

Report To:	CABINET
Date:	24TH JANUARY 2023
Heading:	SOCIAL HOUSING WHITE PAPER
Executive Lead Member:	CLLR T HOLLIS, EXECUTIVE LEAD MEMBER FOR COUNCIL AND SOCIAL HOUSING
Ward/s:	ALL
Key Decision:	NO
Subject to Call-In:	YES

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 in January 2021 Cabinet and the subsequent updates presented in December 2021 and June 2022 Cabinet meetings.

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 the progress of the Social Housing (Regulation) Bill through the House of Commons and the House of Lords

To note progress against the reported action plan

To note the confirmation of the introduction of an 'Ofsted style' inspection regime by the Regulator of Social Housing

To note the requirement of the Authority to comply with the Fire Safety (England) Regulations 2022

To note the requirement of the Authority to collect and report the findings of Tenant Satisfaction Measures from 01 April 2023.

Reasons for Recommendation(s)

To update Elected Members on how Ashfield District Council meets the Regulatory regime for Council Housing and complies with the expectations of the Regulator. To keep elected Members informed of our progress towards meeting the statutory and regulatory requirements. To update elected Members with the progress of the development of the Social Housing (Regulation) Bill.

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 (including the removal of the housing stock)/fines and reputational damage for the Council.

Detailed Information

Background

The Social Housing White Paper was published by the (then) 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.

There is a commitment from the current Government that the Social Housing (Regulation) Bill will receive Royal Assent during the current parliamentary term, thus meaning that many of the current actions contained within the White Paper, which are reliant upon the relevant legislation being produced, will become enshrined in the near future. It is still anticipated that an implementation date from the start of the 2023/24 financial year will apply. 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 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 June 2022 the Regulator of Social Housing ("the Regulator") has released the outcome of their consultation with the Social Housing Sector on the proposed Tenant Satisfaction Measures (TSMs). The Regulator has confirmed that TSMs will be a mandatory requirement for Social Housing Landlords (with a stock greater than 1,000 properties),

with a requirement to commence collection of the data from 01 April 2023 and to report the outcome annually to the Regulator and Tenants from Spring 2024.

TSMs will be used as a measure of performance and tenant satisfaction, consisting of 10 performance management areas (which will be collected and monitored 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. A pilot of the collection of all elements of the TSMs has taken place, the results will be reported to the Corporate Leadership Team (CLT) and an action plan produced, based on any learning from the pilot to inform works required for the full TSM collection requirement.

The TSMs comprise of:

Theme	Code	Issue
Overall satisfaction	TP01	Overall satisfaction
Keeping Properties in Good Repair	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
Maintaining Building Safety	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
	TP05	Satisfaction that the home is safe
Effective Handling of Complaints	CH01	Complaints relative to the size of the landlord
	CH02	Complaints responded to within Complaint Handling Code timescales
	TP09	Satisfaction with the landlord's approach to handling of complaints

Theme	Code	Issue
Respectful and Helpful Engagement	TP06	Satisfaction that the landlord listens to tenant views and acts upon them
	TP07	Satisfaction that the landlord keeps tenants informed about things that matter to them
	TP08	Agreement that the landlord treats tenants fairly and with respect
Responsible neighbourhood management	NM01	Anti-social behaviour cases (ASB) relative to the size of the landlord
	TP10	Satisfaction that the landlord keeps communal areas clean, safe and well maintained
	TP11	Satisfaction that the landlord makes a positive contribution to neighbourhoods
	TP12	Satisfaction with the landlord's approach to handling of anti-social behaviour

The pilot tenant perception survey has been conducted by the use of a Lime Survey, which was sent to all tenants whom we hold a mobile telephone number for, via a link in a text message. It is recognised that some tenants will require additional support to participate in the completion of the 'live' tenant perception survey and support for these tenants will be built into an action plan. However, it should be recognised that the method of collection will need to be recorded and reported to the Regulator along with the results, as their position is that the greater the involvement the landlord has in the completion of the survey, the more likely this is to have a positive influence on the respondent's responses in favour of the landlord.

One particular aspect of the perception surveys is the Regulator's expectation that the surveys and measures are 'profiled' against the landlord's tenant base. Work has commenced to profile tenant demographic and characteristic details, to identify the work required to ensure these are accurate and segmented.

TSM consultation outcome and requirements documents can be found at:
<https://www.gov.uk/government/consultations/consultation-on-the-introduction-of-tenant-satisfaction-measures>

Increased communication to tenants around the Housing and Assets teams' day to day activities, developments, partnership working, the management and enhancement of properties as well as neighbourhoods/estates management remains key to receiving reflective TSM perception survey results. This has commenced, with the recent publication of the 'Housing Matters' tenant magazine, which was sent to all current tenants in a hard copy format in September 2022.

