Social Housing and Anti-social Behaviour: Issues of Community Engagement and Accountability for Non-profit Housing

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WORKSHOP 06

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Abstract

There is a tendency to employ a generic description of 'social housing' in policy in the United Kingdom despite the fact that the main providers of social housing, the voluntary sector and local authority sector, are differentiated along structural and operational lines. Registered Social Landlords (RSLs) are the legal embodiment of voluntary housing in the UK. The related issues of how RSLs are accountable and engage with the community are important as RSLs have been enlisted by government in its battle against anti-social behaviour. For this purpose new management tools and powers have been provided which enable RSLs to coerce and control tenants and non-tenants. This paper will discuss how RSLs have been co-opted to take part in the strategic management of anti-social behaviour and expectations for engagement with the community and for accountability. It will identify issues for research with RSLs arising from their status within the voluntary sector. The paper reports on findings from a survey carried out with RSLs regulated by the National Assembly for Wales.

Introduction

Safety is a 'fundamental value' in contemporary Western society (Furedi, 2002: 1). In post-welfare 'risk-society' (Beck, 1986) a key objective of public policy is the 'containment of danger' and 'management of risk' (Garland, 2001: 12). Against a backdrop of 'incessant chatter about, panic over and clamour for tough solutions' (Edwards and Hughes, 2008: 57) government is obsessed with how to deal with chronic anti-social behaviour (ASB). Strategies for dealing with the problem are embedded as part of the 'architecture of governance' (Flint, 2006a: 1). From the miasma of policies and initiatives in response to disorder and crime a number of themes emerge. Non-governmental agencies are involved in managing ASB through a 'responsibilization strategy' (Garland, 2001: 124). As the state has withdrawn from many areas of society governance takes place through the agency and interaction of multiple non-state actors (Rose, 1999). Social policy seeks to engage, and engage with the community to improve the safety and security of

neighbourhoods. This is linked to efforts to reverse social exclusion through civil renewal and to increase local accountability (Home Office, 2008a; Cabinet Office, 2006). These themes of partnership, engagement and accountability are relevant to the work of the voluntary or non-profit sector in the UK. Non-profit organizations have traditionally discharged functions which circulate around community engagement as a construct of participation and representation including through user involvement, community-development and advocacy

Registered Social Landlords (RSLs), a species of housing association, are not-for-profit organisations operating at the interface between the voluntary sector and the state in housing. Close connections with the voluntary sector introduce assumptions of community engagement through participation and empowerment. This is significant as RSLs discharge their housing function in the context of policies on ASB which incorporate a discourse of exclusion affecting disadvantaged populations. The voluntary sector provides a 'lens' through which to view the impact of ASB law and policy on RSLs. Several issues are raised, these include: what are the responsibilities and expectations for RSLs; what impact is there on their role within communities; what are the convergences and dissonances between expectations in policy and RSL responses to ASB. This paper will examine tensions inherent in the operation of RSLs within the framework of ASB law and policy. It will discuss the utility of social housing as a generic construct to link RSLs to the partnership agenda and shared local governance of ASB. It will examine policy expectations for community engagement and accountability to draw attention to synergies and discontinuities. The paper raises issues for empirical research and will suggest tools for analysis. It begins by introducing relevant aspects of the voluntary sector.

RSLs: Aspects of the Voluntary Sector

A structural/operational definition is used to identify a voluntary organization (Salamon and Anheier, 1992). Key definitional criteria are: non-profit distribution to governing members (Hansmann, 1980) self-governance and independence (Kendall and Knapp, 1996; Salamon and Anheier, 1992). Voluntary organizations contribute to service delivery across a range of economies in the UK (Kendall and Knapp, 1996). The sector's role includes community development through the introduction of economic goods, and 'public goods' by generating social capital (Kendall, 2003). Accounts of the voluntary sector note its role in society to promote citizen participation and social integration (Kramer, 1981; Kendall, 2003). These processes of involvement are relevant to socially excluded communities that

benefit through 'advocacy' promoting social change (Wolch, 1990), and, through the voluntary sector's capacity to meet the needs of disadvantaged or 'hard to reach' social groups (Billis and Glenester, 1998; DETR, 2001: 7) or groups that lack the capacity for 'voice' in the market place (Hirschmann, 1970). The voluntary sector's contribution to welfare services is highly valued in the political realm as non-profit organizations benefit from a perception of proximity to the community (Knight, 1993; Hatch, 1980). Since 1997 New Labour has sought to mainstream the voluntary sector into the UK policy agenda (Kendall, 2003) to exploit its service-delivery potential and as a vehicle for civil renewal and to reverse social exclusion (Labour Party, 1997; DETR, 2001)[1]. Heightened visibility in the public realm means increased demands for accountability, including over how non-profit organizations prioritize and manage services (Leat, 1996). In this context voluntary organizations are accountable to a range of 'stakeholders' and in different ways (Rochester, 1995). Internal accountability is via the board. External accountabilities include those to service-users, the community and government. Unlike for the public sector there is no direct democratic link between voluntary organizations and the community so public accountability is through state regulation (Rochester, 1995).

