

Report To:	CABINET
Date:	17 FEBRUARY 2025
Heading:	SOCIAL HOUSING REGULATION UPDATE
Executive Lead Member:	CLLR A MEAKIN, EXECUTIVE LEAD MEMBER FOR SOCIAL HOUSING AND ASSETS
Ward/s:	ALL
Key Decision:	NO
Subject to Call-In:	NO

Purpose of Report

To provide an update to Cabinet on the current position regarding social housing consumer regulation and to provide assurance of the direction of travel for regulatory compliance, in line with the expectations of the Regulator of Social Housing and in preparation for regulatory inspection.

Recommendations

To note the assessment of the Council's position against the current Consumer Standards.

To note progress against the appended action plan.

To note the Q3 2024/25 Tenant Satisfaction Measures perception survey results.

To note overall responsibility for compliance with the Council's social housing regulatory requirements.

To review and approve the implementation of the appended draft Tenant Engagement Strategy and accompanying plan.

For Cabinet to review the enclosed/appended information and determine if they have sufficient assurance that the performance of social housing functions is compliant with the requirements of the Regulator of Social Housing.

Reasons for Recommendation(s)

To update Cabinet Members on how the Council meets the requirements of the social housing regulatory regime for its council housing provision and complies with the expectations of the Regulator of Social Housing (RSH). To update Cabinet Members with details of regulatory developments, since the last update. To promote that Cabinet is ultimately responsible for ensuring regulatory compliance of the Council's social housing activities, in the eyes of the regulator.

Alternative Options Considered

No alternative – the Social Housing (Regulation) Act 2023 (the Act) is active legislation which dictates how council housing will be regulated by the RSH. 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/residents and significant reputational damage for the Council. Compliance with regulatory requirements includes full compliance with the Housing Ombudsman Services' (HOS) Complaint Handling Code/membership obligations.

Detailed Information

Background

The current Consumer Standards have been in place since 01 April 2024 and set out the requirements for all social housing landlords. The Consumer Standards will be used to determine regulatory compliance at inspection or during reactive engagement. Failure to comply with regulatory requirements could result in sanctions, including the serving of regulatory notices, public 'naming and shaming', unlimited fines and in the most extreme cases the removal of social housing stock from a landlord's management.

In the eyes of the RSH and the HOS ultimate responsibility for compliance with the Council's regulatory requirements lies with Cabinet. Cabinet should ensure that they are satisfied that they are suitably informed on the position regarding social housing service provision and the information they receive provides sufficient confidence of regulatory compliance.

Consumer Standards

The Council are required to comply with the following consumer standards, along with the Rent Standard (Economic Standard):

- Neighbourhood and Community Standard
- Safety and Quality Standard
- Tenancy Standard
- Transparency, Influence and Accountability (including Tenant Satisfaction Measures) Standard

Following their introduction in April 2024, Assistant Directors operating social housing services have reviewed our position against these Standards to determine compliance. It has been concluded that we believe there are no areas of non-compliance with the standards. However, some areas have been identified where it is felt that further works/tasks could be undertaken to bolster our compliance and improve services to tenants, an action plan is being created to detail and track progress with these actions.

Assistant Directors also regularly horizon scan for potential issues, which could jeopardise our compliance with the Consumer Standards, so actions can be applied to address the risk prior to the point of failure. These considerations have recently been discussed and actions agreed at Senior Leadership Team, to ensure appropriate focus and resources are available to address these.

Tenant Satisfaction Measures

The Council's 2023/24 Tenant Satisfaction Measures (TSM) submission has now been signed off by the RSH. Feedback was received in relation to the minor variation from the required wording of one survey question, in the tenant perception survey, this has been noted and the required wording is in place for the 2024/25 survey.

On 26 November 2024 the RSH published the sector's [2023/24 TSM results](#). Some analysis of the results has taken place and the Council's results are broadly positive against the rest of the sector.

