

# Tenant Involvement in Stock Transfer

**Improving education to unlock potential**

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# Executive summary

Stock transfers occur when local authorities dispose of all or part of their rented housing to an external organisation, usually a housing association. Tenant involvement in this process has developed over more than 20 years. The government has expressed support for greater tenant involvement in this process, stating that: “We are empowering tenants to shape their own lives and the services that they receive, and to take control of local housing”.<sup>1</sup>

However, research with tenants who have been involved in stock transfers highlights the deficiencies of the current arrangements. The experiences of tenants suggest that:

- Trust was the top priority for tenants, but housing providers were often perceived to act in ways that gave reason for mistrust.
- In focusing on practicalities and moving the process forward, housing providers failed to properly acknowledge and address the experiences and values of tenants.
- Despite seeking genuine dialogue with housing providers that could lead to change, tenants often found that opportunities for effective discussion were limited and that the agenda for debate was inflexible.
- Tenants had limited awareness of the competing interests of different stakeholders, which prevented them from obtaining a complete picture of the transfer process and therefore from effective critical engagement in discussions.
- There was limited support for tenants to access specialist knowledge, or to gain an awareness of the significance of technical issues for their community.
- Questions were raised about whether current structures assist Independent Tenant Advisors (ITAs) to be independent and effective.
- Most tenants were motivated by the desire to support their community, rather than by self-interest. This is at odds with the emphasis by government and housing providers on providing consumer choice for tenants, which was seen to be more focused on personal benefits.

These findings suggest that current arrangements to support tenant involvement are not allowing tenants to “take control”. Instead they have tended to polarise tenant involvement ‘for’ or ‘against’ stock transfers, preventing a more meaningful critical engagement in the process. The lack of meaningful dialogue has been a motivating factor in some tenants joining anti-transfer campaigns.

Furthermore, the findings show that tenant representatives are one of the main sources of trusted information for tenants who are not involved in the stock transfer discussions. If tenant representatives are not able to effectively engage with the process, then tenants more widely are less able to make an informed decision about stock transfer. Equally, if tenant representatives are more effectively supported, this will have a far-reaching impact on all tenants affected by transfer.

## Recommendations

Four key recommendations for supporting effective tenant involvement can be drawn from the findings. Although the research focused specifically on stock transfer, the lessons learned can be applied to tenant involvement more widely.

- 1. Government** should produce **new good practice guidance** that draws on the findings presented here. A new approach to tenant education is needed to enable tenants to participate effectively in processes such as stock transfer. This includes helping tenants to understand the complex interplay of competing interests involved and to engage in critical thinking.
- 2.** Delivering this type of support will require **changes to the role of ITAs**, with a clearer focus on **enabling tenants to understand the big picture** of transfer and **helping them to engage effectively** with other stakeholders. To develop the perceived independence of ITAs, government should commission a recognised body with competence in adult education or community capacity building to take a major role in their appointment, management and payment.
- 3. Housing providers** need to engage in a **more complete and open dialogue** with tenants about the issues involved with stock transfer, including acknowledging the range of competing interests involved. They also need to **“learn to listen” to tenants** and value what they bring to the process.
- 4. Government** and **housing providers** should **recognise that tenants are active citizens who want to critically engage** with the stock transfer process for the benefit of their community, rather than simply as consumers who want to maximise their personal advantage. Given the support that

exists across the political spectrum for people getting actively involved in their communities, this is something to be commended and encouraged.

## **About this research summary**

This briefing paper is based on research by Dr John McCormack at the Institute of Education, University of London. The research focused on tenants' experiences of involvement with stock transfer and the importance of effective education to allow tenants to engage effectively with the process. This summary was prepared by Jen Pearce of BSHF.