Co-opting RSLs to the ASB Agenda: 'Social Housing' and Partnership

Social housing is a modern policy construct which incorporates notions of: managed housing (Carr and Cowan, 2006); subsidised housing (Needleman, 1965); and housing as a social resource based on an assumption of 'commonality of purpose' (Cowan and Marsh, 2005: 23). The terminology suggests uniformity and cohesion but overlooks the reality that voluntary housing is in many respects differentiated from the public sector in housing. RSLs have their roots in voluntarism (Malpass, 2000): links with the voluntary sector are preserved as RSLs are usually governed by volunteers (Cope, 1999). They are the primary vehicle by which government engages with the voluntary housing sector, as such RSLs must be registered and must submit to the jurisdiction of a statutory regulator to receive subsidy[2]. Substantial state support has allowed voluntary housing to emerge from the shadow of the public sector to occupy 'centre-stage' in housing policy (Langstaff, 1992). The mixed economy of extensive state funding and regulation undermines RSL claims to independence. There is the suggestion that they have been adopted by the state as 'hired agents' (Langstaff, 1992: 43; Handy, 2008). In legal context this translates as an issue of status relevant to public accountability and whether or not RSLs ought to be regarded as public bodies or public

authorities for the purposes of judicial review or under the Human Rights Act 1998 (HRA 1998) (Morgan, 2003).

In social policy the generic classification of social housing establishes an institutional setting for ASB policy focussing attention on a discrete population by reference to a 'legal, organizational and often geographical framework' (Morgan, 2006: 415). The perception of social housing is that it suffers from the consequences of crime and disorder (Murie, 1997): a 'risk saturated' space and a potential hot-spot of ASB (Allen and Sprigings, 2001: 393). Processes of residualization affecting social housing generate a 'spatial concentration of vulnerability' (Flint, 2004a: 6), it is increasingly a tenure for deprived households facing problems of social exclusion (Levitas, 2006; Somerville, 1998) without social or political influence. A discourse of blame has introduced 'traits of stigma and culpability' (Hawarth and Manzi, 1999: 158) as tenants in social housing, in common with other recipients of residualized welfare services, are often labelled undeserving or irresponsible (Card, 2006; Garland, 2001), further alienating and marginalizing disadvantaged individuals and families. Government has sought to intervene in social housing through rehabilitative, coercive and punitive measures aimed at encouraging tenants to behave and protecting wider society from ASB (Card, 2006; Carr and Cowan, 2006). The sector serves as a forum for tenant control and tenant discipline (Burney, 1999 and 2005).

The state has sought to exploit the capacities of RSLs to deal with ASB at local level as an aspect of housing management. Although historically local authorities and voluntary housing organizations have discharged a disciplinary function toward tenants (Flint, 2006b: 21) the recent focus on ASB in social policy has placed a greater burden on social landords (Brown, 2004). The 'soft-policing' (Abbot and Sapsford, 1990: 120; Squires, 1990) function of housing professionals has hardened considerably in the last decade. In addition to tenancy management functions RSLs contribute to the local governance of ASB through the vehicle of partnership[3]. Local crime reduction partnerships, known as Crime and Disorder Reduction Partnerships in England (CDRPs) and Community Safety Partnerships in Wales, are established to co-ordinate the work of agencies to develop and implement local strategies for dealing with the problem of crime and ASB[4]. RSLs are obliged to cooperate with CDRPs[5]. Government guidance suggests that RSLs will need to work closely with CRDPs if local crime reduction strategies are to be effective (ODPM, 2003; DCLG, 2008a).

ASB: The Policy Environment

Until recently the approach to ASB law and policy has been pervaded by a 'lazy logic' focusing on the symptoms of ASB distinct from possible social cause (Atkinson, 2006: 102). Despite evidence that the problem is symptomatic of disadvantage and social exclusion perpetrators are subjected to a discourse of blame and condemnation (Sutton *et al*, 2004; Nixon and Parr, 2006: 83-86). Contextualization of New Labour's policies on ASB provides some insight into why this is. From about the mid-1970s anti-welfarism in political discourse affected ways of thinking about crime; deviancy came to be seen less as a problem of social disadvantage more a problem of criminal individuals (Garland, 2001). In a policy environment dominated by a pugilist rhetoric of 'us' and 'them', and in an atmosphere of moral panic about crime and criminality (Haydon and Scratton, 2006), New Labour argued that more needed to be done to deal with low level ASB before this escalated to more serious criminality (Labour Party, 1995). Government has sought to construct the 'anti-social' in terms which contrast normal behaviour with deviant behaviour to distinguish ordinary law-abiding citizens with excluded outsiders (Carr and Cowan, 2006). The 'good citizen' is content to accept the boundaries imposed by normative standards (Garland, 2001) whilst the excluded outsider is affiliated to some other community - or 'anti-community' (Rose, 1996: 340).

