

Assessing the Information and Training Resource Needs of Tenants in the Private Rented Sector

A report produced for the TDS Charitable Foundation

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About this report

Who is it for?

This report on the information and resource needs of tenants in the private sector has been prepared for the TDS Charitable Foundation.

Who is it by?

It has been produced by Law for Life and Advicenow.

What is its purpose?

Its purpose is to give an indication of the gaps in resource provision in this sector, with the intention of informing future intervention and investment.

Executive Summary

In order to identify gaps in the provision and dissemination of information and training resources for tenants in the private rented sector we have conducted a survey amongst organisations working with private tenants and a literature review of existing information resources. Our aim was to gain a sense of both what resources are available and how intermediary organisations engage with those resources, in an effort to identify where future effort and investment might be directed.

Reflecting both on the qualitative survey as well as the literature review, our assessment has resulted in several key findings.

1. Information provision is generally quite robust, with information on most areas available online. There are specific areas of further need detailed below.
2. Training resources are generally scarce but would be valued by intermediary organisations.
3. Information and training resources which address the needs of the most vulnerable and least legally capable amongst tenants in the private rented sector are needed. These would include, in particular, simple step-by-step guides which thoroughly integrate skills and support self-management of issues, and translated resources.
4. Organisations tend to perceive a general lack of resources, in spite of fairly extensive provision. This seems to be in part because available resources do not necessarily address the needs of those with little or no legal experience, but also because there appears to be a general problem of dissemination.

Based on these findings, we have the following recommendations:

1. To improve awareness of existing quality resources, they should be brought together through accessible, centralised channels. This would enable more organisations and tenants themselves to make sense of and take advantage of what is available. This could be accompanied by facilitating lines of communication between tenants' organisations and the main producers of legal information to ensure specific needs are being met.
2. There should be more resources focused on 'self-management' and detailed step-by-step guides which take account of skills and common problems. These could help to increase confidence amongst tenants and tenants' organisations, enabling them to resolve issues and also make better use of other, more technical information resources.
3. Attempts to improve the provision of information and training resources should take account of the limited capacity of existing organisations to effectively distribute resources to underserved communities. Training to develop legal capability could be facilitated through tenants' groups as a way of extending their local provision, without overextending their resources.

The report below summarizes needs in areas of resource development as well as the context of legal need and capability in relation to housing and civil justice issues more generally.

Background and Context

The information and training resource needs of tenants in the private rented sector should be seen in the context of the wider occurrence of civil justice issues, as well as levels of legal need and capability amongst those most likely to experience rented housing related issues. According to the most recent Civil and Social Justice Panel Survey (CSJPS 2010, 2012), a third of the population in the United Kingdom will experience a civil justice problem every 18 months, most of them arising from everyday interactions.¹ Incidence and vulnerability to these problems increases amongst those with a low income, age, education, and health and immigration status.

Despite this high incidence of civil justice issues, a strikingly low number of people access legal advice and representation. Only 6% of people use a lawyer for their legal problems, and a further 4% use advice agencies, while overall awareness of legal services is low. Simultaneously, knowledge of rights and law tends to be low, and many people misinterpret or misunderstand their rights. About 40% of people claim to know their rights in relation to housing in general while only 19% of people facing housing issues claimed to understand their position when confronted with a real life issue. While the figures for legal knowledge

¹ All data from "Legal Needs, Legal Capability and the Role of Public Legal Education," Report from Law for Life: the Foundation for Public Legal Education (Forthcoming, 2015).

in relation to housing tended to be higher than other areas, this decreases considerably amongst older people, lower skilled workers and migrants.

More generally, 60% of people surveyed were unable to recognise that a solicitor could help with a housing issue and 47% of people attribute housing problems to 'bad luck' rather than identifying such issues as justiciable problems. While Internet use for legal issues is on the rise not everyone is able to use the internet effectively to meet their needs; despite the prevalence of legal issues related to housing, there is generally very little recourse to online sources of support amongst those surveyed. The overwhelming majority of people (73%) with rented housing problems chose to handle them alone, without any form of legal advice or support.

These issues are compounded amongst those with low levels of legal capability, the knowledge, skills and confidence needed to deal with legal situations. People with low levels of legal capability are more likely not to act, and less likely to sort things out alone. They are less able to successfully solve legal problems. Overall there is a coincidence between levels of legal knowledge and capability and those areas of legal aid provision which have recently been subject to reductions, including housing. There is also a strong correlation between levels of legal capability and the types of legal problems commonly faced. Those with lower legal capability are more likely to have problems with housing, welfare benefits, personal finance and divorce.

