTV or to become tenant advocates.

### **Recommendations to Communities and Local Government Ministers:**

The Project Group recommends that:

1. NTV should adopt the vision and values statement set out in chapter 2 of our report
2. NTV should be an inclusive organisation that works to the widest practical definition of 'social tenant'
3. NTV, once established, should consider whether and how the remit of the NTV should be extended to include private tenants
4. NTV should give high priority to establishing clear and close working relationships with Government, the Tenant Services Authority, as it develops the new regulatory regime, the Homes and Communities Agency (HCA), the Ombudsman services, and other national and professional bodies working to the benefit of tenants
5. NTV's role and remit should be focussed around the four key roles of advocacy, research, communications and support for the representative tenants' movement, and that there should be published standards for the key services it will provide
6. the name 'National Tenant Voice' should be retained
7. NTV should be established as an independent stand-alone body
8. NTV should become a Non-Departmental Public Body and that powers to fund the NTV should be included in the Local Democracy, Economic Development and Construction Bill; further discussions should take place between the Project Group and Communities and Local Government on the detailed arrangements
9. NTV should comprise:
  - a National Council of around 50 tenant members, which seeks to reflect the characteristics of tenants country-wide in so far as is practicable
  - a Management Board to manage and have legal responsibility for the organisation, with nine tenant directors drawn from the National Council on the basis of their skills and expertise and up to six independent directors who will bring specialist skills and knowledge to the organisation

- an arms-length Accountability Committee of seven members who are not on the Council or the Board, who may or may not be tenants, appointed by Communities and Local Government, TPAS and the National Tenants' Organisations to manage the process of appointment to the Council and the Board and to scrutinise the effective governance of the organisation
10. the Chair of the Board should be a tenant member chosen by the Board, who should also chair meetings of the National Council
  11. members of the NTV National Council, Management Board or Accountability Committee should not receive remuneration for their roles, but should receive reimbursement for expenses incurred on NTV business
  12. the NTV should commission independent research to assess, positively and constructively, the strengths and weaknesses of the existing national and regional tenant representative organisations, with the aim of agreeing a plan of action to strengthen them
  13. the NTV Board/Shadow Board should draw up detailed financial plans for the organisation and review its future options for funding from sources other than government
  14. the NTV Board/Shadow Board should review and evaluate the options for the location of the NTV and the alternative ways of securing the services it requires
  15. the Project Group should continue to meet, with revised membership and new terms of reference, until a Shadow Board is appointed, with three key priorities:
    - to operate in so far as it is reasonably practicable as the interim National Tenant Voice in working with the TSA, Communities and Local Government and others to ensure that tenants have an input into policy development at national level and the development of the new regulatory framework
    - to advise Communities and Local Government on the implementation of arrangements for setting up the NTV, as agreed by Ministers, including finalising the NTV's structure and incorporation, approving a temporary and a permanent officer structure and appointing a chief officer, agreeing the geographical location of the NTV and whether it has a service agreement with any other organisation, and adopting a draft business plan and strategy for the first year
    - to make arrangements for a series of regional roadshows and associated information to update tenants on progress with the NTV, to encourage interest in joining the NTV Council and Board when they are established, to discuss training and other support for potential participants, and to start the process of consultation about the first NTV business plan to be adopted in 2009.

# 1. Developing our proposals: policy context and process

## Changing the culture of social housing

It is rare these days to hear anyone argue against the proposition that tenants should play a far greater role in shaping how their housing and community services are provided. But the practical reality is that tenant empowerment is often paid lip service, more spoken about than achieved. In some places and with some landlords, tenant consultation and involvement is a genuine and effective partnership. In others, notably co-operatives, tenant management organisations, arms length management organisations, and community gateway organisations, tenants have taken a substantial degree of control over aspects of service delivery, and with considerable success. Yet in far too many other cases tenants remain at the periphery and feel that involvement is done on the landlord's terms in a tokenistic or paternalistic way with virtually no funding, support or real power. Nationally, tenants are only gradually exerting influence over the policies that have such a huge impact on the lives of nearly 10 million people living in social housing.

There are encouraging signs that this could be the time when the tenants' movement starts to reach its true potential as a force for change: when bottom up pressures and top-down policies might meet to achieve a seismic shift in the culture of social housing:

- the National Tenants' Organisations (NTOs) have worked hard, often against the odds, to try to overcome the fragile and fragmented nature of tenant organisation and to create a more coherent and united movement
- landlord organisations have encouraged their members to strengthen their resident involvement structures, improve support for tenants wishing to be involved, and responded positively to the new agenda around tenant-focused regulation
- the Government has adopted a series of policies that aim to put tenants at the heart of decision-making about their homes and neighbourhoods. The *Communities in Control* white paper<sup>1</sup> sets the broad policy context, aiming to pass power into the hands of local communities, encourage vibrant local democracy in every part of the country, and give real control over local decisions and services to a wider pool of citizens
- the new regulator for social housing, the Tenant Services Authority (TSA), has the explicit objective of putting tenants' interests at the core of regulation

<sup>1</sup> *Communities in control: real people, real power*, was launched on 9 July 2008.

- and the Government's proposal to establish a National Tenant Voice (NTV) seeks to ensure that tenants will have the strongest possible influence over the development of policy and the management of services nationally, regionally and locally, with the NTV working alongside the TSA and the new Homes and Communities Agency (HCA) as a key part of the new institutional framework for housing.

### **Genesis of the National Tenant Voice**

The idea of establishing the NTV emerged from Martin Cave's review of social housing regulation<sup>2</sup>. *Every Tenant Matters* recommended that the Government, in addition to creating the Tenant Services Authority and the Homes and Communities Agency (as they are now known), should establish and fund a National Tenant Voice to give tenants a bigger say and access to stronger expertise at national level. Cave identified that social tenants have few choices and no market power, so their interests need to be protected not only by effective regulation but also by giving tenants themselves a stronger say – a voice that would *"be an advocate for tenants in national debates and undertake dialogue with the government, regulators and providers' representative bodies, on more equal terms"*.

Ministers in Communities and Local Government agreed in principle to set up a National Tenant Voice with the remit of acting as an advocate for tenants (influencing government and landlords); research (evaluating the impact of policies); promotion of good practice (encouraging tenant involvement); and promotion and support for effective representative structures for tenants. They also adopted an initial view, as had Martin Cave, that the NTV might best be located within the new National Consumer Council.

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<sup>2</sup> Report of the independent review of social housing regulation led by Professor Martin Cave, Warwick University. Published 19 June 2007.

### Cave Review - key recommendations affecting the National Tenant Voice

- a regulatory body should be established in statute, independent from Government, as the primary regulator of the ownership and management of social housing across the whole domain of social housing
- one of the three principal duties of the regulator should be to empower and protect consumers
- the regulator should have a duty to promote ways in which tenants can be empowered and have more choices
- a national tenant voice should be established to give tenants both a voice and expertise at national level
- the national voice for tenants should be established with minimum delay and should start within the National Consumer Council but with a remit and funding for the building of a strong tenant representational base
- there should be a single Housing Ombudsman for the whole domain
- empowered tenants should play a key role in assessing performance and holding landlords to account for weaknesses in performance. All providers should establish formal arrangements to enable tenants to make periodic assessments of the quality of services provided
- the regulator should develop a range of ways of triggering interventions in consultation with providers, local authorities and the national tenant voice

### Project Group

An initial consultation, carried out as part of the wider Tenant Empowerment consultation in 2007, found considerable support for the general idea of the NTV and for the proposed roles. Many respondents however stressed the need for tenants to have a major say in how the NTV operates.