More recently government appears to have accepted that chronic misbehavior may not be as simple as a matter of irresponsible individuals; that the same people can be both 'victims' and 'perpetrators' of ASB (Nixon and Parr, 2006: 80; Jones *et al*, 2006). Policy responses have included:

- The Home Office's Social Exclusion Unit has noted that ASB is often 'fueled' by wider problems of social exclusion (SEU, 2000: 5).
- CDRPs have been urged to provide intensive support to tenants committing ASB (SEU, 2000).
- The Home Office has acknowledged the relevance of support for families to overcome societal disadvantage and avoid ASB (Home Office, 2003).

For a while the support agenda seemed to have been lost as government rhetoric continued to discuss anti-social tenants in derogatory terms (Squires and Stephens, 2006). Following recommendations made by the Home Affairs Select Committee (House of Commons, 2005) it re-emerged with the publication of the Respect Action Plan (Home

Office, 2006a) since when attention has focused on ASB by families and young people. This 'New Approach' is informed by the work of pioneering practitioner led projects which address family support needs and promote social inclusion by targeting 'very disadvantaged families' such as lone parents or families receiving benefits who face 'severe and multiple difficulties' (Dillane *et al*, 2001: 41; White *et al*, 2008: 4). There is a more measured policy discourse which recognizes the value of supportive interventions alongside enforcement as a way of dealing with ASB: a 'twin track' strategy. But the emphasis remains on public protection and community safety (Home Office, 2006a). Enforcement is at the root of the approach to dealing with ASB as an aspect of crime control (Home Office, 2008a). The 'protection of communities must come first' and practitioners are urged to make use of criminal and civil sanctions to 'secure co-operation of families in tackling ASB' (Home Office, 2003: 29; Home Office, 2006a). Several technologies have been introduced which provide enforcement agencies with tools to control the behaviour of individuals and to manipulate 'risk bearing behaviour' to increase safety (Donoghue, 2008: 342). The continuance of social housing is conditional on tenant good behaviour measured against normative conduct established by express or implied terms in the tenancy. Government insists that social tenants 'should understand that keeping their home is dependent on their behaviour not ruining whole communities' (Home Office, 2003: 59). Other ASB remedies available to RSLs include: acceptable behaviour contracts (ABCs)(Home Office, 2008c)[6]; starter tenancies which give the tenant only limited security of tenure[7]; demoted tenancies which reduce security of tenure on account of ASB[8]; Anti-social Behaviour Orders (ASBOs)[9]; and, Anti-social Behaviour Injunctions (ASBIs)[10]. These devices for dealing with ASB are coercive as they are reliant on threat and sanction for effect (McKenzie, 2008). They are disciplinary and punitive modes of social control (Brown, 2004), reflecting a wider move toward punitivism in social policy (McKenzie, 2008; Pratt *et al*, 2005; Scratton, 2005), which fail to engage enforcement agencies with the more difficult task of assisting perpetrators with 'practices of self-reform;' (McKenzie, 2008: 215).

Community Engagement

Community engagement is a key theme to emerge across a range of public policies and policy fields (Blake *et al*, 2008). Community engagement is about participation as an aspect of democracy (Wandersman and Florin, 1999). According to government this means ensuring that all citizens are involved in decisions that will improve their quality of life

(DCLG, 2007a) taking place through consultation and input into decisions about issues that affect the community, and empowerment to enable communities to become involved (Home Office, 2005a). Community engagement is linked to neighbourhood renewal and with issues of community governance with the aim of ensuring the safety of local neighbourhoods (Home Office, 2006b). According to the Home Office community engagement is one of the 'hallmarks' of effective partnership to improve the way crime is dealt with at local level (Home Office, 2008b) including through developing active communities able to contribute to crime control (SEU, 2001). In order to empower housing communities to take a role in shaping responses to ASB at local level strategies are in place to enable residents to monitor ASBOs (Home Office, 2005b) and to encourage tenant participation in relevant decision making processes (Flint, 2004b; and 2006b).