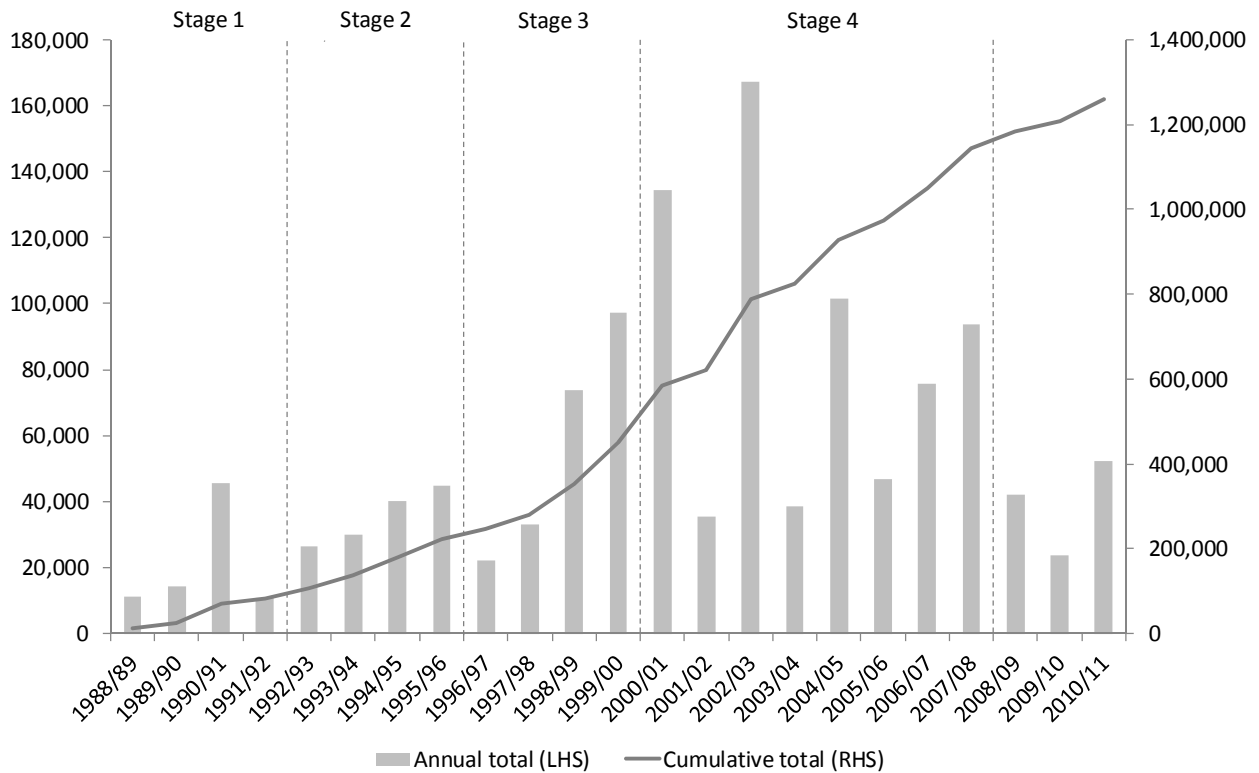
# Tenant involvement in stock transfer

Stock transfer is a process where local authorities dispose of all or part of their rented housing to an external organisation, usually an existing housing association or a new housing association established specifically to take the stock.<sup>2</sup> The development of stock transfer has taken place over more than 20 years and has been described as a process which has gone through four different stages.<sup>3</sup> Tenant involvement has developed as the process of stock transfer has changed through these stages. The number of dwellings transferred over these periods can be seen in Figure 1.

- Stage 1: 1988-1992. Origins of stock transfer as a **voluntary initiative** driven by the experimentation of a few local authorities in suburban and rural areas. Local authorities had to ballot tenants to gain approval. If a majority of tenants voted against the transfer it could not go ahead.
- Stage 2: 1993-1996. Government co-ordinated **national programme** of transfer. Tenants had to receive independent advice during transfer process. A total of 115,000 dwellings were transferred in this period<sup>4</sup>
- Stage 3: 1997-2000. New constitutional options (such as residents making up one-third of the new housing association board) and financial incentives led to **widening take-up** of stock transfer. Local authorities in urban and deprived areas became more involved in the process.
- Stage 4: 2001-2008. The Housing Green Paper in 2000 led to stock transfer becoming **one delivery option** for local authorities to improve conditions **as part of the Decent Homes Programme**. Tenant involvement was highlighted as one of the three key benefits of stock transfer outlined in the Green Paper.<sup>5</sup> In 2001 the government published detailed guidelines on how tenants should be supported to be involved in the transfer process.<sup>6</sup> This included greater emphasis on providing training and support to tenants during the transfer process and ensuring that they continued to play a significant role after transfer.

