



**Social Housing Action Campaign**

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## **Rent and Service Charge Strikes Snapshot Report**

**August 2023**

# Rent and Service Charge Strikes - Snapshot Report

August 2023

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## Index

<b>Part 1: Introduction and Summary .....</b>	<b>3</b>
1. Introduction.....	3
2. Context .....	3
3. Main Findings .....	6
<b>Part 2: Data Analysis and Tables .....</b>	<b>8</b>
4. Current and Former Strikers .....	8
5. Length of Strikes .....	8
6. Type of Strike .....	9
7. Collective vs Independent Action .....	10
8. Landlord .....	10
9. Strike Action Triggers.....	11
<b>Part 3: Conclusions .....</b>	<b>12</b>

## Part 1: Introduction and Summary

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### 1. Introduction

SHAC has consistently supported tenants and residents who withhold payment in response to a dispute with their landlord, or because they are unable to pay.

This report follows a survey of members and sought to identify growth and trends. Data was collected through an online questionnaire available through the website and members were directed to the survey through mailings.

Respondents could complete the questionnaire as an individual or on behalf of a group. Those acting on behalf of a group were asked the name of the group and the number of strikers. This information was cross-referenced in order to avoid double-counting during analysis.

We extend our thanks to all those who took the time to complete our brief, confidential questionnaire.

### 2. Context

Housing associations provide homes and support for almost six million people across England<sup>1</sup>. Yet when things go wrong, it is extremely difficult for tenants and residents to get access to justice through official channels.

*“My housing association has neglected issues for years. No maintenance works are carried out at all and repairs are rare. Substantial service charge increases are imposed for poor quality communal cleaning and a lawn being cut some 22 times a year.*

*“I’ve been on a service charge strike for three years because they haven’t acknowledged a complaint from 2021. Despite it being escalated to the Housing Ombudsman, I’ve had little contact from them.”*

Ron, Gentoo tenant

The first port of call for a dissatisfied tenant or resident is the landlord’s **complaints process**. Landlords can drag out their complaint handling so that tenants and residents are left to continually chase them for updates. The process often starts with a tenant or resident having to ask the association for information, for example explanation of an element of the service charge

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<sup>1</sup> National Housing Federation – accessed 30 June 2022  
<https://www.housing.org.uk/about-housing-associations/what-housing-associations-do/>

## Rent and Service Charge Strikes - Snapshot Report

August 2023

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statement in order to assess whether the charge is legitimate. This in itself can prove to be the first battle as associations repeatedly fail to provide clarity.

Complaints are often lost so it may take a few attempts to get recognition that there is a problem, and some associations automatically close a complaint and mark it as resolved after a set amount of time, even if it has not been resolved.

The **Housing Ombudsman Service**<sup>2</sup> follows on from a complaint to the landlord, and was set up by government to review complaints about any landlord registered with them. The Ombudsman will not consider complaints about levels of service charges where either party has started legal action, or a complaint where the landlord's time limits were not complied with.

The backlog of cases awaiting an Ombudsman investigation appears to be getting longer, and it is currently stands at around 18 months so is little use for urgent issues.

If the Ombudsman does uphold a complaint, it can order the landlord to apologise, pay compensation, or take some action to put right the problem. However, the compensation tends to be small, especially in the context of the multi-million pound turnover of housing associations.

***“The Tenants Advisory Service and my MP agreed that urgent repairs were needed, but no upgrading to the property has been carried out. I am in an old Victorian house which is impossible to keep warm for my disabled daughter’s health. I am on a state pension and struggling”***

Bridget, Clarion Resident

Other than fines, there is no mechanism for compelling a housing association to comply with the Ombudsman’s recommendations, even when a complaint is upheld. Housing associations have also been known to report to the Ombudsman that they have complied with an order when they haven’t, so this may not be the end of the road for a complainant.

The court specialising in housing issues is the **First-Tier Tribunal (Property Chamber – Residential Property)**<sup>3</sup>. It accepts complaints from tenants, shared owners, and leaseholders but the law varies according to tenure so protections are patchy and inconsistent.