For RSLs processes of engagement will include effective communication (Home Office, 2006c), consultation with communities (IDA, 2009), and supporting victims and witnesses of ASB (Home Office, 2009). The government has recently introduced a Respect Standard for housing management (DCLG, 2007a) setting out social landlord responsibilities toward residents and the wider community. These include a requirement to inform the community of what is being done to address ASB, to respond to community calls for action, and, to work with residents and the wider community to encourage responsible behaviour (DCLG, 2007a: 52). Processes of community engagement are not new to RSLs. Many were established to act as vehicles for renewal and to give voice to localized concerns over housing (Malpass, 2000), and as an aspect of voluntary sector status and independence RSLs benefit from the perception that they are closer to the community and better able to facilitate participation (Kendall, 2003).

Accountability

The voluntary housing sector has been subject to calls for better accountability (Nolan, 1996) including to service-users (Nolan, 1996). The 1995/96 Nolan Enquiries into Standards in Public Life treated RSLs as 'Local Public Spending Bodies' and concluded that as they take part in 'public life' they should be accountable (Nolan, 1996). Voluntary housing's role in the delivery of housing as a welfare service is significant (as part of a 'shadow' welfare state (Wolch, 1990)) and will increase as stock transfer from local authorities progresses. This draws attention to the conceptualization of RSLs as voluntary organizations (Malpass, 2001) and the need for effective accountability mechanisms. RSLs'

role in welfare provision means that their decisions and actions are often called into question (Belcher and Jackson, 1998). For in receipt of public funding there is accountability to the regulator as they are required to report on aspects of performance and undergo audit. The regulator possesses considerable powers to sanction failing RSLs[11]. The need for accountability to service-users is not contested although RSLs are often criticised for failing to provide enough opportunities for tenants and/or community participation (Malpass, 2000: 5; Nolan, 1996).

In the context of ASB government insists that partner agencies involved with local ASB strategies need to be accountable (Home Office, 2003). Cross-cutting policy streams mean that accountability is an aspect of the partnership agenda but also of community engagement (Home Office, 2008b) which is seen as providing an opportunity to enhance local accountability, including for RSLs (Home Office, 2008b). One of the objectives of introducing the Respect Standard is to improve accountability to communities for the way in which landlords deal with ASB (DCLG, 2007b; DCLG, 2008b). Guidance on implementing the standard suggests that RSLs need to be accountable by providing information on how they address incidents of ASB, for example by holding local meetings or events, or by publicising their commitment to dealing with disorderly conduct (DCLG, 2008b). It is through the process of regulation that RSLs are accountable for priorities in this area.

RSLs are required by regulations to set up a complaints procedure to address individual grievances (WAG 2006a; Housing Corporation, 2005[12]): this is an aspect of accountability to service-users and is distinct from private-law obligations arising from the landlord and tenant relationship. RSLs' participation in the management of ASB means that they make decisions which can have a significant impact on individuals, on victims and on communities. An aggrieved individual may refer to an RSL's complaints procedure. Ultimately this is the responsibility of the board to resolve. The board is internally accountable by virtue of its fiduciary duties; board accountability is no substitute for legal accountability elsewhere (Alder, 1997). In the field of welfare and social services judicial review is available to hold public bodies to account via the courts for the way in which services are delivered (Lyon, 2000). Traditionally the voluntary sector has not been subject to the judicial review jurisdiction (Taggart, 1997). The introduction of the HRA 1998 gave the courts the opportunity for re-consideration of this established position. The HRA 1998 gives effect in domestic law to the UK's obligations under the European Convention on Human Rights (ECHR). Public authorities are prohibited (save in narrowly defined circumstances) from acting other than in accordance with the provisions of the ECHR in the discharge of

their functions. This also applies to bodies discharging 'functions of a public nature' except where a particular act is 'private in nature'. Conflation of the test of amenability to judicial review with the test of applicability for the purposes of the HRA 1998 has resulted in a narrow judicial interpretation of what constitutes a public authority (Costigan, 2006). The result is that in most instances RSLs are not subject to the judicial review jurisdiction or the HRA 1998. The position may be about to change as the Divisional Court recently held in the case of *R (Weaver) v London and Quadrant Housing Trust* [2008] EWHC 1377 (Admin) that the management of housing is a function of a public nature.