Since 2008 the formal guidance has remained the same and stock transfer remains an option. However, the amount of transfer activity has significantly decreased; contributory factors include the concluding of the Decent Homes Programme and the overhaul of the housing revenue account system, both of which previously provided substantial incentives to transfer.

**Figure 1: Dwellings transferred from local authorities, 1988-2011**



As of 2011, almost 1.2 million local authority dwellings in England had been transferred to housing associations in just under 300 transfers.<sup>7</sup> Housing associations now account for more than half of social housing in England.<sup>8</sup> However at least 79 stock transfers (470,000 dwellings) have been voted against by tenants, resulting in the homes being retained by local authorities (although 40,000 of these homes have since been transferred following subsequent affirmative ballots).<sup>9</sup> Pressures groups such as Defend Council Housing have been heavily involved in opposing stock transfers.<sup>10</sup>

## Government policy on tenant involvement

The coalition government has expressed support for greater tenant involvement in their housing. In its 2011 housing strategy for England, *Laying the Foundations*, the government stated that:

*“We are empowering tenants to shape their own lives and the services that they receive, and to take control of local housing.”<sup>11</sup>*

In some cases this is expected to result in stock transfer, with the government saying that:



*“[We are] keen to promote housing stock transfers that will deliver a robust, long-term sustainable future for estates and neighbourhoods.”<sup>12</sup>*

The government has outlined several policy actions that are intended to promote greater tenant involvement, including:

- **Tenant Empowerment Programme.** The government has announced that it will develop an empowerment programme with the aim of “helping social housing tenants to gain the skills and confidence to participate at the local level” in order to “shape their own lives and the services that they receive”.<sup>13</sup>
- **Right to Manage.** Since 1993 tenants have had a right to take over responsibility for managing housing services from their landlord by setting up a Tenant Management Organisation. The government has recommitted to this process, with an emphasis on making it easier for this to take place: “By cutting red tape and streamlining processes, we will encourage more local authority tenants to take over housing management services, and deliver more responsive and cost effective services”.<sup>14</sup>
- **Right to Transfer.** A recent consultation proposed that local authorities will have a duty to co-operate with tenants who are seeking a stock transfer. “In some cases tenants have an interest in exploring transfer, but local authorities have not engaged with them. The aim of these regulations is to address this by placing a requirement on authorities to co-operate with tenants who are minded to take forward a transfer.”<sup>15</sup> This is described as the Right to Transfer.

Active promotion of tenant involvement has been ongoing for several decades. As the government looks to reinvigorate tenant involvement, this research summary will look at some of the lessons that can be drawn from earlier experiences.

## Current guidance on tenant involvement

In 2001 the government developed good practice advice on the role of Independent Tenant Advisors (ITAs) in involving tenants in stock transfer.<sup>16</sup> The current system of tenant involvement is outlined in this guidance. The stated aims of the guidance are that “tenants and leaseholders should have the opportunity to be actively involved in what happens in their area”. The guidance “emphasises choice for local communities”.

The document identifies “accurate, independent information” for tenants as imperative to their effective involvement in the transfer process. It focuses on

providing tenants with particular skills and knowledge. For example, the guidance recommends teaching tenants “the difference between secure and assured tenancies, the role of the ... regulator of [housing associations], and on the business plan of the new social landlord.” Skills that tenants are seen to require include the ability to chair meetings and manage budgets.

The purpose of these skills and knowledge appears to be focused on helping tenants operate within the professional and managerial environment of housing providers and completing the practical tasks required in the stock transfer process. Acquiring the suggested knowledge and skills should then allow tenants to act as informed consumers and make a choice about stock transfer based on information provided.

The Independent Tenant Advisors (ITAs) exist “to give tenants and leaseholders access to independent information and advice and to support them in negotiations with their local authority”. Although ITAs are usually funded by local authorities, the guidance explicitly states that they are “there to work with and on behalf of tenants and leaseholders”. ITAs play a key role in the training and support of tenants, either by providing the training themselves, or in their role as honest brokers, commenting on the accuracy of information provided by other training agencies.