This also occurs in the context of an increasingly complicated legal world, with ever more areas of social life implicated by law, and increased penalties for failing to pay heed to the legal rules that regulate the most mundane of activities. The need for better understanding of the law is paramount.

Survey

We conducted a survey which asked respondents to detail their current access to and usage of information and training resources as well as what resources would help to meet their current needs. The survey was carried out online and over the phone primarily with intermediary organisations which focus specifically on tenants in the private rented sector, and predominantly self-organised tenants groups. While overall response rates were low—we were only able to consult with seven groups, all but one of which were London-based—responses received were detailed, thoughtful and reflected a range of experiences. The views summarized and interpreted below are necessarily limited and an extension of this needs assessment should include a broader survey, specifically emphasizing groups outside of London.

Current Practices and Access to Resources

Organisations surveyed reported having access primarily to online information resources rather than to education and training or printed materials. Most of the organisations also reported making frequent use of the information resources provided by Shelter as well as encouraging their communities to make use of their advice line. Groups also reported that

they sometimes design their own materials, as they are able to tailor them to local need. This strategy appears easier than scouting for and adapting resources in a pinch. There is insufficient time amongst organisations to amass literature for future use.

There was a need for better access to resources both at a higher technical level for those who are providing support and advice to their communities, as well as resources that are specifically designed for those who have no legal knowledge (step-by-step guides). Groups also suggested that they tend to not have any internal legal expertise and rely entirely on external sources of information and support. In addition, organisations reported that it was difficult to strike a balance between the intricacies of housing law and the need for information to be digestible. In general, there is a perception amongst organisations that there is a great deal more support available for landlords than for tenants.

Organisations surveyed suggested that the most important issues for their communities include:

- Preventing and dealing with eviction, and particularly the rules regarding s21 evictions
- Rights of property guardians
- Dealing with agencies rather than landlords
- Disrepair
- Landlords accessing properties without permission

Particular issues which organisations found not to be adequately addressed by existing resources included:

- Contacting the council for support and having confidence that the council can help
- Navigating the fear of eviction
- Dealing with agents and disputing punitive fees
- Deposit protection
- Harassment from landlords
- Disrepair

With the above, it is important to note that the perception of availability does not necessarily equate to the actual availability of resources. For instance, there is a great deal of information available in accessible formats on deposit protection, while other areas are in fact under-resourced.

As indicated at the outset, this discrepancy is taken to indicate that there may be issues with dissemination in general, alongside gaps in provision in specific areas.

Resource Needs

When asked about needs in specific types of resources, organisations gave some specific indications of what would be most useful, presented here in summary form.

<p>Printed Materials</p>	<p>Several groups reported creating their own materials for print and expressed a need for more support to do this. There was also a need expressed for easy, step-by-step guides to eviction, deposits, rent increases, minimum legal conditions, HMOs and mandatory licensing, and overcrowding. Groups also reported not having the funding to print materials themselves. In terms of presentation, infographics and large, easy to read posters, pop up banners and colourful guides would be helpful. Organisations expressed a strong need for translated resources and those which are geared toward tenants who may have little or no legal knowledge.</p>
<p>Online Resources</p>	<p>Groups had little to say specifically about online resources, aside from giving a general indication that they make regular use of what is already available online. However, some reflected that available resources could be better maintained and kept up to date, and designed with the most basic user in mind. It was also expressed that many communities which organisations support are themselves unable to access online resources. This is also reflected in the legal needs and capabilities report referenced above.</p>
<p>Multimedia Resources</p>	<p>Groups reported having very little access to multimedia resources, but also expressed that short and clear videos would be useful.</p>
<p>Training Resources</p>	<p>Aside from one-off trainings from local solicitors and, in one instance, a local council, groups expressed having no access to either training opportunities or resources. Groups suggested that trainings to develop skills and enable skill-sharing would be useful, but that these would need to be organised externally. Organisations also indicated that it would be useful to have more access to technical legal support for specific questions, particularly regarding new case law.</p>
<p>Skills Development</p>	<p>Organisations reported that there is generally a lack of emphasis on skills and attitudinal issues, aside from some new materials which emphasize getting organised. However, as groups aim primarily to support and increase confidence amongst communities, more emphasis in this area would be warranted.</p>
<p>Engaging and Influencing</p>	<p>While organisations reported encouraging their communities to lobby Members of Parliament for reform, more support to get people involved locally would be helpful.</p> <p>Outside of specific resource need categorised above, organisations expressed a need for support with national level organising for tenants' rights, particularly the creation of a national tenants' union.</p>

Survey—Conclusion

The survey revealed that there is a discrepancy between available information and training resources and the practical access that tenants' organisations have to these resources. While there are specific needs in each area, the development of additional resources should take account of existing dissemination issues.