In February 2008 Communities and Local Government established a Project Group to help develop the NTV proposal and to report by October 2008. Independently chaired by Steve Hilditch, the Project Group's job is to advise Ministers on the detailed remit and governance arrangements for the NTV. The Project Group has a majority of tenants in its membership, working together with other national stakeholders in social housing (see Appendix 1 for full list of members). The independent Chair and Communities and Local Government officials advise and service the Project Group but do not have a vote in its decisions.

## The National Tenant Organisations

This report mainly refers to the NTOs collectively as a group of organisations. Having worked in partnership for many years, in 2007 they adopted a tripartite approach to encourage a more united and independent tenant movement. The three organisations are:

### TAROE

Tenants and Residents Organisations of England is recognised by Communities and Local Government as the national umbrella organisation that brings together tenant and resident groups from social rented housing across England. More information available on: [www.taroe.org](http://www.taroe.org)

### NFTMO

The National Federation of Tenant Management Organisations (NFTMO) is recognised by Communities and Local Government as the representative body for management co-ops, estate management boards and other forms of tenant management organisations in England. More information available on: [www.nftmo.com](http://www.nftmo.com)

### CCH

The Confederation of Co-operative Housing is recognised by Communities and Local Government as the representative body for co-operative and mutual housing in England and Wales. More information available on: [www.cch.coop](http://www.cch.coop)

The Project Group's terms of reference are attached at Appendix 2. The Project Group held its first meeting on 22 February 2008 and met 9 times in the period up to the approval of this report to Communities and Local Government in September 2008. After each meeting a digest of the key discussions was prepared and circulated widely. The purpose of the digest was to enable organisations to report back to their members on progress. Working Groups were established on particular issues, such as drawing up initial governance proposals and developing the consultation process. Tenant members of the Project Group made presentations at 16 regional consultations and many other conferences and meetings.

There have been important time constraints and the Project Group has had to work quickly to develop its proposals. We have been aware that Communities and Local Government might need new legislation to enable the NTV to be established and funded, and it was therefore critical not to miss the legislative opportunity of the Local Democracy, Economic Development and Construction Bill. There was also an imperative that the NTV should be sufficiently well developed in time to help tenants to influence the development of new standards for social housing and the new regulatory regime that will be consulted on and established by the TSA from December 2008 onwards.

The Project Group adopted and delivered a project plan that set out the programme of work necessary to achieve the terms of reference and to report to Communities and Local Government by October 2008. Crucial to the timetable was the need to consult effectively before reporting to Communities and Local Government, further truncating the time available to develop the initial proposals. The Project Group was also careful to distinguish between decisions that had to be made to enable the NTV to be established and decisions that should properly be made by the NTV itself after it is established, at least in shadow form. The timetable has been extremely tight but we feel we have achieved a reasonable balance between speed and thoroughness, largely due to the dedication and commitment of members of the Project Group and the support officers from Communities and Local Government, to whom we are grateful.

## Consultation

Intensive work during the spring enabled us to be in a position to publish a consultation paper on our emerging proposals in June and to arrange a series of 16 consultation seminars in the regions, which were attended by more than 1,000 tenants. The consultation paper was sent out widely and published on the websites of most of the organisations represented on the working group. The consultation ran until the middle of September. A number of bilateral meetings were also held, including with the Chief Executive of the TSA. Responses from the regional events were analysed in detail by TPAS, who had been commissioned by Communities and Local Government to organise them. More than 160 written responses, two-thirds from tenants and tenants' organisations, were received and independently analysed by Sharp Research Services (SRS), also commissioned by Communities and Local Government. We were pleased to see SRS's conclusion that:

*"There was overall support for the idea of an NTV, demonstrated by the support for each element of the proposal."*

*Sharp Research Services, Analysis of Responses to National Tenant Voice Consultation Paper, September 2008.*

The Project Group has reviewed the reports on the consultation point by point during the process of revising its proposals to go to Communities and Local Government in this report.

## Structure of this report

Although the governance proposals for the NTV have generated the most interest and comment during the process, the Project Group took the view that the most important step was to consider and attempt to define the overall purpose of the NTV and its remit and roles – to discuss what it should do before discussing how it should do it. Chapter 2 therefore discusses the vision and values that should guide the NTV and the roles and remit of the organisation. Chapter 3 then considers governance and organisation. And Chapter 4 discusses implementation issues.

## 2. Vision and purpose

### Vision and Values

The Project Group's first task was to establish the basic principles of the NTV. A draft NTV Vision and Values Statement was included in the Consultation Paper. Of the 145 written responses that directly addressed the statement, SRS's analysis concluded that:

*"111 agreed with the vision and values in principle. Respondents thought that it did cover most aspects of the NTV and set out important principles."*

A significant number of people attending the consultation events or responding in writing made suggestions for minor changes to the wording of the draft and several asked for it to be 'shorter and punchier'. We have reviewed the Vision and Values Statement in light of the consultation and propose the following:

### Vision

The National Tenant Voice is an independent and professionally-run resource for tenants. Accountable to tenants and with close links to the representative tenant movement, the National Tenant Voice aims to be inspirational and dynamic, reflecting the views of tenants following exemplary consultation and high quality research and information. It is a partner to Government and other bodies striving for high quality tenant services and for tenants to be involved to the level of their choosing in their landlord's decision-making. The National Tenant Voice celebrates the diversity of tenants and communities and believes that people who rent or own their homes are citizens of equal worth.

### Values

The National Tenant Voice has a clear set of values. It will:

- **make the case for change** - developing ideas and proposals on all issues affecting tenants, based on sound research and information
- **celebrate the diversity of tenants and communities** with a core belief that tenants are citizens of equal worth who should not face discrimination, social exclusion, prejudice or stigmatisation because of their tenure
- **be inclusive and 'domain wide'**, raising issues that affect all recipients of services from social housing providers, both tenants and leaseholders
- **be accountable to tenants** without seeking to duplicate the representative role of the existing tenants' organisations
- **be transparent and communicate well** with clear mechanisms for sharing information with, offering expertise to, and having a two way dialogue with, tenants

- **be business-like** with high quality skills and a sound business plan developed in wide consultation with tenants, setting clear, practical and achievable objectives each year
- **be fully independent but a partner** to any organisation that works for the benefit of tenants.

The NTV's key partners will include the representative tenants' movement and landlord organisations together with national organisations such as Communities and Local Government, the Tenant Services Authority, the Audit Commission, the Ombudsman services, the Homes and Communities Agency, and TPAS.

### Recommendation 1

We recommend that the NTV should adopt the vision and values statement set out above.

## An inclusive definition of social tenant

Social housing is becoming much more mixed than previously, with far fewer mono-tenure estates, and housing issues are often indistinguishable from community issues that affect everyone living in a neighbourhood. During the consultation, many detailed questions were asked as to whether the NTV would include specific groups, such as people who are leaseholders of social landlords, supported housing tenants, disabled tenants, and tenants in work. The answer in all cases was yes: the Project Group believes that the NTV should be as inclusive as is practically possible and should work on behalf of anyone receiving housing services from a social landlord<sup>3</sup>, including the growing number of leaseholders, shared equity tenants, and temporary housing tenants. It should include people living in rural areas, towns and cities; young and old; people of all faiths and none and all ethnic, social and household characteristics; people with disabilities; people facing mental health issues; people in work as well as those who are not. It should include those living in supported or sheltered housing and tenants with secure, assured, and shorthold tenancies and licenses. It should include tenants from councils and housing associations, including those managed directly by housing co-operatives, tenant management organisations, arms length management organisations, and other agencies.