Engagement and Accountability: Assessment Tools

Arnstein's 'ladder of participation' (Arnstein, 1969) provides a model for assessing the effectiveness of engagement processes. Modified typologies of participation have been provided (Rocha, 1997; Hart 1992) but Arnstein's ladder remains a useful model in policy context (Wilcox, 1994). Engagement ranges from bottom rung 'tokenistic' efforts at citizen involvement which mask an agenda of manipulation, to top-rung participation where citizens exercise real power to affect the outcome in decision-making processes. At the bottom of the ladder come processes of information giving and consultation. Arnstein's model and Wilcox's derivative explain and elucidate the contrasting position of 'powerless citizens' who are without influence and subject to direction and control, with powerful interests who exercise real influence (Arnstein, 1969). Partnership arrangements where citizens are given 'decision-making clout' and are able to affect outcomes are located toward the top of ladder (Arnstein, 1969). A challenge for community engagement is how to ensure that disadvantaged social groups are not excluded from the process of governance (Blake *et al*, 2008). Issues which arise include how to identify relevant social groups, and how to access these groups to decision-making and to services (Blake *et al*, 2008). Some communities or social groups may find it easier to engage by reason of social or economic advantage. The role of leadership is vital to counter discrimination and disadvantage to make engagement effective (Rai, 2008; and, Home Office, 2006b and 2008b), and to ensure in the new arrangements for local governance that the voices of outsider groups are not overlooked (Tomaney and Pike, 2006).

In policy discourse community engagement is seen as having the benefit of increasing local accountability. This may be assessed for voluntary organizations using Leat's model of accountability (Leat, 1996). She identifies that accountability ranges on a spectrum from

strong to weak. Accountability is strongest where censure is available through enforceable sanctions, these may include disciplinary proceedings or financial sanctions. According to Leat accountability is weakest where sanctions are absent altogether, or cannot be enforc. A requirement to provide an explanation for decisions relating to priorities and processes, for example to a regulator, enhances accountability. More so if the explanation has to be given in public. The converse is that accountability is at its very weakest if an organization cannot be compelled to provide an explanation for its decision or actions. In these circumstances accountability is a matter entirely within the discretion of the board of management (Rochester, 1995).

Synthesis: Issues for Research

RSLs have been drawn into ASB policy via social housing and the partnership agenda. They discharge their various functions within the framework of law and policy on ASB and will be influenced by the environment in which this is conducted. Attention has been drawn to aspects of voluntary housing which correspond with themes which emerge from the interwoven policy discourses that surround ASB. Social housing and the partnership agenda draw RSLs into the processes of local governance and the 'politics of conduct' (Flint, 2006b: 33) taking place within a policy framework of community protection. RSLs are agents of control closely linked to localized institutional structures responsible for managing ASB with disciplinary tools to coerce and punish. What is suggested by the narrative of policy is a synergy between the aims of government and the operational objectives of RSLs. Expectations include: intervention to safeguard community interests, community engagement, and, accountability to tenants and the community for priorities. These expectations are reinforced through instruments of regulation and guidance aimed at the social housing sector.

RSLs operate within a framework of local governance which is itself 'fraught with contradiction and discontinuities' (Parr and Nixon, 2008: 162). Narratives of social inclusion and participation within community engagement strategies do not fit with an approach to ASB management which is enforcement led and which relies on coercive and ultimately punitive interventions. These discontinuities affect RSLs which are seen as having a significant contribution to make toward combating social exclusion as links are made between housing and neighbourhood renewal (SEU, 1998; SEU, 2000; DETR, 2001)[13]. For RSLs as voluntary sector housing organizations particular issues arise. The first concerns

independence and whether RSLs are used instrumentally in social policy, or are they able to make distinctive contributions which challenge policy assumptions about homogeneity in social housing? Can RSLs deliver the benefits anticipated from voluntary sector service-providing organizations? (An issue relevant to the wider voluntary sector; Billis, 1993) In practice this might translate into a discussion on the strategies adopted by RSLs for dealing with ASB, on priorities, how these are established, attitudes on the nature and use of control technologies, and, factors that influence the process of risk-assessment inherent in the selection of remedies. A second issue concerns community engagement. How are processes of engagement made relevant to disempowered and disadvantaged communities at the focal point of ASB polices? How do RSLs meet the challenges of community engagement suggested by Arnstein's model to ensure that disadvantaged social groups are not excluded? Does the voluntary sector aspiration to meet the needs of disadvantaged social groups extend to meeting the needs of anti-social individuals and families? How does this fit with ASB policy which focuses on the community as victim and focus for participation? Can the strategies RSLs adopt be truly participatory where community interests conflict with other priorities such as addressing the needs of perpetrators? These issues which concern the way in which RSLs translate the seemingly 'smooth narrative' (Edwards and Hughes, 2008) of social policy into practice are suitable for empirical research, including on the issue of accountability. Research is needed into modes of accountability for RSLs and priorities. How does accountability differ for different social groups or individuals and what does this tell us about the recognition of interests? What are the priorities for RSL accountability and how are these influenced by policy and the partnership agenda? Investigation of these issues could provide insights into synergies and tensions inherent in the operation of the RSLs in the capacity of voluntary organizations within the ASB framework and how voluntary housing has been impacted by ASB policy.

