

Report To:	CABINET
Date:	26TH JUNE 2023
Heading:	SOCIAL HOUSING WHITE PAPER
Executive Lead Member:	CLLR A MEAKIN, 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, June 2022 and January 2023 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 commencement of the regulatory requirement for the Authority to collect and report the findings of Tenant Satisfaction Measures for the 2023/24 financial year, and annually thereafter.

To note the plan for the Authority's collection of the Tenant Satisfaction Measures.

To note the performance information contained within the report to provide assurance of regulatory compliance.

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. To promote the fact that Cabinet are ultimately responsible for ensuring regulatory compliance of the Council's social housing activities.

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, health and safety risks to tenants 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 remains a commitment from the current Government that the Social Housing (Regulation) Bill is still expected to 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 2024/25 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 January 2023 the Council has become subject to the regulatory requirement to collect and report on the Tenant Satisfaction Measures (TSMs) for the 2023/24 financial year. The Regulator of Social Housing ("the Regulator") has published their

Tenant Satisfaction Measures Standard, to set out their expectations to landlords in this area, along with draft reporting guidance and a number of other guidance documents, which set out the collection requirements. The collection and reporting of TSMs is now a mandatory requirement for all Social Housing Landlords (with a stock greater than 1,000 properties). TSM survey results will need to be collected and reported on an annual basis to both the Regulator and to our Tenants, with the first submission due Spring 2024.

TSMs will be used as a measure of performance and tenant satisfaction, consisting of 10 performance management areas (which are being collected and monitored as KPIs) and 12 tenant perception areas and are likely to be used by the Regulator to inform and prioritise their inspection timetable.

The tenant perception areas of the TSMs will require tenants to be surveyed on an annual basis to seek their level of perceived satisfaction in the prescribed areas.

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

Theme	Code	Issue
	TP09	Satisfaction with the landlord's approach to handling of complaints
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

A pilot of the collection of all elements of the TSMs took place, in the autumn of 2022, the results of which have been fed back to senior housing managers and used to influence the approach for the first live collection in 2023/24.

Response rates to the pilot tenant perception survey was limited, but not dissimilar to other transactional satisfaction surveys at 17.1% and did provide a broadly statistically representative sample. The survey was conducted using a wholly digital model. Based on feedback from tenants, a more personalised approach to the surveying methodology will be adopted for the live collection, with the focus on dedicated resources making outbound telephone contact with a randomly selected sample, with a lesser percentage being drawn via digital and paper based means in order to achieve greater inclusivity. A prize draw is also being offered to tenants who complete the survey, to incentivise their participation.

The Regulator expects survey responses are 'profiled' against the landlord's tenant base. An analysis has taken place of the characteristic data held on tenants, which has been reported to senior housing managers. An action plan is to be put in place to identify the work required to ensure this data is accurate, accessible and is reviewed at regular intervals. Resource discussions are taking place with the Digital Transformation Team, to ensure that this project moves forward.

In order to promote and remind tenants of why the survey is taking place a mini 'Housing Matters' magazine has recently been distributed to tenants. A further full 'Tenant Matters'/housing annual report is scheduled to be published in Autumn 2023.

From 2023/24, the Housing Regulator will request social housing landlords submit the percentage of respondents that were either 'very satisfied' or 'satisfied' or who 'strongly agree' or 'agree' with each of the perception questions.

A snapshot of key outcomes from the pilot satisfaction survey are:

The highest levels of satisfaction were:

- Overall satisfaction with the service provided (70.0%)
- Overall satisfaction with repairs (69.9%)
- Condition of property or building (68.6%)
- My landlord treats me fairly and with respect (68.1%)

The lowest levels of satisfaction were:

- Making a positive contribution to the neighbourhood (53.5%)
- Listening to views and acting upon them (50.9%)
- Approach to anti-social behaviour (47.8%)
- Approach to complaints handling (31.1%)

These are broadly in line with other Housing providers who conducted a fully digital pilot survey however further work (and action) has been undertaken to understand those perception results which sit below the median.

2022/23 year-end performance for TSM related KPIs are as follows:

Repairs completed within target timescale	Emergency – 99.76% Non-Emergency – 94.70%
Gas safety checks	99.98%
Fire safety checks	100%
Asbestos safety checks	100%
Lift safety checks	100%
Complaints relative to the size of the landlord (per 1,000 properties)	Stage One – 11.16 Stage Two – 1.21
Complaints responded to within Complaint Handling Code timescales	Stage One – 100% Stage Two – 100%
Anti-social behaviour cases (ASB) relative to the size of the landlord (per 1,000 properties)	48.55

The KPI results are in general upper quartile with the exception being ASB cases which is bottom quartile. Again, work and action has been undertaken to address this issue.

