

Minister for Climate Change,

By email

3 August 2022

Dear Minister,

The Bevan Foundation has taken a keen interest in the recent consultation on the Welsh Housing Quality Standards 2023. We are pleased to see the Welsh Government continue to place an emphasis on improving the quality of social housing in Wales and to build on the progress that has already been made.

We wanted to write to you today as we have some concerns about WHQS that we felt that we could not express clearly in our response on the Welsh Government's website given the way that it had been formatted. We hope that you and your team will take these concerns into consideration when developing WHQS 2023 further.

The Bevan Foundation has three principal concerns about WHQS 2023 as currently drafted:

- Ongoing enforcement of the standards
- The role of tenants
- Financial considerations and implications for broader housing policy.

### Ongoing enforcement of the standards

WHQS has undoubtedly seen significant improvements made to the quality of social housing in Wales. We have two concerns, however, about how rigorously the standards are currently being enforced.

First, as of December 2020 24 per cent of social housing in Wales was deemed to be compliant with WHQS but had at least one acceptable fail.<sup>1</sup> Whilst accepting there may be legitimate reasons why some properties could not be brought up to WHQS, the fact that such a high proportion of properties are not fully compliant with WHQS raises significant questions about how successfully the standards have really been implemented in Wales to date.

Our second concern reflects experiences that have been shared with us by social housing tenants. Since spring 2021 the Bevan Foundation has been working with Action in Caerau and Ely to provide people with lived experience of poverty with an opportunity to share their experiences. Over this period, we have heard many concerns about the poor quality of social housing in Cardiff. Recent comments made by Cardiff Council's Cabinet Member for Housing, Councillor Lynda Thorne suggests that these are not isolated problems,

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<sup>1</sup> Welsh Government, *Welsh Housing Quality Standard (WHQS), as at 31 December 2020* (September 2021) available at - <https://gov.wales/sites/default/files/statistics-and-research/2021-09/welsh-housing-quality-standard-as-at-31-december-2020-820.pdf>

whilst anecdotal evidence from elsewhere in Wales suggesting that this is a problem across the whole nation.<sup>2</sup>

Unless action is taken to ensure standards are complied with on an ongoing basis, the aims of WHQS 2023 will be severely undermined. We therefore believe that there is a need for far stronger enforcement provisions within the new standards to ensure compliance. Amendments that could be made to the standards to achieve this outcome include:

- Setting out time limits within which that any repairs relating to a standard must be completed. Failure to comply with this would see the property be deemed as failing to meet WHQS.
- Putting tighter restrictions on when tenant refusal can be used as a ground for temporary compliance (see below).
- Require social landlords to issue tenants with a compliance statement periodically rather than just at the point of re-letting. This would provide tenants with an opportunity to flag concerns that may be being missed through the usual repairs system.

### The role of tenants

We are concerned that tenant voices are not adequately protected through the proposed new standards. For example, on page 6 of the proposed new standards it is stated that "Social landlords are encouraged to engage with their tenants". If tenants are truly at the heart of WHQS landlords should not merely be encouraged to engage with tenants but be mandated to do so.

Our most significant concerns, however, relate to the grounds upon which a property can be designated as a temporary fail. Page 44 of WHQS provides two examples of when a home can be deemed to be a temporary fail on behaviour/ financial restrictions ground.

The first is set out as follows:

*Situation A: The landlord has carried out all necessary works to a home in terms of remedy and damp prevention, but the tenant is simply unable to afford to heat the home sufficiently to prevent damp.*

It is true that many tenants are unable to afford to heat their home sufficiently to prevent damp. The fact that a tenant is struggling to afford to heat their home does not mean that it is acceptable for them to live in a home with damp, however. This exemption should be removed as a matter of urgency. If the standard is to support families in the context of cost of living it should seek to promote further financial support, rather than exempt people who are living in poverty from protection.

The second example of when a home can be deemed to be a temporary fail is:

*Situation B: The landlord has carried out all necessary works to a home in terms of remedy and damp prevention and has advised the tenant how best to dry clothes and 'live in their home' but they have not changed their behaviour and damp has developed again.*

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<sup>2</sup> The National, *Cardiff councillor describes city's housing as 'awful'* (5 July 2022) available at - <https://www.thenational.wales/environment/20256101.cardiff-councillor-describes-citys-housing-awful/>

This is also deeply problematic. There are undoubtedly some tenants that exacerbate their damp problems through their behaviour, but we have heard from a number of tenants through our lived experience work that they felt that they were being personally blamed for the damp in their homes when there were other factors at fault. This included structural problems with their property that they felt had not been adequately investigated. In some circumstances the way that tenants had been spoken to had made them reluctant to raise other repairs issues and may be a reason why some tenants are reluctant to accept building work being undertaken in their property.

We therefore believe that the tenant behaviour ground for a temporary fail should be removed from WHQS. Alongside this we believe that there are grounds to far more tightly regulate when tenant refusal grounds may be used. Whilst acknowledging that there will be some tenants who do not wish to see alterations made to their home there are likely to be many reasons why tenants refuse to have work undertaken in their property. We believe that before any landlord can use tenant refusal as grounds for not complying with the standard they must evidence that they have made extensive attempts to work with the tenant to address any concerns they have.

### **Financial considerations and implications for broader housing policy**

The Bevan Foundation has long raised concerns that the funding model for social housing in Wales is unsustainable. As has been demonstrated the decision by the Welsh Government to move the cost of constructing a new generation of social housing onto social landlords and therefore onto tenants has been a source of real hardship.

Above inflation rent hikes saw social rents increase by 8% in real terms in the five years to 2020. In November 2020 the Joseph Rowntree Foundation estimated that 40,000 social renters had been pulled into poverty in Wales as a direct result of above-inflation rent rises.<sup>3</sup>

On top of this, as we have set out, there are real concerns among some tenants about the state of repair of their property. This can not only have health and wellbeing implication for tenants but can also have significant financial implications. For example, we heard from one tenant who was having to regularly buy new clothes for her children as long running damp issues were causing significant damage to the clothes they had.

The cost of meeting the Welsh Government's net zero objectives, maintaining existing stock in a good state of repair and constructing a new generation of social housing will be significant. Given that half of social housing tenants already live in poverty and with the cost-of-living surging, continuing to pass the cost of all the required work onto tenants would be unconscionable.

The Welsh Government should therefore begin, in earnest, reconsidering its model for funding social housing. Among the measures that must be considered is splitting the cost of maintaining and improving current social housing tenants and the cost of constructing new social housing. Whilst it is reasonable to expect tenants' rents to make a contribution towards the first of these categories, it is not sustainable to continue to expect tenants to continue to fund the second. These conversations should be taking place at the same time as the formation of the updated WHQS.

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<sup>3</sup> Joseph Rowntree Foundation, *Poverty in Wales 2020*, (November 2020) available at - <https://www.jrf.org.uk/report/poverty-wales-2020>

We hope our submission will assist you and your team in developing new standards that ensure all social homes in Wales are fit for the 21<sup>st</sup> century. If you or your team have any queries about our submission that you would like to discuss with us we would more than welcome a conversation.

Yours sincerely,

A handwritten signature in cursive script, reading "Victoria Winckler". The signature is written in dark ink and is positioned above a horizontal line.

Victoria Winckler

Director, Bevan Foundation