Introducing the Research

In Wales there is an added and interesting dimension to research: the context of devolution. There is a conscious attempt to introduce difference in social policy in Wales (Drakeford, 2005). The National Assembly for Wales (NAW) and the Welsh Assembly Government (WAG) has placed an emphasis on social justice in policy making, including in areas related to ASB and crime. Under pressure for convergence from the Home Office the approach represents a 'break with the direction of crime and disorder reduction in England'

(Edwards and Hughes, 2008: 61). The government of Wales is committed to the principles of inclusivity and to supporting 'marginalised' populations to 're-engage with the wider community (WAG, 2007: 26). Amongst the objectives set out by government in Wales is to enhance citizenship and community cohesion, to regenerate communities and to ensure a fair system of criminal justice (WAG, 2007: 26). The WAG has encouraged social landlords to make use of less coercive remedies for ASB such as mediation, and ABCs (WAG, 2005; WAG, 2007: 27). There is some suggestion that this has allowed practitioners in Wales to introduce constructive welfare based approaches to ASB in some areas sooner than in England. This is yet to be confirmed. Some research has already been carried out with RSLs on themes identified in this paper. This will be discussed after a brief methodological note and some background information.

Methodological Note

The empirical basis of the discussion that follows is extracted data from research with RSLs registered with the NAW in 2005 (34 RSLs) on the impact of housing policy on voluntary housing in Wales, including some of the issues raised above. Questionnaire surveys were sent to 23 RSLs and in-depth semi-structured interviews were conducted with 11 RSL Chief Executive Officers (CEOs) The questionnaire was completed by CEOs or a senior manager with a response rate of 65 percent (15 RSLs). In total 26 RSLs (76 percent of registered RSLs) took part in the research.

Background

Tai Cymru (RSL regulator in Wales 1989-1998) was at first slow to recognize RSLs' community role but following the Page Report (Page, 1993) on housing and community it introduced a requirement that RSLs should safeguard their tenants' quality of life, including by proactive measures to deal with socially unacceptable behaviour (Tai Cymru, 1997). The NAW's housing strategy states that 'social landlords are expected to apply and enforce conditions of tenancy which prohibit nuisance' (NAW, 2001: 116) and to 'provide advice and support to tenants to overcome problems with ASB, including referral to other agencies' (NAW, 2001: 116). The WAG Regulatory Code requires RSLs to do all they can to tackle ASB and neighbour harassment (WAG, 2006). Accountability and community engagement has long been relevant to the work of RSLs in Wales. In 2000 the NAW task group on sustainable development noted that 'tenant participation should not just be seen as a way of improving management performance, but as a crucial means of empowering local people'

(NAW, 2000: 27). The WAG regulatory code encourages RSLs to consult with tenants and to ensure tenant participation in decision-making processes (WAG, 2006).

Research findings: 2005

Data from the questionnaire revealed that respondents saw RSLs as operating within the voluntary sector. Structural connections with the sector were acknowledged but questionnaire respondents also identified independence and voluntary housing's traditional connections with the wider voluntary sector as relevant. Interviewees were more equivocal. Possible contestation of RSL status was an issue that emerged from interviews. As this CEO noted:

> Voluntary sector, yes; private sector maybe; public sector, I'd like to think not. I'd say voluntary sector if I had to choose. Some may say that because we have so much private capital invested the last thing we are is in the voluntary sector. I wouldn't agree, but it's a legitimate argument. *As is the argument that we're in the public sector because we provide social housing.* Again I wouldn't agree. (CEO B; emphasis added)

However, for the most part CEOs agreed that it was a benefit to RSLs to be seen as within the voluntary sector to maintain distance from the public sector, and to preserve independence. This interviewee commented:

> Voluntary sector gives an impression of greater independence. Public sector I associate more with the local authority as an arm of the state. I guess I would be more inclined towards the voluntary sector. (CEO E)

On the issue of independence from the public sector several CEOs thought it important to be seen as distinct so that RSLs were not treated as a 'resource' at the disposal of local authorities - although there was agreement that RSLs should contribute to meeting local authority strategic priorities and should be accountable to local government. A number of interviewees argued that it is important for RSLs to be seen as distinct from the local authority so that they are able to meet the needs of the community, including sub-communities of tenants that the public sector might regard as 'unsuitable' or 'dangerous'. This was the case for the majority of interviewees but was something that CEOs from smaller community-based RSLs were particularly quick to point out. Examples of the sort of 'difficult' social groups housed by RSLs included: young people, single parent families, those with drug or alcohol problems or 'difficult to manage' families. The capacity to cater to local

need, or more accurately local unmet need, was a feature of RSLs which some interviewees seemed especially keen to preserve in the interests of 'diversity'.