Additionally due to the complex nature of these indicators and the data required for these, the respective teams are working with the Digital Transformation Team to undertake works to Capita OpenHousing to enable performance in these areas to be reported directly from the system, rather than requiring a considerable amount of manual officer intervention to produce performance in some of these areas. These projects are in the latter stages and system reporting should be fully functional in the near future.

In line with the requirements set out in the Social Housing White Paper, the Council's website has been updated to incorporate a performance report, linked to Pentana, to report 'real time' performance information to tenants.

Social Housing (Regulation) Bill

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

The Bill has progressed through all stages within both parliamentary houses and is tabled on the agenda for the House of Lords to consider the proposed amendments to the Bill put forward by the House of Commons on 27 June 2023. Once all amendments have been agreed the Bill will be passed for Royal Assent.

Key amendments proposed to date include:

- The inclusion of requirements around the level of professional housing qualification for senior housing managers (or those managers within the Council who perform those functions on behalf of housing)
- Four yearly routine 'Ofsted' style short notice inspections
- The inclusion of 'Awaab's Law' to "crackdown on damp and mould" and ensure that landlords investigate and fix serious issues within strict time limits.

Consumer Regulation

Once the Social Housing Bill has received Royal Assent, 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/addition 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 as well as working at the levels and assurance expressed in the consultation proposals, until such time that the consultation has concluded and any new or amended Consumer Standards have been implemented.

The Regulator is committed to a regime of 'Ofsted style' short notice inspections of Social Housing Landlords. Timetabled routine inspections are expected to commence around Summer 2024. The Regulator is currently undertaking a second round of pilot inspections, to inform their approach to landlord inspections. It is however clear that levels of compliance will need to be demonstrated, evidenced and open to scrutiny.

The Regulator will continue to have the power to inspect landlords, at their discretion. The Housing Ombudsman Service ("the Ombudsman") are continually increasing their interventions into landlord services, with a number of reports into potential systemic failure, including those in the media such as Rochdale Boroughwide Housing, and Catalyst Housing along with a number of English Councils. The Ombudsman has the ability to refer concerns to the Regulator, as will tenants and leaseholders of the Authority.

The Council has, as a forerunner to inspections, requested an LGA Peer Review of its Housing Service to identify, on an informed basis, the strengths and weaknesses of the service and proactively learn and improve from the experience. The review took place in January 2023 and the final full report is expected imminently.

Housing Ombudsman Service/Complaints

The 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.

The Council is currently compliant with the Housing Ombudsman's Complaint Handling Code. The existing self-assessment against the Code is being reviewed by the Tenant's Gateway Panel, to verify the position set out in the self-assessment reflective of the Council's approach to complaint handling, based on the Council's approach/tenant experience. A further report will be submitted to Cabinet in the future to consider the contents of the self-assessment, before this is re-published on the Council's website prior to 1st October 2023, in line with our requirements to annually assess against the Code.

Complaints continue to be a high-profile subject for the social housing sector with the Ombudsman continuing to take an active role in holding landlords to account for service failure. The Ombudsman continues to actively publicise their judgements and have recently instigated their powers to undertake 'special investigations' into specific landlords, where there are concerns about potential systemic or endemic failings, including an investigation into Rochdale Boroughwide Housing, following the inquest findings in to the death of Awaab Ishaq.

During March 2023 DLUHC launched their "Make Things Right" campaign, which promoted and prompted social housing tenants to make complaints to their landlords, where they feel they are experiencing poor service.

During 2022/23, we experienced a significant increase in the volume of complaints at all levels, as demonstrated in the table below. Increased complaint volumes are not necessarily a reflection that the quality of service provision has declined, resulting in increased dissatisfaction, but may also be impacted by the increased publicity and accessibility of the complaints process. Increasing complaint volumes do however have a significant impact on resources, often investigations are lengthy and time consuming, which will take officers/managers and directors away from other day to day duties for considerable periods.

	2021/22		2022/23		Variance of case volume %
	Number of Complaints	% upheld (incl. partially)	Number of Complaints	% upheld (incl. partially)	
Stage One	46	46%	77	52%	67% increase
Stage Two	4	50%	8	13%	100% increase

As part of all complaint investigations, the investigating officer will consider any learning from the complaint, including where complaints have not been upheld, to ensure that wherever possible improvements are made to service provision and the customer experience. Learning Outcomes are monitored for implementation and reported to Senior Managers, Elected Members and Tenants. Complaint trends are also monitored to ensure that service improvements can be implemented, where required.