The Project Group believes it is of great importance to stress that the NTV should pay particular attention to seeking the views of the majority of tenants whose voices are never heard. The NTV is not just for tenants who are already actively involved in organisations or tenant participation structures and we have amended our initial proposals to make this as clear as possible.

<sup>3</sup> For the purposes of this report we are using the familiar term 'social landlord' to include registered social landlords and local authorities that retain their council housing stock, including those that have delegated management to an ALMO or TMO or other body. The Housing and Regeneration Act 2008 introduces the term 'registered provider' of social housing. Initially, registered providers will include housing associations and other registered social landlords and private companies that have received public subsidy to provide and manage social housing. In 2010 it is expected that local authorities and ALMOs that provide housing landlord services will also be defined as registered providers and be subject to the regulatory framework of the Tenant Services Authority.

During the consultation this inclusive approach was generally welcomed and supported. We accept that the NTV will have to work hard to overcome anxieties about how it will reflect such varied interests, but it will only be effective if it succeeds in tackling the broader issues affecting everyone living in social housing or receiving housing services from social landlords. There was considerable debate about the inclusion of council and RSL leaseholders and the degree of influence they might be able to have within the NTV. There were concerns that many leaseholders don't see themselves as social tenants and don't agree with our wide definition of the word 'tenant' to include leaseholders. However, leaseholders and tenants face many of the same problems in relation to their housing services and in their neighbourhoods and have many similar interests in housing policy generally. At the grass roots, it is increasingly common for local associations to include tenants and leaseholders working together to improve their community as a whole. The Project Group's view therefore is that leaseholders of social housing landlords should be an important part of the NTV.

### Recommendation 2

We recommend that the NTV should be an inclusive organisation that works to the widest practical definition of 'social tenant'.

### NTV and private tenants

It has been put to us that the NTV should also seek to be a voice for private tenants. The Project Group accepts that private tenants need much better representation, but recognises that their circumstances and needs are different to those of social tenants. Private tenants have not been involved in discussions about the NTV to date. Given the remit and focus of the NTV, we felt it would be inappropriate for the Project Group to express views as to how private tenants' issues should be taken up at this stage. The Project Group noted that many existing tenant and resident organisations include private tenants amongst their members and that there are now many private tenants living on social housing estates. We are hopeful that the Rugg<sup>4</sup> review of private renting will make recommendations on the best way of ensuring that private tenants are properly represented. The Project Group is sympathetic to the idea of the NTV including private tenants and this should be considered further in the future.

### Recommendation 3

We recommend that the NTV, once established, should consider whether and how the remit of the NTV should be extended to include private tenants.

<sup>4</sup> Communities and Local Government has commissioned Julie Rugg and David Rhodes, from the Centre for Housing Policy at the University of York to undertake an independent review of the sector with a view to advising Government on how best to take forward private rented policy. They are engaging widely to ensure the views of stakeholders feed into their considerations.

## Part of the new institutional framework

The Housing and Regeneration Act 2008 establishes a new institutional framework for regulating social housing and directing public sector housing and regeneration investment through the Tenant Services Authority and the Homes and Communities Agency respectively. The Act implements the key recommendations of Martin Cave's review. The changes have profound implications for current and future social tenants.

One core purpose of the NTV is to increase the collective influence that social tenants have on the policies that affect them, the policies and practices of the social landlords that manage their homes, and the services they receive in return for rent and service charges. By establishing a strong working relationship with the TSA and the HCA as they become established and develop their own strategies, there is a once-in-a-generation opportunity to put tenants at the heart of the social housing agenda and to make tenants' organisations an integral part of the institutional framework governing housing provision.

The new role of the Tenant Services Authority is of particular importance to tenants, as its new Chief Executive has made clear:

*"I see three key purposes for TSA - to **champion** the needs and aspirations of current and future tenants, leaseholders and residents; to promote **choice** for tenants and providers of affordable housing; and to **challenge** providers of affordable housing services to meet or exceed the highest standards of organisational effectiveness and service delivery."*

Peter Marsh, Chief Executive, Tenant Services Authority – TPAS Conference, August 2008

Starting in January 2009, the TSA will consult on and develop a new regulatory regime for social housing and set new standards for management and the quality of the housing stock. It will be an independent body; the Secretary of State's powers of direction are restricted and focused on the rent regime and the physical condition of the housing stock. The TSA will have a wide and flexible range of intervention powers and there will be a new right for tenants and others to trigger intervention by the regulator on the basis of evidence of problems in service standards, viability, or engagement. The TSA intends to consult intensively with tenants in defining these new standards and powers.

*"The TSA and HCA should use the NTV as a sounding board in developing and improving the services and standards for social housing tenants throughout England."*

(Tenant Group LA ALMO quoted by SRS)

We are pleased to have started good working relationships with the TSA and the HCA and both have been represented on the Project Group. The TSA believes that the NTV will be one of its key stakeholders and we have had discussions with the Chief

Executive to explore a range of issues such as joint commissioning of research, involvement in each others' consultation events, and participation in the TSA's proposed 'national conversation' on the future regulatory regime. We will maintain liaison as both organisations develop.

The TSA's emphasis on consulting tenants is extremely welcome although care will have to be taken to avoid confusion between the two bodies and their separate roles as regulator and tenant voice.

The Project Group has initiated discussions with most of the agencies that the NTV, when established, will need to establish working protocols with. The Homes and Communities Agency, Audit Commission, Local Government Association, National Housing Federation, the Chartered Institute of Housing and TPAS have been represented on the Project Group. It will be vital also to establish good working relationships with the Ombudsman services: the Project Group has had discussions with the Deputy Housing Ombudsman and plans to talk with the Local Government Ombudsman as well. We also had helpful discussions with the Chief Executive of the new National Consumer Council (Consumer Focus).

#### Recommendation 4

We recommend that the NTV should give high priority to establishing clear and close working relationships with Government, the TSA as it develops the new regulatory regime, the HCA, the Ombudsman services, and other national and professional bodies working to the benefit of tenants.

#### Key role: Advocacy

The NTV may be interested in any policy issue that is likely to have an impact on social tenants as a group. It will be a formal consultee on new policy developments proposed by Government. It will have the ability to work at a detailed and technical level with Government Ministers and officials or in engagement with the HCA or the Tenant Services Authority and the Audit Commission or other bodies. In all such work its style should be to facilitate tenants to be involved in discussions, properly briefed and supported by paid staff.

*"NTV should be recognised as powerful and heard, influencing government policy in all areas affecting communities. It should be an organisation that is involved in potential housing legislation, overseeing the condition of housing, increases in affordable housing, promoting the right to rent and encouraging renting as a tenure of choice."*

(Tenant Group, quoted by SRS)

The NTV will develop policies based on evidence assembled through high quality research, intelligence gathering, extensive consultation, and the views expressed at the NTV Council.

The Project Group envisages that the NTV's mode of operation will be 'collective advocacy' – enabling or facilitating social tenants to speak for themselves as a distinct group in society. It should develop a wide range of tools and mechanisms to enable tenants to influence decisions at national level.

