

<b>Report To:</b>	<b>CABINET</b>
<b>Date:</b>	<b>21<sup>ST</sup> JUNE 2022</b>
<b>Heading:</b>	<b>SOCIAL HOUSING WHITE PAPER</b>
<b>Executive Lead Member:</b>	<b>CLLR TOM HOLLIS, DEPUTY LEADER AND EXECUTIVE LEAD MEMBER FOR COUNCIL AND SOCIAL HOUSING</b>
<b>Ward/s:</b>	<b>ALL</b>
<b>Key Decision:</b>	<b>NO</b>
<b>Subject to Call-In:</b>	<b>YES</b>

## **Purpose of Report**

To provide a summary update of actions undertaken as a result of the (then) Ministry of Housing, Communities and Local Government (MHCLG) Social Housing White Paper in line with recommendations since the original summary presented to January 2021 Cabinet and the subsequent update presented to December 2021 Cabinet.

## **Recommendation(s)**

**To note the key implications and priorities for Ashfield District Council arising from the then Ministry of Housing, Communities and Local Government (MHCLG) Social Housing White Paper and the resulting identified actions.**

**To note that some of the draft changes to Social Housing Regulation were published by DLUHC on 29<sup>th</sup> March 2022 with the Bill being 'introduced' to Parliament on 8<sup>th</sup> June 2022.**

**To note progress against the reported action plan.**

## **Reasons for Recommendation(s)**

To update Cabinet on how Ashfield District Council meets the Regulatory regime for Council Housing and complies with the expectation of the Regulator. To keep Elected Members informed of our progress towards meeting the statutory requirements.

## **Alternative Options Considered**

No alternative – the White Paper sets out forthcoming changes and legislation as to how Council Housing will be regulated by the Regulator of Social Housing. To not adhere to the regulations may carry both unlimited sanctions/fines and the risk of reputational damage for the Council.

## **Detailed Information**

### **Background**

The Social Housing White Paper was published by the Ministry of Housing, Communities and Local Government (MHCLG) on 17th November 2020. It is the follow up to the Social Housing Green Paper that was published in August 2018, both of which are part of the government's response to the Grenfell Tower tragedy and the Hackitt Review of building safety and fire safety.

On 29<sup>th</sup> March 2022 the Department for Levelling Up, Housing and Communities (DLUHC) published some of the draft regulations to be used in the Social Housing Bill. The Bill was subsequently listed within the Queen's Speech on 10<sup>th</sup> May 2022, and 'introduced' to Parliament by the Secretary of State on 8<sup>th</sup> June 2022, thus meaning that many of the current actions contained within the White Paper which were reliant up on the relevant legislation being produced will become enshrined during the course of the next Parliamentary session; with an implementation date highly likely to be from the start of the 2023/24 financial year. The Bill was detailed as strengthening the powers of the Social Housing Regulator, giving tenants greater rights to have better homes and hold their landlord to account.

The White Paper supported by the draft regulations sets out 7 core commitments that social housing residents should be able to expect from their landlord:

1. To be safe in your home
2. To know how your landlord is performing
3. To have complaints dealt with promptly and fairly
4. To be treated with respect – backed by improved consumer standards and regulation
5. To have your voice heard by your landlord
6. To have a good quality home and neighbourhood to live in
7. To be supported to take your first step to home ownership

### **Tenant Satisfaction Measures**

Since the last update report to Cabinet in December 2021 the Regulator of Social Housing ("the Regulator") has consulted with Social Housing Landlords on the proposed Tenant Satisfaction Measures (TSMs). The TSMs will be a mandatory requirement for Social Housing Landlords, with a requirement to report the outcomes annually to the Regulator and Tenants.

It is proposed that the TSMs will be used as a measure of performance/tenant satisfaction, consisting of 10 performance management areas (which will be collected as KPIs) and 12 tenant perception areas. The tenant perception areas will require tenants to be surveyed on an annual basis to seek their level of satisfaction in the prescribed areas. The proposed TSMs are:

<b>Theme</b>	<b>Code</b>	<b>Issue</b>
<b>Overall satisfaction</b>	TP01	Overall satisfaction
<b>Keeping Properties in Good Repair</b>	RP01	Homes that do not meet the Decent Homes Standard
	RP02	Repairs completed within target timescale
	TP02	Satisfaction with repairs
	TP03	Satisfaction with time taken to complete most recent repair
<b>Maintaining Building Safety</b>	BS01	Gas safety checks
	BS02	Fire safety checks
	BS03	Asbestos safety checks
	BS04	Water safety checks
	BS05	Lift safety checks
	TP04	Satisfaction that the home is well maintained and safe to live in
<b>Effective Handling of Complaints</b>	CH01	Complaints relative to the size of the landlord
	CH02	Complaints responded to within Complaint Handling Code timescales
	TP11	Satisfaction with the landlord's approach to handling of complaints
	TP12	Tenant knowledge of how to make a complaint
<b>Respectful and Helpful Engagement</b>	TP05	Satisfaction that the landlord listens to tenant views and acts upon them
	TP06	Satisfaction that the landlord keeps tenants informed about things that matter to them
	TP07	Agreement that the landlord treats tenants fairly and with respect
<b>Responsible neighbourhood management</b>	NM01	Anti-social behaviour cases relative to the size of the landlord