Social Housing (Regulation) Bill

The Social Housing (Regulation) Bill, will become the key legislation to facilitate the additional powers for the Regulator, in order to deliver the requirements of the regulatory regime set out in the Social Housing White Paper.

On 8 June 2022 the Social Housing (Regulation) Bill received the first reading in the House of Lords. The Bill has progressed through all stages within the House of Lords and was referred back to the House of Commons on 31 October 2022.

The Bill is making progress within the House of Commons and is currently awaiting the announcement of the date for the report stage, which is the penultimate stage for the progression of the Bill within the House of Commons. Once all stages within the House of Commons are complete consideration will be given to suggested amendments, before being passed for Royal Ascent.

Key proposed amendments received to date include:

- The inclusion of requirements around the level of professional qualification for managers and officers working within social housing
- Incorporating a requirement around the production of an inspection timetable and league table of results
- A focus and commitment to the reduction of energy demand for social housing properties

Positively the Council has a good track record in terms of 'upgrading' properties with external wall insulation, photovoltaic panels and 'A' rated gas boilers, whilst all properties have the required amount of loft insulation. The Council is aware of the need to evidence training as set out in the initial white paper document, however the potential inclusion of 'professional' qualifications needs to be understood as this will have implications as to which teams or services can deal with 'tenants' as 'tenants' (as opposed to residents of the District).

Consumer Regulation

Once the Social Housing Bill has received Royal Ascent, the DLUHC will provide the Regulator with refreshed directions for their focus and approach moving forward. The Regulator has advised that following the refreshed directions, they intend to commence consultation with stakeholders, around the revision of the Consumer Standards.

The Regulator has been clear that during the consultation period, Social Housing Landlords will be expected to fully comply with the existing Consumer Standards, until such time that the consultation has concluded and the replacement Consumer Standards have been implemented.

The Regulator is committed to a regime of 'Ofsted style' inspections of Social Housing Landlords. However, it is anticipated that timetabled routine inspections will not commence until around Summer 2024. However, the Regulator will continue to have the power to inspect landlords, at their discretion. Members will be aware that both the Regulator and Housing Ombudsman are continually increasing their interventions into landlord services, with Islington Council being the first landlord to be subject to direct Ombudsman intervention for potential systemic failure within the service.

Suggested amendments to the Bill have recommended the provision of a timetable for inspections, along with the publishing of a league table of results, but it is currently unclear if the Regulator will adopt this approach.

The Council has, as a forerunner to inspections, requested an LGA Peer Review of its Housing Service in order to identify on an informed basis the strengths and weaknesses of the service and proactively learn and improve from the experience. The review will take place over 3 days starting the 24th January 2023.

Housing Ombudsman Complaint Handling Code

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

On 1 October 2022 the Council amended their complaint handling policy and procedure to ensure that housing complaints are handled in line with the revised Housing Ombudsman's Complaint Handling Code. The self-assessment against the code, was approved by Cabinet on 27 September 2022 and has also been published on the Council's website, to demonstrate compliance with the Code.

The Housing Ombudsman Service, along with the Regulator, expects landlords to have a transparent and easily accessible complaint process, which are promoted to tenants. Information around the complaints process was included within the 'Tenancy Matters' magazine, sent to all tenants at the end of September 2022. The Housing Ombudsman Service contact information is detailed in key correspondence to tenants and is advertised within the public areas of the Urban Road Office and on the Council's website, in line with the Complaint Handling Code.

We have experienced increasing volumes of complaints in relation to the Housing Service, at all stages, compared to the previous financial year. This includes a number of cases referred to the Housing Ombudsman Service by tenants, once the internal complaints process has been exhausted.

Fire Safety (England) Regulations 2022

The Fire Safety (England) Regulations 2022 came into force on 23 January 2023. The Authority does have applicable blocks of flats. However, as the Council do not own any buildings over 11m high (typically blocks of 5 storey or more), the applicable properties are subject to a lower level of checks and responsibilities within the Regulations.

The Council has already self-assessed our current position against the Regulations and deem ourselves compliant.

Actions required of the Council under the Regulations include:

- Appropriate fire and evacuation signage/instructions in all communal areas
- The sending of a periodic fire safety letter (including fire door advice) to all applicable existing tenants
- Provision of fire safety advice to new tenants at sign up.
- Utilisation of the Council's website and tenant magazine for general fire safety advice
- Periodic attendance of Health and Safety representatives at resident forums and other involved tenant groups

A further requirement within the Regulation is for each landlord to have a person responsible for ensuring health and safety compliance within the social housing stock. The LGA backed Decision

Making Accountability (DMA) review currently taking place within the Authority, once concluded, will confirm the named responsible officer for the Authority.

