

Thursday, 16 February 2023

**Report of the Portfolio Holder for Homelessness Prevention and Social Housing & Assistant Director - Neighbourhoods**

**Social Housing (regulation) Bill and Council Housing compliance**

**Exempt Information**

None

**1.0. Purpose**

- 1.1. To update Homelessness Prevention and Social Housing Sub-Committee on preparedness' for meeting requirements in the Social Housing (Regulation) Bill likely to commence 2023/2024
- 1.2. To set out the emerging arrangements for the proposed Tenant Satisfaction Measures to be submitted April 2023 by all landlords to the Regulator Social Housing

**2.0. Recommendations**

- 2.1. To note progress of Cabinet decisions (10/11/22) on preparedness' for the Social Housing (Regulation) bill and revised consumer standards including latest directions on Tenant Satisfaction Measures

**and**

refer any recommendations to Corporate Scrutiny on 08/03/23 informing the planned report to Cabinet on 06/04/23 on the ***Councils regulatory compliance with the Consumer standards required for its Council Housing Services***

- 2.2. To receive a further discussion paper on the HRA Business Plan detailing arrangements for tenant/leaseholder consultation and scenario testing – informing a Cabinet paper set for September 2023.

**3.0. Executive Summary**

- 3.1. The Regulator of Social Housing published its latest policy paper on Reshaping [\*\*\*Consumer Regulation: Our Implementation Plan\*\*\*](#) on 12/1/23. The Council has continued to prepare for this new legislation (due within the next year 2023/2024) as part of the Social Housing (Regulation) bill and strengthening standards for its tenants and leaseholders.

**3.2. New consumer standards**

The Regulator describes the new consumer standards as outcome focussed. Building on existing ones to encompass all the areas set out in the White Paper. Previous policy papers - [\*\*\*Reshaping consumer regulation: our principles and approach\*\*\*](#) set out the six themes the future consumer standards would cover.

<b>Safety</b>	<b>Landlords' safety responsibilities including safety within the home and in communal areas</b>
<b>Quality</b>	Quality of the home, communal spaces and services to tenants
<b>Neighbourhood</b>	Landlords' role, working with other agencies, to contribute to the wellbeing of neighbourhoods in which tenants live.
<b>Transparency</b>	Landlords' role in making information accessible to tenants including roles and responsibilities within landlords, so tenants know who is responsible for matters relating to consumer standards
<b>Engagement and accountability</b>	Engagement between landlords and tenants, including how complaints are handled. Landlords' accountability to tenants and treating tenants with fairness and respect.
<b>Tenancy</b>	Requirements on landlords in respect of tenancies, including allocations policies and opportunities for tenants to move.

Subject to the Bill being passed by Parliament, and government issuing the relevant Directions, new standards will be consulted on by the summer of 2023. A power for the regulator to set standards for competency and conduct has already been added to the Bill, and the Regulator will be working with government and stakeholders on how this will be implemented. It is possible that further changes could be made to the Bill including professional standards.






















**The self-assessment and associated improvement plan Tamworth commissioned in 2022, included a base line assessment against existing consumer standards along with a forecast of likely compliance against new areas proposed. This showed compliance with Tenancy & Home Standards with areas for improvement across Tenant Involvement Empowerment & ASB standards.**

- 3.3. Conversations started with Tamworth's shadow Homelessness & Housing Subcommittee last February 2022 on these proposals from Government and the Regulator. In June and October 2022 members were continued to be updated on the Social Housing White paper including the Charter for Social Housing Residents; engaged in the debate on the Councils commissioned & external self-assessment against proposed consumer standards and its preparedness' around the improvement plan. Supporting this have been comprehensive discussions at Corporate Scrutiny (17/11/23 and 08/03/23) informing Cabinet decisions on 10/21/22 and also planned for 06/04/23 on overall progress.
- 3.4. The resourcing of this considerable piece of work remains in progress as budget setting proposals are finalised. As this self-assessment and improvement plan represents an organisational wide impact; it is evident this will require cross-fertilisation across all teams within the Council (as set out last time to Committee) and require programme co-ordination.
- 3.5. Whilst those resourcing proposals are being formulated the Council continues to prepare for submission of Tenant Satisfaction measures. Under the Regulators directions there are 22 Tenant Satisfaction measures; including 10 management indicators and 12 perception measures.
- 3.6. A data capture exercise has been supported externally and is set out at **Annex one** showing progress across the 10 management indicators. An informal workshop took place with House mark on 07/2/23 and as members the Council will benefit from external support to test its overall quality assurance of these measures'; ahead of submission April 2023. At this time the Council is still awaiting guidance on whether there will be a PORTAL or whether uploading will be via Councils usual statutory returns such as CORE/NROSH returns.

The summary page lists the 10 indicators and in all cases data can be extrapolated to support the Regulators technical definition. As data is submitted this base line will

undoubtedly be used for comparative and assessment purposes – likely to determine inspection schedules.