The term collective advocacy is not intended as a piece of jargon but to distinguish the NTV sharply from other advocates and adjudicators that provide important services to social tenants. In particular the NTV should not seek to advocate on behalf of individual tenants, who have other ways of raising complaints or grievances such as landlord complaint systems, the Ombudsman services, advisory services, and the law; nor can it be the 'social housing policeman' taking up every complaint against every landlord – it is not the regulator, nor should it seek to be. When established, the NTV will need to be clear what services it can and cannot provide:

*“Considerable care will need to be taken in further defining collective advocacy if the NTV is not to be overwhelmed by complaints about landlord services. In particular NTV will need to think about complaints about services from small groups of tenants.”*

(Regional/national body – non tenant led, quoted by SRS)

In addition to advocacy at the national level, the NTV should support the development of tenant advocacy throughout the sector and at all levels. In its submission, TPAS argues that the NTV should promote the training of an 'army' of tenant advocates, covering all social landlords but also forming a cohort of tenants around the country who are supporting the development and implementation of the NTV itself.

During the consultation, effective advocacy was also seen as an important means by which the needs and views of under represented and vulnerable groups are taken fully into account.

### **Key role: Research**

NTV's research and influencing programme will be agreed after consultation with the NTV Council and tenants generally. It should have a wide brief to sponsor, commission or encourage research and to evaluate the impact of policies and practice on consumers of social housing, without duplicating the effort of other agencies and, inevitably, within the constraints of its budget. It should also collate research from other credible sources to gather information on tenants' views in one place and to identify knowledge gaps.

Commissioning relevant research commanded reasonably high support during the consultation. In the regional workshops, the following areas of research were identified as possible topics:

- participation practice across landlords

- what tenants think is important – especially where tenants nationally have identified poor performance or tenancy issues
- implementation of policy
- looking at the geographical challenges, and especially the views of tenants in rural areas
- the needs of vulnerable people
- reviewing what works well in the UK and Europe.

Research is an area where the NTV should work in close collaboration with other housing agencies, some of which have significantly greater research budgets than the NTV is likely to have. We have had constructive and encouraging discussions with the TSA about the possibility of jointly commissioning relevant parts of their research programme.

### **Key role: Communication**

It will be vital for the NTV to be an effective communicator. It will develop mechanisms to communicate information directly to tenants, as well as to communicate tenants' views to others. It will need to embrace modern technology and especially the use of email and a dynamic and interactive website. It will inevitably have a media role, but it should always aim to ensure the visibility of representative tenant speakers.

*“When the organisation is up and running, every tenant in social/council housing should know that the Tenant Voice exists, what it does and how to contact it”*

(RSL tenant quoted by SRS)

The consultation showed that tenants believe that communication with the NTV should be a two way dialogue:

*“The importance of communications was consistently stressed, including the need for feedback and the need to highlight progress being made that showed the value and impact of tenant involvement.”*

(TPAS Consultancy report on the consultations)

And there was concern that the NTV should focus its attention on reaching tenants who are not normally engaged or involved:

*“We believe it is important that tenants know they do not have to be involved in formal tenants meetings and groups to be able to express their views and we strongly recommend that the NTV considers supporting the collection of tenant opinion through a tenants panel which is used to supplement the expressed view of tenants meetings.”*

(RSL tenant group quoted by SRS)

## **Key role: Supporting the National and Regional Tenants' Organisations**

The NTV needs to grasp the opportunity that is presented by the new institutional and regulatory framework, but it is vital that it does not work in isolation or in competition with other groups. The Project Group has considered carefully how the NTV should fit with the current structure of tenant representative organisations at national and regional level and with the tenant participation movement.

The tenants' movement has always run on a shoestring and the national and regional organisations have the unenviable job of trying to link thousands of local tenants' and residents' associations together so they can influence national and regional agendas. Despite the huge efforts of the organisations, and the assistance provided by the Tenant Empowerment Programme, the network remains predominantly voluntary, with chronic under-funding and very few staff. The outcome is inevitable: a movement that is fragile, fragmented, underdeveloped, and prone to division and disunity. Many regions do not have an established and fully functioning organisation; the pattern of district, city and county federations is patchy; and many tenants do not have a local association available for them to join. Despite this reality, tenants working at a national and regional level – using their best endeavours to pull this patchwork together into a coherent force – tend to be judged against impossibly high standards for the representation of, and accountability to, 'tenants as a whole'.

The NTV should not aim to be, or try to be, the representative organisation for the tenants' movement in England. It should support the existing organisations, and help them to build and strengthen. It should not seek to supplant or diminish them. There should be very close links – but the national and regional organisations themselves have the key role of providing representative and democratic leadership to the movement, and are elected by their membership. Nor should the relationship between the NTV and the national and regional organisations be fixed at one point in time: it should be dynamic and responsive, changing significantly over time as the representative organisations strengthen. The NTV's business plan each year should contain a clear set of activities, agreed with the organisations, designed to strengthen and develop them and to fill gaps. This might include development and/or core funding for specific organisations or newly forming groups.

It is vital that the NTV builds on, not over, what already exists. This sentiment applies to the tenant participation movement as well as the representative tenants' movement. TPAS, for example, has landlords and tenants in its membership but the tenant membership is large and well organised. Clearly, the NTV will take an interest in the development of tenant involvement across the country, but should avoid duplicating or competing with the services already being provided.

The NTV should have a very clear priority to reach out beyond organised tenants to the many people who are not involved in tenants' organisations or tenant participation structures, whose voices are never heard. The NTV's communications strategy will be vital in achieving this, and the success of the organisation will depend on its ability to develop a two-way dialogue with the widest possible group of tenants.

## Standards

The NTV should operate to defined accountability standards including having communication processes with agreed timescales. Some respondents called this making a compact with tenants generally. The Project Group agrees that standards should be published and that these should be the basis for internal monitoring and external accountability for its work. This will be a key issue for the NTV Board when it is established.

### Recommendation 5

We recommend that the NTV's role and remit should be focused around the four key roles of **advocacy, research, communications and support for the representative tenants' movement**, and that there should be published standards for the key services it will provide.

## Equalities and social cohesion

The NTV should develop excellent practice in equalities and diversity and should actively support the promotion of community cohesion. People from some ethnic minority groups are more likely to live in social rented housing and to be represented amongst the groups who are most likely to become tenants in the future. Access arrangements to social rented housing also mean that a significant number of existing tenants and potential tenants have a disability, vulnerability, or long term limiting illness. Female heads of household represent a majority of new lettings, and single parent households, predominantly women, are strongly represented in social rented housing.

It is vital therefore that the NTV strives to reflect the diversity and specific features of the sector; that under-represented groups such as disabled people are enabled to participate fully in the NTV; and that specific inequalities, such as health and education inequalities exacerbated by poor housing and inadequate supply, are addressed. The communications strategy will need to address specifically the means of communicating effectively with vulnerable people and excluded communities and ensuring that all tenants have the opportunity to feed in their views, whether or not they are part of an organised structure. The Project Group anticipates that the NTV will seek advice from, and establish a close working relationship with, the Equality and Human Rights Commission.

## Name

Since the Cave report was produced, queries have been raised as to whether the name 'National Tenant Voice' is right for the proposed organisation and whether it gives a clear impression of what the organisation will do in terms of advocacy, research and support for the tenants' movement. There has been a particular concern that the name might cause confusion with the representative role of the existing National and Regional Tenants' Organisations.

During the consultation the Project Group has been keen to find out what people think and to seek alternative suggestions for names. Of the 85 respondents to the written consultation that addressed this question, 63 supported the name and only 22 disagreed with it. Between them, the 22 suggested around 40 alternatives, and there was no sign of any consistent support for any particular option. The Project Group understands the difficulty of adopting a name that 'creates a brand' and avoids confusion but feels that the name has already achieved a significant degree of recognition amongst tenants and has broad support.

**Recommendation 6**

We recommend that the name 'National Tenant Voice' should be retained.