After over a decade of use, have these arrangements for supporting tenant involvement delivered the intended results and provided effective support for tenants? The next section highlights the findings of interviews with tenants who have been involved in the transfer process since the current guidance was issued. In-depth, semi-structured interviews were conducted with tenants who had considerable involvement in stock transfer proposals and included both those who supported stock transfer proposals and those who opposed them.

The research focused on stock transfer in England and the interviews were all with tenants from English local authorities.<sup>17</sup> However, similar approaches to tenant involvement are taken elsewhere in the UK and so there will be some applicability to these contexts. Equally, although the research focused specifically on stock transfer, the lessons learned can be applied to other areas of tenant involvement, such as those outlined above.

# Tenant perspectives on involvement in stock transfer

## Trust was the top priority

Evidence from the research suggests that the biggest issue for tenants involved in stock transfer is:

*“Trust. Simple as that.”*

Building trust between tenants and local authorities is absolutely vital for developing any kind of meaningful dialogue between them. Without trust it is almost impossible to develop productive tenant involvement.

Tenants provided numerous examples of incidents that had reduced their trust in local authorities and the housing associations that were seeking stock transfers. These included:

- Not responding to questions asked by tenants about stock transfer proposals;
- Actual, or suspected, data manipulation and misrepresentation;
- Perceived abuse of power and privilege by major project stakeholders, by silencing or marginalising dissenting voices (e.g. through the removal of anti-transfer posters by local authority staff).

Tenants felt that the way in which the process was presented by local authorities and housing associations was also at odds with their own experiences and perspectives:

*“And the other thing that concerns me is, the number of times that I work with tenants, with social landlords and councils, and we see one thing, and yet the corporate image is the opposite. And yet it’s the corporate image that counts.”*

In summary, one tenant’s advice to others about stock transfer was:

*“I would say, look into it really hard ... Be cynical about it, because it’s not how they tell you...”*

Some local authorities participating in stock transfer have failed to build a relationship with tenants based on trust, which has hampered tenants' participation. If key sources of information are not trusted, then potentially valid and valuable information may be disregarded.

## **The experiences and values of tenants were often ignored or marginalised**

The approach outlined in the policy guidance is dispassionate and managerial, which contrasted sharply with the motivations of tenants for getting involved in the stock transfer process, whether they were pro-transfer, anti-transfer or neither.

The involvement of tenants was almost universally described as being inspired by important personal experiences: one pointed to the death of a young boy (as a consequence, she believes, of poorly maintained security doors falling on top of him) as the spur for her search for a solution to the housing investment needs of her estate. These experiences often led to strong emotions including feelings of anxiety, solidarity, anger, hope, trust and mistrust.

These feelings were the result of significant issues in their communities, particularly those relating to service provision and wider deprivation. Equally, the impact of stock transfer proposals was likely to be significant for tenants, and elicited strong responses. However, the emphasis by housing providers on the practicalities of the transfer process tended to result in these important issues being ignored or marginalised. The failure to engage with tenants' experiences reinforced issues of mistrust and prevented discussions moving forward effectively.

## **They sought genuine dialogue with housing providers that could lead to change, but seldom experienced this**

Interviews with tenants suggested that one of the biggest barriers to involvement was the perception that decisions had already been made. Tenants considered that communications depicted stock transfer as an inevitable outcome, with the priorities of the housing providers taking precedence. Reflecting on the impact of this on their communities, tenants commented:

*"People just said, 'there really is no alternative'."*

*"[The community] had resigned themselves to the fact that, no matter what, it was a foregone conclusion."*

A number of the tenants who were interviewed expressed a desire for a more effective dialogue with landlords:

*“I think they should listen to the tenants. Because at the end of the day it’s us tenants that have to live here ... I don’t think no-one listened – council, [housing association]...”*

Interviewees placed importance on landlords being able to listen to a range of views from tenants. They felt that housing providers needed to “learn to listen”<sup>18</sup> to tenants, recognising them as valid partners in the stock transfer process. The perceived lack of genuine debate was a key factor in some tenants joining anti-transfer campaigns.