Tenants and residents may have to pay a fee when applying to the court and the costs vary according to the type of case being brought.

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<sup>2</sup> The Housing Ombudsman Service [www.housing-ombudsman.org.uk](http://www.housing-ombudsman.org.uk)

<sup>3</sup> First-Tier Tribunal (Property Chamber – Residential Property) [www.gov.uk/housing-tribunals](http://www.gov.uk/housing-tribunals)

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## Rent and Service Charge Strikes - Snapshot Report

August 2023

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Landlords facing a Tribunal claim will engage solicitors and barristers for legal representation. Tenants are thus immediately disadvantaged because the cost of legal representation in the context of their household budgets can be impossibly high. Legal Aid has been withdrawn from most types of housing case.

Housing associations can threaten to apply to the court to recover the costs of their legal fees, and although it does not automatically follow that the court will grant the request, it is certainly an intimidatory tactic and discourages tenants and residents from taking legal action.

The courts can order the landlord to pay compensation and take remedial action, but as with the Ombudsman, housing associations have been known to ignore court orders, preferring to pay what is often a relatively small fine for doing so. They have also been known to tell the courts that they have paid the compensation or carried out some other remedy when they have not.

In either case, the tenant or resident has to re-apply to the court to challenge the landlord's failure to comply with a court order. Just because a court upholds a complaint, it does not necessarily mean that this will be the end of the process.

*“This is supposed to be affordable living but MTVH is increasing service charge by £100 per month”*

Salman, MTVH tenant

The **Regulator of Social Housing**<sup>4</sup> (RSH) is a government body supposedly tasked with making sure that housing associations are well-managed and financially stable, and that tenants get quality accommodation, have choice and protection, and can hold their landlords to account. Complaints from leaseholders are outside the remit of the RSH.

However, for an issue to be taken up, the tenant has to show that their landlord has breached one of the Regulatory Standards set by government. The Standards do not cover all (or even the most common) sources of complaint by tenants or residents.

The RSH is also very limited in its ability help tenants directly. It cannot order a landlord to take remedial action or pay compensation. Instead, the main RSH penalty for underperforming landlords is to downgrade their governance or financial viability rating. This acts as a signal that the landlord has governance or financial problems, which may worry funders who may in turn pressure the housing association to improve. It is therefore a very indirect form of action.

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<sup>4</sup> Regulator of Social Housing [www.gov.uk/government/organisations/regulator-of-social-housing](http://www.gov.uk/government/organisations/regulator-of-social-housing)  
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## Rent and Service Charge Strikes - Snapshot Report

August 2023

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This overview demonstrates that the official channels are extremely limited, time consuming, and long-winded.

And whereas housing associations have vast resources (with a collective operating surplus of around £4.4 billion), tenants and residents are both cash and time constrained. Often their fight for housing justice has to be managed alongside family and work commitments. And anyone who struggles with bureaucracy, for example because of digital exclusion, low levels of written or spoken English, or disability, is further disadvantaged.

Further, we know of cases where tenants and residents attempting to use official channels to hold their landlord to account face retribution from the landlord.

***“Guinness are withholding info regarding rent and service charges increases When I attempted to challenge this with the rent tribunal, I was faced with false accusations of anti-social behaviour and threatened with eviction. I am constantly harassed by Guinness.*”**

Ajay, Guinness Partnership tenant

In the light of these limitations and intimidation, tenants and residents are – inevitably - increasingly drawn to withholding payment as a means of protest, or as a way to compel their housing association to take them seriously.

### 3. Main Findings

- a. The number of individuals currently withholding payment far outstripped former strikers at 92% to 8% respectively. The length of time that strikers have been withholding payment shows a clear, upward trajectory, with more than half having begun action in the last year.
- b. Taken together, these are significant findings, especially set against analysis which showed an increase in collectivised action as opposed to tenants and residents acting independently. Just 14% of current strikers are acting independently compared to 34% of former strikers.
- c. Former strikers generally took action for one to two years (42%), although this cohort also contained a significant proportion of stalwarts who had withheld payment for three years or more (37%).
- d. Across both cohorts, the vast majority were withholding all or part of their service charge (96%), with a very small proportion withholding all or part of their rent (3%).