## 3. Governance and organisation

### **An independent organisation with partnership status**

The Project Group believes that the National Tenant Voice represents a genuinely new approach to the social housing sector. It has the potential to be a new, vibrant and inspirational initiative that challenges the traditional paternalism of social housing. Tenant leadership of the NTV will set its tone – tenants doing things for themselves – at the heart of the housing debate, working with Government and landlord organisations on more equal terms, and inspiring tenants nationally with a vision of hope and cultural change.

The Project Group reviewed a wide range of options for the governance structure of the NTV. In particular, we considered seriously the initial view of Martin Cave and Ministers that the NTV could be part of the new National Consumer Council, now known as Consumer Focus<sup>5</sup>. However the Project Group is recommending that the NTV should be an independent stand-alone organisation rather than operating as part of any existing organisation. Our conclusion is no reflection on Consumer Focus, with whom we had constructive discussions, or any other possible parent body.

*“The proposal that the NTV should be an independent body, not part of an existing body, was explored closely in the workshops and on the individual preference boards. It commanded very strong support.”*

(TPAS Consultancy, Report of the programme of consultation on the National Tenant Voice, August 2008.)

Our conclusion, based on the results from the 2007 consultation as well as our own consultation, is that the NTV must be organised so as to maximise the credibility it has with tenants, and that only a new organisation with a structure which guarantees independence and is clearly accountable to tenants will achieve that. Most of the tenants' organisations who responded to the consultations said it was important that the NTV is governed directly by tenants or that tenants should have the major say in how it operates. An autonomous stand-alone body will be better able to speak independently of and influence Government and housing providers, be more focussed on promoting direct tenant self-advocacy, and be more strongly linked to the developing national and regional tenants' movement. We accept that this has the disadvantage of making start-up more complex and lengthy.

Consumer Focus went live in October 2008 and it is one of the bodies with which the Shadow Board should consider developing a service relationship. Instead of being a parent body, it should become a key partner of the NTV, and its expertise in consumer research and advocacy could provide an excellent platform.

#### **Recommendation 7**

We recommend that the National Tenant Voice should be established as an independent stand-alone body.

<sup>5</sup> <http://www.consumerfocus.org.uk/>

## Formal status

The Project Group has examined the options for the formal status of the NTV as a stand-alone body. After approval, the next stage will be to obtain legal advice to find the best way of implementing the balanced governance structure we are recommending, including the form of incorporation (Industrial and Provident Society or Company Limited by Guarantee), the role of shareholders, and the detailed constitution.

Any organisation sponsored and funded by Government is likely to be defined as a 'Non-Departmental Public Body' (NDPB). There are many different types of NDPB, and some have a lot of independence from government. For example, the Housing Ombudsman Service is an NDPB. Being an NDPB means the Secretary of State is accountable to Parliament for the degree of its independence, its usefulness as an instrument of policy and for the overall effectiveness and efficiency with which it carries out its functions. Further legal advice is being sought on the detail but the arrangements may be that the Secretary of State will be consulted on Board appointments before they are announced, with a power of veto that would only be used in an extreme case, and will have specified rights to intervene if, for example, there are failures in governance or financial management. We do not think such arrangements are inappropriate given that the NTV will be in receipt of a significant amount of public money. Indeed, in the view of the Project Group, being an NDPB will confer a number of advantages on the NTV – in particular it will confirm the status of the NTV as a partnership organisation with Government. An independent body in receipt of grant carries more risk and would also be subject to procurement rules, which might require grant competition with other possible service providers, an outcome which would be farcical given that the NTV will be a tenant-led body. The consultation showed that a majority of respondents favoured the general approach of the NTV becoming an NDPB.

Communities and Local Government has concluded that powers exist to establish the NTV as a stand-alone body but that legislation is required to enable it to be funded. It is seeking the necessary powers in the forthcoming Local Democracy, Economic Development and Construction Bill.

### Recommendation 8

We recommend that the NTV become a non-departmental public body and that powers to fund the NTV be included in the Local Democracy, Economic Development and Construction Bill and that further discussions should take place between the Project Group and Communities and Local Government on the detailed arrangements.

## Governance

The Project Group considered a wide range of factors in coming to a recommendation about the governance structure. The consultations showed beyond doubt that the key to ensuring that the organisation has credibility in the eyes of tenants is to ensure that tenants are in a majority in the management of it. There was also a strong current of opinion, with which we agree, that as many tenants as possible from the grass roots should be brought into running the organisation and discussing its policy, and that it should not be dominated by nominations from the existing organisations. There were strongly divergent views on how tenants should be recruited to the NTV – ranging from those that thought they should all be appointed by an expert panel to those who thought they should be elected by tenants as a whole. Our view is that elections are not practical or appropriate – there is no viable mechanism to organise direct elections amongst 4 million tenant households, and the NTV is not seeking to replace the existing representative organisations whose committees are elected by their membership.

In addition, we also have to ensure that the Board has the necessary range of skills to be a credible recipient of significant public funding from Government and can deliver effectively on the range of responsibilities it will take on.

We are therefore recommending a pragmatic governance structure for the NTV that puts policy discussion in the hands of the NTV Council – comprised entirely of tenants – and management of the organisation in the hands of a Board which has a clear majority of tenants, drawn from the National Council, but also has a minority of independent members who can provide additional expertise, for example legal and finance.

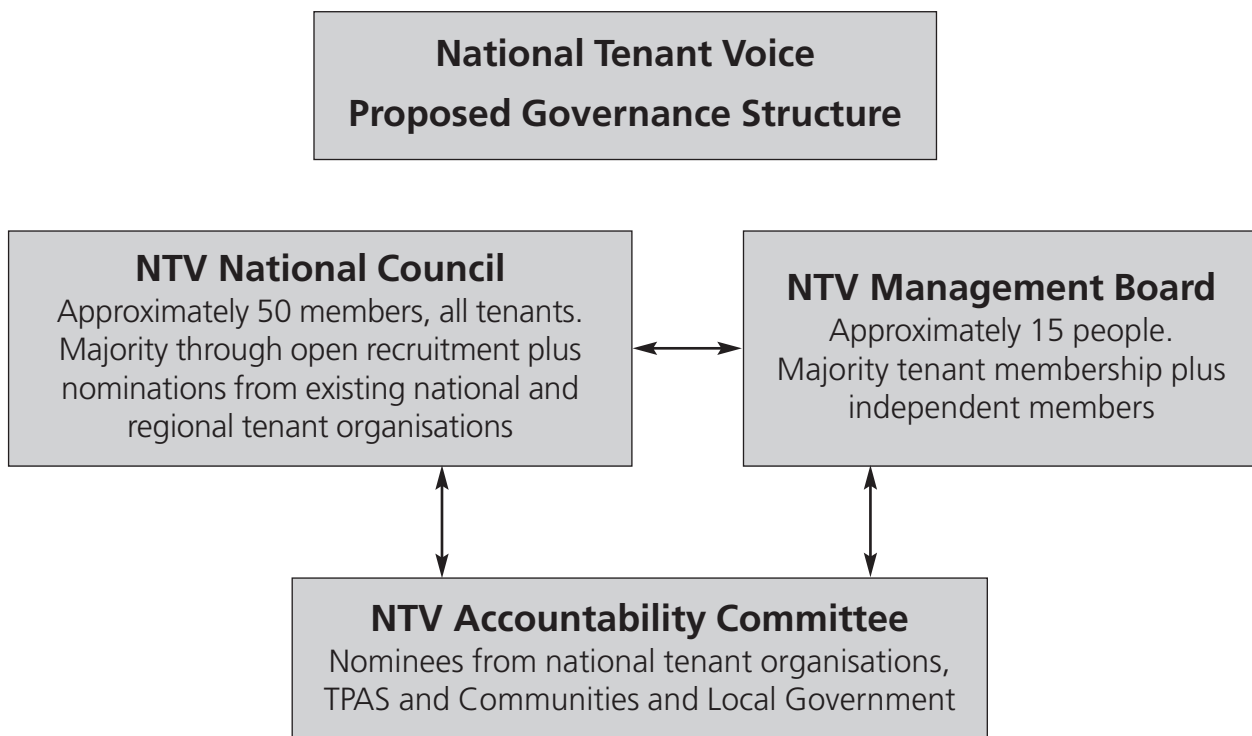
In light of the consultation we are recommending that a majority of the places on the NTV Council should come through a transparent recruitment process, open to all tenants, and that only a minority of places should be filled by nomination from existing organisations.