Interviewees from smaller community-based RSLs were also more likely to see links with the voluntary sector by reason of shared operational culture or ethos. Although there were also CEOs from these RSLs who were eager to emphasise other facets of RSLs, as this comment from one such CEO illustrates:

> I feel quite strongly that we should not be described as a public organisation, as this is something that we are not. I suppose a description is required which will hopefully illustrate the commercial acumen that exists within the sector, also emphasising the *community and social values that exist*, and our connections with voluntarism in Wales. (CEO I; emphasis added)

This interviewee referred to RSL 'community and social values'. Most participants agreed that RSL operational cultures should reflect these values. All respondents (questionnaire and interview) identified community development and community regeneration as key roles for RSLs, including through tackling social exclusion. Interviewees spoke of putting resources into the community, of investment in infrastructure and improving existing housing as aspects of reversing decline and social exclusion. Several spoke of RSLs responsibility toward communities and of the need to take housing management responsibilities seriously. For many this included managing ASB. One interviewee made the point that:

> I think [our roles] need to be broader than just providing housing … good housing on its own is not enough, especially where social deprivation is high, our estates suffer from problems of social exclusion ... it is as important for us to engage in *social and community regeneration* as it is for us to collect the rent. (CEO K; emphasis added)

When asked interviewees were quick to accept a 'policing' function for RSLs although this was often qualified ('soft-policing', 'community policing if you like') as an aspect of housing management. A number noted the availability of relevant tools to housing managers which were not available to ordinary tenants and residents, and the responsibilities set out in regulatory guidance. Almost all noted the salience of ASB in the political realm, for the media and the public. When pressed most agreed that RSLs had an obligation to be proactive in this area, including by taking enforcement action. However CEOs also identified a role for RSLs in moderating between the community and perpetrators, and a responsibility to all tenants to put in place measures which would prevent ASB (mediation was mentioned

by a number of interviewees, perhaps because at the time mediation services in Wales had been gradually improving). Several interviewees commented on the importance of working with perpetrators to address ASB issues. This CEO commented on the problem of how to best deal with ASB:

> ASB is an issue for us as it is for all people who work in a housing environment. I think we do have a responsibility to address issues of that type when they occur either if *our tenants are victims of ASB or where they are the perpetrators of ASB* ... I think as a result of our community based approach to housing it's most certainly a role we have and one which I actually think we should embrace. (CEO A; emphasis added)

The research was not focussed on investigating issues of community engagement but in the course of discussion some interesting insights were provided by interviewees. Several felt that the RSL movement had been at the forefront of community engagement for several years by attempting to put in place processes of participation. A number of interviewees from community-based RSLs noted that under Tai Cymru the RSL movement was directed to meet priorities of output at the expense of the community development agenda. Although this was not the view of all interviewees it is certainly the case that the majority thought it more difficult to pursue a community focussed approach to housing and housing services under Tai Cymru than under the NAW.

On the issue of accountability the data confirms RSL accountability on many levels and to a range of stakeholders. As might be anticipated from service-providing organizations this included accountability to service-users. Similarly, the data reveals high levels of support for RSLs to be accountable to local communities and to the NAW, establishing public accountability via the institution of the regulator. The relevance of public accountability is confirmed as questionnaire respondents were unanimous that RSLs should be publicly accountable, and that this is enhanced through effective systems of regulation and tenant participation. There was hardly any support for enhanced accountability via judicial review. Interviewees stressed the benefits of accountability via regulation and noted its 'bite' because of the role of the regulator in the allocation of funding and the possibility of sanctions (although it was accepted that these were rarely used).

The modes of accountability identified by respondents largely correspond with policy expectations and regulatory frameworks. When prompted several interviewees suggested that the first priority for accountability should be tenants. Although all CEOs supported accountability to the community this was strongest from smaller community-based RSLs than

from regional associations (whose concerns were directed more toward funders or the WAG). For community-based RSLs accountability was often an aspect of the service-providing function. One CEO from a community-based RSL commented:

> As a community based association we have to be accountable to the communities that we have property in, which includes our own estates ... So we try to provide local solutions for community problems … this means that we have to take account of issues arising at local level and deal with them. *To my mind accountability arises because we own and manage property in a particular area* and we should be responsible in the way we act toward the community. (CEO K; emphasis added)