Theme	Code	Issue
	TP08	Satisfaction that the landlord keeps communal areas clean, safe and well maintained
	TP09	Satisfaction that the landlord makes a positive contribution to neighbourhoods
	TP10	Satisfaction with the landlord's approach to handling of anti-social behaviour

Consultation closed to submissions on 3<sup>rd</sup> March 2022 and the outcome is expected in Summer 2022. It is anticipated that the TSM requirements will be implemented on 1<sup>st</sup> April 2023, with an obligation for the Housing and Assets Team to collect the first year of TSM data between April 2023 and March 2024. Results will then be reported to the Regulator and Tenants in Summer 2024 and published by the Regulator in Autumn 2024.

The Corporate Service and Digital Transformation Team are reviewing options for conducting the surveying of tenants on the perception measures, in readiness for the mandatory requirement. A test survey prior to the TSMs 'go live' is to be considered.

One particular aspect of the perception surveys is the Regulators expectation that the surveys and measures are 'profiled' against the landlord's tenant base. Work is also required to ensure all tenant demographic and characteristic details are up to date and segmented.

Increased communication and feedback to tenants of the work specifically undertaken on their behalf as valued customers around the management and enhancement of their properties, neighbourhoods and estates will be key to receiving reflective TSM perception survey results.

### Social Housing Bill Legislation

On 29<sup>th</sup> March 2022 the Department of Levelling Up, Housing and Communities (DLUHC) published draft Social Housing Regulation Clauses, which will be utilised to form the basis of the new legislation to facilitate the Regulator's approach to regulation. The legislation will set out new responsibilities for social landlords and improve the Regulator's ability to take enforcement action against social landlords. The DLUHC advised "*The draft clauses published today demonstrate our progress in creating the legal basis for these reforms. We have been clear that these changes will require primary legislation, which will be introduced when Parliamentary time allows.*"

The draft clauses can be found at <https://www.gov.uk/government/publications/social-housing-regulation-draft-clauses>.

A summary of the draft clauses as impacting on the Council are as follows;

- Landlords must appoint a designated Lead Officer role for Health and Safety within the housing stock who must report against risks to the 'responsible body' (in Ashfield District Council's case - the Cabinet)
- Prescription of the detailed financial data the Landlord must produce for its tenants, including a full breakdown of management costs and the salaries of the Executive
- Prescription of how Landlords must collect, process and present performance and satisfaction data

- Mandates the Landlord to report any potential breaches of the Regulatory Code to the Regulator of Social Housing.
- The requirement to produce Improvement Plans for the Regulator where breaches and/or intervention has occurred
- The right of the Regulator to undertake 'ofsted-style' inspections of Social Housing Providers, issue unlimited fines, remove officers and/or appoint advisors where breaches of the Regulatory Code occur, alongside other existing sanctions.
- The ability for the regulator to enter properties with 48 hours' notice to undertake inspections and commission repairs

Following the Queen's Speech and the Ministerial 'introduction' to Parliament, the final legislation is anticipated to be published by the DLUHC in the Summer of 2022 and is expected to be applicable from the 1<sup>st</sup> April 2023.

The Social Housing White Paper action plan remains in place and progress is at 57% (as at mid May 2022). This will continue to be monitored and be developed through the Housing and Assets' Departmental Management Team (DMT), the Council wide Social Housing Regulatory Board and is overseen by the Corporate Leadership Team (CLT) and Portfolio Member for Housing and Assets. The action plan highlights the areas within the White Paper and specific Consumer Standards that are being met and identifies gaps where service areas will need to ensure work continues to remain compliant.

The Social Housing Regulatory Board has been established and members include key departmental Managers/Assistant Directors/Directors. The Board meets four weekly to discuss the progress towards compliance/development with the regulatory requirements, to ensure that compliance will be achieved by 1<sup>st</sup> April 2023. The Board monitor a high-level task list.

### **Housing Ombudsman Complaint Handling Code**

The Housing Ombudsman will be a key partner to the Regulator of Social Housing around the regulation of social housing, reporting concerns to the Regulator where they identify potential systemic failings of landlords, through their complaint handling resolution investigations.

On 9<sup>th</sup> March 2022 the Housing Ombudsman published a revised Complaint Handling Code. The code became applicable from 1<sup>st</sup> April 2022 and there is a deadline of 1<sup>st</sup> October 2022 to comply with the new code and publish a self-assessment to demonstrate this. A gap analysis of our current complaints handling policy is being undertaken against the new code and recommendations for amendments to ensure compliance will be presented to CLT, for consideration and implications for the Council's corporate complaints procedure.

There is no alternative option (for Housing as a minimum) to complying with the Code and failure to adhere could result in the Housing Ombudsman issuing a complaint handling failure notice.