There is no existing mechanism through which an open recruitment process can be undertaken, so we are proposing the establishment of an Accountability Committee, which will operate at arms-length from the rest of the organisation with no overlapping membership, to manage the process of recruitment, ensure that equalities objectives are met, and achieve a balance of membership between different interests (eg type of landlord, leaseholders, tenants with disabilities, sheltered housing tenants, the regions), and also to ensure that the organisation, once established, is effectively governed. The Accountability Committee will be people who will be nominated because of their abilities to undertake this role and might include both tenants and non-tenants.

The Project Group accepts that the Accountability Committee is an unusual proposal, but feels it is essential to ensure that there can be an open recruitment process so that the NTV Council reflects the diversity of tenants. During the consultation there was some confusion about its role and some people felt it added unnecessary complexity

to the structure. There was strong support for its scrutiny role and for having its membership drawn independently from the Council and the Board.

The proposed governance structure is more complicated than most organisations, but we feel it is pragmatic and designed to meet a complex set of circumstances and to balance competing interests and principles. In particular, we feel that the wider participation of tenants through the Council will give the NTV a much broader base of active support than the alternative of finding a mechanism to appoint a Board limited to a few tenants.



## The NTV National Council

The NTV Council will:

- have the remit to discuss, shape and advise on all policy issues affecting tenants at a national level
- meet probably quarterly with working groups, policy fora and e-forums in between, aiming to encourage, support and develop all its members to play an active part in NTV policy formation
- have a large membership (of around 50 tenants to ensure that there can be a balance of all the interests)
- have a majority of places (26 out of 50) available for people selected through an open recruitment process managed by the Accountability Committee
- have 9 regional places, one for each of the 9 English regions, with places taken by nominees where there is a bona fide regional federation of tenants and residents that represents all social tenants in the region (local authorities and housing associations). The Accountability Committee will select members for regions where those conditions are not met
- have three places available for members chosen by TPAS through its tenant representative structure
- have 12 places open to nomination by the three NTOs – in the first year each of the three NTOs should have four places on the National Council
- have a maximum term for membership with clear procedures for members standing down by rotation.

All National Council members should be expected to support the basic principles of the NTV prior to taking up membership. As it is a hybrid structure, members will not be formal representatives or be mandated by the organisation from which they come.

We believe we have struck a reasonable balance between the number of open places (the majority) and the number of places nominated by national and regional organisations and TPAS. As the consultation confirmed, there are differing views on the number of places that should be open to each of the NTOs, and on the allocation of regional places. The Project Group is not in a position to judge the relative merits of the cases made. We therefore propose that independent research should be commissioned by the NTV to assess, positively and constructively, the strengths and weaknesses of the existing national and regional tenant representative organisations. The research should propose a plan of action to fortify the national and regional structures and make proposals about future representation on the National Council from the NTOs, RTOs, and TPAS tenant structure based on its findings.

### **The NTV Management Board**

The NTV Management board will:

- be the directors of the NTV, its executive arm, with legal responsibility for the NTV and therefore the final say on all issues, ensuring that it is effective, business like and compliant at all times with the constitution
- support the policy function of the NTV National Council, present reports and recommendations on policy issues and be guided by the National Council's policy conclusions
- following consultation with the National Council, prepare a business plan and an annual strategic plan for the NTV
- consist of around 15 members, with nine tenant members chosen from amongst the NTV Council membership, according to an agreed set of criteria for the skills, knowledge and experience, plus a maximum of six independent members to bring particular skills to the Board, or to strengthen its overall credibility
- elect a tenant Chair of the Board, who will also chair the National Council
- operate in accordance with a statement of practice that will include appropriate guidelines covering directorial responsibilities, accountability, training, development and assessment of Board members
- have a maximum term for membership with clear procedures for members standing down by rotation.

## The NTV Accountability Committee

The NTV Accountability Committee will:

- select those members of the NTV National Council where there is no agreed nominating body through an open recruitment process
- ensure that the National Council reflects the tenant body as a whole, with a broadly equal number of housing association and council housing tenants, the best possible geographical balance, the best possible balance in terms of gender, ethnicity, age, and disability, and a balance of tenant types – for example leaseholders and sheltered housing tenants
- select the tenant Board members, from amongst those National Council members interested in standing, according to set criteria
- scrutinise the accountability of all parts of the NTV, the effectiveness of its Board membership, and establish a clear policy to manage any conflicts of interest that arise
- whilst recruiting tenant Board members, seek those interested in becoming chair of the NTV, and ensure that the Board makes a choice between tenants who the Accountability Committee deems have the necessary skills
- not be open to members of the NTV Council or the Management Board – to create a separation of powers
- have seven places, one each nominated by Communities and Local Government and TPAS and five jointly agreed and nominated by the NTOs – the NTOs will nominate anyone who will have credibility and be appropriate to the role of the Committee, whether they are tenants or not
- carry out its role in accordance with agreed criteria regarding the skills, knowledge, and experience needed, and possible imbalances that might arise.

The role of the Accountability Committee will change over time as national, regional and local tenant membership structures improve and strengthen and build the democratic tenant representative base. Like members of the Board, Accountability Committee members will act on behalf of the best interests of the NTV and will not be mandated by any other organisation. The Committee's public accountability will be through a report agreed jointly that sets out transparently the reasons for their choices.

## Relationship between NTV National Council and NTV Board

The relationship between the National Council and the Management Board will be crucial to the success of the NTV, and the roles and responsibilities of each should be crystal clear from the outset. There should be a clear protocol between the Board and the Council covering, amongst other things, how the Board will report to, raise issues with, and consult the Council. Board members and Council members should have clear job briefs and descriptions of their role. If our proposals are agreed, the Project Group will prepare these documents prior to the recruitment process beginning.

It is important to state that the Board will have collective legal responsibility for the organisation and cannot pass over its final responsibility for determining the policies of the NTV to the Council. They cannot be mandated and, as directors, Board members will be legally responsible for all decisions and must put the interests of the organisation first and ahead of any other interest they may have.

We see the Council members as an active resource, not just people who come to meetings from time to time, the crucial first stage in ensuring a much wider degree of engagement with tenants and participation in the work of the NTV. For example, Council members with specific knowledge and experience, or an interest in a particular topic, would be drawn into working groups, for example with Government or the regulator, and would participate actively between meetings through email consultations, topic groups, web forums, and so on.

The Board should be required to listen to, take account of, and be guided by the Council's views on policy issues raised. There is likely to be a range of views on key topics, reflecting the diversity of tenants and their many different interests and circumstances. The Project Group believes the Council should proceed through consensus, and the acceptance of differences, and would not wish to see divergent views coalesced into a single 'line'.