There is scope for a greater emphasis on skills development and training, as well as the creation of accessible materials in print, given the low levels of digital literacy reported by organisations.

Literature Review

In addition to the qualitative survey detailed above, we also carried out a review of existing literature. While the survey gives insight into the subjective experience of tenants groups with access to information and training resources, the literature review provides a more objective assessment of where they may be gaps in existing information provision. The review is indicative rather than comprehensive.

Housing topics

We used the Advicenow classification scheme on housing as the framework for our review, carrying out information searches within the following broad areas, which we believed would be of most interest to private tenants, including:

- Accommodation agencies
- Private rented accommodation
- Eviction and repossession
- Harassment
- Housing conditions and disrepair
- Tenancies and licences
- Rent
- Housing related benefits
- Neighbour disputes

Criteria

Over many years Law for Life's Advicenow service has developed and refined a set of criteria for assessing the range and quality of information resources against. The following indicators set out the different elements we would expect to see within the range of information resources in order to meet the diverse needs of private tenants.

Information about the issue

- An overview of the issues
- An outline of the key legal points

- Explanation of processes and procedures
- Route maps of where to go, what to do and who to see
- Where to get more information, advice or support

Information about skills and support to help resolve an issue

- Sample letters, forms, calculations, etc
- How to prepare for an event such as a meeting with a landlord
- Suggested questions to ask, key points to consider.
- How and when to record what you do
- How to negotiate, how to be assertive or how to remain calm
- Acknowledge stress, give support and boost confidence

What we found

There is information of some kind available on most topics of interest to private tenants. Respected information providers, most notably, Shelter, as well as Citizens Advice and Gov.uk all offer information in these areas.

Resource Type	Description	Example
Overview	Basic, introductory information that signposts to other more detailed sources.	https://www.gov.uk/private-renting/houses-in-multiple-occupation
Facts	Fairly detailed, broad, comprehensive resources that present facts, often in a fairly formal style. They are invariably accurate, up-to date and informative. They do not often provide skills and support information. Some may include step-by-step guides.	https://www.citizensadvice.org.uk/benefits/help-if-on-a-low-income/help-with-your-rent-housing-benefit/
Information with some skills	These types of resources vary in length. They address the user directly and often deal with a specific situation, such as how to get repairs done. They include a medium level amount of information and some skills and support information such as suggested questions and key points to consider, and acknowledge what people might be feeling.	http://england.shelter.org.uk/get_advice/downloads_and_tools/housing_advice_booklets/rent_arrears_advice_guide
Aimed at a niche audience	These resources are written for specific types of tenants, for example, young people or disabled people. They tend to have an informal style. They usually have basic or mid-level information and can contain a good range of support and skills material. They tend to be produced by smaller organisations.	http://www.thesite.org/housing/renting/extra-costs-of-renting-7960.html

<p>Awareness raising/campaigning information</p>	<p>These types of private renting resources usually provide a very small amount of information in a highly designed format, using lots of images. They address the person and their emotions directly. They are usually supportive and positive. The campaign or rights based message is usually most prominent. This type of resource is not strictly public legal information but builds the legal capability of private tenants through prevention and organising people to bring about change.</p>	<p>http://england.shelter.org.uk/campaigns/fixing_private_renting/evict_rogue_landlords/tips_for_private_tenants</p>
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Amongst available resources, ‘self-management’ guides were the least prevalent. These are detailed resources including lots of skills and support information, aimed at helping people to resolve a specific issue. Often using sample letters, tips, suggested questions and step by step solutions.

Literature Review—Conclusion

We found that there is a fair amount of information available to private tenants across a broad range of categories, most of which is comprehensive, accurate and user friendly. But that there is a lack of:

- Detailed step-by-step guide to action resources on very specific issues which tenants face, for example, what to do if your landlord keeps letting himself in; and
- Resources which effectively provide information on the skills and attitudes tenants need to deal with the law related issues which affect their housing. For example, how your feelings about your home or your fear of the legal system might affect how you deal with a notice for eviction.

This may be one reason why, despite the quantity of information available online, respondents to our survey did not seem confident about being able to access the range and quality of resources they needed.

It is these types of resources which offer a route to a resolution and address not just what people need to do, but how to do it, which are most likely to contribute to building legal capacity for private tenants, rather than simply imparting knowledge.