### **Compliance**

It is essential that there continues to be a Council wide understanding of the implications of non-compliance and closely monitors for early warning indicators of breaches. The Regulator and the Housing Ombudsman continue to publish their actions taken against housing providers and the advice remains consistent; that the direction of travel is clear with regards to the required outcomes and that providers should not wait for legislation in order to adhere to compliance. Legislation is expected to be published imminently and to come in to effect on or before 1<sup>st</sup> April 2023.

The Health and Safety elements of the regulation, which sit under the 'Home Standard' is a particular priority for the Regulator and as well as their own investigations, a number of landlords have self-reported concerns that they have regarding the accuracy or shortfalls in their data around the relevant health and safety checks. Whilst the operational work of the Providers concerned have been questionable, it is also the lack of assurance and governance that the Board or Council receives from up to date and confident data, that raises concern from the Regulator. Regulatory Health and Safety compliance will be added to the existing regime for reporting to Directorate Management Team (DMT), Corporate Leadership Team (CLT) and as outlined in the draft regulations, Cabinet as the ultimate responsible body of governance.

### **Action Plan Next Steps**

- Review the final legislation around the Social Housing Regulation Bill and ensure that measures are in place to demonstrate compliance within the required timescales, including the appointment of a health and safety lead officer, and an officer responsible for signing off overall compliance with Housing Regulations.
- Align complaint handling policy with the Housing Ombudsman's complaint handling code and publicise as widely as possible to tenants.
- Agree mechanisms and schedules for the collection and reporting of Tenant Satisfaction Measures.
- Continue to monitor early warning indicators for regulatory risks and build an evidence base.
- Develop a clear report that will be submitted quarterly to CLT and bi-annually to Cabinet that identifies focused recommendations where required, including associated risk of achieving target and compliance.
- Continue to work alongside Learning & Development for continuous learning for staff and Councillors on key areas identified by gap analysis to work towards the Chartered Institute of Housing's standards of professionalism.
- Continued developments of Capita Open Housing/other housing IT systems and data inputting procedures to improve the accuracy, extraction, manipulation of statistical information and publication/reporting of performance information.
- Consumer Lead to continue horizon scanning for regulatory changes and share information in timely manner with relevant departments.
- Continued risk analysis from performance and legislation changes that impacts operations and compliance.
- Embed and build evidence base of better partnership working with cross-cutting departments through process reviews and sharing best practice.
- Increase outward facing communication to tenants around the work the Council undertakes specifically as their landlord, including the publication of tenant magazines.
- Commence meetings of tenant scrutiny panel.
- Increase performance reporting to tenants.
- Continue to consult with/report to Tenants/Tenant Groups on changes to policies and procedures, developments relating to the Social Housing White Paper.
- Develop service standards/policies around the quality of homes/neighbourhoods.
- Further develop tenant engagement opportunities including around health and safety.
- Establish framework to identify risk of breaches and procedure of reporting regulatory breaches internally and to the Regulator.
- Benchmark performance of services (both quantity and quality) to ensure the Council is not exposed to outlying data results when such indicators are published nationally by the Regulator.

## **Implications**

### **Corporate Plan:**

- To provide good quality value for money services
- To act strategically and plan for the future
- Review and improve tenant co-regulation, engagement and scrutiny in line with the regulatory framework for social housing in England and any new regulatory standards that are introduced

### **Legal:**

There are no significant legal issues specifically in relation to this report. Legal advice and assistance will be provided in relation to the impacts of new legislation and regulations at the appropriate time, including any consequential Constitutional issues or amendments. [RLD 23/05/2022]

### **Finance:** [PH 23/05/22].

<b>Budget Area</b>	<b>Implication</b>
General Fund – Revenue Budget	No financial implications arising from this report
General Fund – Capital Programme	No financial implications arising from this report
Housing Revenue Account – Revenue Budget	No financial implications arising from this report
Housing Revenue Account – Capital Programme	No financial implications arising from this report

### **Risk:**

<b>Risk</b>	<b>Mitigation</b>
Failure to adhere to regulatory requirements could lead to unlimited fines, compliance notices, direct intervention and/or significant reputational damage to the Council	<ul style="list-style-type: none"><li>• Robust methods of control must be put in place.</li><li>• Action plan to be overseen and signed off by CLT, Portfolio Member and Cabinet briefed accordingly, and approvals sought as required.</li></ul>
Negative Inspection report (consequences as above)	<ul style="list-style-type: none"><li>• Ensure adequate resources are in place to document and ensure compliance</li><li>• Prepare an 'Inspection Plan' and consider 'mock' inspection.</li></ul>

### **Human Resources:**

*Suggested as per previous report - As detailed in the report the whitepaper will require an upskilling of employees where required and a review of the potential skills gap to ensure that we have the right skill level in place. At this stage there is no other direct HR implications however there is a potential to impact on workload in the future which would be addressed utilising the Council's current policies and procedures.*

## **Environmental/Sustainability**

No environmental implications at this point

## **Equalities:**

No equalities implications at this point

## **Other Implications:**

None

## **Reason(s) for Urgency**

*Not Applicable*

## **Reason(s) for Exemption**

*Not Applicable*

## **Background Papers**

Appendix 1 – Social Housing White Paper Action Plan

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