### **Chair of the NTV Board and Council**

The Project Group has considered options for the recruitment of the Chair of the organisation. There was some support during the consultation for the Chair to be an independent person recruited and paid to undertake the role. The Project Group has taken the view that the appointment of the Chair should follow the tradition of voluntarism in the tenants' movement and that it should be an unpaid post appointed through the Board structure by the people that the Chair will need to work with most closely.

The Project Group recommends that the chair of the NTV Board should be a tenant member and that the chair of the Board should also chair the NTV Council. We propose that the Accountability Committee should seek nominations for NTV chair from the Council and will inform the Board which of the nine tenant Board members are interested in the post and meet the set criteria. The Board will then elect its own chair from these.

### **Remuneration**

The Consultation Paper outlined the Project Board's initial view that members of the NTV National Council, Management Board and Accountability Committee should not receive any remuneration for their roles.

Only nineteen respondents made written comments on this proposal in the consultation, of which nine were tenants. Those in favour of payment focussed on the time required to carry out the duties that will be involved and others pointed out that RSL board members can receive payment and that members, and especially chairs, of other NDPBs receive payment.

The Project Group has retained its initial view that the tenant movement is essentially voluntary where active members are not paid for the contribution they make to their estates and communities, and that this principle should apply to the NTV as well. The main time commitment will be to the Board and, from time to time, the Accountability Committee, and the Project Group believes that the lack of payment will not inhibit people from coming forward for these roles, nor will it seriously diminish the pool of talent available for the roles. The NTV may however wish to offer a 'Community Allowance' if it is introduced<sup>6</sup>.

The NTV should adopt a clear expenses policy that takes into account the fact that many tenants are on low incomes, pensions or benefits and either need travel to be bought in advance by the organisation or very prompt payment.

### Recommendation 9

We recommend that the NTV should comprise:

- a National Council of around 50 tenant members, which seeks to reflect the characteristics of tenants country-wide in so far as is practicable
- a Management Board to manage and have legal responsibility for the organisation, with nine tenant directors drawn from the National Council on the basis of their skills and expertise and up to six independent directors who will bring specialist skills and knowledge to the organisation
- an arms-length Accountability Committee of 7 members who are not on the Council or the Board, who may or may not be tenants, appointed by Communities and Local Government, TPAS and the National Tenants' Organisations to manage the process of appointment to the Council and the Board and to scrutinise the effective governance of the organisation.

### Recommendation 10

We recommend that the Chair of the Board should be a tenant member chosen by the Board, who should also chair meetings of the National Council.

### Recommendation 11

We recommend that members of the NTV National Council, Management Board or Accountability Committee should not receive remuneration for their roles, but should receive reimbursement for expenses incurred on NTV business.

### Recommendation 12

We recommend that the NTV should commission independent research to assess, positively and constructively, the strengths and weaknesses of the existing national and regional tenant representative organisations, with the aim of agreeing a plan of action to strengthen them.

<sup>6</sup> The idea of a Community Allowance is advanced in the white paper *Communities in Control: Real people, real power*. If introduced, it would allow community organisations to pay people to do work that strengthens their communities without it affecting their benefits

## 4. Implementation considerations

### **Finances and staffing structure**

Following Ministerial decisions concerning the establishment of the NTV, the Project Group or the Shadow Board should examine in detail the options for staffing the NTV, and the costs of these. An overall annual budget of £1.5m has been allocated by Communities and Local Government for the NTV for the current spending review period (until March 2011). In common with other forms of spending, it will not be possible to obtain government guarantees beyond 2011.

A constant theme during the consultation was that the budget may be inadequate to enable the NTV to fulfil all of the roles envisaged for it, in terms of research, advocacy, communications with a constituency of four million households, and support for the representative tenant movement. The Project Group is aware that the budget has limitations although it far exceeds anything previously available for these activities and is additional to the current budgets for tenant empowerment work. The Shadow Board/Board will need to prioritise activities within its business plan. It is in no-one's interest for the NTV to fail, and it will be a priority for the Board to review the future options for funding, both from Government and from other sources, to support its activities. It should also be noted that it might also achieve its objectives by influencing the programmes of others (for example through joint commissioning of research with the Tenant Services Authority).

The consultation revealed considerable scepticism that Government funding might compromise the NTV's independence, although some other bodies appear to be fiercely independent despite this. Some expressed the view that the NTV should move away from reliance on government support and others raised the issue of a levy – either on landlords or on tenants collected by landlords and passed to the NTV. This idea provokes hostility as well as support. Some suggested that the proposed funding of the TSA, which will include a charge to landlords as well as Government funding, could be supplemented with a small additional charge that could be collected on behalf of the NTV. These options have not been investigated in detail at this stage but all ideas for improving the resources available to the NTV should be considered by the Board when it is established.

## Location and service provision

The Management Board will need to make arrangements for the following functions, amongst others:

- servicing the NTV Council and Management Board
- financial management, office management and administration
- human resources and staff management
- establishing a fair and effective complaints procedure in relation to its own services
- public and domain relations
- ongoing consultation
- research and other commissioning
- legal advice and representation
- the relationship with government, government agencies and other stakeholders
- support to tenant representative bodies.

The Project Group has had initial discussions about the possible location of the NTV and the options available for procuring services. Although there is a clear recommendation that the NTV should be a new stand-alone organisation, the NTV will still be a relatively small organisation in staff terms and there may be advantages in being co-located with and/or buying services from other agencies. Given that there is an existing network of organisations providing services to tenants, the NTV should seek to commission services and support from the existing infrastructure where possible.

Several options, all with considerable merit, are available for the NTV to pursue, including Consumer Focus, TPAS, TAROE and the TSA. The Project Group feels that these arrangements need considerable evaluation and should be considered when Ministerial decisions have been made.

## Interim arrangements and timetable

During the consultation there was consistent support for the view that the NTV should be set up as soon as practical. It is for this reason that the Project Group has developed its proposals in as short a timescale as is consistent with a sound process and good consultation. We believe that with a fair wind the NTV could be fully functional with its governance structure, any necessary statutory powers, key staff and budgets in place by autumn 2009. It is unlikely that the NTV will be able to receive funding directly from the Government until the Local Democracy, Economic Development and Construction Bill has achieved Royal Assent, and funding for set-up costs between second reading and Royal Assent will be dependant upon Treasury approval. The formal start date of the NTV, with its own budgets, will therefore need to be kept under review in light of progress with the Bill.

If Ministers accept our proposals, the Project Group is willing to continue to meet to help Communities and Local Government drive the project forward, and we recommend that the group be broadened for the next stage with additional tenant members from the regions and a leaseholder. The transition to a Shadow Board should take place as soon as practical.

During the next few months the Project Group, and the Shadow Board when it is formed, should have the following three priorities:

- to operate so far as it is reasonably practicable as the interim National Tenant Voice in working with the TSA, Communities and Local Government and others to ensure that tenants have an input into policy development at national level and the development of the new regulatory framework
- to advise Communities and Local Government on the implementation of the arrangements for setting up the NTV as agreed by Ministers, including finalising the NTV's structure and incorporation, approving a temporary and a permanent officer structure and appointing a chief officer, agreeing the geographical location of the NTV and whether it has a service agreement with any other organisation, and adopting a draft business plan and strategy for the first year
- to make arrangements for a series of regional roadshows and associated information to update tenants on progress with the NTV, to encourage interest in joining the NTV Council and Board when they are established, to discuss training and other support for potential participants, and to start the process of consultation about the first NTV business plan to be adopted in 2009.