## Rent and Service Charge Strikes - Snapshot Report

August 2023

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- e. We analysed the results by landlord, and provided context by adding the size of the landlord according to number of units owned or managed.
- f. The main cohorts of strikers were residents of NHG, Southern / Optivo, Hyde, L&Q, THCH, Orbit, One Housing / Riverside, Clarion, and MTVH.
- g. The size of the group for each landlord varied considerably and did not correlate to the size of the landlord and did not correlate to the size of the landlord. MTVH had the most strikers (33%), and has 57,000 homes. Next came Clarion Housing Group with 28% of strikers, although it is about twice the size of MTVH.
- h. Strikes are also running in smaller landlords such as Tower Hamlets Community Housing (THCH), which had 8% of strikers despite only owning or managing 3,000 homes.

***“I am withholding payment because Clarion raised the service charge 20% without informing me any details or reasons beforehand.*”**

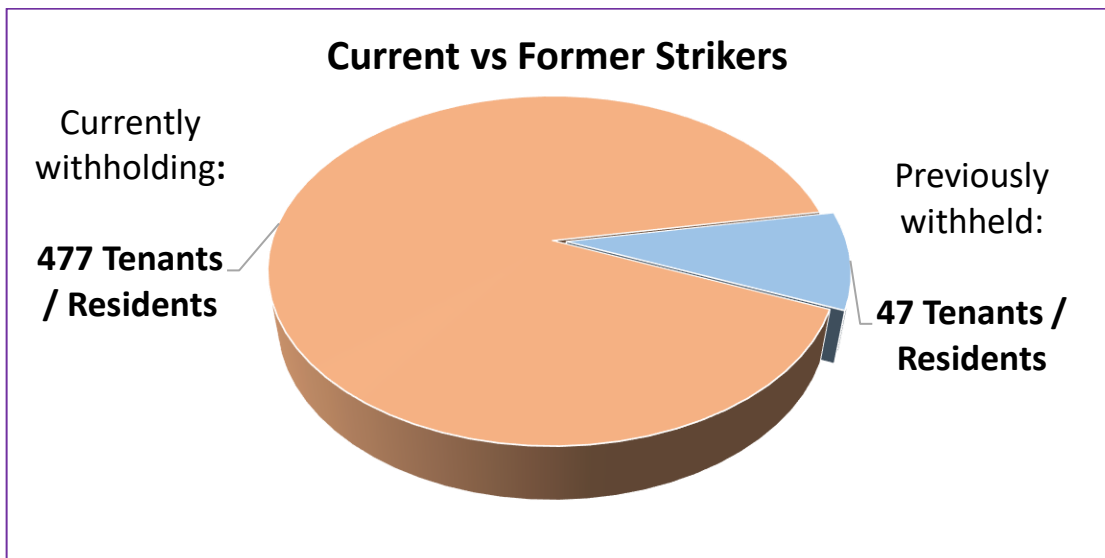
Nina, Clarion resident

- i. Service charges represent the primary single reason for withholding payment (61%). However, a significant proportion of strikes were triggered in response to multiple issues, many of which included service charges (36%).
- j. Within the ‘other’ category, the triggers include failure to address anti-social behaviour, failure to pay agreed compensation, lack of maintenance, or a rent dispute.