Acuity Research and Practice Ltd are conducting the 2024/25 TSM tenant perception survey on behalf of the Council. Surveys are done by telephone. 450 have been conducted in Q3 and a further 450 are scheduled for Q4. Q3 results are showing similar results to those from the 2023/24 survey and are broadly positive, with some areas for improvement. Acuity's Q3 TSM report can be found in appendix 1.

A mid-year analysis of the landlord reported TSM measures was undertaken and found to be similar to the previous year's results. Calculation of the level of stock decency was delayed during this exercise, as a result a review of the position in relation to decent homes data is currently taking place.

General Performance

Appendix 2 shows general performance information, which replicates the report reviewed by the Tenant Gateway group on a bi-monthly basis. The performance indicators reported to the Tenant Gateway group have been selected by them to ensure the indicators are relevant to their areas of interest.

Performance information continues to be available for all tenants to view, via the Council's [website](#), with the report linking directly to Pentana and updating on a monthly basis, to provide 'real time' performance information. This was highlighted during the LGA Peer Review team as an example of good practice in sharing performance information. Annual report performance information has also been sent to all tenants through the December edition of the Tenant Matters magazine and will be uploaded to the website in the near future.

Inspection Regime

The RSH continues to inspect social housing landlords. The Council is yet to be selected for inspection, but will be inspected by March 2028, then at least every 4 years thereafter. RSH can also inspect at short notice, where they have identified concerns of a specific nature.

Good quality tenant, property and safety data is key to demonstrating compliance with the consumer standards, along with evidence of good governance practices. All service areas are aware of this and are working to maximise data quality for their service areas.

Inspectors will speak to senior managers/officers, key Elected Members and engaged tenants, as well as scrutinising key information/documents. They will also likely wish to observe key meetings, including Cabinet.

Inspection of the Council will seek assurance of compliance with the RSH's Consumer Standards, following which the Council will be given a 'C' rating of grade 1-4 (1 being fully compliant and 4 being serious failings). Inspection results to date have been mixed, with local authorities typically scoring lower than housing associations. We are currently working with other landlords and bodies to better understand the inspection process, to assist us with being inspection ready. An inspection plan/group has been created to assist with the process when we are notified of inspection.

Most recent inspection results include a C3 grading for Nottingham City Council. Mansfield District Council are in the final stages of the inspection process and their grading is anticipated in the near future.

Operational Risk

A set of regulatory risks and compliance with the safety compliance are reviewed monthly by the Council's senior management. The latest reports can be found in Appendix 3 and 4.

Key areas noted from these reports are:

100% compliance with most safety measures.

Lift Safety

1x LOLER inspection was delayed by 1 day, due to a flooded inspection pit. The inspection has been completed and works are scheduled for a sump pump to be installed to prevent future flooding.

Legionella Checks

- Communal water checks and risk assessments - 100%
- Risk assessments on all dwellings – 94% - standalone properties with stored water have been assessed as 'low risk', but it has been determined that a physical inspection of the system is required to appropriately consider individual water systems. These inspections have been incorporated into the latest Legionella maintenance contract. This position was reported to the RSH as part of the 2023/24 TSM return.

Sustainability of HRA Business Plan and ability to invest in current and new stock

Rent arrears as a % of rent due remains above target. Migration from Housing Benefit to Universal Credit is impacting. An action plan is in place to improve performance on the run up to financial year end. Performance on rent arrears PIs as at w/e 12/01/25 (current tenant arrears as % of rent due and rent collected) are improved on the same period last financial year.

Professional Standards

The outcome of the consultation on directions to the RSH from the MHCLG is still yet to be published, these are anticipated early 2025.

It remains expected that all officers involved in the provision of our social housing must abide by a set of Professional Standards and Managers/Assistant Directors involved in the provision of social housing services will need to hold a minimum level 4 housing qualification. The Executive Director(s) responsible for the provision of social housing functions will need to hold a minimum of a level 5 housing qualification.

Toolbox talks for officers and Member drop-in sessions relating to the regulatory requirements, consumer standards and HOS' Complaint Handling Code, are still planned.