### **Recommendation 13**

We recommend that the NTV Board/Shadow Board should draw up detailed financial plans for the organisation and review its future options for funding from sources other than government.

### **Recommendation 14**

We recommend that the NTV Board/Shadow Board should review and evaluate the options for the location of the NTV and the alternative ways of securing the services it requires.

### Recommendation 15

We recommend that the Project Group should continue to meet, with revised membership and new terms of reference, until a Shadow Board is appointed, with three key priorities:

- to operate in so far as it is reasonably practicable as the interim National Tenant Voice in working with the TSA, Communities and Local Government and others to ensure that tenants have an input into policy development at national level and the development of the new regulatory framework
- to advise Communities and Local Government on the implementation of arrangements for setting up the NTV as agreed by Ministers, including finalising the NTV's structure and incorporation, approving a temporary and a permanent officer structure and appointing a chief officer, agreeing the geographical location of the NTV and whether it has a service agreement with any other organisation, and adopting a draft business plan and strategy for the first year
- to make arrangements for a series of regional roadshows and associated information to update tenants on progress with the NTV, to encourage interest in joining the NTV Council and Board when they are established, to discuss training and other support for potential participants, and to start the process of consultation about the first NTV business plan to be adopted in 2009.

# Appendix 1

## Membership of the Project Group

The NTV Project Group consists of representatives from the following organisations:

- Michael Gelling – Tenants and Residents Organisations of England (TAROE)
- Cora Carter – Tenants and Residents Organisations of England (TAROE)
- Brian Pordage – Tenants and Residents Organisations of England (TAROE)
- Terry Edis – National Federation of Tenant Management Organisations
- Roy Read – National Federation of Tenant Management Organisations
- Nic Bliss – Confederation of Co-operative Housing
- Christine Winstanley – Confederation of Co-operative Housing
- John Conroy – Dorset County Tenants' Federation (to August 2008)
- Allan Harley – North East Council of Tenants and Residents (NECTAR)
- Wendy Walsh – National Community Forum
- Phil Morgan – Tenant Participation Advisory Service (TPAS)
- Richard Sorensen – Housing Corporation/Tenant Services Authority
- Kurshida Mirza – Housing Corporation/Homes and Communities Agency
- Roger Jarman – The Audit Commission
- Richard Capie - Chartered Institute of Housing
- Ruth Lucas – Local Government Association
- Helen Williams – National Housing Federation
- Anne Kirkham – Communities and Local Government Department (non-voting)
- Richard Crossley – Communities and Local Government Department (non-voting)
- Lesley Storer – Communities and Local Government Department (non-voting)
- Steve Hilditch – independent chair (non-voting)

# Appendix 2

## **National Tenant Voice Project Group Terms of Reference**

### **1. Aim of the Project Group**

The aim of the group will be to advise the Communities and Local Government and ministers on the detailed remit, location and governance arrangements for the National Tenant Voice (NTV), taking into account ministers stated preferences and the budget allocation for the NTV.

The group will consult with wider stakeholders as it sees fit, and report to Communities and Local Government on specific aspects of its work as the work progresses.

### **2. Blocks of work**

#### **A: NTV remit / key tasks**

We have broadly set out the NTV remit as being three fold:

##### **Advocacy**

Advocacy is taking action to help people say what they want to say, to secure their rights, to represent their interests and to help them obtain the services they need.

The Project Group will explore the advocacy needs of tenants at local, regional and national level. It will look at how advocacy needs are met in other sectors, and see what will be appropriate for social housing tenants. It will then describe the role for the NTV in ensuring that tenants have a voice at all levels, and how the NTV will deliver that role.

##### **Research**

Rigorous research and policy analysis is a key part of the current work of the National Consumer Council. The NTV will follow this lead and will be expected to commission research on aspects of tenant empowerment.

Communities and Local Government's Housing and Communities Analysis Division has stated that "Measuring the impact of tenant participation is a prize that has eluded researchers to date." The NTV will need to address the evidence gaps on the impact of tenant participation, and use this to promote good practice. In addition it will be expected to commission other research to strengthen the potential for tenants to influence and shape housing policy and delivery of housing services.

The Project Group will explore recent research in this area, and begin to scope out the research needs. It will report on the best ways for the NTV to fulfil its research remit.

### **Promoting a representative voice**

The NTV will have a remit to support representative tenants' structures.

The Project Group will be tasked with researching the state of play of current representative structures, their strengths and weaknesses, and their future development needs. It will produce proposals for what role(s) the NTV might play in the development and continuing support for independent, tenant led representative structures.

### **B: Location of the NTV**

Communities and Local Government ministers have stated they prefer not to set up a new stand-alone body for the NTV. The preferred option is to locate the NTV within the new NCC structure, but Communities and Local Government would only want this to happen if tenants were able to have a strong influence over the NTV within that structure.

The new NCC is in the process of being set up. It has appointed its chair and Chief Executive, and members of the Council should be in place in February.

The Project Group will hold discussions with the new NCC and DBERR about the potential role of the new NCC in tackling social housing issues, and the relationship between the new NCC and the NTV.

The Project Group will explore alternative locations within existing organisations for the NTV, and other alternatives, should the new NCC option prove unviable.

### **C: Governance / Legal arrangements**

The Project Group will work with Communities and Local Government officials to devise the appropriate legal structure for the NTV. It will look at possible governance arrangements, including:

- the make-up of its governing board
- how people are appointed and removed from the board
- the relationship between the board and staff
- the relationship between the board and Communities and Local Government / Tenant Services Authority / Homes and Communities Agency / NCC.

### **D: Finances / staffing structure**

The project group will look at options for staffing the NTV, and the costs of these, within the overall budget of £1.5m per annum over the spending review period allocated for the NTV.

## **E: Consultation**

The Project Group will be tasked with developing an iterative process with wider stakeholders, including tenants. It will instigate research and consultation structures and events to receive the views of people prior to proposals being made, and consult on options and proposals.

### **3. Chair and vice-chair**

As well as chairing the Project Group, the chair will have the responsibility of:

- ensuring the Group keeps to task and reports back to Communities and Local Government at stated times
- with the vice-chair, liaising regularly with Communities and Local Government officials on progress and issues as they arise
- ensuring all stakeholders have appropriate input into the processes
- ensuring that tenants' views at all levels are heard during the process.

We propose that the chair be independent of any of the organisations represented on the Project Group, and that a vice-chair is appointed from the tenants' organisations represented on the group.

The vice-chair will work closely with the chair, and will take on specific tasks as proposed by the chair and vice-chair, and agreed by the Group.

### **4. Timescales**

We envisage the Project Group meeting on a monthly basis – with smaller working-groups taking forward blocks of work – and reporting to Communities and Local Government in approximately eight months' time.

Communities and Local Government will expect interim reports on particular blocks of work as the work is completed.

We will expect the first meeting of the project group to produce a detailed timetable.

### **5. Budget**

The costs of running the group will include:

- travel and subsistence costs for Group meetings
- meeting room costs
- secretarial costs
- research
- consultation with stakeholders, including wide consultation with tenants.

This will amount to approximately £20,000. These will be paid for from costs allocated to the NTV in the Spending Review.

### **Proposed membership**

We propose that the project group consists of representatives from the following organisations:

- Tenants and Residents Organisations of England (TAROE) – three members
- National Federation of Tenant Management Organisations – two members
- Confederation of Co-operative Housing – two members
- Representatives of regional tenants' organisation – two members
- TPAS
- Housing Corporation
- National Community Forum
- The Audit Commission
- CiH
- LGA
- Communities and Local Government – three members
- National Housing Federation.

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