## Part 2: Data Analysis and Tables

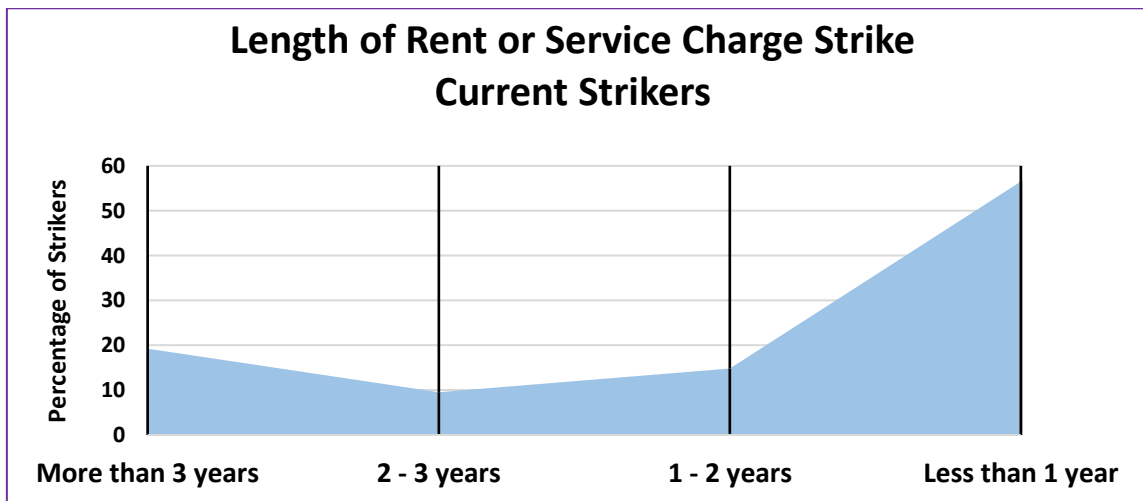
### 4. Current and Former Strikers

The number of individuals currently withholding payment far outstripped former strikers at 92% to 8% respectively.



### 5. Length of Strikes

The length of time that strikers have been withholding payment shows a clear, upward trajectory, with more than half having begun action in the last year.