The process of landlord-tenant dialogue was also undermined by the perceived issues of trust and non-disclosure highlighted above. Tenants felt that landlords had their own, limited, agenda and were unwilling to engage with or discuss issues outside of this:

*“Yes, they give you funding ... and they’ll help you ... may help you with a room. They might help you draw up a constitution and get you sorted, but once you wanna go wider than their agenda, they don’t want you to know.”*

This was reflected in the way that tenant support was provided: the emphasis on learning to complete particular aspects of the process – such as selecting a preferred bidder or developing a formal offer document – funnelled tenants into following the corporate structure rather than enabling them to truly engage as equal partners.

## **There was limited awareness of competing interests**

Stock transfers involve a wide range of different stakeholders other than tenants, each with their own set of interests. These include central government (ministers and civil servants), local authorities (officers and elected members), housing associations (and associated group structures), regulators, lenders and unions.

Interviews suggested that tenants had a clear awareness of the interests of their communities, both ‘hard’ issues (such as tenancy rights and greater finance for improvements) and ‘soft’ issues (such as fear of changing providers and trust in different authorities). One tenant described the interests of his community in this way:

*“I mean it’s fairly obvious: they want to improve the homes in which they live and the environment in which they live.”*

However, the interviews suggested that there was much less awareness of other interests involved in stock transfer. While tenants were aware that there were various competing interests that were sometimes at odds with theirs, they were not typically able to specifically identify these. This included a lack of understanding of who the other stakeholders were, what their interests were in the stock transfer, and how these could coincide or conflict with one another.

There was some evidence that local authorities were acting as gatekeepers for tenants, mediating contact with other stakeholders. The official guidance puts no explicit obligation on ITAs to explore with tenants the range and nature of interests and how they interact. This may be counterproductive and lead to the type of opinions expressed by one tenant:

*“I think, really, it’s all down to money. There’s nothing involved in any of this which is there to benefit the tenant.”*

Tenants needed support to explore and assess the range of different interests that are represented in the stock transfer process. The lack of such support meant that tenants were unable to engage effectively with different stakeholders, or critically appraise their motives and actions, particularly with regard to how these interacted with those of tenants.

## **Support for access to specialist knowledge was limited**

Certain aspects of the stock transfer process are inherently complex. Proper engagement with these issues requires access to specialist knowledge, yet tenants seldom obtained this. For example, there appeared to be considerable issues with being able to challenge the price paid by the housing association for the stock. Although this is meant to be decided by a fixed formula, there is considerable room for disagreement about the valuations (particularly regarding stock condition) that are used in the formula.

If they are to negotiate the best deal for them and their fellow tenants, tenant representatives need to be able to critically assess the assumptions underpinning the following:

- Local authority’s stock valuation
- Risks perceived by lenders, and subsequent rate of interest charged on loans
- Projected costs associated with management and supervision

However, few tenants revealed an understanding of these technical issues or an awareness of the significance of the issues for them. Without improvements in the communication in this area, tenants cannot become conscious of the need to access specialist knowledge; without becoming aware of that need, tenants cannot ensure that they understand the issues.

## **Questions were raised about whether current structures assist Independent Tenant Advisors to be independent and effective**

The research suggested that ITAs have sometimes fallen short of the aims set out for them in the good practice guidance. Some were considered helpful, but others were considered to be serving the interests of the local authority. More worryingly, some tenants who were heavily involved in the stock transfer process had limited awareness of ITAs, despite the fact that they are considered in the guidance to be the primary providers of support to tenants.

There are particular concerns about funding for ITAs, as most are funded by local authorities who are developing proposals for stock transfer. However, the interests of tenants are very different from, and potentially in conflict with, those of the local authority. Concerns were raised about difficulties ITAs face in providing highly visible criticism of the local authority that funds them. Ensuring support to tenants is fully and transparently independent from housing providers is likely to be an important foundation for more effective involvement.

## **Most were motivated by the desire to support their community**

Government policy on tenant involvement has tended to emphasise the importance of delivering better services, involving tenants in decision making and improving consumer choice.

Interviews with tenants did, to varying degrees, acknowledge a need for improved housing amenities and services. However, most of the tenants were keen to emphasise the importance of the ethical implications of stock transfer rather than simply what was considered pragmatic and feasible. There was particular emphasis on the need to consider the wider, collective interests of tenants rather than just viewing them as individual consumers.