We continue to see increasing interactions and escalations of complaints to the Ombudsman, before, during and after the complaints process has been exhausted. The involvement of the Ombudsman in the investigation of complaints presents a potential reputation and financial risk to the Council. Findings against landlords are published and are often accompanied by an award of compensation, as redress.

During 2022/23 three complaints were referred to the Ombudsman, at the tenants request, the outcomes are broken down, as follows:

- 1 – No Service Failure identified on behalf of the Council
- 1 – Service Failure by the Council and £200 compensation
- 1 – Currently under investigation

Responsible Officer for Health & Safety

Following the outcome of the LGA backed Decision Making Accountability (DMA) implementation Scott Tilley, Assistant Director - Corporate Health & Safety has been named as responsible officer for health and safety requirements for the Council, in relation to our social housing stock. In line with the requirements set out within the Social Housing White Paper, Scott's details have been published on the Council's website to ensure that Scott is accessible to tenants with health and safety concerns.

Following assessment of the requirements set out in the Fire Safety (England) Regulations 2022, which came into force on 23 January 2023 and the previous self-assessment, the Council was found to be compliant with our obligations. Actions identified to continue with this position have been undertaken, including writing to all tenants living in blocks of flats (with communal areas) regarding fire safety.

The continued engagement with tenants around health and safety, and the activities we conduct in this area is currently being reviewed and will form part of the wider tenant engagement strategy.

Damp and Mould

Following the inquest findings following the death of Awaab Ishak, damp and mould has continued to be a high profile topic within the sector. On 22 November 2022 the Regulator wrote to all Social Housing Landlords to seek assurance on the addressing of risks relating to damp and mould in tenants' homes. 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.

On 22 February 2023 the Regulator published their initial findings in relation to the submissions, advising that further contact would be made with landlords, whose submissions had been assessed as "poor" or lacked sufficient data to support their position. The Council has not received any further contact regarding our submission.

The findings of the Regulator's request for information found the following levels of damp and mould within the country's social housing stock (approx. 4 million properties):

- 120,000 - 160,000 properties – category three hazards (notable damp and mould)
- 40,000 – 80,000 properties – category two hazards (serious damp and mould)
- 8,000 – category one hazards (threat to health)

Our return to the Regulator noted that there is only a nominal presence of damp and mould within our stock. The Repairs and Maintenance Team continue to take the management of damp and mould within our stock very seriously. We take 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.

A new repair “job” has been created within the housing management system to capture additional information during reports of damp and mould issues, along with helping to track the prevalence and progress of the matters, ensuring that the repair is not closed until the issues are successfully resolved. Damp and mould cases are reviewed regularly by the management team, to assist with identifying any potential patterns and will be used to inform the major works programme, where identified.

Additional resources in the shape of a dedicated Damp and Mould Inspector is currently being recruited to, to assist with the rapid assessment and treatment of damp and mould issues to limit the impact on tenants.

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 that contains a fixed combustion appliance. Upon publication the widely anticipated deadline for compliance of 01 April 2023, was set to the significantly reduced 1 October 2022. 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.

Following considerable efforts by the repairs and maintenance team, the vast majority of alarms were installed prior to the deadline, with only a small number of properties being outstanding, where access had been refused.

A robust plan to install the last remaining alarms was developed, which has resulted in approximately 25 installations being required. Efforts are continuing to attempt to engage with the tenants to facilitate 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 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 finalised imminently.

With a view to this, the current HRA budget contains provision for additional staff to assist with the compliance process, as regulatory judgements and learning continues. Key areas of additional resources are technical support for review of the assets database/housing management system, a dedicated surveyor for damp and mould, support for complaints and tenant involvement.

The Health and Safety elements of 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 continue to self-refer 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 Ombudsman is currently undertaking an investigation into record keeping within the Social Housing Sector, which is likely to bring recommendations for amendments to our record keeping practices, which could create further resource requirements, to assist with system/procedural changes.

Inspections

The Regulator is clear that 'Ofsted' style inspections will form a key feature of their regulatory regime. However, it remains unclear what format these will take and when the Council is likely to receive its first inspection.

The Regulator is currently undertaking a second wave of pilot inspections with a small group of Providers, to inform their decision making around the structure of the inspection regime.

The Regulator has indicated that they anticipate inspections to commence from April 2024 and for landlords to be routinely inspected at four yearly intervals.