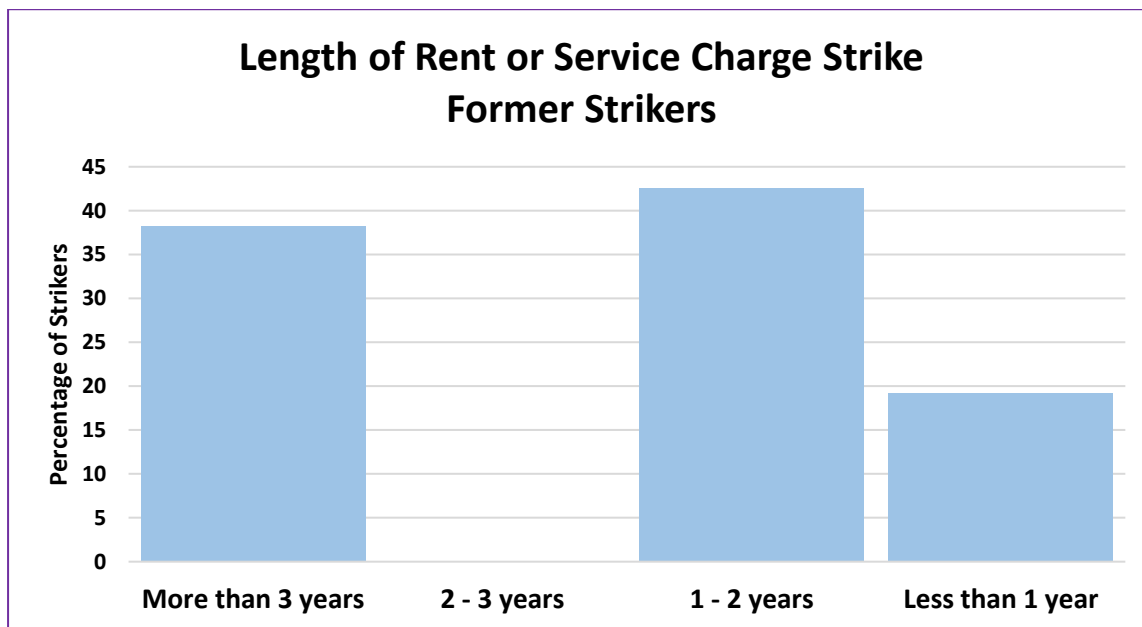




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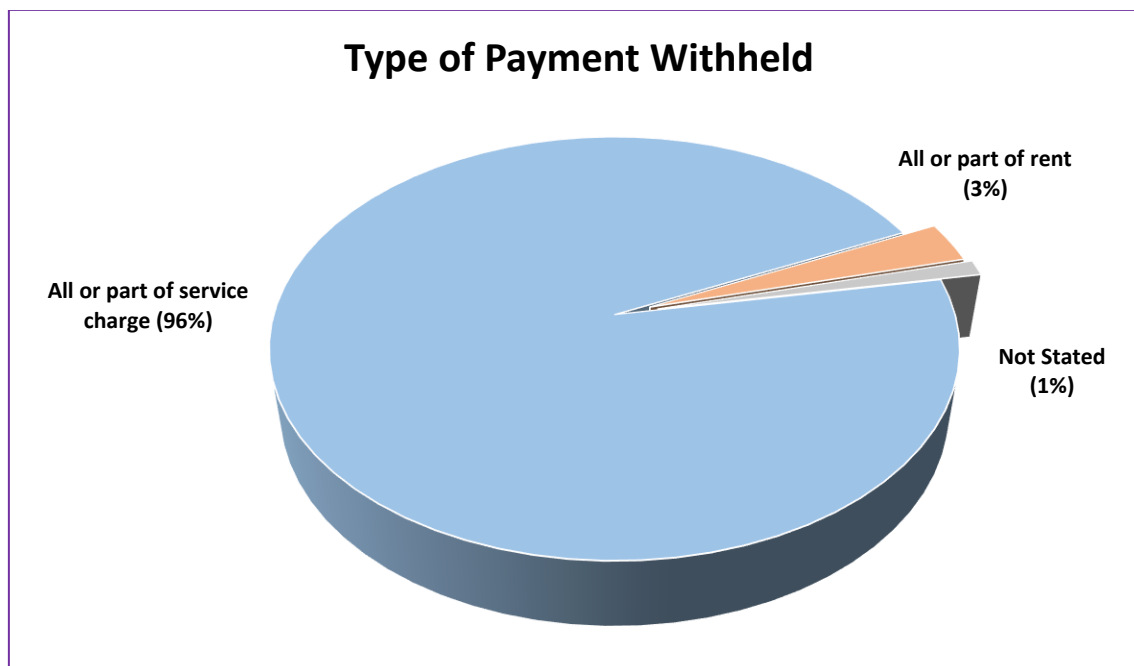
August 2023

Former strikers generally took action for one to two years (42%), although this cohort also contained a significant proportion of stalwarts who had withheld payment for three years or more (37%).



### 6. Type of Strike

Across all strikers, the vast majority were withholding all or part of their service charge (96%), with a very small proportion withholding all or part of their rent (3%).