In addition to identifying relevant stakeholders a number of those interviewed sought to emphasise the need for effective accountability. These CEOs were concerned that tenants in particular should be engaged in processes of prioritising and developing services. Several interviewees spoke of their desire to ensure 'genuine' and 'effective' tenant participation. One CEO commented:

> We've got accountability to ... the community, we need to be seen as taking a long standing interest in the communities where we provide housing, that we look after our schemes and that we are able to be contacted if things go wrong to put things right. … also, we're accountable to our tenants ... we need to demonstrate that we involve them in developing services. *Real involvement not just tokenism.* (CEO C; emphasis added)

Most of the CEOs interviewed agreed that accountability is enhanced through participation, although they tended to speak in terms of tenant involvement not community engagement. They also saw it as important to communicate with tenants and the community to provide an explanation and if necessary a justification for RSL priorities. A number of interviewees suggested that RSLs support community participation because of the benefits of legitimacy it provides through the introduction of a community perspective. All of those interviewed referred to tenant participation at board level and their contribution toward RSL governance as providing accountability.

Empirical research: 2009

This research is being carried out during May, June and August 2009 using questionnaire-based and interview-based survey methods. Funding is being sought to introduce a case study methodology. Early findings are expected in June 2009 and will be reported as available.

Conclusion

The evidence from RSLs in Wales is that links with the voluntary sector are valued for reasons which include confirmation of independence, in particular from the public sector. The need for RSLs to be seen as distinctive is a finding that emerged most clearly from the interview data. It is significant that RSLs see themselves as a resource for the community, including groups that may be considered unsuitable for local authority housing. This challenges the perception of uniformity which is suggested by policy discourse about ASB and housing. It is important for research purposes to note the differences that exist between social landlords from different housing sectors, but also within the RSL sector (and possibly other sectors). This is emphasized as nuanced responses from interviewees would seem to suggest that smaller community-based RSLs were more inclined to toward community interests and to focus on the needs of particular social groups. Whilst there is significant correspondence between roles identified in policy for RSLs and those identified for RSLs by the survey respondents, there are important subtleties. Whilst RSLs saw themselves as having a role in dealing with ASB on behalf of the community as victim, there was also recognition of the need to work with perpetrators and not a great deal of enthusiasm for enforcement. This raises the possibility that tensions and contradictions will arise in practice between agencies involved in local level governance where different operational cultures and practices may contradict/influence/shape or be shaped by partnership relations and approaches. Community engagement and accountability were relevant issues for the RSLs surveyed. There is support for RSLs to be involved with, and to engage with the community. Given the concerns of community-based RSLs to meet the needs of disadvantaged groups it might be anticipated that participation structures will allow for input from all social groups, including those seemingly overlooked by policy which sees the concerns of community as largely homogeneous in the area of ASB. Community engagement strategies and advocacy by community-based RSLs may provide an answer the question of how excluded social groups are to be given a voice in the local governance of ASB. If confirmed this contribution from RSLs will enhance accountability for local governance by inputting relevant contributions to governance structures. The research confirms the complexity of RSL accountability with multiple stakeholders and modes of accountability. Tenant participation on RSL boards point toward strong accountability (Leat, above) through genuine involvement (Arnstein, above): including accountability for priorities and processes in the management of ASB. The available data does not permit any conclusion to be drawn on how tenant board members

reflect the views of communities or the priorities adopted. The issue of how RSLs meet the challenges of participation for excluded groups, including those who perpetrate ASB, is an issue requiring further investigation.

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1. For New Labour in the 1990s the sector provided an opportunity to distance itself from its 'statist' past in a way that met with its 'Third Way' agenda (Giddens, 1998; Bevir, 2005).
2. Registration is under Part I, Housing Act 1996.
3. Formalized by the Crime and Disorder Act 1998. Local authorities and the police are designated 'responsible authorities' required to work alongside other agencies to draw up and implement a local crime and disorder reduction strategy. RSLs are included amongst prescribed bodies which are required to co-operate with responsible authorities in formulating and implementing a local strategy.
4. Section 5, Crime and Disorder Act 1998.
5. Ibid.
6. This may be contested, research is ongoing in Swansea to establish the relevance of sanction to the use and effectiveness of ABCs.
7. Section 18A, Housing Act 1988.
8. Section 6A, Housing Act 1988.
9. Section 1, Crime and Disorder Act 1998.
10. Section 153A, Housing Act 1996.
11. Section 4 and schedule 1, Housing Act 1996.
12. The responsibilities of the Housing Corporation have now passed to the Tenant Services Authority and the Homes and Community Agency.
13. RSLs are also expected to engage Local Strategic Partnerships (DETR, 2001) which are concerned with neighbourhood renewal, including by dealing with ASB (SEU, 2001)

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