Housing Ombudsman Service/Complaints

Housing Ombudsman Service (HOS)

The HOS continues to be a key partner to the RSH around the regulation of social housing.

Since the last update to Cabinet one complaint has been determined by the HOS:

- Care of tenant's dog whilst tenant in Police custody (escalated to the HOS in 2024/25) - determined not to fall within HOS jurisdiction.

There are currently no complaints being investigated by HOS.

Housing Complaints performance is closely monitored and reported to senior management, the relevant Executive Lead Members and Tenants Gateway. Housing complaints continue to increase, but this is believed to primarily be due to increased awareness of the complaints process. A copy of the latest housing complaints performance report can be found in appendix 5.

Awaab's Law

The outcome of consultation on the proposals for Awaab's Law are yet to be published. It is known that this will set out the requirements for social housing landlords' handling of reports of damp and mould, but it remains unclear if this will also include the remaining Housing Health and Safety Rating System (HHSRS) hazards.

The proposals set out within the consultation documents are likely to create significant resource implications for the Housing Operations team, a proposal for additional resources has been produced. The outcome of the consultation is expected early 2025.

Decent Homes Standard

The Council is required to know its stock, at individual property level and refresh this data through survey at least every 5 years. During 2024 the Council engaged with an external provider to refresh the stock condition data. The only properties without an up-to-date stock condition survey are where the tenant has failed to engage with attempts to access the property. The Assets Team will continue to attempt to engage with these tenants to complete a stock condition survey. This data will be used to inform our major works programme.

The Council is in the process of procuring new major works contractors. The Council is looking to procure two contractors to provide contingency in the event of a contractor going into administration, as was experienced with J.Tomlinsons.

The Decent Homes Standard is currently under review and will require legislative changes to bring this forward, the impact of future changes is unknown until this review is complete. MHCLG have advised that consultation with the sector will commence early 2025.

Tenant Engagement

Involving tenants in the shaping of housing services and listening to their voice, along with evidencing this, is key to regulatory compliance. A dedicated Tenant Engagement Officer started

with the Council in October 2024. This officer is a dedicated resource to implement new engagement activities, along with recruiting new members to existing engagement opportunities. Progress with new and existing activities has increased significantly since October.

Tenants Gateway:

Current Members – 8 (5x Sutton, 2x Hucknall, 1x Kirkby)

Current Vacancies – 8 (1x Sutton, 2x Hucknall, 3x Kirkby, 2x Rural) – 2 potential new members have been invited to attend the next meeting

Gateway members continue to be key to providing feedback on policy/service provision changes, prior to their implementation and make suggestions on housing service areas they require further information from based on their and other tenants' experiences. They also review the latest KPI and housing complaints performance information at each meeting.

Tenant Scrutiny Panel:

The first tenant scrutiny investigation has now commenced, which is reviewing the condition of void properties, the investigation will be complete by the end of March 2025. There are 8 members of the group.

Customer Opinion & Influencing Network (COIN)

Uptake/interest has been low, but contact has been made with existing members and a small number of new members have been added. The Tenant Engagement Officer has commenced including COIN in consultation activities to broaden the feedback received.

Special Interest Groups

The Tenant Engagement Officer has commenced planning the introduction of special interest groups to obtain feedback from tenants that have accessed specific housing services, to seek reassurance and look at improvements that can be made to improve tenants' experience.

A general survey to obtain tenant views is being completed during contact with tenants and a specific survey on current/future tenant engagement activities has been included in the latest edition of the Tenant Matters magazine.

We are logging and monitoring outcomes of 'you said, we did' suggestions coming from tenants, to evidence the use of tenant voice to shape service delivery, which will be reported internally and to tenants.

We are currently exploring models to involve tenants in governance processes.

A Tenant Engagement Strategy has been developed, which incorporates a 3-year engagement plan, which can be found in Appendix 6. Cabinet are asked to consider the strategy and authorise the implementation of it.