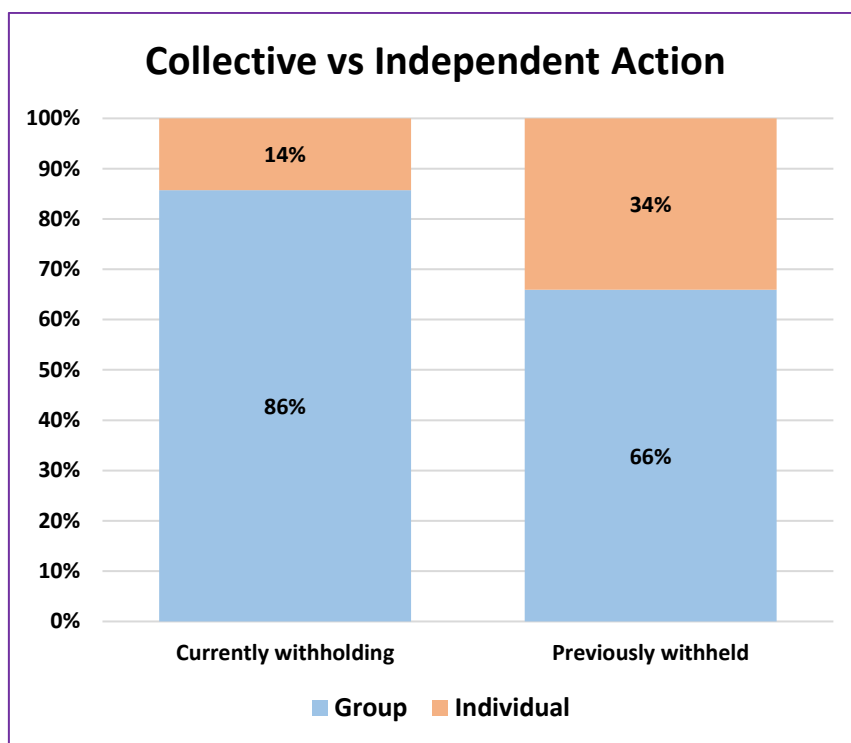


# Rent and Service Charge Strikes - Snapshot Report

August 2023

## 7. Collective vs Independent Action

As well as growth in numbers of strikers, a further trend was evident when the two cohorts were analysed in terms of whether they are or were taking action as part of a group or acting independently. Over 86% of current strikers are part of a collective compared to 66% of former strikers.