## TSM – Measured by Landlords Directly

TSM code	TSM name	Person's responsible	RAG/Summary	TSM Technical Requirements
CH01	Complaints relative to the size of the landlord	Zoe (Nicola Hesketh)	 	
CH02	Complaints responded to within Complaint Handling Code timescales	Zoe (Nicola Hesketh)	 	
NM01	Anti-social behaviour cases relative to the size of the landlord	Tina (Lee Birch)	 	
RP01	Homes that do not meet the Decent Homes Standard	Paul	 	
RP02	Repairs completed within target timescale	Paul (Martin Harper)	 	
BS01	Gas safety checks	Paul (Barry Curtis)	 	
BS02	Fire safety checks (Data	Paul (Barry Curtis)	 	
BS03	Asbestos safety checks	Paul (Barry Curtis)	 	
BS04	Water safety checks	Paul (Barry Curtis)	 	
BS05	Lift safety checks	Paul (Barry Curtis)	 	

**TruemanChange.**

- 3.7. The remaining 12 Tenant satisfaction measures related to perception and are shown below. Changes are also shown following the Regulators consultation nationally and which now form part of the required Directions. Committee are invited to share initial observations around **a) methodology for undertaking this survey and b) any additional questions required as the Council as a landlord can ask supplementary ones.**

TSMs collected from tenant perception surveys		
Code	Title	Change
TP01	Overall satisfaction	No change
TP02	Satisfaction with repairs	Minor change to survey question wording
TP03	Satisfaction with time taken to complete most recent repair	No change
TP04	Satisfaction that the home is well-maintained	Changed to be an individual TSM (well-maintained and safe were previously combined in one TSM)
TP05 [was TP04]	Satisfaction that the home is safe	Changed to be an individual TSM and minor change to survey question wording
TP06 [was TP05]	Satisfaction that the landlord listens to tenant views and acts upon them	Minor change to survey question wording
TP07 [was TP06]	Satisfaction that the landlord keeps tenants informed about things that matter to them	Minor change to survey question wording
TP08 [was TP07]	Agreement that the landlord treats tenants fairly and with respect	No change
TP09 [was TP11]	Satisfaction with the landlord's approach to handling complaints	Changed to add a filter survey question
TP10 [was TP08]	Satisfaction that the landlord keeps communal areas clean and well-maintained	Change to survey question wording, including removal of 'safe' (which will be covered by revised TP05)
TP11 [was TP09]	Satisfaction that the landlord makes a positive contribution to neighbourhoods	No change to lead proposal. Minor change to survey question wording
TP12 [was TP10]	Satisfaction with the landlord's approach to handling anti-social behaviour	No change
	Tenant knowledge of how to make a complaint	TSM removed from suite

- 3.8. House mark have suggested some organisations are commissioning a base line assessment ahead of April using these measures as it is anticipated there will be a 20-25% reduction in satisfaction. The benefits of this are in providing an early base line by which to target management interventions ahead of a formal submission to the Regulator by March 2024. However, as Tamworth already have historic status/star data along with transactional satisfaction data, this suggests the emphasis should be

on obtaining high quality feedback that supports tailored service improvement; rather than seeking to explain drops in satisfaction when this is already anticipated. For example, the Councils Annual Report shows transactional satisfaction levels of c88% annually (overall satisfaction with the landlord) this is forecast to drop to between 50-60% in the first annual survey.

Tamworth have historically commissioned independent researchers to undertake satisfaction surveys (BMG. MEL, etc). This methodology has targeted a representative sample across all its demographic and stock types. Supported by field research as well as online techniques. It is suggested more work is done on developing this satisfaction strategy with the Tenant Consultative Group and forms part of the wider cabinet proposals in April.

3.9. Cabinet decisions approved on 10/11/22 are set out at 4.1 in this report, showing the work-streams involved and progress to date. As the Council prepares its resourcing proposals to co-ordinate and deliver step change on this work – officers invite the Committee’s view on the

- **Improvement plan – so that any further questions; observations and feedback can be used to inform updates to Corporate Scrutiny in March and onward Cabinet paper in April 2023 agreeing the SMART improvement plan and specific highlighted work-stream areas**
- **Feedback on the initial data gathering exercise on the 10 management tenant satisfaction measures attached at annex one**
- **Feedback on Tenant Satisfaction measures proposed around seeking tenants satisfaction and perception on landlord performance.**

#### 4.0. Progress on Cabinet Recommendations 10/11/22

4.1. A key priority is to create capacity within the Council to lead, co-ordinate and ensure compliance with the Regulators approach to ensuring high levels of performance and service delivery for its council housing stock. It is envisaged this will be in place once the budget setting arrangements have been concluded and will lead on the development of work-streams set out.