The Regulator will have the ability to inspect at short notice and on an emergency basis.

Tenant Engagement

Tenant engagement/involvement is a key feature and expectation of the regulatory regime. The Council is expected to actively engage with our tenants, in order that they can inform the direction of the service provided to them.

Tenant engagement has declined over a number of years with fewer tenants seemingly wishing to engage with the Council about housing services and this was highlighted as an area for improvement in the recent LGA housing peer review.

An additional resource is to be recruited to bolster the active promotion of the Council's tenant engagement framework, to increase the number of engaged tenants and the avenues available to engage with the Council.

The current position in terms of tenant engagement is as follows:

Tenants Gateway

The Tenants Gateway is a group of tenants who meet with Senior Housing Managers to discuss issues about the management and delivery of landlord services.

The group is made up of a quota of tenants from the respective areas of the District, based on stock levels in the respective area as follow:

Sutton	– 6 positions – currently 2 vacancies
Hucknall	– 4 positions – currently 2 vacancies
Kirkby	– 4 positions – currently 3 vacancies
Rural	– 2 positions – currently 2 vacancies

Tenant Scrutiny Panel

The Tenant Scrutiny Panel is a group of trained volunteer Council tenants who review the services delivered by us. The Panel work as a team to review our services and suggests improvements to the way we do things in the form of an action plan.

Currently no tenants have expressed an interest in joining the Scrutiny Panel, a recruitment drive is being prepared.

Customer Opinion and Influencing Network (COIN)

COIN members can tell us about their experience of the housing services they have received and give their opinion on how things could be improved. This may include giving feedback via our website, email, face to face or by telephone.

Currently we have very few contacts from tenants through COIN.

Ashfield Tenants and Residents Forum

This forum is made up of and led by Council tenants from across Ashfield. The forum has a focus on their local neighbourhoods and how they can help support their communities. It meets every 3 months to discuss District-wide issues affecting tenants and to discuss the services received from us.

Formal Consultation

The latest formal consultation with tenants took place with tenants in October 2022, which related to the review of the new proposed tenancy conditions. 91 tenants responded to the consultation, which equated to 1.4% of the tenants consulted.

Elected Members Role

The Regulator of Social Housing clearly stipulates that tenants should be at the heart of decision making for their housing service (and come inspection time this input in decision making will need to be evidenced). Moving forward key reports which go to Cabinet or Council which involve changes to the delivery of services to tenants (as tenants) will include the views of tenants in relation to those change(s). Elected Members will be expected to consider these views and articulate their consideration of them when reaching a final decision.

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.
- Collect and report on progress the 2023/24 Tenant Satisfaction Measures, reporting to the Regulator and tenants annually thereafter.
- Report regularly to senior managers and Cabinet on recommendations, where required, including associated risk of achieving target and compliance, including benchmarking performance of services (both quantity and quality) against peers.
- Continue to work alongside Learning & Development for continuous learning for staff and Councillors on key areas identified by gap analysis.

- 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.
- Recruit a resource to assist with the provision of tenant engagement activities to increase and diversify the base of tenants actively engaging with the Council, including Tenant Scrutiny Panel, consulting with Tenants/Tenant Groups and capturing tenant views for democratic reports which change or affect services to tenants.
- Develop service standards/policies around the quality of homes/neighbourhoods.

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. Current and proposed legislation is detailed in the 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. The delegation of Proper Officers in respect of Social Housing Regulation was approved at the Council AGM on 25 May 2023 in readiness. [RLD 26/05/2023]

Finance:

There are no direct financial implications arising from this report. The report makes reference to additional resources. These were included in the HRA budget for 2023/24 to implement the additional requirements arising from these Regulations. [PH 25/05/2023].

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

Risk: suggested as per previous report

Risk	Mitigation
Failure to adhere to regulatory requirements could lead to unlimited fines, compliance notices, direct intervention and/or	<ul style="list-style-type: none"> • Robust methods of control must be put in place. • Action plan to be overseen and signed off by SLT

significant reputational damage to the Council	Executive Lead Member and Cabinet briefed accordingly and approvals sought as required.
Negative Inspection report (consequences as above)	(a) Ensure adequate resources are in place to document and ensure compliance (b) Prepare an 'Inspection Plan' and consider 'mock' inspection.

Human Resources:

As detailed in the report the whitepaper will require some on-going upskilling of employees, which has been identified in the report. At this stage there is no other direct HR implications contained within the report. [KH – 26/5/2023]

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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