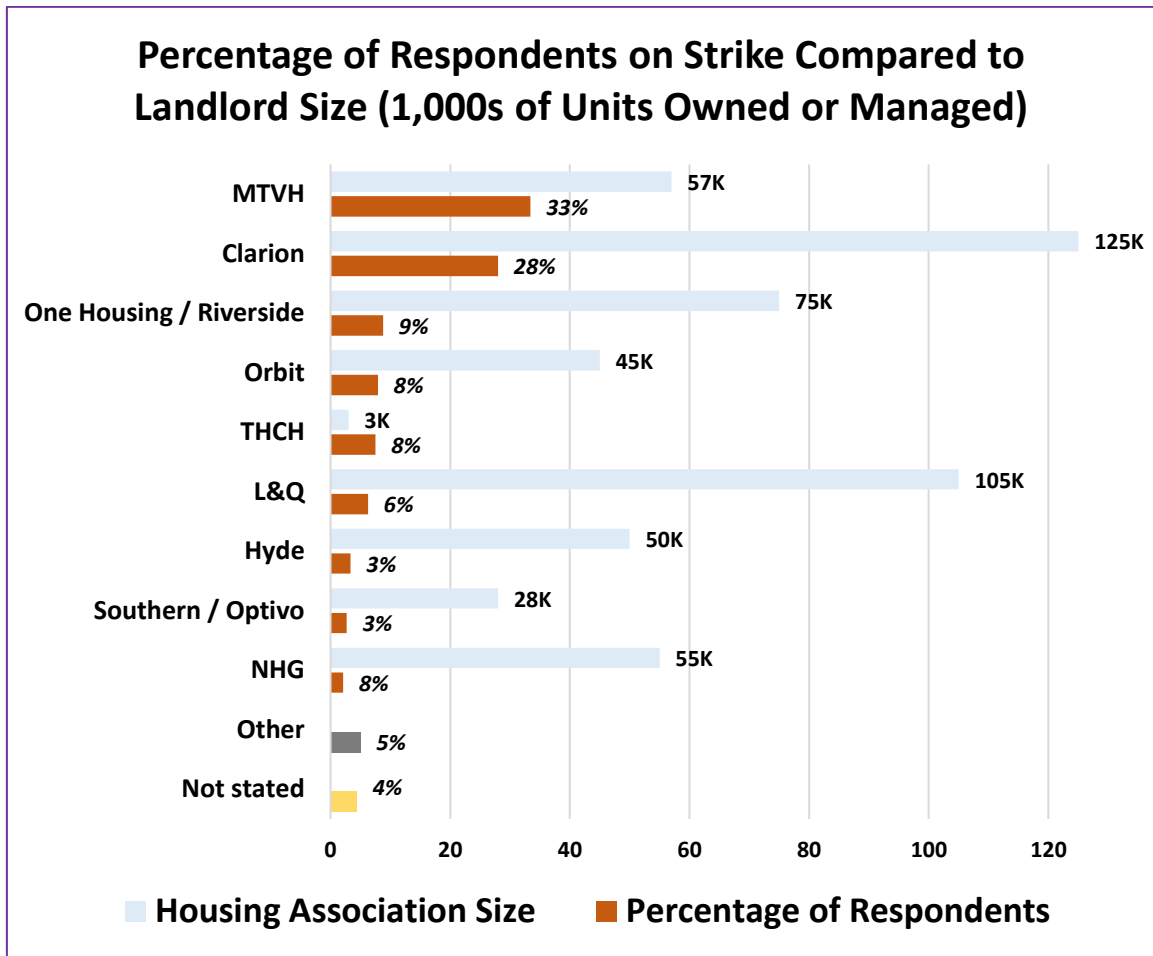
## 8. Landlord

The results were analysed by landlord and we provided context by adding the size of the housing association according to number of units owned or managed. As the table shows, the size of strike group per landlord did not correlate to the size of the landlord.

One third of strikers were from Metropolitan Thames Valley Housing Association (MTVH), which has 57,000 homes. Next came Clarion Housing Group with 28% of strikers, although it is about twice the size of MTVH.

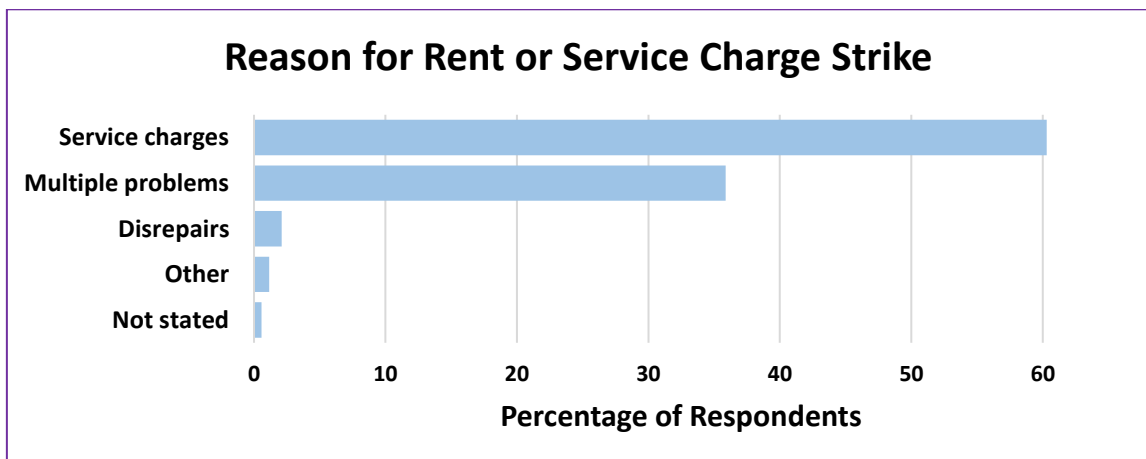
One small landlord was represented, Tower Hamlets Community Housing, which had 8% of strikers despite only owning or managing 3,000 homes.

The landlords in the 'Other' category were Ability Housing, Aster, Gentoo, Guinness, Home Group, LJHA, Moreland Estates, Network, One Vision, Origin, Peabody, RMG limited, Sanctuary, SBHA, Southwark Council, Stonewater, Vivid, and Wheatley.



**9. Strike Action Triggers**

Service charges represent the primary single reason for withholding payment (61%). However, a significant proportion of strikes are triggered in response to multiple issues (36%). Within the 'other' category, the triggers include failure to address anti-social behaviour, failure to pay the agreed compensation, or a rent dispute.



## Part 3: Conclusions

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Our survey offers a stark warning to housing associations. Tenants and residents are not only now more likely to withhold payment when a dispute arises than they were previously, but are more likely to be part of a collective.

Other than the student rent strikes during the Covid pandemic, it is some time since mass rent strikes have been deployed in the UK.

In the intervening period, landlords and government have worked hard to close the avenues available to tenants and residents seeking independent arbitration in a dispute. This situation now appears to be on borrowed time.

Although the scale of rent or service charge strikes remain small, the trend toward growth and collectivism alongside other forms of direct action suggest a rise in militancy among tenants and residents.

SHAC will continue building the support available to tenants and residents withholding payment.

August 2023

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### The Social Housing Action Campaign

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