Several of the tenants stated that their involvement with the stock transfer process was driven by a sense of empathy with, and respect for, other tenants who they perceived to be vulnerable, elderly or 'the underdog':

*“What I thought I was doing, in my particular instance ... I thought I was trying to get the best for the estate, as a whole, not for personal gain ... Because in my case, they did very little in my flat.”*

One particular way that these tenant representatives worked to benefit their communities was by providing information for other tenants. For those tenants not involved in stock transfer discussions, tenant representatives were one of the main sources of trusted information that enabled them to make informed decisions.

Tenants were behaving as active citizens who wanted to effectively influence the stock transfer process for the benefit of their community. Yet their portrayal as consumers limited their ability to fulfil this role, as other stakeholders were more focused on presenting them with consumer choice than partnering with them in the stock transfer process.



# Recommendations

The findings presented here provide an insight into tenants' perspectives on their involvement in stock transfer. They suggest that tenant involvement has failed to effectively empower tenants. In some cases this appears to have polarised tenants' views into a simplistic 'for' or 'against' stock transfer, rather than a critical engagement with, and influence of, the process.

Stock transfer is a high-stakes experience for tenants, and effective support for their involvement is therefore vital. The interviews suggested that tenants were seeking support, but that the current system was failing to provide what they needed. The research suggests four recommendations to improve this support.

- 1. Government** should produce **new good practice guidance** that draws on the findings presented here. A new approach to tenant education is needed to enable tenants to participate effectively in processes such as stock transfer. Support should focus on developing a more nuanced understanding amongst tenants of the complex nature of issues and interests at stake in stock transfers, and the interaction between them. This new programme of tenant education should incorporate the following features:
  - A broad understanding of the stock transfer process, which addresses the political and ethical issues surrounding transfer, as opposed to focusing purely on practicalities and technical information.
  - Presentation of technical information in a way that allows tenants to appraise and understand it, including its value, rather than simply providing 'facts'.
  - Information about the range of stakeholders involved in the process, what their interests are and how these interact, particularly how they may conflict or align with those of tenants.
  - Facilitation of critical thinking, to empower tenants to effectively appraise the information presented to them and engage with stakeholders.
  - Recognition that tenants are not "empty vessels", but rather have an existing range of skills and knowledge. Support to tenants should seek to build on these and, in particular, acknowledge the validity of tenants' own experiences and values.

2. Delivering this type of support to tenants will require changes in the role performed by ITAs. The role of **ITAs** should be refocused on **enabling tenants to understand the big picture of transfer** through implementing the programme of education outlined above and helping tenants to engage effectively with other stakeholders.
  - Government should develop the supportive role of ITAs and their perceived independence by **commissioning a recognised body with competence in adult education or community capacity building**, such as the Workers' Education Association<sup>19</sup> or Citizens UK,<sup>20</sup> to take a major role in their appointment, management and payment.
  - It may also be beneficial for ITAs to work to a **code of ethics**, stating unequivocally their primary duty of care to (and loyalty towards) tenants. An appropriate model would be the Community Development National Occupational Standards.<sup>21</sup>
  - Part of the role of the ITAs should be to **connect tenants with sources of technical support**, particularly in relation to financial and legal issues surrounding a potential transfer. This should include helping tenants to understand how these issues relate to the interests of their community.
3. **Housing providers** need to engage in a **more complete and open dialogue** with tenants about the issues involved in stock transfer. This includes being willing to discuss complex and contentious issues, and to acknowledge competing interests of stakeholders. It is also important that they **"learn to listen"**<sup>22</sup> **to tenants** and value what they bring to the stock transfer process. This transparency and two-way discussion is vital in overcoming mistrust that many tenants have of those involved in the stock transfer process.
4. Tenants are typically portrayed and treated as consumers who are to be presented with a range of options and then required to make a choice. This reduces the level of engagement and does not reflect tenants' approach to stock transfer, which is typically focused on supporting and helping their community, rather than consumer self-interest. **Government and housing providers** should **recognise that tenants are active citizens who want to critically engage** with stakeholders for the benefit of their community. Tenant involvement needs to be guided by this, with stakeholders being willing to engage with tenants on this level. Given the support that exists across the political spectrum for people's active involvement in their communities, this is something to be commended and encouraged.

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