Cabinet approved on 10/11/22	Management Actions
Endorse the findings from the external Self-Assessment reported November – <a href="#">link here</a>	The Self-assessment was considered by Corporate Scrutiny on 17/11/22 with further update planned on 08/03/23 informing Cabinet paper on 06/04/23
Delegate authority to the Council’s Monitoring Officer to ensure nominated representatives from the Tenants Consultative Group (Chair &/or Vice Chair) form part of the Council’s Homelessness Prevention and Social Housing Sub-Committee in compliance with the Council’s constitutional & legal framework; noting the Committee fully supported this at their meeting on the 12th of October 2022	The Council’s constitution is under review by the Councils Monitoring Officer, and she has confirmed (06/2/23) that arrangements for formally co-opting Tenant Consultative Group nominated members is under review by the legal team and Terms of Reference will be shared with Committee as soon as practical

Approve the self-assessment improvement framework <a href="#">shown here</a> ; referring it to Corporate Scrutiny for further development on 17th November 2022; delegating the SMART detail to the Portfolio Holder for Homelessness Prevention and Social Housing	This was discussed at Corporate Scrutiny on <a href="#">17/11/22 and details are shown here</a> . At a scoping meeting in January 2023, it was agreed with the Chair, Vice Chair and Portfolio Holder to be further scrutinised on 08/03/23 so that amendments to the improvement plan can be incorporated into the Cabinet paper set for 06/04/23 as it is recognised each of the areas requires more detail
Retrospectively approve the response to DLUHC on the proposed rent cap shown at Annex 4 and discussed at the Council's Homelessness Prevention and Social Housing Sub-Committee on 12th October 2022	This has been built into the Councils budget setting arrangements –implementing a rent cap of 7% across all its council stock (including exempt accommodation where the Council could charge CPI+1%)
Delegate authority to the Portfolio Holder Homeless Prevention and Social Housing to agree the consultation arrangements with Tenants and Leaseholders on the HRA business plan arrangements following the Government's announcement on the rent cap and its associated impact on financial planning.	Several workshops have been held internally with senior officers and the Councils external advisor from CIH on the HRA business planning and scenario testing. It is recommended this is considered at a future Committee once the detail and consultation plan is drafted for Committee input and ahead of formal Cabinet decisions
Delegate approval to the Head of Paid Service and Chief Executive to approve the resourcing arrangements; noting policy changes of £100k are being built into the Council's budget setting processes (subject to approval) to deliver the improvement plan and	Resourcing has been agreed 'in principle' through the budget setting process. Subject to the final Full Council approvals proposals will be brought forward as outlined in the Cabinet report in November 2022
Ensure the Council complies with the Regulators decision statement on the submission of new <a href="#">tenant satisfaction measures</a>	The Regulator of social housing has finalised the <a href="#">Tenant Satisfaction Measures and published its decision statement</a> setting out the technical requirements from April 2023  Working papers are attached outlining the initial data gathered for the Tenant Satisfaction Measures'. The 10 appended relate to management information that should be submitted by April 2023; the remaining 12 are perception measures and will require scoping with the Tenants Consultative Group before final decisions are proposed to Cabinet in 2023/2023 on the strategy for obtaining this feedback

#### 4.2. **Future Regulatory Inspection**

The Regulator proposes that it will deliver a programme of inspections of larger landlords (those with more than 1,000 homes). Once enacted, the Bill requires an inspection plan that will outline which types of providers being inspected on a regular basis and the circumstances when reactive or no-notice inspections will be carried out. This will provide clarity for tenants and landlords about how the regulator is going about delivering inspections across the sector as a whole.

##### *Inspecting local authority landlords*

[As part of the Guidance issued 13/1/23](#) the Regulator confirmed Local authorities are also subject to the same consumer standards as housing associations. As locally

accountable democratic bodies, regulation of local authorities' governance or financial viability is outside the scope of our work. This means that inspections of local authority landlords will solely focus on consumer issues. The inspections will have the same focus on service outcomes and accountability and the same depth and rigour. Focus will be on assurance that councillors are getting about the quality of homes, service performance and their engagement with tenants. Tested against a range of sources of evidence such as data from the tenant satisfaction measures the Housing Ombudsman and feedback from tenants gathered through the inspection process. We will include some local authority landlords in our pilots.

## **5.0. Resource Implications**

5.1. There is no direct resourcing implications.

## **6.0. Legal/Risk Implications Background**

6.1. The risks around non-compliance have been reported to Cabinet and centre around statutory non-compliance and conventional intervention if the Council fails to meet consumer requirements

## **7.0. Equalities Implications**

7.1. Tailored access to service based on an understanding of tenant and leaseholder demographics' is at the heart of the new regulator culture and will be central to the improvement plan.

## **8.0. Environment and Sustainability Implications (including climate change)**

8.1. Safety and Quality of tenants' homes is a central theme to the new regulatory framework and will directly contribute to the council's agenda around climate change.

### **Report Author**

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### **Appendices**

- 1 **Tenant Satisfaction Measures – emerging data capture - attached**
- 2 [Improvement Plan – Feedback and Areas for improvement](#)
- 3 [Reshaping Consumer Regulation](#)