Damp and Mould

Following the inquest outcome of Awaab Ishak, the Regulator wrote to all Social Housing Landlords on 22 November 2022 to seek assurance on the addressing of risks relating to damp and mould in tenants' homes, as well as seeking information from Local Authorities regarding the prevalence of damp and mould within the private sector housing stock.

A robust review of the Council's approach to reports of damp and mould within our social housing stock has taken place and the information was provided to the Regulator by the deadline of 19 December 2022.

The Repairs and Maintenance Team take the management of damp and mould within our stock very seriously, taking all necessary steps to address and rectify any issues reported/identified, as quickly as possible. Offering support and advice to tenants, where there are no evident building defects attributing to the issue.

As part of the return to the Regulator, damp and mould issues within the housing stock were found to be nominal in presence. However, we will continue to review our processes and procedures, including applying learning from the actions of other landlords, to ensure that damp and mould issues are dealt with as swiftly and comprehensively as possible.

Carbon Monoxide Alarms

On 27 July 2022 The Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022 were published, which stipulated the requirement for properties within the Council's stock to be equipped with a carbon monoxide alarm in any room used as living accommodation, which contains a fixed combustion appliance. The amended regulations had been widely anticipated to provide landlords until 1 April 2023 to comply with the requirements and plans had been implemented to comply with the requirement by the anticipated timescale, with a dedicated operative having been recruited to the role.

However, upon publishing, the deadline for compliance had been set for 1 October 2022 and failure to comply with the regulations would have required the Council to 'self-refer' to the Regulator of Social Housing, for a breach of the regulatory requirements.

A revised plan was created to expedite the installation of Carbon Monoxide Alarms in all required properties, which included the use of Council operatives and engineers from our gas servicing contractor.

By 1 October 2022 all required properties had been visited and offered the installation of a Carbon Monoxide Alarm and the alarms (access allowing) installed in the majority of the properties requiring one under the regulations. There are a small number of properties remaining outstanding for the installation of an alarm, which are due to non-engagement with the process by the tenant. A robust plan is in place to attempt to install all remaining Carbon Monoxide Alarms required, which has included personally addressed letters which included a specific time and date for installation. The ultimate backstop being alarms will be fitted whilst the annual gas service check takes place.

Compliance

It is essential that there continues to be a Council wide understanding of the implications of non-compliance and close monitoring of 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 to adhere to compliance. Legislation is expected to be published imminently and to come in to effect on or before 1st April 2023.

With a view to this the forthcoming HRA budget for 2023/24 will contain an additional provision for additional staff to assist with the compliance process as regulatory judgements and learning continues. Key areas for consideration are further technical support for the assets database, a dedicated surveyor for damp and mould and support for complaints and resident involvement.

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 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 concerns from the Regulator. The Housing Ombudsman is also currently undertaking an investigation into record keeping within the Social Housing Sector.

Regulatory Health and Safety compliance has been added to the existing regime for reporting to DMT, CLT and Cabinet, as outlined in the draft Regulations. Cabinet is the body of governance and has the ultimate responsibility.

Next Steps

- Finalise and notify the Regulator of a senior person responsible for complying with statutory health and safety requirements and publish their contact details
- 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 Regulation
- Review the outcome of the Tenant Satisfaction Measures pilot and agree mechanisms and schedules for the collection and reporting of Tenant Satisfaction Measures for 2023/24 and annually thereafter
- 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 OpenHousing/other housing IT systems and data inputting procedures to improve the accuracy, extraction, manipulation of statistical information and publication/reporting of performance information
- Consumer Standards Lead Officer to continue horizon scanning for regulatory changes and share information in a 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 23/12/2022]

Finance:

No direct financial implications arising from this report. The report makes reference to additional resources being budgeted for from April 2023/24 to implement the additional requirements arising from these Regulations. [PH 23/12/2022].

Budget Area	Implication
General Fund – Revenue Budget	Not applicable
General Fund – Capital Programme	Not applicable
Housing Revenue Account – Revenue Budget	Not applicable

Housing Revenue Account – Capital Programme	Not applicable
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Risk:

Risk	Mitigation
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"> • Robust methods of control must be put in place. • Action plan to be overseen and signed off by CLT • Executive Lead Member and Cabinet briefed accordingly and approvals sought as required.
Negative Inspection report (consequences as above)	<ul style="list-style-type: none"> • Ensure adequate resources are in place to document and ensure compliance • Prepare an 'Inspection Plan' and consider 'mock' inspection.

Human Resources:

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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