Tenant Voice in Decision Making

The RSH stipulates that tenants should be at the heart of landlords' decision making (and during inspection this input in decision making will need to be evidenced). Moving forward key reports which go to Cabinet or Full Council that involve changes to the delivery of services for social housing tenants will need to include the views of tenants in relation to those changes. Elected

Members will be expected to consider these views and articulate their consideration of them when reaching a final decision. A tenant profile report has been developed and will be shared with Elected Members and senior officers to ensure that they 'know' our tenant base and to ensure that this is taken into account within decision making. A brief breakdown of the tenant make up is included within Appendix 7.

Next Steps

- Continue to embed the Consumer Standards in to working practices
- Continue to report regularly to senior managers and Cabinet on recommendations, where required, including associated risk of achieving target and compliance and benchmarking performance of services (both quantity and quality) against peers.
- Review the outcome of the consultation on directions relating to the setting of a standard on professional standards/qualifications and respond to the consultation on the proposed Consumer Standard, when published by the RSH
- Continue to work alongside Learning & Development for continuous learning for staff and Councillors on key areas identified by gap analysis and professional qualification/standards
- Monitor the outcome of the consultation on Awaab's Law and implement the requirements
- Continue collection of the 2024/25 TSM tenant perception survey and report the outcomes to the RSH
- Continue to develop 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
- Implement activities in line with the Tenant Engagement Strategy, once approved, and promote these (including outcomes) to tenants/leaseholders
- Review Tenant Scrutiny Panel investigation findings and embed these, where possible, into processes, procedures and policies.
- Continue to develop service standards/policies around the quality of homes/neighbourhoods
- Engage with the consultation process for planned changes to the Decent Homes Standard
- To continue to identify and complete key tasks within the high-level action plan, which can be found in appendix 8

Implications

Corporate Plan:

Compliance with the requirements of the RSH and HOS ensures that we continue to meet the corporate priority for Homes and Housing, specifically the objective of "Compliance with the Housing Regulator".

Legal:

The Social Housing (Regulation) Act 2023 is active legislation which dictates how council housing is regulated by the Regulator for Social Housing. Cabinet consideration of the report ensures those deemed to be responsible for compliance with Housing Regulation are able to satisfy themselves that they are suitably informed and provided with sufficient confidence of regulatory compliance.
[RLD 22/01/2025]

Finance:

There are no direct financial implications arising from this report. The costs of the recommended tenant engagement activity and costs of meeting regulatory requirements are factored into HRA budgets and the medium term forecast. [PH 28/01/2025].

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:

Risk	Mitigation
Failure to comply with the requirements set out in the Housing Ombudsman Service's Complaint Handling Code	<ul style="list-style-type: none">• Complaints and Compliments Policy to be amended in line with revised Complaint Handling Code, once published• Continue to involve tenants in preparation/sign off self-assessment against Complaint Handling Code• Continue to attempt to capture complaint satisfaction levels and learning from complaints• Continue to monitor and report on learning/best practice in sector to senior managers
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 overseen and signed off by SLT• 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• Monitor sector for learning from other landlords, participating in pilot/initial routine inspections

Human Resources:

There are no HR implications contained in the report [KB – 21/01/2025]

Environmental/Sustainability:

Revised Decent Homes Standard, minimum EPC ratings and Awaab's Law requirements are likely to improve the thermal and energy efficiency of the Council's housing stock. We continue to bid for funding to implement improvement works to improve thermal/energy efficiency and the installation of renewable energies such as solar PV.

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 – Q3 2024/25 TSM survey report

Appendix 2 – Tenant Gateway Performance Report

Appendix 3 – Regulatory risk report – January 2025

Appendix 4 – Health & Safety Compliance report – December 2024

Appendix 5 – Q2 housing complaints performance report

Appendix 6 – Proposed Tenant Engagement Strategy and 3-year plan

Appendix 7 – Tenant Profile Summary

Appendix 8 – Social Housing White Paper Action Plan

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